Section 2
Decisions of the Meetings of the Parties to the Montreal Protocol

This section begins by listing the decisions adopted by each Meeting of the Parties to the Montreal Protocol, cross-referred to the related article(s) of the Protocol, together with the annexes to which they refer.

The section then reproduces the texts of the decisions, organized by articles of the Protocol. Decisions which are relevant to one or more Articles are reproduced, either in whole or in part, under each relevant Article.

A table listing decisions grouped by subject-matter is also provided, with cross-references again to the related Articles of the Protocol.

Those annexes and appendices to the decisions which are of lasting relevance can be found elsewhere in this Handbook, mostly in section 3, together with other material relevant to the operation of the ozone regime. The index below also indicates where these are printed.

Annexes and appendices which are not reproduced in this Handbook may be found in the reports of the Meetings of the Parties to the Montreal Protocol available on the Ozone Secretariat's website at: ozone.unep.org.

Section 2.1

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XXIII/24	Difficulties faced by Iraq as a new party	8	471
XXIII/25	Non-reporting of 2009 data on hydrochlorofluorocarbons by Yemen in accordance with Article 7 of the Montreal Protocol	7	401
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V	Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer: scale of contributions by the parties for 2012 and 2013	–	–
VI	Summaries of presentations by members of the assessment panels and technical options committees during the preparatory segment	–	–
VII	Draft decision XXIII/[ ]: Funding for hydrochlorofluorocarbon production facilities: submission by India	–	–
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IX	Bali Declaration on Transitioning to Low Global Warming Potential Alternatives to Ozone Depleting Substances	3.8	798

Twenty-Fourth Meeting of the Parties (Geneva, 12–16 November 2012)

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XXIV/1	Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol	16	651
XXIV/2	Application to Bahrain, Bolivia (Plurinational State of), Chad, Ecuador, Haiti, Kenya and Nicaragua of paragraph 8 of Article 4 of the Montreal Protocol with respect to the Beijing Amendment to the Montreal Protocol	4	293
XXIV/3	Essential-use nominations for controlled substances for 2013	2	160
XXIV/4	Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation	2	162
XXIV/5	Critical-use exemptions for methyl bromide for 2014	2	274
XXIV/6	Feedstock uses	1	111
XXIV/7	Additional information on alternatives to ozone-depleting substances	2	213
XXIV/8	Terms of reference, code of conduct and disclosure and conflict of interest guidelines for the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies	6	355
XXIV/9	Controlled substances used on ships	4B	320
XXIV/10	Review by the Scientific Assessment Panel of RC 316c	2	288
XXIV/11	Evaluation of the financial mechanism	10	598
XXIV/12	Differences between data reported on imports and data reported on exports	7	391

Decision	Title	Relevant article(s)	Page
XXIV/13	Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol	7	392
XXIV/14	Reporting of zero in Article 7 data reporting forms	7	393
XXIV/15	Reporting of information on quarantine and pre shipment use of methyl bromide	2	253
XXIV/16	Requests for the revision of baseline data by Algeria, Ecuador, Equatorial Guinea, Eritrea, Haiti, the Niger, the former Yugoslav Republic of Macedonia and Turkey	7	379
XXIV/17	Status of the establishment of licensing systems under Article 4B of the Montreal Protocol	4B	309
XXIV/18	Non-compliance with the Montreal Protocol by Ukraine	8	535
XXIV/19	Membership changes on the Technology and Economic Assessment Panel	6	361
XXIV/20	Endorsement of the new Co-Chair of the Environmental Effects Assessment Panel	6	362
XXIV/21	Membership of the Implementation Committee	8	414
XXIV/22	Membership of the Executive Committee of the Multilateral Fund	10	582
XXIV/23	Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol	11	616
XXIV/24	Financial reports of the trust funds and budgets for the Montreal Protocol	13	636
XXIV/25	Twenty-Fifth Meeting of the Parties to the Montreal Protocol	11	610

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Twenty-Fifth Meeting of the Parties (Bangkok, 21–25 October 2013)

Decision	Title	Relevant article(s)	Page
XXV/1	Status of ratification of the Montreal and Beijing Amendments to the Montreal Protocol	16	652
XXV/2	Essential-use nominations for controlled substances for 2014	2	162
XXV/3	Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation	2	164
XXV/4	Critical-use exemptions for methyl bromide for 2015	2	276
XXV/5	Response to the report by the Technology and Economic Assessment Panel on information on alternatives to ozone depleting substances (decision XXIV/7, paragraph 1)	2	214
XXV/6	Operation and organization of the Technology and Economic Assessment Panel	6	356
XXV/7	Changes in the membership of the Technology and Economic Assessment Panel	6	362

Decision	Title	Relevant article(s)	Page
XXV/8	Terms of reference for the study on the 2015–2017 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol	10	567
XXV/9	Implementation of the Montreal Protocol with regard to small island developing States	Other	664
XXV/10	Non-compliance with the Montreal Protocol by Azerbaijan	8	423
XXV/11	Non-compliance with the Montreal Protocol by France	8	460
XXV/12	Non-compliance with the Montreal Protocol by Kazakhstan	8	477
XXV/13	Requests for the revision of baseline data by the Congo, the Democratic Republic of the Congo, Guinea-Bissau and Saint Lucia	7	380
XXV/14	Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol	7	393
XXV/15	Status of the establishment of licensing systems under Article 4B of the Montreal Protocol	4B	310
XXV/16	Request by Croatia to be removed from the list of developing countries under the Montreal Protocol	5	327
XXV/17	Membership of the Implementation Committee	8	414
XXV/18	Membership of the Executive Committee of the Multilateral Fund	10	583
XXV/19	Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol	11	616
XXV/20	Financial reports of the trust funds and budgets for the Montreal Protocol	13	637
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Twenty-Sixth Meeting of the Parties (Paris, 17–21 November 2014)

Decision	Title	Relevant article(s)	Page
XXVI/1	Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol	16	652
XXVI/2	Essential-use nominations for controlled substances for 2015	2	192
XXVI/3	Essential-use exemption for chlorofluorocarbon 113 for aerospace applications in the Russian Federation	2	164
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XXVI/7	Availability of recovered, recycled or reclaimed halons	2	202
XXVI/8	Measures to facilitate the monitoring of trade in hydrochlorofluorocarbons and substituting substances	7	373
XXVI/9	Response to the report by the Technology and Economic Assessment Panel on information on alternatives to ozone-depleting substances	2	215
XXVI/10	2015–2017 Replenishment of the Multilateral Fund	10	568
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XXVI/12	Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol	7	394
XXVI/13	Non-compliance with the Montreal Protocol by Kazakhstan	8	477
XXVI/14	Requests for the revision of baseline data by Libya and Mozambique	7	380
XXVI/15	Non-compliance with the Montreal Protocol by the Democratic People's Republic of Korea	8	446
XXVI/16	Non-compliance with the Montreal Protocol by Guatemala	8	465
XXVI/17	Membership changes in the Technology and Economic Assessment Panel	6	363
XXVI/18	Membership of the Implementation Committee	8	414
XXVI/19	Membership of the Executive Committee of the Multilateral Fund	10	583
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XXVII/2	Essential-use exemption for laboratory and analytical uses for 2016 in China	2	177
XXVII/3	Critical-use exemptions for methyl bromide for 2016 and 2017	2	279
XXVII/4	Response to the report by the Technology and Economic Assessment Panel on information on alternatives to ozone-depleting substances	2	216
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XXVII/6	Potential areas of focus for the 2018 quadrennial reports of the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel	6	357
XXVII/7	Investigation of carbon tetrachloride discrepancies	2	207
XXVII/8	Avoiding the unwanted import of products and equipment containing or relying on hydrochlorofluorocarbons	4A	300
XXVII/9	Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol	7	394
XXVII/10	Non-compliance with the Montreal Protocol by Bosnia and Herzegovina	8	437
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XXVII/12	Membership of the Implementation Committee	8	415
XXVII/13	Membership of the Executive Committee of the Multilateral Fund	10	584
XXVII/14	Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol	11	617
XXVII/15	Changes in the membership of the Scientific Assessment Panel	6	363
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IV	Text for consideration by the parties for inclusion in decisions related to the phase-down of hydrofluorocarbons under the Montreal Protocol on Substances that Deplete the Ozone Layer – Submission by Pakistan	–	–
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XXVIII/5	Terms of reference for the study on the 2018–2020 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol	10	569
XXVIII/6	Essential-use exemption for laboratory and analytical uses for 2017 in China	2	178
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XXVIII/10	Non-compliance by Israel with its data and information reporting obligations	8	474
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XXVIII/12	Membership of the Technology and Economic Assessment Panel	6	364
XXVIII/13	Membership of the Implementation Committee	8	415
XXVIII/14	Membership of the Executive Committee of the Multilateral Fund	10	584
XXVIII/15	Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol	11	617
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Twenty-Ninth Meeting of the Parties (Montreal, 20–24 November 2017)

Decision	Title	Relevant article(s)	Page
XXIX/1	Replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol for the triennium 2018–2020	10	570
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XXIX/3	Kigali Amendment to the Montreal Protocol to phase down hydrofluorocarbons	16	652
XXIX/4	Destruction technologies for controlled substances	1	110
XXIX/5	Essential-use exemption for laboratory and analytical uses for 2018 in China	2	179
XXIX/6	Critical-use exemptions for methyl bromide for 2018 and 2019	2	282
XXIX/7	Use of controlled substances as process agents	1	131
XXIX/8	Future availability of halons and their alternatives	2	203
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Decision	Title	Relevant article(s)	Page
XXIX/12	Consideration of hydrofluorocarbons not listed as controlled substances in Annex F to the Protocol	2	238
XXIX/13	Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol	7	396
XXIX/14	Non-compliance in 2015 and 2016 with the provisions of the Montreal Protocol governing consumption of the controlled substance in Annex C, group I (hydrochlorofluorocarbons), by Kazakhstan	8	479
XXIX/15	Request for the revision of baseline data by Fiji	7	381
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XXIX/17	Request for the revision of baseline data by the Philippines	7	382
XXIX/18	Reporting of zero in Article 7 data reporting forms	7	396
XXIX/19	Special considerations for the Caribbean islands affected by hurricanes	8	548
XXIX/20	Membership of the Technology and Economic Assessment Panel	6	365
XXIX/21	Membership of the Implementation Committee	8	415
XXIX/22	Membership of the Executive Committee of the Multilateral Fund	10	584
XXIX/23	Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol	11	617
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Section 2.2
Decisions by Article

Article 1: Definitions

Decisions on controlled substances

Decision I/12A: Clarification of terms and definitions: controlled substances (in bulk)

The *First Meeting of the Parties* decided in *decision I/12A* to agree to the following clarification of the definition of controlled substances (in bulk) in Article 1, paragraph 4 of the Montreal Protocol:

(a) Article 1 of the Montreal Protocol excludes from consideration as a "controlled substance" any listed substance, whether alone or in a mixture, which is in a manufactured product other than a container used for transportation or storage;

(b) Any amount of a controlled substance or a mixture of controlled substances which is not part of a use system containing the substance is a controlled substance for the purpose of the Protocol (i.e. a bulk chemical);

(c) If a substance or mixture must first be transferred from a bulk container to another container, vessel or piece of equipment in order to realize its intended use, the first container is in fact utilized only for storage and/or transport, and the substance or mixture so packaged is covered by Article 1, paragraph 4 of the Protocol;

(d) If, on the other hand, the mere dispensing of the product from a container constitutes the intended use of the substance, then that container is itself part of a use system and the substance contained in it is therefore excluded from the definition;

(e) Examples of use systems to be considered as products for the purposes of Article 1, paragraph 4 are inter alia:
  (i) An aerosol can;
  (ii) A refrigerator or refrigerating plant, air conditioner or air-conditioning plant, heat pump, etc.;
  (iii) A polyurethane prepolymer or any foam containing, or manufactured with, a controlled substance;
  (iv) A fire extinguisher (wheel or hand-operated) or an installed container incorporating a release device (automatic or hand-operated);

(f) Bulk containers for shipment of controlled substances and mixtures containing controlled substances to users include (numbers being illustrative), inter alia:
  (i) Tanks installed on board ships;
  (ii) Rail tank cars (10–40 metric tons);
  (iii) Road tankers (up to 20 metric tons);
  (iv) Cylinders from 0.4 kg to one metric ton;
  (v) Drums (5–300 kg);

(g) Because containers of all sizes are used for either bulk or manufactured products, distinguishing on the basis of size is not consistent with the definition in the Protocol.

Similarly, since containers for bulk or manufactured products can be designed to be rechargeable or not rechargeable, rechargeability is not sufficient for a consistent definition;

(h) If the purpose of the container is used as the distinguishing characteristic as in the Protocol definition, such CFC or halon-containing products as aerosol spray cans and fire extinguishers, whether of the portable or flooding type, would therefore be excluded, because it is the mere release from such containers which constitute the intended use.

Decision I/12B: Clarification of terms and definitions: controlled substances produced

The *First Meeting of the Parties* decided in *decision I/12B:*

(a) To agree to the following clarification on the definition of "controlled substances produced" in Article 1, paragraph 5:

"Controlled substances produced" as used in Article 1, paragraph 5 is the calculated level of controlled substances manufactured by a party. This excludes the calculated level of controlled substances entirely used as a feedstock in the manufacture of other chemicals. Excluded also from the term "controlled substances produced" is the calculated level of controlled substances derived from used controlled substances through recycling or recovery processes;

(b) Each party should establish accounting procedures to implement this definition.

Decision II/4: Isomers

The *Second Meeting of the Parties* decided in *decision II/4* to clarify the definition of "controlled substance" in paragraph 4 of Article 1 of the Protocol so that it is understood to include the isomers of such substances except as specified in the relevant Annex.

Decision III/8: Trade names of controlled substances

The *Third Meeting of the Parties* decided in *decision III/8:*

(a) To request the Technical and Economic Assessment Panel (operating under decision II/13 of the Second Meeting of Parties to the Montreal Protocol) to compile a list of full and complete trade names, including any numerical designations of substances controlled by the Montreal Protocol and the amended Montreal Protocol, including mixtures containing controlled substances and to submit the list to the Secretariat by the end of November 1991;

(b) To request the Secretariat to distribute by the end of March 1992, the list called for in (a) above, to all the parties to the Montreal Protocol.

Decision IV/10: Trade names of controlled substances

The *Fourth Meeting of the Parties* decided in *decision IV/10* to note the list of trade names of controlled substances compiled by the Technology and Economic Assessment Panel and distributed by the Secretariat to all Governments in March 1992.

Decision IV/12: Clarification of the definition of controlled substances

The *Fourth Meeting of the Parties* decided in *decision IV/12*:

1. That insignificant quantities of controlled substances originating from inadvertent or coincidental production during a manufacturing process, from unreacted feedstock,

or from their use as process agents which are present in chemical substances as trace impurities, or that are emitted during product manufacture or handling, shall be considered not to be covered by the definition of a controlled substance contained in paragraph 4 of Article 1 of the Montreal Protocol;

2. To urge parties to take steps to minimize emissions of such substances, including such steps as avoidance of the creation of such emissions, reduction of emissions using practicable control technologies or process changes, containment or destruction;

3. To request the Technology and Economic Assessment Panel:

   (a) To give an estimate of the total emissions resulting from trace impurities, emission during product manufacture and handling losses;

   (b) To submit its findings to the Open-ended Working Group of the parties to the Montreal Protocol not later than 31 March 1994.

Decision VIII/14: Further clarification of the definition of "Bulk substances" under decision I/12A

The *Eighth Meeting of the Parties* decided in *decision VIII/14:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee pursuant to decision VII/7 of the Seventh Meeting of the Parties;

2. To clarify decision I/12A of the First Meeting of the Parties as follows: trade and supply of methyl bromide in cylinders or any other container will be regarded as trade in bulk in methyl bromide.

Decisions on destruction and banks

Decision I/12F: Clarification of terms and definitions: destruction

The *First Meeting of the Parties* decided in *decision I/12F* with regard to destruction:

(a) To agree to the following clarification of the definition of Article 1, paragraph 5 of the Protocol:

"a destruction process is one which, when applied to controlled substances, results in the permanent transformation, or decomposition of all or a significant portion of such substances";

(b) To request the Panel for Technical Assessment to address this subject for the parties to return to it at its second and subsequent meetings with a view to determining whether it would be necessary to have a Standing Technical Committee to review and recommend for approval by the parties methods for transformation or decomposition and to determine the amount of controlled substances that are transformed or decomposed by each method.

Decision II/11: Destruction technologies

The *Second Meeting of the Parties* decided in *decision II/11* with regard to destruction technologies to establish an Ad Hoc Technical Advisory Committee on Destruction Technologies and to appoint its Chairman, who shall appoint in consultation with the Secretariat up to nine other members on the basis of nomination by parties. The members shall be experts on destruction technologies and selected with due reference to equitable

geographical distribution. The Committee shall analyze destruction technologies and assess their efficiency and environmental acceptability and develop approval criteria and measurements. The Committee shall report regularly to meetings of the parties.

Decision III/10: Destruction technologies

The *Third Meeting of the Parties* decided in *decision III/10* to note the constitution of the Ad Hoc Technical Advisory Committee on Destruction Technologies, established by the Second Meeting of the Parties, and to request the Committee to submit a report to the Secretariat for presentation to the Fourth Meeting of the Parties, in 1992 at least four months before the date set for that meeting.

Decision IV/11: Destruction technologies

The *Fourth Meeting of the Parties* decided in *decision IV/11:*

1. To note the report of the Ad Hoc Technical Advisory Committee on Destruction Technologies and, in particular, the recommendations contained therein;
2. To approve, for the purposes of paragraph 5 of Article 1 of the Protocol, those destruction technologies that are listed in annex VI[1] to the report on the work of the Fourth Meeting of the Parties which are operated in accordance with the suggested minimum standards identified in annex VII to the report of the Fourth Meeting of the Parties unless similar standards currently exist domestically; [see section 3.1 of this Handbook]
3. To call on each party that operates, or plans to operate, facilities for the destruction of ozone-depleting substances:
   (a) To ensure that its destruction facilities are operated in accordance with the Code of Good Housekeeping Procedures set out in section 5.5 of the report of the Ad Hoc Technical Advisory Committee on Destruction Technologies, unless similar procedures currently exist domestically; and
   (b) For the purposes of paragraph 5 of Article 1 of the Protocol, to provide each year, in its report under Article 7 of the Protocol, statistical data on the actual quantities of ozone-depleting substances it has destroyed, calculated on the basis of the destruction efficiency of the facility employed;
4. To clarify that the definition of destruction efficiency relates to the input and output of the destruction process itself, not to the destruction facility as a whole;
5. To request the Technology and Economic Assessment Panel, drawing on expertise as necessary:
   (a) To reassess ozone-depleting substances destruction capacities;
   (b) To evaluate emerging technology submissions;
   (c) To prepare recommendations for consideration by the parties to the Montreal Protocol at their annual Meeting;
   (d) To examine means to increase the number of such destruction facilities and making available the utilization to developing countries which do not own or are unable to operate such facilities;

1 Annex VI to the report of the Fourth Meeting of the Parties was modified by decisions V/26, VII/35 and XIV/6 as well as annex II of the report of the Fifteenth Meeting of the Parties. A consolidated table was provided by the annex to decision XXIII/12, which is reproduced in section 3.1 of this Handbook.

6. To list in annex VI[2] to the report on the work of the Fourth Meeting of the Parties approved destruction technologies;

7. To facilitate access and transfer of approved destruction technologies in accordance with Article 10 of the Protocol, together with provision for financial support under Article 10 of the Protocol for parties operating under paragraph 1 of Article 5.

Decision IV/26: International recycled halon bank management

The *Fourth Meeting of the Parties* decided in *decision IV/26*:

1. To urge parties to encourage recovery, recycling and reclamation of halons in order to meet the needs of all parties, particularly those operating under paragraph 1 of Article 5 of the Protocol;

2. To call upon parties importing recovered or recycled substances in group II of Annex A to apply, when deciding on the use of those substances, the essential-use criteria set out in the 1991 report of the Halons Technical Options Committee. The purpose of these criteria is to minimize the use of halons in non-essential applications;

3. To request the Technology and Economic Assessment Panel (Halons Technical Options Committee) to undertake the following activities, and to report to the Secretariat and to request the Open-ended Working Group of the parties to consider the report and submit its recommendations to the Fifth Meeting of the Parties:

   (a) Evaluation and comparison of existing and proposed recycled halon bank management programmes and identify possible means of further facilitating international recycled halon bank management;

   (b) Identification of simple mechanisms to distinguish between virgin and recycled halons;

   (c) Investigation of appropriate technical standards and means to certify halons as suitable for re-use;

   (d) Investigation of possible legal and institutional barriers to the international trade in recovered and recycled halons;

   (e) Investigation of means to avoid the export of halons:
      (i) That are unsuitable for reclamation or recycling; and
      (ii) In quantities that would encourage excessive dependence by the recipient countries;

   (f) Investigation of the practical application of technologies to reclaim severely contaminated halons;

4. To request the Industry and Environment Programme Activity Centre of the United Nations Environment Programme to function as a clearing-house for information relevant to international halon bank management and further request the Centre to liaise with and coordinate its activities with the implementing agencies designated under the Financial Mechanism to encourage parties to provide pertinent information to the above-mentioned clearing-house.

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2 Annex VI to the report of the Fourth Meeting of the Parties was modified by decisions V/26, VII/35 and XIV/6 as well as annex II of the report of the Fifteenth Meeting of the Parties. A consolidated table was provided by the annex to decision XXIII/12, which is reproduced in section 3.1 of this Handbook.

Decision V/15: International halon bank management

The *Fifth Meeting of the Parties* decided in *decision V/15:*

1. To note with appreciation the efforts of the Industry and Environment Programme Activity Centre of the United Nations Environment Programme to function as a clearing-house for information relevant to international halon bank management and to request it to continue its work in this field in cooperation with the Halons Technical Options Committee, including holding details of all known halon banking schemes and a list of those "banks" with halon for sale and particularly to emphasize regional halon banking and international coordination of halon banks to supply the parties operating under paragraph 1 of Article 5 of the Protocol;
2. To encourage all parties to submit information relevant to international halon bank management to the Industry and Environment Programme Activity Centre of the United Nations Environment Programme.

Decision V/26: Destruction technologies

The *Fifth Meeting of the Parties* decided in *decision V/26,* further to decision IV/11 on destruction technologies*:*

(a) That there shall be added to the list of approved destruction technologies, which was set out in annex VI[3] to the report of the work of the Fourth Meeting of the Parties, the following technology:

Municipal solid waste incinerators (for foams containing ozone-depleting substances);

(b) To specify that pilot-scale as well as demonstration-scale destruction technologies should be operated in accordance with the suggested minimum standards identified in annex VII to the report of the Fourth Meeting of the Parties [see section 3.1 of this Handbook] unless similar standards currently exist domestically.

Decision VII/35: Destruction technology

The *Seventh Meeting of the Parties* decided in *decision VII/35:*

1. To note that the Technology and Economic Assessment Panel examined the results of testing and verified that the "radio frequency plasma destruction" technology of Japan meets the suggested minimum emission standards that were approved by the parties at their Fourth Meeting for destruction technologies;
2. To approve, for the purposes of paragraph 5 of Article 1 of the Protocol, the radio frequency plasma destruction technology and to add it to the list of destruction technologies already approved by the parties.

Decision XII/8: Disposal of controlled substances

The *Twelfth Meeting of the Parties* decided in *decision XII/8:*

Noting decisions II/11, III/10, IV/11, V/26 and VII/35 on destruction technologies and the previous work of the Ad Hoc Technical Advisory Committee on Destruction Technologies,

Also noting the innovations that have taken place in the field of destruction technologies since the last report of Advisory Committee,

3 Annex VI to the report of the Fourth Meeting of the Parties was modified by decisions V/26, VII/35 and XIV/6 as well as annex II of the report of the Fifteenth Meeting of the Parties. A consolidated table was provided by the annex to decision XXIII/12, which is reproduced in section 3.1 of this Handbook.

Recognizing that the management of contaminated and surplus ozone-depleting substances would benefit from further information on destruction technologies and an evaluation of disposal options,

1. To request the Technology and Economic Assessment Panel to establish a task force on destruction technologies;

2. That the task force on destruction technologies shall:

   (a) Report to the parties at their Fourteenth Meeting in 2002 on the status of destruction technologies of ozone-depleting substances, including an assessment of their environmental and economic performance, as well as their commercial viability;

   (b) When presenting its first report, include a recommendation on when additional reports would be appropriate;

   (c) Review existing criteria for the approval of destruction facilities, as provided for in section 2.4 of the Handbook for the International Treaties for the Protection of the Ozone Layer;

3. To request the Technology and Economic Assessment Panel:

   (a) To evaluate the technical and economic feasibility for the long-term management of contaminated and surplus ozone-depleting substances in Article 5 and non-Article 5 countries, including options such as long-term storage, transport, collection, reclamation and disposal of such ozone-depleting substances;

   (b) To consider possible linkages to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and other international treaties as appropriate regarding the issue of disposal;

   (c) To report to the parties on these issues at their Fourteenth Meeting in 2002.

Decision XIV/6: Status of destruction technologies of ozone-depleting substances, including an assessment of their environmental and economic performance, as well as their commercial viability

The *Fourteenth Meeting of the Parties* decided in *decision XIV/6:*

1. To note with appreciation the Report of the Task Force on Destruction Technologies presented to the twenty-second meeting of the Open-ended Working Group;

2. To note that the Task Force has determined that the destruction technologies listed in paragraph 3 of this decision meet the suggested minimum emission standards that were approved by the parties at their Fourth Meeting;

3. To approve the following destruction technologies for the purposes of paragraph 5 of Article 1 of the Protocol, in addition to the technologies listed in annex VI[4] to the report of the Fourth Meeting and modified by decisions V/26 and VII/35:

   (a) For CFC, HCFC and halons: argon plasma arc;

   (b) For CFC and HCFC: nitrogen plasma arc, microwave plasma, gas phase catalytic dehalogenation and super-heated steam reactor;

   (c) For foam containing ODS: rotary kiln incinerator;

4 Annex VI to the report of the Fourth Meeting of the Parties was modified by decisions V/26, VII/35 and XIV/6 as well as annex II of the report of the Fifteenth Meeting of the Parties. A consolidated table was provided by the annex to decision XXIII/12, which is reproduced in section 3.1 of this Handbook.

4. To request the Technology and Economic Assessment Panel to update, in time for consideration by the twenty-third Open-ended Working Group, the Code of Good Housekeeping to provide guidance on practices and measures that could be used to ensure that during the operation of the approved destruction technologies, environmental release of ODS through all media and environmental impact of those technologies is minimized;

5. To consider, at the twenty-fourth meeting of the Open-ended Working Group, the need to review the status of destruction technologies in 2005, including an assessment of their environmental and economic performance, as well as their commercial viability.

Decision XV/9: Status of destruction technologies for ozone-depleting substances and code of good housekeeping

The *Fifteenth Meeting of the Parties* decided in *decision XV/9:*

1. To recall that the Montreal Protocol on Substances that Deplete the Ozone Layer does not require the parties to destroy ozone-depleting substances;

2. To note that the report of the Technology and Economic Assessment Panel of April 2002 (volume 3, report on the Task Force on Destruction Technologies) provides information on the technical and economic performance and commercial viability of destruction technologies for ozone-depleting substances;

3. To take note of the previous decisions of the Meeting of the Parties on the approval of destruction technologies (decisions IV/11, VII/35 and XIV/6) and, in particular, to note that those decisions did not distinguish between the capabilities of destruction technologies for specific types of ozone-depleting substances;

4. To approve, for the purposes of paragraph 5 of Article 1 of the Montreal Protocol, the destruction technologies listed as "approved" in annex II[5] to the report of the Fifteenth Meeting of the Parties which were found by the Task Force on Destruction Technologies to meet the destruction and removal efficiencies set out therein;

5. To recognize that, in approving the technologies listed in annex II[6], the parties acknowledge that two technologies previously approved for all ozone-depleting substances have been limited in their scope to omit halons;

6. To call on each party that operates, or plans to operate, approved technologies in accordance with paragraph 2 above to ensure that its destruction facilities are operated in accordance with the Code of Good Housekeeping Procedures, contained in annex III to the report of the Fifteenth Meeting of the Parties [see section 3.1 of this Handbook], as updated in the progress report of the Technology and Economic Assessment Panel in May 2003 and subsequently amended by the parties, unless similar or stricter procedures currently exist domestically;

7. To highlight the need for parties to pay particular attention to the adherence of facilities for the destruction of ozone-depleting substances to relevant international or national standards addressing hazardous substances and taking into account cross-media emissions and discharges, including those identified in annex IV to the report of the Fifteenth Meeting of the Parties. [See section 3.1 of this Handbook.]

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5 The substances listed in annex II to the report of the Fifteenth Meeting of the Parties were compiled into the annex to decision XXIII/12, which is reproduced in section 3.1 of this Handbook.

6 See footnote 5.

Decision XV/10: Handling and destruction of foams containing ozone-depleting substances at the end of their life

The *Fifteenth Meeting of the Parties* decided in *decision XV/10* to request the Technology and Economic Assessment Panel, in its April 2005 report:

(a) To provide updated useful information on the handling and destruction of ozone-depleting substance-containing thermal insulation foams including thermal foams situated in buildings, with particular attention to the economic and technological implications;

(b) To clarify the distinction between the destruction efficiency achievable for ozone-depleting substances recovered from foams prior to destruction (reconcentrated) and the destruction efficiency achievable for the foams themselves containing ozone-depleting substances (dilute source).

Decision XVI/15: Review of approved destruction technologies pursuant to decision XIV/6 of the parties

The *Sixteenth Meeting of the Parties* decided in *decision XVI/15:*

Recalling the report of the task force on destruction technologies presented to the parties at the twenty-second meeting of the Open-ended Working Group,

Noting the need to keep the list of approved destruction technologies up-to-date,

Mindful of the need to minimize any additional workload for the Technology and Economic Assessment Panel,

1. To request the initial co-chairs of the task force on destruction technologies to reconvene in order to solicit information from the technology proponents exclusively on destruction technologies identified as "emerging" in the 2002 report of the task force on destruction technologies;

2. Further to request the co-chairs, if new information is available, to evaluate and report, based on the development status of these emerging technologies, whether they warrant consideration for addition to the list of approved destruction technologies;

3. To request that that report be presented through the Technology and Economic Assessment Panel to the Open-ended Working Group at its twenty-fifth meeting.

Decision XVII/17: Technical and financial implications of the environmentally sound destruction of concentrated and diluted sources of ozone-depleting substances

The *Seventeenth Meeting of the Parties* decided in *decision XVII/17:*

Recognizing that, in the preamble to the Montreal Protocol, the parties affirmed that, for the protection of the ozone layer, precautionary measures should be taken to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge,

Bearing in mind that, for most parties operating under paragraph 1 of Article 5, chlorofluorocarbons which remain to be phased out are concentrated in the refrigeration servicing sector and that, as a result, their final elimination will only be achieved when all existing installed equipment has been replaced,

Considering that the replacement of such equipment necessitates a range of complex activities, including, among other things, economic incentives for end-users and the development of recovery, transport and environmentally sound destruction processes for obsolete equipment, with particular attention paid to training for this purpose and to the destruction of the chlorofluorocarbons released by such processes,

Noting the outcomes of the expert meeting on destruction of ozone depleting substances that will be held in Montreal from 22 to 24 February 2006,

1. To request the Technology and Economic Assessment Panel to prepare terms of reference for the conduct of case-studies in parties operating under paragraph 1 of Article 5 of the Protocol, with regional representation, on the technology and costs associated with a process for the replacement of chlorofluorocarbon-containing refrigeration and air-conditioning equipment, including the environmentally sound recovery, transport and final disposal of such equipment and of the associated chlorofluorocarbons;
2. That these studies should explore economic and other incentives which will encourage users to phase out equipment and ozone-depleting substances and to reduce emissions, as well as the viability and costs of setting up destruction facilities in countries operating under paragraph 1 of Article 5 of the Protocol, and that the said studies should include a regional analysis relating to the management, transport and destruction of chlorofluorocarbons;
3. Also to request the Technology and Economic Assessment Panel to review possible synergies with other conventions such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants;
4. To request the Technology and Economic Assessment Panel to adopt the recovery and destruction efficiency parameter proposed in the Panel's report to the Open-ended Working Group at its twenty-fifth meeting as the parameter to be applied in developing the proposed study referred to above;
5. That said terms of reference shall be submitted to the parties at the twenty-sixth meeting of the Open-ended Working Group, and that provision will be made for resources for this purpose in the 2006–2008 replenishment of the Multilateral Fund.

Decision XVII/18: Request for assistance of the Technology and Economic Assessment Panel for the meeting of experts on destruction

The *Seventeenth Meeting of the Parties* decided in *decision XVII/18:*

Noting decision 47/52 of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol adopted at its forty-seventh meeting, requesting the Secretariat of the Multilateral Fund to convene a meeting of experts in Montreal, from 22 to 24 February 2006,

Recalling that the Multilateral Fund Secretariat was requested to recruit consultants to collect and prepare data on this subject for dissemination to participants in the meeting of experts and to develop a standard format for reporting data on unwanted, recoverable, reclaimable, non-reusable and virgin stockpiled ozone-depleting substances,

To request the Technology and Economic Assessment Panel and its technical options committees to submit to the Multilateral Fund Secretariat available data to enable the

Multilateral Fund Secretariat to assess the extent of current and future requirements for the collection and disposition (emissions, export, reclamation and destruction) of non-reusable and unwanted ozone-depleting substances in Article 5 parties in pursuance of decision 47/52.

Decision XVIII/9: Review of draft terms of reference for case studies called for under decision XVII/17 on environmentally sound destruction of ozone-depleting substances

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/9:*

Noting decision XVII/17, in which the parties requested the Technology and Economic Assessment Panel to prepare terms of reference for the conduct of case studies in parties operating under paragraph 1 of Article 5 of the Montreal Protocol, with regional representation, on the technology and costs associated with a process for the replacement of chlorofluorocarbon-containing refrigeration and air-conditioning equipment, including the environmentally sound recovery, transport and final disposal of such equipment and of the associated chlorofluorocarbons,

Noting that the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, pursuant to its decision 46/36, is considering terms of reference, a budget and modalities for a study on collection, recovery, recycling, reclamation, transportation and destruction of unwanted ozone-depleting substances,

Noting also decision 49/36 of the Executive Committee, in which the Executive Committee expresses its willingness to develop consolidated terms of reference and initiate a study accordingly,

1. To request the Executive Committee to develop consolidated terms of reference taking into account the elements referred to in both the draft terms of reference submitted to the Eighteenth Meeting of the Parties pursuant to decision XVII/17 and the terms of reference developed by the Multilateral Fund Secretariat on the collection, recovery, recycling, reclamation, transportation, and destruction of unwanted ozone-depleting substances;

2. To request the Executive Committee to conduct, as soon as possible, a study based on the resulting terms of reference and to provide a progress report to the Nineteenth Meeting of Parties, with a final report for consideration at the twenty-eighth meeting of the Open-ended Working Group.

Decision XX/7: Environmentally sound management of banks of ozone-depleting substances

The *Twentieth Meeting of the Parties* decided in *decision XX/7*:

1. To invite parties, international funding agencies, including the Multilateral Fund and the Global Environment Facility, and other interested agents to enable practical solutions for the purpose of gaining better knowledge on mitigating ozone-depleting substance emissions and destroying ozone-depleting substance banks, and on costs related to the collection, transportation, storage and destruction of ozone depleting substances, notably in parties operating under paragraph 1 of Article 5 of the Montreal Protocol;

2. To request the Executive Committee of the Multilateral Fund to consider as a matter of urgency commencing pilot projects that may cover the collection, transport, storage and destruction of ozone-depleting substances. As an initial priority, the Executive Committee might consider projects with a focus on assembled stocks of ozone-depleting

substances with high net global warming potential, in a representative sample of regionally diverse parties operating under paragraph 1 of Article 5. It is understood that this initial priority would not preclude the initiation of other types of pilot projects, including on halons and carbon tetrachloride, should these have an important demonstration value. In addition to protecting the ozone layer, these projects will seek to generate practical data and experience on management and financing modalities, achieve climate benefits, and would explore opportunities to leverage co-financing;

3. To encourage parties to develop or consider further improvements in the implementation of national and/or regional legislative strategies and other measures that prevent the venting, leakage or emission of ozone-depleting substances by ensuring:

   (a) Proper recovery of ozone-depleting substances from equipment containing ozone-depleting substances, during servicing, use and at end of life, where possible in applications such as refrigeration, air conditioning, heat pumps, fire protection, solvents and process agents;

   (b) The use of best practices and performance standards to prevent ozone-depleting substance emissions at the end of the product life cycle, whether by recovery, recycling, reclamation, reuse as feedstock or destruction;

4. To encourage all parties to develop or consider improvements in national or regional strategies for the management of banks, including provisions to combat illegal trade by applying measures listed in decision XIX/12;

5. To invite parties to submit their strategies and subsequent updates to the Ozone Secretariat as soon as possible for the purpose of sharing information and experiences, including with interested stakeholders of other multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change and its Kyoto Protocol and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. The strategies will be placed on the Ozone Secretariat website, which will be updated regularly;

6. To note that any project implemented pursuant to the present decision when applicable should be done in conformity with national, regional, and/or international requirements, such as those mandated by the Basel Convention and Rotterdam Convention;

7. To request the Technology and Economic Assessment Panel to conduct a comprehensive cost-benefit analysis of destroying banks of ozone-depleting substances taking into consideration the relative economic costs and environmental benefits, to the ozone layer and the climate, of destruction versus recycling, reclaiming and reusing such substances. In particular, the report should cover the following elements:

   (a) Consolidation of all available data on ozone-depleting substance banks and summary of this information identifying the sectors where recovery of ozone-depleting substances is technically and economically feasible;

   (b) Respective levels of likely mitigation amounts, based on the categorization of reachable banks at low, medium, and high effort according to substances, sectors, regions, and where possible, subregions;

   (c) Assessment of associated benefits and costs of respective classes of banks in terms of ozone depleting potential and global warming potential;

(d) Exploration of the potential "perverse incentives" or other adverse environmental effects that may be associated with certain mitigation strategies, in particular related to recovery and recycling for reuse;

(e) Consideration of the positive and negative impacts of recovery and destruction of ozone-depleting substances, including direct and indirect climate effects;

(f) Consideration of the technical, economic and environmental implications of incentive mechanisms to promote the destruction of surplus ozone-depleting substances;

8. To request the Technology and Economic Assessment Panel to provide an interim report in time for dissemination one month before the twenty-ninth meeting of the Open-ended Working Group and to provide the final report one month before the Twenty First Meeting of the Parties to the Montreal Protocol;

9. To request the Ozone Secretariat, with the assistance of the Multilateral Fund Secretariat, to consult with experts from the United Nations Framework Convention on Climate Change, the Global Environment Facility, the Executive Board of the Clean Development Mechanism, the World Bank and other relevant funding experts to develop a report on possible funding opportunities for the management and destruction of ozone-depleting substance banks, to present the report to the parties for review and comments one month prior to the twenty-ninth meeting of the Open-ended Working Group and, if possible, to convene a single meeting among experts from the funding institutions;

10. That the report referred to in paragraph 9 of the present decision would focus on describing possible institutional arrangements, potential financial structures, likely logistical steps and the necessary legal framework for each of the following, if relevant:

(a) Recovery;

(b) Collection;

(c) Storage;

(d) Transport;

(e) Destruction;

(f) Supporting activities;

11. To request the Ozone Secretariat to convene a workshop among parties that will include the participation of the Montreal Protocol assessment panels, the Secretariat of the Multilateral Fund and the Fund's implementing agencies, and seek the participation of the secretariats of other relevant multilateral environmental agreements, non-governmental organizations and experts from funding institutions for the discussion of technical, financial and policy issues related to the management and destruction of ozone-depleting substance banks and their implications for climate change;

12. That the above workshop will be held preceding the twenty-ninth meeting of the Open-ended Working Group and that interpretation will be provided in the six official languages of the United Nations;

13. Further to consider, at the twenty-ninth meeting of the Open-ended Working Group, possible actions regarding the management and destruction of banks of ozone-depleting substances in the light of the report to be provided by the Technology and Economic Assessment Panel under paragraph 7 above, the working group report to be provided

by the Secretariat under paragraph 9 above and the discussions emanating from the workshop under paragraph 11 above;

14. To request the Ozone Secretariat to communicate the present decision to the Secretariat of the United Nations Framework Convention on Climate Change and its Kyoto Protocol in time for possible consideration at the fourteenth meeting of the Conference of the Parties to the Convention and fourth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol on the understanding that the decision is without prejudice to any discussions that may be held on ozone-depleting substance banks within their forum.

Decision XXI/2: Environmentally sound management of banks of ozone-depleting substances

The *Twenty-First Meeting of the Parties* decided in *decision XXI/2*:

Recalling decision XX/7 which called for further study on the size and scope of banks of ozone-depleting substances and requesting the Multilateral Fund to initiate pilot projects on destruction with a view to developing practical data and experience,

Understanding that any such projects approved under the Multilateral Fund would be implemented consistent with national laws and international agreements related to wastes,

Noting the significant climate change and ozone layer benefits associated with destroying many types of ozone-depleting substances,

1. *To request* the Ozone Secretariat to host a one-day seminar on the margins of the 30th meeting of the Open-ended Working Group of the parties to the Montreal Protocol on the topic of how to identify and mobilize funds, including funds additional to those being provided under the Multilateral Fund, for ozone-depleting substance destruction, and *further requests* the Ozone Secretariat to invite the Multilateral Fund and the Global Environment Facility to consider co-coordinating this effort, and to invite other relevant institutions to attend the seminar;

2. *To request* the Executive Committee to continue its consideration of further pilot projects in Article 5 parties pursuant to decision XX/7, and in that context, to consider the costs of a one-time window within its current destruction activities to address the export and environmentally sound disposal of assembled banks of ozone-depleting substances in low-volume-consuming countries that are not usable in the party of origin;

3. *To request* the Technology and Economic Assessment Panel to review those destruction technologies identified in its 2002 report as having a high potential, and any other technologies, and to report back to the 30th meeting of the Open-ended Working Group on these technologies and their commercial and technical availability;

4. *To agree* that the Executive Committee of the Multilateral Fund should develop and implement, as expeditiously as possible, a methodology to verify the climate benefits and costs associated with Multilateral Fund projects to destroy banks of ozone-depleting substances, and should make such information publicly available on a project-level basis;

5. *To request* the Executive Committee to continue its deliberations on a special facility and to report on these deliberations, including possible options for such a facility as appropriate, to the 30th meeting of the Open-ended Working Group as an agenda item;

6. *To call upon* parties, and institutions not traditionally contributing to the financial mechanism, to consider making additional support available to the Multilateral Fund for destruction of ozone-depleting substances, if they are in a position to do so;

7. *To request* the Executive Committee to report annually on the results of destruction projects to the Meeting of the Parties, and to request the Technology and Economic Assessment Panel, based on this, and other available information, to suggest to the thirty-first meeting of the Open-ended Working Group components designed to help parties of diverse size and with diverse wastes to develop national and/or regional strategic approaches to address the environmentally sound disposal of the banks of ozone-depleting substances that are present in their countries and/or regions. In addition, this information should be available to the Technology and Economic Assessment Panel and the parties to inform the consideration of the financial implications for the Multilateral Fund and other funding sources of addressing the destruction of ozone-depleting-substance banks.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/10*:

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 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,

Recalling decision XV/9 on the approval of destruction technologies and annex II to the report of the Fifteenth Meeting of the Parties, 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.

Decision XXIII/12: Adoption of new destruction technologies for ozone-depleting substances

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/12*:

Noting with appreciation of the report of the task force established by the Technology and Economic Assessment Panel in response to decision XXII/10 on destruction technologies for ozone-depleting substances,

Noting that the task force recommends the addition of four technologies to the list of destruction processes approved by the parties and indicates that there is insufficient information to recommend one technology deemed to hold high potential,

1. To approve the highlighted destruction processes in the annex to the present decision for the purposes of paragraph 5 of Article 1 of the Montreal Protocol, as additions to the technologies listed in annex VI[7] to the report of the Fourth Meeting of the Parties and modified by decisions V/26, VII/35 and XIV/6;

2. To request the Technology and Economic Assessment Panel to continue to assess the plasma destruction technology for methyl bromide in the light of any additional information that may become available and to report to the parties when appropriate;

7 The annex to this decision provides a consolidation of all the technologies approved by the Meeting of the Parties (annex VI to the report of the Fourth Meeting of the Parties was modified by decisions V/26, VII/35 and XIV/6 as well as annex II of the report of the Fifteenth Meeting of the Parties) and is reproduced in section 3.1 of this Handbook.

3. Also to request the Technology and Economic Assessment Panel to continue to investigate the issues raised in its 2011 progress report regarding performance criteria for destruction and removal efficiency compared to destruction efficiency, and regarding verification criteria for the destruction of ozone-depleting substances at facilities that use approved destruction technologies, and to submit a final report to the Open-ended Working Group at its thirty-second meeting.

Decision XXIX/4: Destruction technologies for controlled substances

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/4*:

Considering the chemical similarity of hydrofluorocarbons and hydrochlorofluorocarbons, and chlorofluorocarbons and halons, and taking note of the practice to often destroy them together,

Noting the need to approve destruction technologies for hydrofluorocarbons and to keep the list of approved destruction technologies annexed to decision XXIII/12 up to date,

1. To request the Technology and Economic Assessment Panel to report by 31 March 2018, and if necessary to submit a supplemental report to the Open-ended Working Group at its fortieth meeting, on:

   (a) An assessment of the destruction technologies as specified in the annex to decision XXIII/12 with a view to confirming their applicability to hydrofluorocarbons;

   (b) A review of any other technology for possible inclusion in the list of approved destruction technologies in relation to controlled substances;

2. To invite parties to submit to the Secretariat by 1 February 2018 information relevant to the tasks set out in paragraph 1 above;

Decisions on feedstock

Decision VII/30: Export and import of controlled substances to be used as feedstock

The *Seventh Meeting of the Parties* decided in *decision VII/30:*

1. That the amount of controlled substances produced and exported for the purpose of being entirely used as feedstock in the manufacture of other chemicals in importing countries should not be the subject of the calculation of "production" or "consumption" in exporting countries. Importers shall, prior to export, provide exporters with a commitment that the controlled substances imported shall be used for this purpose. In addition, importing countries shall report to the Secretariat on the volumes of controlled substances imported for these purposes;

2. That the amount of controlled substances entirely used as feedstock in the manufacture of other chemicals should not be the subject of calculation of "consumption" in importing countries.

Decision X/12: Emissions of ozone-depleting substances from feedstock applications

The *Tenth Meeting of the Parties* decided in *decision X/12:*

Noting the report of the Technology and Economic Assessment Panel that emissions from the use of carbon tetrachloride as feedstock in the manufacture of CFCs are estimated to be around 30,000 tonnes per year,

Concerned that this level of emissions may pose a threat to the ozone layer,

Aware that technology exists to reduce such emissions,

To request the Technology and Economic Assessment Panel to investigate further and to report to the parties at their Twelfth Meeting on:

(a) Emissions of carbon tetrachloride from its use as feedstock, including currently available and future possible options individual parties may consider for the reduction of such emissions;

(b) Emissions of other ozone-depleting substances arising from the use of controlled substances as feedstock;

(c) The impact of CFC production phase-out on the future use of carbon tetrachloride as feedstock and emissions from such use.

Decision XXIV/6: Feedstock uses

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/6:*

Recalling Article 7 of the Montreal Protocol, which mandates, inter alia, reporting on amounts of controlled substances used for feedstock,

Recalling paragraph 1 of decision VII/30, in which, inter alia, the parties specified that importing countries shall report the quantities of ozone-depleting substances imported for feedstock uses and that importers shall, prior to export, provide exporters with a commitment that the substances imported shall be used for this purpose,

Recalling also decision IV/12, in which the parties clarified that insignificant quantities of ozone-depleting substances originating from inadvertent or coincidental production during a manufacturing process, from unreacted feedstock, or from their use as process agents which are present in chemical substances as trace impurities, or that are emitted during product manufacture or handling, shall be considered not to be covered by the definition of an ozone-depleting substance contained in paragraph 4 of Article 1 of the Montreal Protocol,

Recalling further that in decision IV/12, the parties were urged to take steps to minimize emissions of such substances, including such steps as avoidance of the creation of such emissions and reduction of emissions using practicable control technologies or process changes, containment or destruction,

1. To encourage parties to exchange information on known alternatives being applied to replace ozone-depleting substances in feedstock uses;

2. To encourage parties with feedstock uses to exchange information on systems they have in place for qualifying a specific ozone depleting substance use as feedstock use and for identification and/or monitoring of containers placed on the market and intended for feedstock uses, for example reporting or labelling requirements;

3. To confirm that the use of carbon tetrachloride in the production of vinyl chloride monomer by pyrolysis of ethylene dichloride in the processes evaluated by the Panel in its 2012 progress report is considered to be a feedstock use;

4. To request parties with vinyl chloride monomer production facilities in which carbon tetrachloride is used and that have not yet reported the information requested by the parties in decision XXIII/7 to provide such information to the Panel before 28 February 2013 to allow it to clarify whether the use in a particular facility is a feedstock use or process agent use.

Decisions on process agents

Decision IV/12: Clarification of the definition of controlled substances

The *Fourth Meeting of the Parties* decided in *decision IV/12*:

1. That insignificant quantities of controlled substances originating from inadvertent or coincidental production during a manufacturing process, from unreacted feedstock, or from their use as process agents which are present in chemical substances as trace impurities, or that are emitted during product manufacture or handling, shall be considered not to be covered by the definition of a controlled substance contained in paragraph 4 of Article 1 of the Montreal Protocol;
2. To urge parties to take steps to minimize emissions of such substances, including such steps as avoidance of the creation of such emissions, reduction of emissions using practicable control technologies or process changes, containment or destruction;
3. To request the Technology and Economic Assessment Panel:
   (a) To give an estimate of the total emissions resulting from trace impurities, emission during product manufacture and handling losses;
   (b) To submit its findings to the Open-ended Working Group of the parties to the Montreal Protocol not later than 31 March 1994.

Decision VI/10: Use of controlled substances as process agents

The *Sixth Meeting of the Parties* decided in *decision VI/10,* taking into account:

That some parties may have interpreted use of controlled substances in some applications where they are used as process agents as feedstock application;

That other parties have interpreted similar applications as use and thereby subject to phase-out;

That the Technology and Economic Assessment Panel has been unable to recommend exemption, under the essential use criteria, to parties submitting applications of such uses nominated in 1994; and

The pressing requirement for elaboration of the issue and the need for appropriate action by all parties;

1. To request the Technology and Economic Assessment Panel:
   (a) To identify uses of controlled substances as chemical process agents;
   (b) To estimate emissions of controlled substances when used as chemical process agents and the ultimate fate of such emissions and to evaluate emissions associated with the different control technologies and other process conditions under which chemical process agents are used;
   (c) To evaluate alternative process agents or technologies or products available to replace controlled substances in such uses; and
   (d) To submit its findings to the Open-ended Working Group of the parties to the Montreal Protocol not later than March 1995, and to request the Open-ended Working Group to formulate recommendations, if any, for the consideration of the parties at their Seventh Meeting;

2. That parties, for an interim period of 1996 only, treat chemical process agents in a manner similar to feedstock, as recommended by the Technology and Economic Assessment Panel, and take a final decision on such treatment at their Seventh Meeting.

Decision VII/10: Continued uses of controlled substances as chemical process agents after 1996

The *Seventh Meeting of the Parties* decided in *decision VII/10,* recognizing the need to restrict emissions of ozone-depleting substances from process-agent applications,

1. To continue to treat process agents in a manner similar to feedstocks only for 1996 and 1997;
2. To decide in 1997, following recommendations by the Technology and Economic Assessment Panel and its relevant subgroups, on modalities and criteria for a continued use of controlled substances as process agents, and on restricting their emissions, for 1998 and beyond.

Decision X/14: Process agents

The *Tenth Meeting of the Parties* decided in *decision X/14:*

Noting with appreciation the report of the Technology and Economic Assessment Panel and the Process Agent Task Force in response to decision VII/10,

Noting the findings of the Technology and Economic Assessment Panel that emissions from the use of ozone-depleting substances as process agents in non-Article 5 parties are comparable in quantity to the insignificant emissions of controlled substances from feedstock uses, and that yet further reductions in use and emissions are expected by 2000,

Noting also the Technology and Economic Assessment Panel's findings that emissions from the use of controlled substances as process agents in countries operating under Article 5, paragraph 1, are already significant and will continue to grow if no action is taken,

Recognizing the usefulness of having the controlled substances produced and used as process agents clearly delineated within the Montreal Protocol,

1. That, for the purposes of this decision, the term "process agents" should be understood to mean the use of controlled substances for the applications listed in table A below;
2. For non-Article 5 parties, to treat process agents in a manner similar to feedstock for 1998 and until 31 December 2001;
3. That quantities of controlled substances produced or imported for the purpose of being used 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:
   (a) In the case of non-Article 5 parties, the emissions of controlled substances from these processes have been reduced to insignificant levels as defined for the purposes of this decision in table B below;
   (b) In the case of Article 5 parties, the emissions of controlled substances from process-agent use have been reduced to levels agreed by the Executive Committee to be reasonably achievable in a cost-effective manner without undue abandonment of infrastructure. In so deciding, the Executive Committee may consider a range of options as set out in paragraph 5 below;

4. That all parties should:

   (a) Report to the Secretariat by 30 September 2000 and each year thereafter on their use of controlled substances as process agents, the levels of emissions from those uses and the containment technologies used by them to minimize emissions of controlled substances. Those non-Article 5 parties which have still not reported data for inclusion in tables A and B are urged to do so as soon as possible and in any case before the nineteenth meeting of the Open Ended Working Group;

   (b) In reporting annual data to the Secretariat for 2000 and each year thereafter, provide information on the quantities of controlled substances produced or imported by them for process-agent applications;

5. That the incremental costs of a range of cost-effective measures, including, for example, process conversions, plant closures, emissions control technologies and industrial rationalization, to reduce emissions of controlled substances from process-agent uses in Article 5 parties to the levels referred to in paragraph 3 (b) above should be eligible for funding in accordance with the rules and guidelines of the Executive Committee of the Multilateral Fund;

6. That the Executive Committee of the Multilateral Fund should, as a matter of priority, strive to develop funding guidelines and begin to consider initial project proposals during 1999;

7. That parties should not install or commission new plant using controlled substances as process agents after 30 June 1999, unless the Meeting of the Parties has decided that the use in question meets the criteria for essential uses under decision IV/25;

8. To request the Technology and Economic Assessment Panel and the Executive Committee to report to the Meeting of the Parties in 2001 on the progress made in reducing emissions of controlled substances from process-agent uses and on the implementation and development of emissions-reduction techniques and alternative processes not using ozone-depleting substances and to review tables A and B of the present decision and make recommendations for any necessary changes.

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

No.	Substance	Process agent application
1	Carbon tetrachloride (CTC)	Elimination of NCl_3 in the production of chlorine and caustic
2	CTC	Recovery of chlorine in tail gas from production of chlorine
3	CTC	Manufacture of chlorinated rubber
4	CTC	Manufacture of endosulphan (insecticide)
5	CTC	Manufacture of isobutyl acetophenone (ibuprofen – analgesic)
6	CTC	Manufacture of 1-1, bis (4-chlorophenyl) 2,2,2- trichloroethanol (dicofol insecticide)
7	CTC	Manufacture of chlorosulphonated polyolefin (CSM)
8	CTC	Manufacture of poly-phenylene-terephtal-amide
9	CFC-113	Manufacture of fluoropolymer resins
10	CFC-11	Manufacture of fine synthetic polyolefin fibre sheet
11	CTC	Manufacture of styrene butadiene rubber

No.	Substance	Process agent application
12	CTC	Manufacture of chlorinated paraffin
13	CFC-113	Manufacture of vinorelbine (pharmaceutical product)
14	CFC-12	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives
15	CFC-113	Reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters
16	CFC-113	Preparation of perfluoropolyether diols with high functionality
17	CTC	Production of pharmaceuticals – ketotifen, anticol and disulfiram
18	CTC	Production of tralomethrine (insecticide)
19	CTC	Bromohexine hydrochloride
20	CTC	Diclofenac sodium
21	CTC	Cloxacilin
22	CTC	Phenyl glycine
23	CTC	Isosorbid mononitrate
24	CTC	Omeprazol
25	CFC-12	Manufacture of vaccine bottles

Note: Parties may propose additions to this list by sending details to the Secretariat, which will forward them to the Technology and Economic Assessment Panel. The Panel will then investigate the proposed change and make a recommendation to the Meeting of Parties whether or not the proposed use should be added to the list by decision of the parties.

Table B: Emission limits for process agent uses

(All figures are in metric tonnes per year)

Country/region	Make-up or consumption	Maximum emissions
European Community	1 000	17
United States of America	2 300	181
Canada	13	0
Japan	300	5
Hungary	15	0
Poland	68	0.5
Russian Federation	800	17
Australia	0	0
Czech Republic	0	0
Estonia	0	0
Lithuania	0	0
Slovakia	0	0
New Zealand	0	0
Norway	0	0
Iceland	0	0
Switzerland	5	0.4
Total	**4 501**	**220.9 (4.9%)**

Decision XIII/13: Request to the Technology and Economic Assessment Panel for the final report on process agents

The *Thirteenth Meeting of the Parties* decided in *decision XIII/13:*

Noting with appreciation the report of the Executive Committee in response to decision X/14 on process agents,

Noting the findings of the Technology and Economic Assessment Panel and its request for additional data for the finalization of its report,

Noting that in 2001 parties provided the Ozone Secretariat with the requested additional data,

To request the Technology and Economic Assessment Panel to finalize its evaluation, as requested by decision X/14, and report to the parties at the 22nd Meeting of the Open-ended Working Group, in 2002.

Decision XV/6: List of uses of controlled substances as process agents

The *Fifteenth Meeting of the Parties* decided in *decision XV/6* to adopt the following uses of controlled substances as a revised table A for decision X/14:

Table: List of uses of controlled substances as process agents

No.	Process agent application	Substance
1	Elimination of NCl_3 in the production of chlorine and caustic	CTC
2	Recovery of chlorine in tail gas from production of chlorine	CTC
3	Manufacture of chlorinated rubber	CTC
4	Manufacture of endosulphan (insecticide)	CTC
5	Manufacture of isobutyl acetophenone (ibuprofen – analgesic)	CTC
6	Manufacture of 1-1, bis (4-chlorophenyl) 2,2,2-trichloroethanol (dicofol insecticide)	CTC
7	Manufacture of chlorosulphonated polyolefin (CSM)	CTC
8	Manufacture of poly-phenylene-terephtal-amide	CTC
9	Manufacture of fluoropolymer resins	CFC-113
10	Manufacture of fine synthetic polyolefin fibre sheet	CFC-11
11	Manufacture of styrene butadiene rubber	CTC
12	Manufacture of chlorinated paraffin	CTC
13	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12
14	Reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters	CFC-113
15	Preparation of perfluoropolyether diols with high functionality	CFC-113
16	Bromohexine hydrochloride	CTC
17	Diclofenac sodium	CTC
18	Phenyl glycine	CTC
19	Production of Cyclodime	CTC
20	Production of chlorinated polypropene	CTC

No.	Process agent application	Substance
21	Production of chlorinated EVA	CTC
22	Production of methyl isocyanate derivatives	CTC
23	Production of 3-phenoxy benzaldehyde	CTC
24	Production of 2-chloro-5-metyhlpyridine	CTC
25	Production of Imidacloprid	CTC
26	Production of Buprofenzin	CTC
27	Production of Oxadiazon	CTC
28	Production of chloradized N-methylaniline	CTC
29	Production of Mefenacet	CTC
30	Production of 1,3- dichlorobenzothiazole	CTC
31	Bromination of a styrenic polymer	BCM (bromo-chloromethane)

Decision XV/7: Process agents

The *Fifteenth Meeting of the Parties* decided in *decision XV/7:*

1. To note that decision X/14 called on the Technology and Economic Assessment Panel and the Executive Committee to review the list of process agent uses in table A of that decision, and to make appropriate recommendations for changes to the table;

2. To note that several parties are submitting requests to have certain uses reviewed by the Technology and Economic Assessment Panel for inclusion in table A of decision X/14 as process-agent uses;

3. To request the Technology and Economic Assessment Panel to review requests for consideration of specific uses against decision X/14 criteria for process agents, and make recommendations to the parties annually on uses that could be added to or removed from table A of decision X/14;

4. To remind Article 5 parties and non-Article 5 parties with process-agent applications listed in table A to decision X/14, as revised, that they shall report in accordance with paragraph 4 of decision X/14 on the use of controlled substances as process agents, the levels of emissions from those uses, and the containment technologies used by them to minimize emissions. In addition, Article 5 parties with listed uses in table A, as revised, shall report to the Executive Committee on progress in reducing emissions of controlled substances from process-agent uses and on the implementation and development of emissions-reduction techniques and alternative processes not using ozone-depleting substances;

5. To request the Technology and Economic Assessment Panel and the Executive Committee to report to the Open-ended Working Group at its twenty-fifth session, and every other year thereafter unless the parties decide otherwise, on the progress made in reducing emissions of controlled substances from process-agent uses and on the implementation and development of emissions-reduction techniques and alternative processes not using ozone-depleting substances;

6. To note that, because the 2002 report of the Technology and Economic Assessment Panel lists the process-agent applications in the table below as having non-negligible emissions, those applications are to be considered process-agent uses of controlled

substances in accordance with the provisions of decision X/14 for 2004 and 2005, and are to be reconsidered at the Seventeenth Meeting of the Parties based on information reported in accordance with paragraph 4 of the present decision and paragraph 4 of decision X/14;

7. To note that, because the two uses of controlled substances at the end of the table below were submitted to the Technology and Economic Assessment Panel but not formally reviewed, those applications are to be considered process-agent uses of controlled substances in accordance with the provisions of decision X/14 for 2004 and 2005, and are to be reconsidered at the Seventeenth Meeting of the Parties based on information reported in accordance with paragraph 4 of the present decision and paragraph 4 of decision X/14.

Process agent application	Party	Substance
Elimination of NCl_3 in the production of chlorine and caustic	Brazil	CTC
Recovery of chlorine in tail gas from production of chlorine	Brazil	CTC
Manufacture of chlorinated rubber	India, China	CTC
Manufacture of endosulphan (insecticide)	India	CTC
Manufacture of isobutyl acetophenone (ibuprofen – analgesic)	India	CTC
Manufacture of 1,1 bis (4-chlorophenyl) 2,2,2-trichloroethanol (dicofol insecticide)	India	CTC
Manufacture of chlorosulphonated polyolefin (CSM)	China	CTC
Manufacture of styrene butadiene rubber	Brazil, Republic of Korea	CTC
Manufacture of chlorinated paraffin	China	CTC
Bromohexine hydrochloride	India	CTC
Diclofenac sodium	India	CTC
Phenyl glycine	India	CTC
Production of chlorinated polypropene	China	CTC
Production of chlorinated EVA	China	CTC
Production of methyl isocyanate derivatives	China	CTC
Production of 3-phenoxy benzaldehyde	China	CTC
Production of 2-chloro-5-methylpyridine	China	CTC
Production of Imidacloprid	China	CTC
Production of Buprofenzin	China	CTC
Production of Oxadiazon	China	CTC
Production of chloradized N-methylaniline	China	CTC
Production of Mefenacet	China	CTC
Production of 1,3-dichlorobenzothiazole	China	CTC
Bromination of a styrenic polymer	United States of America	BCM (bromo-chloromethane)
Production of high modulus polyethylene fibre	United States of America	CFC-113
Production of Losartan potassium	Argentina	BCM

Decision XVII/6: Process agents

The *Seventeenth Meeting of the Parties* decided in *decision XVII/6:*

Noting with appreciation the report of the Technology and Economic Assessment Panel,

Noting with appreciation the report by the Executive Committee on process-agent uses in parties operating under paragraph 1 of Article 5 of the Montreal Protocol (UNEP/OzL.Pro. WG.1/25/INF/4), which states that the adoption of technology that results in zero emissions of ozone-depleting substances used as process agents has become the norm for achieving phase-out in the process-agent sector in parties operating under paragraph 1 of Article 5 of the Protocol,

1. To remind parties operating under paragraph 1 of Article 5 and parties not so operating with process-agent applications listed in table A to decision X/14, as revised, that they shall report annually in accordance with paragraph 4 of decisions X/14 and XV/7, respectively, on the use of controlled substances as process-agents;

2. In addition to paragraph 1 above, to request parties that have emissive use of process-agent uses listed in decisions XVII/7 and XVII/8 to submit data before 31 December 2006 to the Secretariat and the Technology and Economic Assessment Panel on plant start-up date, annual capacity subject to applicable laws providing for commercial or other confidentiality protection, and make-up or consumption of controlled ozone-depleting substances, total emissions of ozone-depleting substances per year, and confirm that the plant using the controlled substances has been in continuous operations since 30 June 1999;

3. To note that the process-agent applications listed in decision XVII/8 are to be considered as process-agent uses in accordance with the provisions of decision X/14 and are to be confirmed as process agents at the Nineteenth Meeting of the Parties in 2007 based on the information reported in accordance with paragraphs 1 and 2 of the present decision;

4. Where parties install or commission new plant after 30 June 1999, using controlled substances as process agents, to request parties to submit their applications to the Ozone Secretariat and the Technology and Economic Assessment Panel by 31 December 2006, and by 31 December every subsequent year or otherwise in a timely manner that allows the Technology and Economic Assessment Panel to conduct an appropriate analysis, for consideration subject to the criteria for essential uses under decision IV/25, in accordance with paragraph 7 of decision X/14;

5. To agree that the exemptions referred to in decision X/14 are process-agent uses until a subsequent decision of the parties declares otherwise, and that the exemptions should not be permanent and should be subject to regular review by the parties with the aim of retaining or removing process-agent uses;

6. To request the Technology and Economic Assessment Panel and the Executive Committee to report to the Open-ended Working Group at its twenty-seventh meeting in 2007, and every other year thereafter unless the parties decide otherwise, on the progress made in reducing emissions of controlled substances from process-agent uses; the associated make-up quantity of controlled substances; on the implementation and development of emissions-reduction techniques and alternative processes and products not using ozone-depleting substances;

7. To request the Technology and Economic Assessment Panel to review the information submitted in accordance with the present decision and to report and make recommendations to the parties at their Twentieth Meeting in 2008, and every other

year thereafter, on process-agent use exemptions; on insignificant emission associated with a use, and process-agent uses that could be added to or deleted from table A of decision X/14;

8. To request parties with process-agent uses to submit data to the Technology and Economic Assessment Panel by 31 December 2007 and 31 December of each subsequent year on opportunities to reduce emissions listed in table B and for the Technology and Economic Assessment Panel to review in 2008, and every other year thereafter, emissions in table B of decision X/14, taking into account information and data reported by the parties in accordance with that decision, and to recommend any reductions to the make-up and maximum emission on the basis of that review. On the basis of these recommendations, the parties shall decide on reductions to the make-up and maximum emissions with respect to table B.

Decision XVII/7: List of uses of controlled substances as process agents

The *Seventeenth Meeting of the Parties* decided in *decision XVII/7* to adopt the following uses of controlled substances as a revised table A for decision X/14:

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

No.	Process agent application	Substance
1	Elimination of NCl3 in the production of chlorine and caustic	CTC
2	Recovery of chlorine in tail gas from production of chlorine	CTC
3	Manufacture of chlorinated rubber	CTC
4	Manufacture of endosulphan (insecticide)	CTC
5	Manufacture of isobutyl acetophenone (ibuprofen – analgesic)	CTC
6	Manufacture of 1-1, bis (4-chlorophenyl) 2,2,2-trichloroethanol (dicofol insecticide)	CTC
7	Manufacture of chlorosulphonated polyolefin (CSM)	CTC
8	Manufacture of poly-phenylene-terephtal-amide	CTC
9	Manufacture of fluoropolymer resins	CFC-113
10	Manufacture of fine synthetic polyolefin fibre sheet	CFC-11
11	Manufacture of styrene butadiene rubber	CTC
12	Manufacture of chlorinated paraffin	CTC
13	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12
14	Reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters	CFC-113
15	Preparation of perfluoropolyether diols with high functionality	CFC-113
16	Bromohexine hydrochloride	CTC
17	Diclofenac sodium	CTC
18	Phenyl glycine	CTC
19	Production of Cyclodime	CTC
20	Production of chlorinated polypropene	CTC
21	Production of chlorinated EVA	CTC

No.	Process agent application	Substance
22	Production of methyl isocyanate derivatives	CTC
23	Production of 3-phenoxy benzaldehyde	CTC
24	Production of 2-chloro-5-methylpyridine	CTC
25	Production of Imidacloprid	CTC
26	Production of Buprofenzin	CTC
27	Production of Oxadiazon	CTC
28	Production of chloradized N-methylaniline	CTC
29	Production of Mefenacet	CTC
30	Production of 1,3-dichlorobenzothiazole	CTC
31	Bromination of a styrenic polymer	BCM (bromo-chloromethane)
32	Synthesis of ascorbic acid	CTC
33	Synthesis of ciprofloxacin	CTC
34	Synthesis of norfloxacin	CTC
35	Synthesis of 2,4-dichlorophenoxyacetic acid	CTC
36	Synthesis of diperoxydicarbonate	CTC
37	Production of sodium dichloroisocyanurate	CTC
38	Production of radio-labelled cyanocobalamin	CTC
39	Production of high modulus polyethylene fibre	CFC-113

Decision XVII/8: List of uses of controlled substances as process agents

The *Seventeenth Meeting of the Parties* decided in *decision XVII/8* to adopt the following uses of controlled substances as an interim table A bis for decision X/14, subject to reconfirmation and inclusion in a reassessed table A for decision X/14 at the Nineteenth Meeting of the Parties in 2007:

Table A-bis: Interim list of uses of controlled substances as process agents

No.	Process agent application	Substance
40	Production of p-Bromobenzaldehyde (intermediate)	
41	Production of fenvalerate (pesticide)	CTC
42	Manufacture of Losartan Potassium	BCM
43	Production of 1,2-Chloro-1,4-Naphthoquinone (pharmaceutical)	CTC
44	Production of Prallethrin (pesticide)	CTC
45	Production of 2-Methoxybenzoylchloride (pharmaceutical)	CTC
46	Production of o-Nitrobenzaldehyde (dyes)	CTC
47	Production of Salimusk (perfume)	CTC
48	Production of Epoxiconazole (pesticide)	CTC
49	Production of benzophenone (chemical)	CTC
50	Production of Picloram; Lontrel (pesticides)	CTC

No.	Process agent application	Substance
51	Production of 3-Methyl-2-Thiophenecarboxaldehyde (pesticide, pharma.)	CTC
52	Production of Difenoconazole (pesticide)	CTC
53	Production of 2-Thiophenecarboxaldehyde (intermediate)	CTC
54	Production of 2-Thiophene ethanol (pharmaceutical)	CTC
55	Production of 5-Amino-1,2,3-thiadiazol	CTC
56	Production of Levofloxacin (pharmaceutical)	CTC
57	Production of Cinnamic acid (intermediate)	CTC
58	Production of Ertaczo (pharmaceutical)	CTC
59	Production of 3,5-Dinitrobenzoyl chloride (3,5-DNBC) (intermediate)	CTC
60	Production of Fipronil (pesticide)	CTC
61	Processing of Aluminium, Uranium	CTC, CFC
62	Production of Furfural (volume chemical)	CTC
63	Production of 3,3,3-trifluoropropene (volume chemical)	CTC
64	Production of Triphenylmethylchloride (intermediate)	CTC
65	Production of Tetrachlorodimethylmethane (volume chemical)	CTC
66	Production of 4,4`-difluorodiphenylketone (intermediate)	CTC
67	Production of 4-trifluoromethoxybenzenamine	CTC
68	Production of 1,2-benzisothiazol-3-ketone	CTC

Decision XIX/15: Replacement of table A and table A-*bis* in relevant process agent decisions

The *Nineteenth Meeting of the Parties* decided in *decision XIX/15* to adopt the table in the annex to the present decision as a list of process agent applications to replace table A of decision X/14 as it was amended in decision XVII/7 and to replace table A-*bis* in decision XVII/8.

Annex

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

No.	Process	ODS
1	Elimination of NCl_3 in chlor-alkali production	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 ibuprofen	CTC
6	Production of dicofol	CTC
7	Production of chlorosulfonated polyolefin (CSM)	CTC
8	Production of aramid polymer (PPTA)	CTC
9	Production of synthetic fibre sheet	CFC-11
10	Production of chlorinated paraffin	CTC

No.	Process	ODS
11	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12
12	Reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters	CFC-113
13	Preparation of perfluoropolyether diols with high functionality	CFC-113
14	Production of cyclodime	CTC
15	Production of chlorinated polypropene	CTC
16	Production of chlorinated EVA	CTC
17	Production of methyl isocyanate derivatives	CTC
18	Production of 3-phenoxybenzaldehyde	CTC
19	Production of 2-chloro-5-methylpyridine	CTC
20	Production of imidacloprid	CTC
21	Production of buprofenzin	CTC
22	Production of oxadiazon	CTC
23	Production of chloradized N-methylaniline	CTC
24	Production of 1,3-dichlorobenzothiazole	CTC
25	Bromination of a styrenic polymer	BCM
26	Synthesis of 2,4-D (2,4- dichlorophenoxyacetic acid)	CTC
27	Synthesis of DEHPC (di-(2-ethylhexyl) peroxydicarbonate)	CTC
28	Production of radio-labelled cyanocobalamin	CTC
29	Production of high modulus polyethylene fibre	CFC-113
30	Production of vinyl chloride monomer	CTC
31	Production of sultamicillin	BCM
32	Production of prallethrin (pesticide)	CTC
33	Production of o-nitrobenzaldehyde (for dyes)	CTC
34	Production of 3-methyl-2-thiophenecarboxaldehyde	CTC
35	Production of 2-thiophenecarboxaldehyde	CTC
36	Production of 2-thiophene ethanol	CTC
37	Production of 3,5-dinitrobenzoyl chloride (3,5-DNBC)	CTC
38	Production of 1,2-benzisothiazol-3-ketone	CTC
39	Production of m-nitrobenzaldehyde	CTC
40	Production of tichlopidine	CTC
41	Production of p-nitro benzyl alcohol	CTC
42	Production of tolclofos methyl	CTC

Decision XXI/3: Uses of controlled substances as process agents

The *Twenty-First Meeting of the Parties* decided in *decision XXI/3*:

Noting with appreciation the 2008 report of the Technology and Economic Assessment Panel;

Recalling decision X/14 in which all parties are asked to report to the Secretariat annually by 30 September on their use of controlled substances as process agents, the levels of emissions from those uses and the containment technologies used by them to minimize emissions of controlled substances;

Noting that the report by Executive Committee on process agent uses in parties operating under paragraph 1 of Article 5 of the Montreal Protocol (UNEP/Oz.L.Pro.WG.1/29/4) found that the adoption of technology that results in zero emissions of ozone-depleting substances used as process agents has become the norm in parties operating under paragraph 1 of Article 5 of the Montreal Protocol;

Noting that reporting by parties operating under paragraph 1 of Article 5 on approved process agent projects under the Multilateral Fund does not replace the need to submit the required information under decision X/14 to the Ozone Secretariat;

Noting with concern that only two parties reported information consistent with decision X/14 and that such limited data has impeded the Technology and Economic Assessment Panel in undertaking the level of analysis required;

Also noting that such limited information reported by parties puts at risk the current exclusion of process agent uses of controlled substances from a party's annual consumption calculation;

1. To request all parties with process agent uses of controlled substances to submit the information required by decision X/14 by 30 September each year to the Ozone Secretariat;
2. To clarify that the annual reporting obligation shall not apply once a party informs the Ozone Secretariat they do not use ozone-depleting substances as process agents as under decision X/14, until they start doing so, and that this one-time procedure pertains to all parties whether or not they are listed in table B of decision X/14;
3. To request the Ozone Secretariat every year to write to those parties that did not submit a document as under paragraph 2, report, requesting them to submit information consistent with decision X/14;
4. To request the Ozone Secretariat to bring cases of non-reporting to the attention of the Implementation Committee for consideration;
5. To request the Technology and Economic Assessment Panel and the Executive Committee of the Multilateral Fund to prepare a joint report for future meetings, reporting on progress with phasing out process-agent applications, as sought by decision XVII/6 (paragraph 6);
6. To revisit this issue at the 30th Meeting of the Open-ended Working Group;
7. To update table A of decision X/14 as per the annex to this decision;
8. To update table B of decision X/14 as per the annex to this decision.

Annex

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	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 ibuprofen	CTC
6	Production of chlorosulfonated polyolefin (CSM)	CTC
7	Production of aramid polymer (PPTA)	CTC
8	Production of synthetic fibre sheet	CFC-11
9	Production of chlorinated paraffin	CTC
10	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12
11	Reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters	CFC-113
12	Preparation of perfluoropolyether diols with high functionality	CFC-113
13	Production of cyclodime	CTC
14	Production of chlorinated polypropene	CTC
15	Production of chlorinated ethylene vinyl acetate (CEVA)	CTC
16	Production of methyl isocyanate derivatives	CTC
17	Production of 3-phenoxybenzaldehyde	CTC
18	Production of 2-chloro-5-methylpyridine	CTC
19	Production of imidacloprid	CTC
20	Production of buprofenzin	CTC
21	Production of oxadiazon	CTC
22	Production of chloradized N-methylaniline	CTC
23	Production of 1,3-dichlorobenzothiazole	CTC
24	Bromination of a styrenic polymer	BCM
25	Synthesis of 2,4-D (2,4- dichlorophenoxyacetic acid)	CTC
26	Synthesis of di-(2-ethylhexyl) peroxydicarbonate (DEHPC)	CTC
27	Production of radio-labelled cyanocobalamin	CTC
28	Production of high modulus polyethylene fibre	CFC-113
29	Production of vinyl chloride monomer	CTC
30	Production of sultamicillin	BCM
31	Production of prallethrin (pesticide)	CTC
32	Production of o-nitrobenzaldehyde (for dyes)	CTC
33	Production of 3-methyl-2-thiophenecarboxaldehyde	CTC
34	Production of 2-thiophenecarboxaldehyde	CTC

No.	Process agent application	Substance
35	Production of 2-thiophene ethanol	CTC
36	Production of 3,5-dinitrobenzoyl chloride (3,5-DNBC)	CTC
37	Production of 1,2-benzisothiazol-3-ketone	CTC
38	Production of m-nitrobenzaldehyde	CTC
39	Production of tichlopidine	CTC
40	Production of p-nitro benzyl alcohol	CTC
41	Production of tolclofos methyl	CTC
42	Production of polyvinylidene fluoride (PVdF)	CTC
43	Production of tetrafluorobenzoylethyl acetate	CTC
44	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 Community	1 083	17
United States of America	2 300	181
Canada	0	0
Japan	0	0
Russian Federation	800	17
Australia	0	0
New Zealand	0	0
Norway	0	0
Iceland	0	0
Switzerland	5	0.4
Total	**4 188**	**215.4**

Decision XXII/8: Uses of controlled substances as process agents

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/8*:

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

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

No.	Process agent application	Substance
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[a]	2.2[a]
China	1 103	1 103
Total	**912.5**	**319.4**

[a] 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.

Decision XXIII/7: Use of controlled substances as process agents

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/7*:

Taking note with appreciation of the 2011 progress report of the Technology and Economic Assessment Panel as it pertains to process agents,

Recalling that tables A and B of decision X/14 on process agent uses have been updated by decisions XV/6, XVII/7, XIX/15, XXI/3 and XXII/8,

Noting that the Panel's 2011 progress report takes into account the information provided by parties and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with decision XXI/3,

Noting also that in the 2011 progress report the Panel proposes the removal of 27 processes from table A and indicates that only four parties reported process agent uses in 2009,

Noting with appreciation that most parties reported significantly lower emissions than those listed in table B,

Acknowledging the role that emissions from process agent uses might play in contributing to the abundance of carbon tetrachloride in the atmosphere and the need to reduce such emissions,

Recalling that according to decision IV/12 emissions of insignificant quantities of controlled substances, including from their use as process agents, are not considered to be controlled substances as defined in Article 1 of the Montreal Protocol,

Recalling also that decision IV/12 urges parties to take steps to minimize emissions of ozone-depleting substances used as process agents, including such steps as avoidance of the creation of such emissions and reduction of emissions using practicable control technologies, process changes, containment or destruction,

Recalling further decision XIX/15, in which the parties agreed to classify the use of carbon tetrachloride for the production of vinyl chloride monomer as a process agent use,

1. To update tables A and table B of decision X/14 as set out in the annex to the present decision;
2. To urge those parties that have yet to submit information on process agent uses as requested in decisions X/14 and XXI/3 to do so as a matter of urgency, and no later than 31 March 2012;
3. To remind parties that have provided information in accordance with decision XXI/3 indicating that they have process agent uses to provide further information, in particular on controlled substances and process agent applications in accordance with decision X/14, using the format available from the Ozone Secretariat;
4. To urge the parties listed in table B to revisit their maximum values and to report to the Technology and Economic Assessment Panel on how those values might be reduced, particularly in view of the process agent uses that have ceased;
5. To request the Panel, as further uses cease in the future, to consider corresponding reductions in make-up or consumption and maximum emissions accordingly in future proposals concerning table B;
6. To request the Panel to provide for the thirty-second meeting of the Open-ended Working Group a summary report updating its findings on process agent uses, taking into account relevant information from previous investigations and including:
   (a) A descriptive overview of the processes using ozone-depleting substances as process agents;
   (b) Information about alternatives to ozone-depleting substances in process-agent uses;
   (c) Information on quantities used for process agent uses as reported in accordance with Article 7 of the Montreal Protocol;
   (d) Information on estimated emissions of ozone-depleting substances from process-agent uses and their impact on the ozone layer and the climate;
   (e) Practicable measures to avoid and reduce emissions from process-agent uses;
7. To revisit the use of controlled substances as process agents at the thirty-second meeting of the Open-ended Working Group;
8. To consider the use of carbon tetrachloride for the production of vinyl chloride monomer for the purpose of calculated levels of production and consumption, on an exceptional basis, to be a feedstock use until 31 December 2012;
9. To request the Technology and Economic Assessment Panel to review the use of carbon tetrachloride for the production of vinyl chloride monomer process in India and other parties, if applicable, and to report on the results of that review in its 2012 progress report.

Annex

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

No.	Process agent application	Substance	Permitted parties
1	Elimination of NCl_3 in chlor-alkali production	CTC	European Union, Israel, United States of America
2	Chlorine recovery by tail gas absorption in chlor-alkali production	CTC	European Union, United States of America
3	Production of chlorinated rubber	CTC	European Union
4	Production of chlorosulfonated polyolefin (CSM)	CTC	China, United States of America
5	Production of aramid polymer (PPTA)	CTC	European Union
6	Production of synthetic fibre sheet	CFC-11	United States of America
7	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12	European Union
8	Preparation of perfluoropolyether diols with high functionality	CFC-113	European Union
9	Production of cyclodime	CTC	European Union
10	Production of chlorinated polypropene	CTC	China
11	Production of chlorinated ethylene vinyl acetate (CEVA)	CTC	China
12	Production of methyl isocyanate derivatives	CTC	China
13	Bromination of a styrenic polymer	BCM	United States of America
14	Production of high modulus polyethylene fibre	CFC-113	United States of America

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

Party	Make-up or consumption	Maximum emissions
China	1 103	313
European Union	1 083	17
Israel	3.5	0
United States of America	2 300	181
Total	**4 489.5**	**511**

Decision XXIX/7: Use of controlled substances as process agents

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/7*

Taking note with appreciation of the 2017 progress report of the Technology and Economic Assessment Panel, especially insofar as it pertains to process agents,

Recalling that table A of decision X/14 on process agents has been updated through decisions XV/6, XVII/7, XIX/15, XXI/3, XXII/8 and XXIII/7,

Noting that the Panel, in its 2017 progress report, takes account of the information provided by parties in accordance with decision XXI/3,

Noting also that, in its 2017 progress report, the Panel recommends the removal of three processes from table A of decision X/14, as updated through decision XXIII/7,

1. To update table A of decision X/14 as set out in the annex to the present decision;
2. To urge parties to update their information on the use of controlled substances as process agents and to provide the Secretariat, by 31 December 2017, with information on the implementation and development of emissions reduction techniques;
3. To request the Technology and Economic Assessment Panel to report to the Open-ended Working Group of the parties to the Montreal Protocol on Substances that Deplete the Ozone Layer at its forty-first meeting on the industrial application of any alternative technologies employed by parties in the processes listed in table A, as updated in the annex to the present decision;

Annex

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

No.	Process agent application	Substance	Permitted parties
1	Elimination of NCl3 in chlor-alkali production	CTC	European Union, Israel, United States of America
2	Recovery of chlorine by tail gas absorption from chlor-alkali production	CTC	European Union, United States of America
3	Production of chlorinated rubber	CTC	European Union
4	Production of chlorosulfonated polyolefin (CSM)	CTC	China
5	Production of aramid polymer (PPTA)	CTC	European Union
6	Production of synthetic fibre sheet	CFC-11	United States of America
7	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12	European Union
8	Preparation of perfluoropolyether diols with high functionality	CFC-113	European Union
9	Production of cyclodime	CTC	European Union
10	Bromination of a styrenic polymer	BCM	United States of America
11	Production of high modulus polyethylene fibre	CFC-113	United States of America

Decisions on used controlled substances

Decision I/12H: Clarification of terms and definitions: exports and imports of used controlled substances

The *First Meeting of the Parties* decided in *decision I/12H* with regard to exports and imports of used controlled substances: imports and exports of bulk used controlled substances should be treated and recorded in the same manner as virgin controlled substances and included in the calculation of a party's consumption limits.

Decision IV/24: Recovery, reclamation and recycling of controlled substances

The *Fourth Meeting of the Parties* decided in *decision IV/24:*

1. To annul decision I/12 H of the First Meeting of the Parties, which reads "Imports and exports of bulk used controlled substances should be treated and recorded in the same manner as virgin controlled substances and included in the calculation of the party's consumption limits";

2. Not to take into account, for calculating consumption, the import and export of recycled and used controlled substances (except when calculating the base year consumption under paragraph 1 of Article 5 of the Protocol), provided that data on such imports and exports are subject to reporting under Article 7;

3. To agree to the following clarifications of the terms "recovery", "recycling" and "reclamation":

   (a) Recovery: The collection and storage of controlled substances from machinery, equipment, containment vessels, etc., during servicing or prior to disposal;

   (b) Recycling: The re-use of a recovered controlled substance following a basic cleaning process such as filtering and drying. For refrigerants, recycling normally involves recharge back into equipment it often occurs "on-site";

   (c) Reclamation: The re-processing and upgrading of a recovered controlled substance through such mechanisms as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance. It often involves processing "off-site" at a central facility;

4. To urge all the parties to take all practicable measures to prevent releases of controlled substances into the atmosphere, including, inter alia:

   (a) Ro recover controlled substances in Annex A, Annex B and Annex C of the Protocol, for purposes of recycling, reclamation or destruction, that are contained in the following equipment during servicing and maintenance as well as prior to equipment dismantling or disposal:
      (i) Stationary commercial and industrial refrigeration and air conditioning equipment;
      (ii) Mobile refrigeration and mobile air-conditioning equipment;
      (iii) Fire protection systems;
      (iv) Cleaning machinery containing solvents;

   (b) To minimize refrigerant leakage from commercial and industrial air-conditioning and refrigeration systems during manufacture, installation, operation and servicing;

   (c) To destroy unneeded ozone-depleting substances where economically feasible and environmentally appropriate to do so;

5. To urge the parties to adopt appropriate policies for export of the recycled and used substances to parties operating under paragraph 1 of Article 5 of the Protocol, so as to avoid any adverse impact on the industries of the importing parties, either through an excessive supply at low prices which might introduce unnecessary new uses or harm the local industries, or through an inadequate supply which might harm the user industries;

6. To request the Scientific Assessment Panel to study and report, by 31 March 1994 at the latest, through the Secretariat, on the impact on the ozone layer of continued use of recycled controlled substances and of the utilization or non-utilization of available environmentally sound alternatives/substitutes and to request the Open-ended Working

Group of the parties to consider the report and to submit their recommendations to the Sixth Meeting of the Parties;

7. To request the Technology and Economic Assessment Panel to review and report, by 31 March 1994 at the latest, through the Secretariat, on:

   (a) The technologies for recovery, reclamation, recycling and leakage control;

   (b) The quantities available for economically feasible recycling and the demand for recycled substances by all parties;

   (c) The scope for meeting the basic domestic needs of the parties operating under paragraph 1 of Article 5 of the Protocol through recycled substances;

   (d) The modalities to promote the widest possible use of alternatives/substitutes with a view to increasing their usage and release their reclaimed substances to parties operating under paragraph 1 of Article 5 of the Protocol; and

   (e) Other relevant issues and to recommend policies with respect to recovery, reclamation and recycling, keeping in mind the effective implementation of the Montreal Protocol;

8. To request the Open-ended Working Group of the parties to the Protocol to consider the reports of the Scientific Assessment Panel and the Technology and Economic Assessment Panel and any recommendations in this regard made by the Executive Committee and submit their recommendations to the Sixth Meeting of the Parties, in 1994.

Decision V/24: Trade in controlled substances and the Basel Convention on Transboundary Movement of Hazardous Wastes and their Disposal

The *Fifth Meeting of the Parties* decided in *decision V/24* to note the report of the Secretariat on the applicability of the provisions of the Basel Convention to trade in used controlled substances of the Montreal Protocol and to urge the parties to the Basel Convention to take appropriate decisions, consistent with the objectives of the Basel Convention and of the Montreal Protocol, in order to facilitate early phase-out of the production and consumption of the controlled substances of the Montreal Protocol.

Decision VI/19: Trade in previously used ozone-depleting substances

The *Sixth Meeting of the Parties* decided in *decision VI/19:*

1. To reaffirm the parties' intent embodied in decision IV/24;

2. To restate that only used controlled substances may be excluded from the calculated level of consumption of countries importing or exporting such substances;

3. To note further that, as required by decision IV/24, such exclusions from a party's calculated level of consumption is made contingent on reporting of such imports and exports to the Secretariat and parties should make their best efforts to report this information in a timely manner;

4. To request all parties with reclamation facilities to submit to the Secretariat prior to the Seventh Meeting of the Parties and on an annual basis thereafter a list of the reclamation facilities and their capacities available in their countries;

5. To request all parties that export previously used substances to take, where appropriate, steps to ensure that such substances are labelled correctly and are of the nature claimed

and to report any related activities through the Secretariat to the Seventh Meeting of the Parties;

6. To request such exporting parties to make best efforts to require their companies to include in documentation accompanying such exports, the name of the source firm of the used controlled substance and whether it was recovered, recycled or reclaimed and any further information available to allow for verification of the nature of the substance;

7. To request the Ozone Secretariat, drawing on the experience of the Technology and Economic Assessment Panel and the parties, to study and report on trade in used/recycled/reclaimed ozone-depleting substances, taking particular account of parties' experience in the control of such trade and the concerns and interests of all parties that have facilities for the production of ozone-depleting substances, in time for the issues to be considered by the Open-ended Working Group at its twelfth meeting.

Decision VII/31: Status of recycled CFCs and halons under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

The *Seventh Meeting of the Parties* decided in *decision VII/31* that the international transfers of controlled substances of the Montreal Protocol which are recovered but not purified to usable purity specifications prescribed by appropriate international and/or national organizations, including International Standards Organization (ISO), should only occur if the recipient country has recycling facilities that can process the received controlled substances to these specifications or has destruction facilities incorporating technologies approved for that purpose.

Decision XIV/3: Clarification of certain terminology related to controlled substances

The *Fourteenth Meeting of the Parties* decided in *decision XIV/3:*

1. To note that the terms in past decisions related to "used controlled substances" such as "recovered", "recycled" and "reclaimed" have not been used uniformly and may be misinterpreted;

2. To urge parties to be precise from now in the terminology related to "used controlled substances" in future decisions, and when appropriate, refer specifically to the definitions agreed in decision IV/24.

Decisions on other issues

Decision I/12D: Clarification of terms and definitions: industrial rationalization

The *First Meeting of the Parties* decided in *decision I/12D* to agree to the following clarification of the definition of "industrial rationalization" in Article 1, paragraph 8 and Article 2, paragraphs 1 to 5 of the Protocol: "in interpreting the definition of industrial rationalization, it is *not* possible for one country to increase its production without a corresponding reduction of production in another country".

Article 2: Control measures

Decisions on adjustments of the control measures[8]

Decision II/1: Adjustments and reductions

The *Second Meeting of the Parties* decided in *decision II/1* to adopt in accordance with the procedure laid down in paragraphs 4 and 9 of Article 2 of the Montreal Protocol the adjustments and reductions of production and consumption of the controlled substances listed in Annex A to the Protocol, as set out in annex I to the report on the work of the Second Meeting of the Parties.

Decision III/1: Adjustments and amendment

The *Third Meeting of the Parties* decided in *decision III/1:*

(a) To bring to the attention of the parties to the Montreal Protocol the fact that the Adjustments to the Protocol adopted at the Second Meeting of the Parties came into effect on 7 March 1991 and to urge them to adopt the necessary measures to comply with the adjusted control measures;

(b) To note that only two States have so far ratified the Amendment, adopted at the Second Meeting of the Parties to the Protocol and to urge all States to ratify that Amendment in view of the fact that twenty instruments of ratification, approval or acceptance are required for it to come into force on 1 January 1992.

Decision IV/2: Further adjustments and reductions

The *Fourth Meeting of the Parties* decided in *decision IV/2* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annex A to the Protocol, as set out in annex I to the report of the Fourth Meeting of the Parties.

Decision IV/3: Further adjustments and reductions

The *Fourth Meeting of the Parties* decided in *decision IV/3* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annex B to the Protocol, as set out in annex II to the report of the Fourth Meeting of the Parties.

Decision VII/1: Further adjustments and reductions: controlled substances listed in Annex A to the Protocol

The *Seventh Meeting of the Parties* decided in *decision VII/1* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annex A to the Protocol, as set out in annex I to the report of the Seventh Meeting of the Parties.

Decision VII/2: Further adjustments and reductions: controlled substances listed in Annex B to the Protocol

The *Seventh Meeting of the Parties* decided in *decision VII/2* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and

8 See section 5.3 of this Handbook for the text of annexes referred to in the decisions listed in this section.

reductions of production and consumption of the controlled substances listed in Annex B to the Protocol, as set out in annex II to the report of the Seventh Meeting of the Parties.

Decision VII/3: Further adjustments and reductions: controlled substances listed in Annexes C and E to the Protocol

The *Seventh Meeting of the Parties* decided in *decision VII/3:*

1. To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustments and reductions of production and consumption of the controlled substances listed in Annexes C and E to the Protocol, as set out in annex III to the report of the Seventh Meeting of the Parties;
2. To adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol, the adjustment to the ozone-depleting potential specified in Annex E as set out in annex III to the report of the Seventh Meeting of the Parties and that this adjustment shall enter into force on 1 January 1997;
3. That the Meeting of the Parties by 2000 will consider the need for further adjustments to the phase-out schedule for hydrochlorofluorocarbons for parties operating under paragraph 1 of Article 5.

Decision IX/1: Further adjustments with regard to Annex A substances

The *Ninth Meeting of the Parties* decided in *decision IX/1* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard to production of the controlled substances listed in Annex A to the Protocol, as set out in annex I to the report of the Ninth Meeting of the Parties.

Decision IX/2: Further adjustments with regard to Annex B substances

The *Ninth Meeting of the Parties* decided in *decision IX/2* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments with regard to production of the controlled substances listed in Annex B to the Protocol, as set out in annex II to the report of the Ninth Meeting of the Parties.

Decision IX/3: Further adjustments and reductions with regard to the Annex E substance

The *Ninth Meeting of the Parties* decided in *decision IX/3* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments and reductions of production and consumption of the controlled substance listed in Annex E to the Protocol, as set out in annex III to the report of the Ninth Meeting of the Parties.

Decision XI/2: Further adjustments with regard to Annex A substances

The *Eleventh Meeting of the Parties* decided in *decision XI/2* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments regarding the controlled substances in Annex A to the Protocol, as set out in annex II to the report of the Eleventh Meeting of the Parties.

Decision XI/3: Further adjustments with regard to Annex B substances

The *Eleventh Meeting of the Parties* decided in *decision XI/3* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments regarding the controlled substances in Annex B to the Protocol, as set out in annex III to the report of the Eleventh Meeting of the Parties.

Decision XI/4: Further adjustments with regard to Annex E substance

The *Eleventh Meeting of the Parties* decided in *decision XI/4* to adopt, in accordance with the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol and on the basis of the assessments made pursuant to Article 6 of the Protocol, the adjustments regarding the controlled substance in Annex E to the Protocol, as set out in annex IV to the report of the Eleventh Meeting of the Parties.

Decision Ex.I/1: Further adjustments relating to the controlled substance in Annex E

The *First Extraordinary Meeting of the Parties* decided in *decision Ex.I/1:*

Recalling that, according to subparagraph 1 (e) of decision IX/5, the Meeting of the Parties should have decided in 2003 on further specific interim reductions on methyl bromide for the period beyond 2005 applicable to parties operating under paragraph 1 of Article 5,

Taking into account that current circumstances prevent several Article 5 parties from adopting a decision in that regard,

Noting that, by 1 February 2006, non-Article 5 parties will submit national management strategies which will send a clear signal on the phase-out of critical uses of methyl bromide,

Considering that at the Seventeenth Meeting of the Parties the parties will decide on the level of replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol for the triennium 2006–2008, which should take into account the requirement to provide new and additional adequate financial and technical assistance to enable Article 5 parties to comply with further interim reductions on methyl bromide,

1. To keep under review the interim reduction schedule as elaborated during the Fifteenth Meeting of the Parties;

2. To consider, preferably by 2006, further specific interim reductions in methyl bromide applicable to parties operating under paragraph 1 of Article 5.

Decision XIX/6: Adjustments to the Montreal Protocol with regard to Annex C, group I, substances (hydrochlorofluorocarbons)

The *Nineteenth Meeting of the Parties* decided in *decision XIX/6* to accelerate the phase-out of production and consumption of hydrochlorofluorocarbons (HCFCs), by way of an adjustment in accordance with paragraph 9 of Article 2 of the Montreal Protocol and as contained in annex III to the report of the Nineteenth Meeting of the Parties, on the basis of the following:

1. For parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 parties), to choose as the baseline the average of the 2009 and 2010 levels of, respectively, consumption and production; and

2. To freeze, at that baseline level, consumption and production in 2013;

3. For parties operating under Article 2 of the Protocol (Article 2 parties) to have completed the accelerated phase-out of production and consumption in 2020, on the basis of the following reduction steps:

   (a) By 2010 of 75 per cent;

   (b) By 2015 of 90 per cent;

   (c) While allowing 0.5 per cent for servicing the period 2020–2030;

4. For Article 5 parties to have completed the accelerated phase-out of production and consumption in 2030, on the basis of the following reduction steps:

   (a) By 2015 of 10 per cent;

   (b) By 2020 of 35 per cent;

   (c) By 2025 of 67.5 per cent;

   (d) While allowing for servicing an annual average of 2.5per cent during the period 2030–2040;

5. To agree that the funding available through the Multilateral Fund for the Implementation of the Montreal Protocol in the upcoming replenishments shall be stable and sufficient to meet all agreed incremental costs to enable Article 5 parties to comply with the accelerated phase-out schedule both for production and consumption sectors as set out above, and based on that understanding, to also direct the Executive Committee of the Multilateral Fund to make the necessary changes to the eligibility criteria related to the post-1995 facilities and second conversions;

6. To direct the Executive Committee, in providing technical and financial assistance, to pay particular attention to Article 5 parties with low volume and very low volume consumption of HCFCs;

7. To direct the Executive Committee to assist parties in preparing their phase-out management plans for an accelerated HCFC phase-out;

8. To direct the Executive Committee, as a matter of priority, to assist Article 5 parties in conducting surveys to improve reliability in establishing their baseline data on HCFCs;

9. To encourage parties to promote the selection of alternatives to HCFCs that minimize environmental impacts, in particular impacts on climate, as well as meeting other health, safety and economic considerations;

10. To request parties to report regularly on their implementation of paragraph 7 of Article 2F of the Protocol;

11. To agree that the Executive Committee, when developing and applying funding criteria for projects and programmes, and taking into account paragraph 6, give priority to cost-effective projects and programmes which focus on, inter alia:

    (a) Phasing-out first those HCFCs with higher ozone-depleting potential, taking into account national circumstances;

    (b) Substitutes and alternatives that minimize other impacts on the environment, including on the climate, taking into account global-warming potential, energy use and other relevant factors;

    (c) Small and medium-size enterprises;

12. To agree to address the possibilities or need for essential use exemptions, no later than 2015 where this relates to Article 2 parties, and no later than 2020 where this relates to Article 5 parties;

13. To agree to review in 2015 the need for the 0.5 per cent for servicing provided for in paragraph 3, and to review in 2025 the need for the annual average of 2.5 per cent for servicing provided for in paragraph 4 (d);

14. In order to satisfy basic domestic needs, to agree to allow for up to 10% of baseline levels until 2020, and, for the period after that, to consider no later than 2015 further reductions of production for basic domestic needs;

15. In accelerating the HCFC phase-out, to agree that parties are to take every practicable step consistent with Multilateral Fund programmes, to ensure that the best available and environmentally-safe substitutes and related technologies are transferred from Article 2 parties to Article 5 parties under fair and most favourable conditions.

Decisions on essential uses

Decision IV/25: Essential uses

The *Fourth Meeting of the Parties* decided in *decision IV/25*:

1. To apply the following criteria and procedure in assessing an essential use for the purposes of control measures in Article 2 of the Protocol:

   (a) That a use of a controlled substance should qualify as "essential" only if:
   (i) It is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and
   (ii) There are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health;

   (b) That production and consumption, if any, of a controlled substance for essential uses should be permitted only if:
   (i) All economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and
   (ii) The controlled substance is not available in sufficient quantity and quality from existing stocks of banked or recycled controlled substances, also bearing in mind the developing countries' need for controlled substances;

   (c) That production, if any, for essential use, will be in addition to production to supply the basic domestic needs of the parties operating under paragraph 1 of Article 5 of the Protocol prior to the phase-out of the controlled substances in those countries;

2. To request each of the parties to nominate, in accordance with the criteria approved in paragraph 1 (a) of the present decision, any use it considers "essential", to the Secretariat at least six months for halons and nine months for other substances prior to each Meeting of the Parties that is to decide on this issue;

3. To request the Technology and Economic Assessment Panel and its Technical and Economic Options Committee to develop, in accordance with the criteria in paragraphs 1 (a) and 1 (b) of the present decision, recommendations on the nominations, after consultations with experts as necessary, regarding:

(a) The essential use (substance, quantity, quality, expected duration of essential use, duration of production or import necessary to meet such essential use);

(b) Economically feasible use and emission controls for the proposed essential use;

(c) Sources of already produced controlled substances for the proposed essential use (quantity, quality, timing); and

(d) Steps necessary to ensure that alternatives and substitutes are available as soon as possible for the proposed essential use;

4. To request the Technology and Economic Assessment Panel, while making its recommendations to take into account the environmental acceptability, health effects, economic feasibility, availability, and regulatory status of alternatives and substitutes;

5. To request the Technology and Economic Assessment Panel to submit its report, through the Secretariat, at least three months before the Meeting of the Parties in which a decision is to be taken. The subsequent reports will also consider which previously qualified essential uses should no longer qualify as essential;

6. To request the Open-ended Working Group of the parties to consider the report of the Technology and Economic Assessment Panel and make its recommendations to the Fifth Meeting of the Parties for halons and at the Sixth Meeting for all other substances for which an essential use is proposed;

7. That essential use controls will not be applicable to parties operating under paragraph 1 of Article 5 of the Protocol until the phase-out dates applicable to those parties.

Decision V/14: Essential uses of halons

The *Fifth Meeting of the Parties* decided in *decision V/14:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Halons Technical Options Committee pursuant to decision IV/25 of the Fourth Meeting of the Parties;

2. That no level of production or consumption is necessary to satisfy essential uses of halon in parties not operating under paragraph 1 of Article 5 of the Protocol, for the year 1994 since there are technically and economically feasible alternatives and substitutes for most applications, and since halon is available in sufficient quantity and quality from existing stocks of banked and recycled halon;

Decision V/18: Timetable for the submission and consideration of essential-use nominations

The *Fifth Meeting of the Parties* decided in *decision V/18:*

1. To request the parties to submit their nominations for each production and consumption exemption for substances other than halon for 1996 in accordance with decision IV/25, with the presumption that the Meeting of the Parties will be held on 1 September;

2. To modify the timetables in decision IV/25 for nominations for halon production and consumption exemptions for 1995 and subsequent years, and for nominations for production and consumption exemptions for substances other than halon for 1997 and subsequent years as follows: to set 1 January of each year as the last date for nominations for decisions taken in that year for any subsequent year;

3. To request the Technology and Economic Assessment Panel and its relevant Technical Options Committees to develop recommendations on the nominations and submit their report through the Secretariat by 31 March of that year;

4. To request the Open-ended Working Group of the parties to consider the report of the Technology and Economic Assessment Panel and make its recommendations to the subsequent Meeting of the Parties;

5. To request the Technology and Economic Assessment Panel to assemble and distribute a handbook on essential uses nominations including copies of relevant decisions, nomination instructions, summaries of past recommendations, and copies of nominations to illustrate possible formats and levels of technical detail.

Decision VI/8: Essential-use nominations for halons for 1995

The *Sixth Meeting of the Parties* decided in *decision VI/8,* that, for the year 1995 no level of production or consumption is necessary to satisfy essential uses of halons in parties not operating under paragraph 1 of Article 5 of the Protocol, since there are technically and economically feasible alternatives and substitutes for most applications, and since halons are available in sufficient quantity and quality from existing stocks of banked and recycled halons.

Decision VI/9: Essential-use nominations for controlled substances other than halons for 1996 and beyond

The *Sixth Meeting of the Parties* decided in *decision VI/9:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees pursuant to decision IV/25 of the Fourth Meeting of the Parties;

2. That, for 1996 and 1997 for parties not operating under paragraph 1 of Article 5 of the Protocol, levels of production or consumption necessary to satisfy essential uses of chlorofluorocarbons and 1,1,1-trichloroethane for: (i) metered dose inhalers (MDIs) for the treatment of asthma, chronic obstructive pulmonary disease (COPD), and for the delivery of leuprolide to the lungs and (ii) the Space Shuttle, are authorized as specified in annex I to the report of the Sixth Meeting of the Parties, subject to annual review of quantities; [see section 3.2 of this Handbook]

3. That for 1996 and 1997, for parties not operating under paragraph 1 of Article 5 of the Protocol, production or consumption necessary to satisfy essential uses of ozone-depleting substances for laboratory and analytical uses are authorized as specified in annex II to the report of the Sixth Meeting of the Parties; [see section 3.2 of this Handbook]

4. That parties shall endeavour to minimize use and emissions by all practical steps. In the case of metered dose inhalers, these steps include education of physicians and patients about other treatment options and good-faith efforts to eliminate or recapture emissions from filling and testing, consistent with national laws and regulations.

Decision VII/28: Essential-use nominations for controlled substances for 1996 and beyond

The *Seventh Meeting of the Parties* decided in *decision VII/28:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees pursuant to decision IV/25 of the Fourth Parties;

2. That, for 1996, 1997, 1998, 1999, 2000 and 2001 for parties not operating under paragraph 1 of Article 5 of the Protocol, levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113, CFC-114 and methyl chloroform are authorized as specified in annex VI to the report of the Seventh Meeting of the Parties [see section 3.2 of this Handbook], for metered-dose inhalers (MDIs) for asthma and chronic obstructive pulmonary disease, nasal dexamethasone, and specific cleaning, bonding and surface activation applications in rocket motor manufacturing for the United States Space Shuttle and Titan, subject to the following conditions:

   (a) The Technology and Economic Assessment Panel will review, annually, the quantity of controlled substances authorized and submit a report to the Meeting of the Parties in that year;

   (b) The Technology and Economic Assessment Panel will review, biennially, whether the applications for which exemption was granted still meets the essential-use criteria and submit a report, through the Secretariat, to the Meeting of the Parties in the year in which the review is made;

   (c) The parties granted essential use exemptions will reallocate, as decided by the parties, to other uses the exemptions granted or destroy any surplus ozone-depleting substances authorized for essential use but subsequently rendered unnecessary as a result of technical progress and market adjustments;

3. To urge the parties to collate, coordinate and evaluate the individual company nominations for future years before submitting these nominations to the Secretariat.

Decision VIII/9: Essential-use nominations ~~for parties not operating under Article 5~~ for controlled substances for 1997 through 2002

The *Eighth Meeting of the Parties* decided in *decision VIII/9:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees pursuant to decision IV/25 of the Fourth Meeting of the Parties and decisions VII/28 and VII/34 of the Seventh Meeting of the Parties;

2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114, for metered-dose inhalers (MDIs) for asthma and chronic obstructive pulmonary diseases and nasal dexamethasone, and halon-2402 for fire protection are authorized as specified in annex II to the report of the Eighth Meeting of the Parties [see section 3.2 of this Handbook], subject to the conditions established by the Seventh Meeting of the Parties in paragraph 2 of its decision VII/28;

3. To correct the errors introduced by the reports of the Technology and Economic Assessment Panel and its Technical Options Committees in the United States MDI nomination of CFC-12 and CFC-114 for the production year 1997 and its nomination of methyl chloroform for the production years 1996, 1997, 1998, 1999, 2000 and 2001 and to adjust the total amounts exempted to take into account the withdrawal of the New Zealand MDI nomination of CFC-11 and CFC-12 for production years 1996 and 1997, as specified in annex III to the report of the Eighth Meeting of the Parties; [see section 3.2 of this Handbook]

4. That for 1998, for parties not operating under Article 5 of the Protocol, production and consumption necessary to satisfy essential uses of controlled substances in Annexes A and B of the Protocol only for laboratory and analytical uses, as listed in annex IV to the

report of the Seventh Meeting of the Parties, are authorized, subject to the conditions applied to exemption for laboratory and analytical uses as contained in annex II to the report of the Sixth Meeting of the Parties;

5. To permit the transfer of essential-use authorizations for MDIs for 1997 between New Zealand and Australia on a one-time basis only;

6. To request the Technology and Economic Assessment Panel and its relevant Technical Options Committee to investigate the implications of allowing greater flexibility in the transfer of essential-use authorizations between parties;

7. To request the Technology and Economic Assessment Panel and its relevant Technical Options Committee to review and report, by 30 April 1997, on the implications of allowing the production of CFCs for medical applications on a periodic "campaign basis" to satisfy estimated future needs, rather than producing small quantities in each year. Consideration should be given in particular to the economic implications of such an allowance;

8. To revise the timetables in decision IV/25, as modified by decision V/18, for nominations for production and consumption exemptions for 1998 and subsequent years, as follows: to set 31 January of each year as the last date for nominations for decisions to be taken in that year for production or consumption in any subsequent year; and to request the Technology and Economic Assessment Panel and its relevant Technical Options Committees to develop recommendations on the nominations and submit their report through the Secretariat by 30 April of that year; however, for 1997 the report will be submitted by 1 April 1997;

9. To approve the format for reporting quantities and uses of ozone-depleting substances produced and consumed for essential uses as set out in annex IV to the report of the Eighth Meeting of the Parties [see section 3.2 of this Handbook] and beginning in 1998 to request each of the parties that have had essential-use exemptions granted for previous years, to submit their report in the approved format by 31 January of each year;

10. To allow the Secretariat, in consultation with the Technology and Economic Assessment Panel, to authorize, in an emergency situation, if possible by transfer of essential-use exemptions, consumption of quantities not exceeding 20 tonnes of ODS for essential uses on application by a party prior to the next scheduled Meeting of the Parties. The Secretariat should present this information to the next Meeting of the Parties for review and appropriate action by the parties.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision IX/18: Essential-use nominations for non-Article 5 parties for controlled substances for 1998 and 1999

The *Ninth Meeting of the Parties* decided in *decision IX/18:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114, for metered-dose inhalers (MDIs) for asthma and chronic obstructive pulmonary diseases, and halon-2402 for fire protection are authorized as specified in annex VI to the report of the Ninth Meeting of the Parties [see section 3.2 of this Handbook], subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

3. To approve the authorization by the Secretariat of the emergency use of 3 tonnes for 1997 for CFC-12 for sterile aerosol talc submitted as an essential-use nomination by United States of America.

Decision X/6: Essential-use nominations for non-Article 5 parties for controlled substances for 1999 and 2000

The *Tenth Meeting of the Parties* decided in *decision X/6:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its technical options committees;

2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-114, for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases, CFC-113 for use in the coating of cardiovascular surgical material and halon-2402 for fire protection are authorized as specified in annex I to the report of the Tenth Meeting of the Parties [see section 3.2 of this Handbook], subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

3. To agree that the remaining quantity of methyl chloroform authorized for the United States at previous meetings of the parties be made available for use in manufacturing solid rocket motors until such time as the 1999–2001 quantity of 176.4 tonnes (17.6 ODP-weighted tonnes) allowance is depleted, or until such time as safe alternatives are implemented for remaining essential uses;

4. To approve the authorization by the Secretariat in consultation with the Technology and Economic Assessment Panel of the emergency uses of 1.7 tonnes of CFC-113 for 1997 and 1998 for torpedo maintenance submitted as an essential-use nomination by Poland;

5. That the quantities approved under paragraph 2 above and all future approvals are for total CFC volumes with flexibility between CFCs within each group.

Decision XI/14: Essential-use nominations ~~for non-Article 5 parties~~ for controlled substances for 2000 and 2001

The *Eleventh Meeting of the Parties* decided in *decision XI/14:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. That the levels of production and consumption necessary to satisfy essential uses of CFC-11, CFC-12, CFC-113 and CFC-14 for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases, CFC-113 for torpedo maintenance, and halon-2402 for fire protection are authorized as specified in annex VII to the report of the Eleventh Meeting of the Parties [see section 3.2 of this Handbook], subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

3. That the quantities approved in paragraph 2 above and all future approvals are for total CFC volumes with flexibility between CFCs within each group.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision XII/9: Essential-use nominations for non-Article 5 parties for controlled substances for 2001 and 2002

The *Twelfth Meeting of the Parties* decided in *decision XII/9:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. That the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases and CFC-113 for torpedo maintenance are authorized as specified in annex I to the report of the Twelfth Meeting of the Parties [see section 3.2 of this Handbook], subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28.

Decision XIII/8: Essential-use nominations for non-Article 5 parties for controlled substances for the year 2002 and beyond

The *Thirteenth Meeting of the Parties* decided in *decision XIII/8:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. To authorize the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers (MDIs) for asthma and chronic obstructive pulmonary disease and CFC-113 for torpedo maintenance as specified in annex I to the report of the 13th Meeting of the Parties. [See section 3.2 of this Handbook.]

Decision XIV/4: Essential-use nominations for non-Article 5 parties for controlled substances for 2003 and 2004

The *Fourteenth Meeting of the Parties* decided in *decision XIV/4:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. To authorize the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases as specified in annex I to the report of the Fourteenth Meeting of the Parties [see section 3.2 of this Handbook], subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28.

Decision XV/4: Essential use nominations for non-Article 5 parties for controlled substances for 2004 and 2005

The *Fifteenth Meeting of the Parties* decided in *decision XV/4:*

1. To note with appreciation the excellent work done by the Technology and Economic Assessment Panel and its Technical Options Committees;

2. To authorize the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases as well as for laboratory and analytical uses as specified in annex I to the report of the Fifteenth Meeting of the Parties [see section 3.2 of this Handbook], subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

3. To note that two parties, the European Community and Poland, had requested emergency exemptions for laboratory and analytical uses, which had been approved by the Ozone Secretariat, in consultation with the Technology and Economic Assessment Panel, in accordance with the procedure set forth in paragraph 10 of decision VIII/9. The following amounts were approved:
   – Poland: 2.05 tonnes of CFC-113 and carbon tetrachloride for 2003;

– European Community: 0.025 ODP-tonnes of hydrobromofluorocarbons and bromochloromethane for 2003 and 2004.

Decision XVI/12: Essential-use nominations for parties not operating under paragraph 1 of Article 5 of the Montreal Protocol for controlled substances for 2005 and 2006

The *Sixteenth Meeting of the Parties* decided in *decision XVI/12:*

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

1. To authorize the levels of production and consumption necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary diseases as specified in the annex to this decision [see section 3.2 of this Handbook], subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28 and subject to a second review of the 2006 levels consistent with decision XV/5;

2. To urge the Technology and Economic Assessment Panel to specify in the Handbook on Essential Use Nominations that a nominating party may submit in its nomination data aggregated by region and product group for CFC-containing metered-dose inhalers intended for sale in parties operating under paragraph 1 of Article 5 when more specific data are not available;

3. That, in the light of the fact that Aerosol Technical Options Committee's recommendations for future essential-use exemptions are based on past stock level information, parties, when preparing essential use nominations for CFCs, should give due consideration to existing stocks, whether owned or agreed to be acquired from a metered-dose inhaler manufacturer, of banked or recycled controlled substances as described in paragraph 1 (b) of decision IV/25, with the objective of maintaining no more than one year's operational supply.

Decision XVII/5: Essential-use nominations for parties not operating under paragraph 1 of Article 5 for controlled substances for 2006 and 2007

The *Seventeenth Meeting of the Parties* decided in *decision XVII/5:*

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

Noting with appreciation the progress made since the adoption of decision XV/5 by parties not operating under paragraph 1 of Article 5 of the Montreal Protocol in establishing a certain date by which they will cease submitting nominations for metered-dose inhalers where the sole active ingredient is salbutamol,

Recalling paragraph 6 of decision XV/5 relating to the phase-out of chlorofluorocarbons for metered-dose inhalers where the active ingredient is not solely salbutamol,

1. To authorize the levels of production and consumption for 2006 and 2007 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; [see section 3.2 of this Handbook]

2. That parties not operating under paragraph 1 of Article 5 of the Montreal Protocol, when licensing, authorizing, or allocating essential-use exemptions for chlorofluorocarbons for a manufacturer, shall take into account pre- and post-~~1996~~phase-out stocks of

controlled substances as described in paragraph 1 (b) of decision IV/25, such that no more than a one-year operational supply is maintained by that manufacturer;

3. With reference to paragraph 6 of decision XV/5, to request that parties not operating under paragraph 1 of Article 5 of the Montreal Protocol submit a date to the Ozone Secretariat prior to the Eighteenth Meeting of the Parties by which time a regulation or regulations to determine the non-essentiality of the vast majority of chlorofluorocarbons for metered-dose inhalers where the active ingredient is not solely salbutamol will have been proposed;

3 *bis* With reference to paragraph 6 of decision XV/5, to request that parties operating under paragraph 1 of Article 5 of the Montreal Protocol submit a date to the Ozone Secretariat prior to the Twenty-Second Meeting of the Parties, by which time a regulation or regulations to determine the non-essentiality of the vast majority of chlorofluorocarbons for metered-dose inhalers where the active ingredient is not solely salbutamol will have been proposed.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision XVIII/7: Essential-use exemptions for parties ~~not operating under paragraph 1 of Article 5~~ for controlled substances for 2007 and 2008

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/7:*

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

Taking into account the Technology and Economic Assessment Panel's expectation that production of metered-dose inhalers containing chlorofluorocarbons should cease by the end of 2009 and, based on its analysis and monitoring of the transition to chlorofluorocarbon-free treatments of asthma and chronic obstructive pulmonary disease over the last decade, the Panel's assessment that global phase-out of chlorofluorocarbon-based metered-dose inhalers will be achievable by 2010,

Considering the Technology and Economic Assessment Panel's conclusion that technically satisfactory alternatives to chlorofluorocarbon-based metered-dose inhalers are available for short-acting beta-agonists and other therapeutic categories for asthma and chronic obstructive pulmonary disease,

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

Welcoming the fact that the United States has demonstrated its commitment in its domestic process to allocate only the minimal amount necessary to protect public health, having issued a proposed regulation that would allocate 125.3 tons for 2007,

Mindful that paragraph 8 of decision XII/2 allows the transfer of chlorofluorocarbons between metered-dose inhaler companies,

1. To authorize the levels of production and consumption for 2007 and 2008 necessary to satisfy essential uses of chlorofluorocarbons for the production of metered-dose inhalers for asthma and chronic obstructive pulmonary disease specified in annex III to the report of the Eighteenth Meeting of the Parties; [see section 3.2 of this Handbook]

2. That parties ~~not operating under paragraph 1 of Article 5 of the Montreal Protocol~~, when licensing, authorizing, or allocating essential-use exemptions for chlorofluorocarbons for a manufacturer of metered-dose inhalers for asthma and chronic obstructive pulmonary diseases, shall take into account pre-and post-~~1996~~phase-out stocks of controlled substances as described in paragraph 1 (b) of decision IV/25, such that no more than a one-year operational supply is maintained by the manufacturer;

3. That parties ~~not operating under Article 5~~ will request companies applying for metered-dose inhaler essential use exemptions to demonstrate that they are making efforts, with all due diligence, on research and development with respect to chlorofluorocarbon-free alternatives to their products and are diligently seeking approval of their chlorofluorocarbon-free alternatives in their domestic and export markets aimed at transitioning those markets away from the chlorofluorocarbon products.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision XVIII/8: Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation for 2007

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/8:*

Recalling that the Russian Federation has submitted a nomination for an essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation,

Noting that the nomination by the Russian Federation was submitted on 15 April 2006, several weeks after the deadline required for the essential use exemption process set out in decision IV/25,

Regretting that the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee were not provided sufficient time to review that nomination in detail and report to the parties three months ahead of the Eighteenth Meeting of the Parties in accordance with the time schedule prescribed,

Recalling that consultations took place between the Technology and Economic Assessment Panel and the Russian Federation during the twenty-sixth meeting of the Open-ended Working Group and thereafter and that, following such consultations, the Technology and Economic Assessment Panel stated in its May 2006 progress report that parties might wish to consider granting the Russian Federation a one-year essential use exemption,

Taking into account the information already made available by the Russian Federation in relation to its nomination for an essential use exemption for aerospace applications, which contains data on the anticipated gradual reduction of the party's expected needs until 2010,

Recalling that the Russian Federation has indicated that the amount of ozone-depleting substances being used for aerospace applications has been constantly decreasing owing to research into and transition to alternative ozone-safe substances and technologies and that the amount of chlorofluorocarbon-113 being used has been reduced from 241 metric tonnes in 2001 to 160 metric tonnes in 2006,

1. To permit the Russian Federation a level of production and consumption of 150 metric tonnes of chlorofluorocarbon-113 for its essential use in the aerospace industry of the Russian Federation in 2007;

2. To request the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee to complete a comprehensive assessment of the information made available in the nomination submitted by the Russian Federation and, on the basis

of any additional information that may be required from the Russian Federation, to conclude its analysis taking into account that the information underlying such analysis should address comprehensively the reason why existing alternatives to CFC-113 would not be applied for the use concerned;

3. To call upon the Russian Federation to continue to cooperate closely with the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee further to the present decision and to submit, in accordance with the requirements of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee, the additional detailed technical information mentioned in paragraph 2 on the use of chlorofluorocarbon-113 that may be required until the completion of the assessment;

4. To request the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee to review all the information provided, as specified in paragraphs 2 and 3, and present the results of that review to the Open-ended Working Group at its twenty-seventh meeting, in 2007;

5. To call upon the Russian Federation:

   (a) To consider further the use of foreign sources of chlorofluorocarbon-113 stockpiles identified by the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee as a contribution for addressing the needs mentioned under paragraph 1 or any possible future needs;

   (b) To consider further the possibility of, and a timetable for, introducing the use of any new alternatives to chlorofluorocarbon-113 that become available and to continue its research and development activities with a view to finding new alternatives;

5. To further call upon the Russian Federation to provide in due time to the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee, for the purpose of any future nomination of that party for essential-use exemptions for chlorofluorocarbon-113 in relation to aerospace applications, comprehensive information in accordance with the conditions set out in decision IV/25;

7. To take into consideration the outcome of the continued consultations mentioned in paragraphs 2 to 4 between the Russian Federation and the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee on the amount authorized for essential uses in 2007, in reviewing any possible additional nomination by the Russian Federation for aerospace applications for 2008.

Decision XIX/13: Essential-use nominations ~~for parties not operating under paragraph 1 of Article 5~~ for controlled substances for 2008 and 2009

The *Nineteenth Meeting of the Parties* decided in *decision XIX/13*:

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 (CFCs) 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 Technology and Economic Assessment Panel's conclusion that technically satisfactory alternatives to chlorofluorocarbon-based metered-dose inhalers are available for short-acting beta-agonists and other therapeutic categories for asthma and chronic obstructive pulmonary disease,

Mindful that paragraph 8 of decision XII/2 allows the transfer of CFCs between metered-dose inhaler companies,

Welcoming the continued progress in several parties not operating under paragraph 1 of Article 5 in reducing their reliance on CFC-containing metered-dose inhalers as alternatives are developed, receive regulatory approval and are marketed for sale,

1. To authorize the levels of production and consumption for 2008 and 2009 necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary disease specified in the annexes to the present decision; [see section 3.2 of this Handbook]

2. That parties ~~not operating under paragraph 1 of Article 5 of the Montreal Protocol~~, when licensing, authorizing or allocating essential-use exemptions for a manufacturer of metered-dose inhalers, shall ensure, in accordance with paragraph 1 (b) of decision IV/25, that pre- and post-~~1996~~phase-out stocks of controlled substances are taken into account such that no more than a one-year operational supply is maintained by the manufacturer;

3. That parties ~~not operating under paragraph 1 of Article 5 of the Montreal Protocol~~ will request each company, consistent with paragraph 1 of decision VIII/10, to notify the relevant authority, for each metered-dose inhaler product for which the production of CFCs is requested, of:

   (a) The company's commitment to the reformulation of the concerned products;

   (b) The timetable in which each reformulation process may be completed;

   (c) Evidence that the company is diligently seeking approval of any chlorofluorocarbon-free alternative(s) in its domestic and export markets and transitioning those markets away from its chlorofluorocarbon products;

4. The parties listed in annex A to the present decision [see section 3.2 of this Handbook] shall not nominate for the production of essential use volumes of CFCs for the manufacture of metered-dose inhalers in 2010 or any year thereafter.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision XIX/14: Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation

The *Nineteenth Meeting of the Parties* decided in *decision XIX/14*:

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

Taking into consideration that adequate identified alternatives for chlorofluorocarbon-113 (CFC-113) do not currently exist for use in the aerospace industry of the Russian Federation and that the search for its alternatives continues, as confirmed in the 2006 assessment report of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee,

Noting the readiness of the Russian Federation to explore the possibility of importing CFC-113 for its aerospace industry needs from available global stocks in accordance with the recommendations of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee,

Also noting that the Russian Federation is ready to receive prior to February 2008 a small group of experts in replacing ozone-depleting substance solvents in the aerospace industry nominated by the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee with the aim of evaluating the applications and recommending proven alternatives where possible,

1. To authorize the levels of production and consumption of CFC-113 in the Russian Federation for essential-use exemptions for chlorofluorocarbons in its aerospace industry in the amount of 140 metric tonnes in 2008;

2. To authorize the volume of 130 metric tonnes of CFC-113 nominated for 2009 by the Russian Federation provided that no alternatives are identified by the Technology and Economic Assessment Panel that can be implemented by 2009;

3. To request the Russian Federation to explore further the possibility of importing CFC-113 for its aerospace industry needs from available global stocks in accordance with the recommendations of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee.

Decision XX/2: Essential-use nominations for parties not operating under paragraph 1 of Article 5 for controlled substances for 2009 and 2010

The *Twentieth Meeting of the Parties* decided in *decision XX/2*:

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 Technology and Economic Assessment Panel's conclusion that technically satisfactory alternatives to chlorofluorocarbon-based metered-dose inhalers are available for short-acting beta-agonists and other therapeutic categories for asthma and chronic obstructive pulmonary disease,

Mindful that paragraph 8 of decision XII/2 allows the transfer of chlorofluorocarbons between metered-dose inhaler companies,

Welcoming the continued progress in several parties not 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,

1. To authorize the levels of production and consumption for 2009 and 2010 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;
[see section 3.2 of this Handbook]

2. That parties not operating under paragraph 1 of Article 5 of the Montreal Protocol, when licensing, authorizing or allocating essential-use exemptions for a manufacturer of metered dose inhalers, shall ensure, in accordance with paragraph 1 (b) of decision IV/25,

that pre-1996 and post-1996 stocks of controlled substances are taken into account such that no more than a one-year operational supply is maintained by themanufacturer.

Decision XX/3: Essential-use exemptions for parties operating under paragraph 1 of Article 5

The *Twentieth Meeting of the Parties* decided in *decision XX/3*:

Mindful of the impending 2010 phase-out of certain controlled substances in parties operating under paragraph 1 of Article 5,

Desiring to implement effectively paragraph 7 of decision IV/25 and make the currently used essential-use exemption process and related decisions fully applicable to both parties operating under paragraph 1 of Article 5, subject to the phase-out dates applicable to those parties, and parties not so operating,

Taking into consideration that some parties operating under paragraph 1 of Article 5 may prepare essential-use nominations for the first time and may therefore face difficulties in doing so,

1. To make the following modifications to the decisions noted below:

   (a) To remove reference to the term "not operating under Article 5" or, "for non-Article 5 parties" from the following titles and provisions of the following past decisions of the parties:
   (i) Title of decisions VIII/9, VIII/10, VIII/11, XI/14, XVII/5, XVIII/7, XIX/13;
   (ii) Decision VIII/10, first line of paragraphs 1–9;
   (iii) Decision XV/5, paragraphs 2, 3, 5(a) and 6;
   (iv) Decision XVIII/7, paragraphs 2 and 3;
   (v) Decision XVIII/16, first line of paragraph 7;

   (b) To remove reference to the term "not operating under Article 5 of the Montreal Protocol" from the following titles and provisions of the following past decisions of the parties:
   (i) Decision XVII/5, paragraph 2;
   (ii) Decision XIX/13, paragraphs 2 and 3;

   (c) To remove and replace reference to the date "1996" with the term "phase-out" in the following provisions of past decisions of the parties:
   (i) Decision XVII/5, paragraph 2;
   (ii) Decision XVIII/7, paragraph 2;
   (iii) Decision XIX/13, paragraph 2;

   (d) To add a new paragraph after paragraph 3 of decision XVII/5 to read as follows:
   3 *bis*. With reference to paragraph 6 of decision XV/5, to request that parties operating under paragraph 1 of Article 5 of the Montreal Protocol submit a date to the Ozone Secretariat prior to the Twenty-Second Meeting of the Parties, by which time a regulation or regulations to determine the non-essentiality of the vast majority of chlorofluorocarbons for metered-dose inhalers where the active ingredient is not solely salbutamol will have been proposed;

   (e) To add a new paragraph after paragraph 5 of decision IX/19 to read as follows:
   5 *bis*. To require parties operating under paragraph 1 of Article 5 submitting essential-use nominations for chlorofluorocarbons for metered-dose inhalers for the treatment of asthma and chronic obstructive pulmonary disease to present to the Ozone Secretariat an initial national or regional transition

strategy by 31 January 2010 for circulation to all parties. Where possible, parties operating under paragraph 1 of Article 5 are encouraged to develop and submit to the Secretariat an initial transition strategy by 31 January 2009. In preparing a transition strategy, parties operating under paragraph 1 of Article 5 should take into consideration the availability and price of treatments for asthma and chronic obstructive pulmonary disease in countries currently importing chlorofluorocarbon-containing metered-dose inhalers;

(f) To add a new paragraph after paragraph 2 of decision XII/2 to read as follows:

2 *bis*. That any chlorofluorocarbon metered-dose inhaler product approved after 31 December 2008, excluding any product in the process of registration and approved by 31 December 2009, for treatment of asthma and/or chronic obstructive pulmonary disease in a party operating under paragraph 1 of Article 5, is not an essential use, unless the product meets the criteria set out in paragraph 1 (a) of decision IV/25;

(g) To add a new paragraph after paragraph 4 of decision XV/5 to read as follows:

4 *bis*. That no quantity of chlorofluorocarbons for essential uses shall be authorized after the commencement of the Twenty-First Meeting of the Parties if the nominating party operating under paragraph 1 of Article 5 has not submitted to the Ozone Secretariat, in time for consideration by the parties at the twenty-ninth meeting of the Open-ended Working Group, a preliminary plan of action regarding the phase-out of the domestic use of chlorofluorocarbon-containing metered-dose inhalers where the sole active ingredient is salbutamol;

2. That both the parties submitting nominations for essential-use exemptions and the Technology and Economic Assessment Panel reviewing nominations for essential-use exemptions shall consider the decisions noted above in their amended form when considering essential-use nominations in 2009 and beyond, subject to any further future decisions of the parties;

3. To request the Secretariat to include the changes above in the relevant decisions of the parties contained in the Montreal Protocol handbook at the time of its next revision, and to note in that handbook that the related decisions include the modifications adopted by the present decision; [these changes have been indicated in the relevant decisions in ~~strikethrough~~ and underline for deleted and added text]

4. To request the Technology and Economic Assessment Panel to reflect paragraphs 1–3 above in a revised version of the handbook on essential-use nominations and to submit, for consideration by parties, suggestions for any appropriate changes to the handbook and the timing to make such changes.

Decision XXI/4: Essential-use nominations for controlled substances for 2010

The *Twenty-First Meeting of the Parties* decided in *decision XXI/4*:

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

Taking into account the Technology and Economic Assessment 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 Meeting of the Parties is for the first time considering essential use nominations submitted by parties operating under paragraph 1 of Article 5,

Noting also that the Medical Technical Options Committee stated in its report that it had difficulty assessing some of the 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 further that notwithstanding insufficient information referred to in the preceding paragraph the Medical Technical Options Committee gave due consideration to the health and safety of patients in 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,

1. To authorize the levels of production and consumption for 2010 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; [see section 3.2 of this Handbook]

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 2010 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 2010 to notify the Ozone Secretariat of such quantities and a contact point by 31 December 2009;

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

6. To request the Executive Committee to consider at its next meeting reviewing both of the chlorofluorocarbon production phase-out agreements with China and India with a view to allowing production of pharmaceutical-grade chlorofluorocarbons to meet the authorized levels of production and consumption specified in the annex to the present decision and any authorized amounts in the future years;

7. 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 of metered-dose inhalers, as authorized in paragraph 1 above, either from imports or from domestic producers or from existing stockpiles;

8. To request the Technology and Economic Assessment Panel and its Medical Technical Options Committee to organize and undertake a mission of experts to examine the technical, economic and administrative issues affecting the transition from CFC metered dose inhalers to CFC-free alternatives in the Russian Federation, and to report the results of this mission to the meeting of the thirtieth Open-ended Working Group. The Technology and Economic Assessment Panel is requested to examine:

   a. The status of transition in the enterprises manufacturing CFC MDIs;

   b. Technical, financial, logistical, administrative or other barriers to transition;

   c. Possible options to overcome any barriers and facilitate the transition.

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

The *Twenty-First Meeting of the Parties* decided in *decision XXI/5*:

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

Taking into consideration that adequate identified alternatives for chlorofluorocarbon-113 (CFC-113) do not currently exist for use in the aerospace industry of the Russian Federation and that the search for its alternatives continues, as confirmed in the 2006 assessment report of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee and in informal meetings with experts from the Russian Federation,

Noting that the Russian Federation continues to explore the possibility of importing CFC-113 for its aerospace industry needs from available global stocks in accordance with the recommendations of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee,

Noting that the Russian Federation is successful in reducing use and emissions on the timetable of technical transformation developed in collaboration with the Chemical Technical Options Committee,

1. To authorize the levels of production and consumption of CFC-113 in the Russian Federation for essential-use exemptions for chlorofluorocarbons in its aerospace industry in the amount of 120 metric tonnes in 2010;

2. To request the Russian Federation to explore further the possibility of importing CFC-113 for its aerospace industry needs from available global stocks in accordance with the recommendations of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee;

3. To encourage the Russian Federation to continue its efforts to explore alternatives and substitutes and to use best practices to minimize emissions.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/4*:

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; [see section 3.2 of this Handbook]

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.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/5*:

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.

Decision XXIII/2: Essential-use nominations for controlled substances for 2012

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/2*:

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,

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

1. To authorize the levels of production and consumption for 2012 necessary to satisfy essential uses of chlorofluorocarbons for metered-dose inhalers for asthma and chronic obstructive pulmonary disease specified in the annex to the present decision; [see section 3.2 of this Handbook]

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 indecision 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 2012 to consider sourcing required pharmaceutical-grade chlorofluorocarbons initially from stockpiles where they are available and accessible, provided that such stockpiles are used subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

4. To encourage parties with stockpiles of pharmaceutical-grade chlorofluorocarbons potentially available for export to parties with essential-use exemptions in 2012 to notify the Secretariat of such quantities and of a contact point by 31 December 2011;

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 request parties to consider domestic regulations to ban the launch or sale of new chlorofluorocarbon-based metered-dose inhaler products, even if such products have been approved;

8. To encourage parties to fast-track their administration processes for the registration of metered-dose inhaler products in order to speed up the transition to chlorofluorocarbon-free alternatives;

9. To approve the authorization granted Mexico by the Secretariat, in consultation with the Technology and Economic Assessment Panel, for the emergency essential-use of six metric tonnes of pharmaceutical-grade CFC-12 for the production of metered-dose inhalers, to cover the period 2011–2012.

Decision XXIII/3: Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/3*:

Taking note of 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 that the Russian Federation has presented the Chemical Technical Options Committee with the requested information and explanations regarding the current and future situation in relation to the use of CFC-113 in the aerospace industry,

Noting that the Committee has reported that the new nomination of the Russian Federation satisfies, in principle, the criteria to qualify as essential use under the decision IV/25, including the absence of available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health,

Noting that the Committee recommends the acceleration of efforts to introduce appropriate alternatives, to investigate materials compatible with alternatives, and the adoption of newly designed equipment to complete the phase-out of CFC-113 within an accelerated time schedule,

1. To authorize an essential-use exemption for the production and consumption in 2012 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 of the required quality for its aerospace industry needs from available global stocks as recommended by the Technology and Economic Assessment Panel;
3. To request the Russian Federation to accelerate its efforts to introduce alternative solvents in order to gradually reduce consumption of the CFC-113 in the aerospace industry to a maximum of 75 tons in 2015;
4. To request the Russian Federation to provide as part of its next essential-use exemption nomination a final phase-out plan with an expected end-date, the gradual reduction steps and information on the source of the CFC-113.

Decision XXIV/3: Essential-use nominations for controlled substances for 2013

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/3*:

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 (CFCs) 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 CFC-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,

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

Taking into account the additional information provided to the parties by China during the Twenty-Fourth Meeting of the Parties concerning the use of CFCs in traditional Chinese medicine in remote areas,

1. To authorize the levels of production and consumption for 2013 necessary to satisfy essential uses of CFCs for metered-dose inhalers for asthma and chronic obstructive pulmonary disease 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 2013 to consider sourcing required pharmaceutical-grade CFCs initially from stockpiles where they are available and accessible, provided that such stockpiles are used subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;
4. To encourage parties with stockpiles of pharmaceutical-grade CFCs potentially available for export to parties with essential-use exemptions in 2013 to notify the Ozone Secretariat of such quantities and of a contact point by 31 December 2012;
5. To request the Secretariat to post on its website details of the potentially available stocks referred to in the paragraph 4 of the present decision;
6. That the parties listed in the annex to the present decision shall have full flexibility in sourcing the quantity of pharmaceutical-grade CFCs to the extent required for manufacturing metered-dose inhalers, as authorized in paragraph 1 of the present decision, from imports, from domestic producers or from existing stockpiles;
7. To request parties to consider domestic regulations to ban the launch or sale of new CFC-based metered-dose inhaler products, even if such products have been approved;
8. To encourage parties to fast-track their administration processes for the registration of metered-dose inhaler products in order to speed up the transition to chlorofluorocarbon-free alternatives;
9. To request China, if it should nominate again in 2013 the use of CFC to be used in traditional Chinese medicine in remote areas, to provide more information about the absence of alternatives in the region, the phase out efforts undertaken for this use and other relevant information necessary to allow the Medical Technical Options Committee to evaluate the case fully.

Annex

Essential-use authorizations for 2013 of chlorofluorocarbons for metered-dose inhalers

(Metric tonnes)

Parties	2013
China	388.82
Russian Federation	212

Decision XXIV/4: Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/4*:

Noting that the Chemical Technical Options Committee has concluded that the nomination of the Russian Federation satisfies the criteria to qualify as essential use under decision IV/25, including the absence of available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health,

Noting also that the Chemical Technical Options Committee recommended the acceleration of efforts to introduce appropriate alternatives to investigate materials compatible with alternatives and the adoption of newly designed equipment to complete the phase-out of chlorofluorocarbon-113 (CFC-113) within agreed time schedule,

Noting that the Russian Federation provided in its essential-use exemption nomination a final phase-out plan and nominated 2016 as the final date for CFC-113 use in this application,

Noting also that the Russian Federation is continuing its efforts to introduce alternative solvents in order to gradually reduce consumption of CFC-113 in the aerospace industry to a maximum of 75 metric tonnes in 2015,

1. To authorize an essential-use exemption for the production and consumption in 2013 of 95 metric tonnes of CFC-113 in the Russian Federation for chlorofluorocarbon applications in its aerospace industry;

2. To request the Russian Federation to continue its efforts to follow up the CFC-113 final phase-out plan and explore further the possibility of importing CFC-113 of the required quality for its aerospace industry needs from available global stocks as recommended by the Chemical Technical Options Committee of the Technology and Economic Assessment Panel.

Decision XXV/2: Essential-use nominations for controlled substances for 2014

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/2*:

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 with concern the delay in the implementation of the conversion project in the Russian Federation,

Welcoming the fact that the Russian Federation does not intend to submit nominations beyond 2014,

Welcoming also the continued progress of 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,

1. To authorize the levels of production and consumption for 2014 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 provide the Medical Technical Options Committee with information to enable the assessment of essential-use nominations, in accordance with the criteria contained 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 2014 to consider initially sourcing required pharmaceutical-grade chlorofluorocarbons from stockpiles where they are available and accessible, provided that such stockpiles are used subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;

4. To encourage parties with stockpiles of pharmaceutical-grade chlorofluorocarbons potentially available for export to parties with essential-use exemptions in 2014 to notify the Ozone Secretariat of those quantities and to provide it with the details of a contact point by 31 December 2013;

5. To request the Secretariat to post on its website details of the potentially available stocks referred to in paragraph 4 of the present decision;

6. To urge the Russian Federation to expedite its conversion project with a view to phasing out chlorofluorocarbons;

7. That 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 of the present decision, from imports, from domestic producers or from existing stockpiles;

8. To request that parties consider domestic regulations to ban the launch or sale of new chlorofluorocarbon-based metered-dose inhaler products, even if such products have been approved;

9. To encourage parties to fast-track their administration processes for the registration of metered-dose inhaler products in order to speed up the transition to chlorofluorocarbon-free alternatives.

Annex

Essential-use authorizations for 2014 of chlorofluorocarbons for metered-dose inhalers

(Metric tonnes)

Party	2014
China	235.05
Russian Federation	212

Decision XXV/3: Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/3*:

Noting the evaluation and recommendation of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee on the essential-use nomination for chlorofluorocarbon-113 for aerospace applications,

Noting also that the Russian Federation continues to explore the possibility of importing chlorofluorocarbon-113 for its aerospace industry needs from available global stocks,

Noting further that the Russian Federation has been successful in reducing use and emissions in line with the technical adaptation timetable developed in collaboration with the Chemicals Technical Options Committee,

1. To authorize the levels of production and consumption of chlorofluorocarbon-113 in the Russian Federation for essential-use exemptions for chlorofluorocarbons in its aerospace industry in the amount of 85 metric tonnes in 2014;

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

3. To encourage the Russian Federation to continue its efforts to introduce alternative solvents and adopt newly designed equipment, with a view to completing the phase-out of chlorofluorocarbon-113 by 2016.

Decision XXVI/3: Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/3*:

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

Noting also that the Russian Federation is successfully continuing efforts to introduce alternative solvents in its aerospace industry,

Noting further that the Russian Federation has been successful in reducing use and emissions in line with the technical adaptation timetable developed in collaboration with the Chemicals Technical Options Committee,

1. To authorize the production and consumption of chlorofluorocarbon-113 in the Russian Federation for essential uses in its aerospace industry in the amount of 75 metric tonnes in 2015;

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

3. To encourage the Russian Federation to continue its efforts to introduce alternative solvents, adopt newly designed equipment and complete the phase-out of chlorofluorocarbon-113 by 2016.

Decisions on essential uses: laboratory and analytical uses

Decision VI/9: Essential-use nominations for controlled substances other than halons for 1996 and beyond

The *Sixth Meeting of the Parties* decided in *decision VI/9:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees pursuant to decision IV/25 of the Fourth Meeting of the Parties;

2. That, for 1996 and 1997 for parties not operating under paragraph 1 of Article 5 of the Protocol, levels of production or consumption necessary to satisfy essential uses of chlorofluorocarbons and 1,1,1–trichloroethane for: (i) metered dose inhalers (MDIs) for the treatment of asthma, chronic obstructive pulmonary disease (COPD), and for the delivery of leuprolide to the lungs and (ii) the Space Shuttle, are authorized as specified in annex I to the report of the Sixth Meeting of the Parties, subject to annual review of quantities; [see section 3.2 of this Handbook]

3. That for 1996 and 1997, for parties not operating under paragraph 1 of Article 5 of the Protocol, production or consumption necessary to satisfy essential uses of ozone-depleting substances for laboratory and analytical uses are authorized as specified in annex II to the report of the Sixth Meeting of the Parties; [see section 3.2 of this Handbook]

4. That parties shall endeavour to minimize use and emissions by all practical steps. In the case of metered dose inhalers, these steps include education of physicians and patients about other treatment options and good-faith efforts to eliminate or recapture emissions from filling and testing, consistent with national laws and regulations.

Decision VII/11: Laboratory and analytical uses

The *Seventh Meeting of the Parties* decided in *decision VII/11:*

1. To note with appreciation the work done by the Laboratory and Analytical Uses Working Group of the Technology and Economic Assessment Panel;

2. To urge parties to organize National Consultative Committees to review and identify alternatives to laboratory and analytical uses and to encourage the sharing of information concerning alternatives and their wider use;

3. To encourage national standards organizations to identify and review those standards which mandate the use of ozone-depleting substances in order to adopt where possible ODS-free solvents and technologies;

4. To urge parties to develop an international labelling scheme and encourage its voluntary adoption to stimulate awareness of the issue;

5. To adopt an illustrative list of laboratory uses as specified in annex IV of the report of the Seventh Meeting of the Parties [see section 3.2 of this Handbook] to facilitate reporting as required by decision VI/9 of the Sixth Meeting of the Parties;

6. To exclude the following uses from the global essential-use exemption, as they are not exclusive to laboratory and analytical uses and/or alternatives are available:

   (a) Refrigeration and air-conditioning equipment used in laboratories, including refrigerated laboratory equipment such as ultra-centrifuges;

   (b) Cleaning, reworking, repair, or rebuilding of electronic components or assemblies;

(c) Preservation of publications and archives; and

(d) Sterilization of materials in a laboratory;

7. To request the Technology and Economic Assessment Panel to evaluate the current status of use of controlled substances and alternatives and report progress on the availability of alternatives to the Ninth Meeting of the Parties and later meetings;

8. To urge parties operating under Article 2 to provide funding within their countries and on a bilateral basis for parties operating under Article 5 to undertake research and development and activities aimed at ODS alternatives for laboratory and analytical uses;

9. To agree that controlled substances used for laboratory and analytical purposes shall meet the standards for purity as specified in decision VI/9.

Decision IX/17: Essential-use exemption for laboratory and analytical uses of ozone-depleting substances

The *Ninth Meeting of the Parties* decided in *decision IX/17:*

1. That for 1999, for parties not operating under paragraph 1 of Article 5 of the Protocol, production and consumption necessary to satisfy essential uses of controlled substances in Annexes A and B of the Protocol only for laboratory and analytical uses, as listed in annex IV to the report of the Seventh Meeting of the Parties, are authorized, subject to the conditions applied to exemption for laboratory and analytical uses as contained in annex II to the report of the Sixth Meeting of the Parties;

2. That data for consumption and production should be reported annually under a global essential-use exemption framework to the Secretariat so that the success of reduction strategies may be monitored;

3. To clarify that essential-use exemptions for laboratory and analytical uses of controlled substances shall continue to exclude the production of products made with or containing such substances.

Decision X/19: Exemption for laboratory and analytical uses

The *Tenth Meeting of the Parties* decided in *decision X/19:*

1. To extend the global laboratory and analytical essential-use exemption until 31 December 2005 under the conditions set out in annex II of the report of the Sixth Meeting of the Parties;

2. To request the Technology and Economic Assessment Panel to report annually on the development and availability of laboratory and analytical procedures that can be performed without using the controlled substances in Annexes A and B of the Protocol;

3. That the Meeting of the Parties shall each year, on the basis of information reported by the Technology and Economic Assessment Panel in accordance with paragraph 2 above, decide on any uses of controlled substances which should no longer be eligible under the exemption for laboratory and analytical uses and the date from which any such restriction should apply;

4. That the Secretariat should make available to the parties each year a consolidated list of laboratory and analytical uses that the parties have agreed should no longer be eligible for production and consumption of controlled ozone-depleting substances under the global exemption;

5. That any decision taken to remove the global exemption should not prevent a party from nominating a specific use for an exemption under the essential uses procedure set out in decision IV/25.

Decision XI/15: Global exemption for laboratory and analytical uses

The *Eleventh Meeting of the Parties* decided in *decision XI/15* to eliminate the following uses from the global exemption for laboratory and analytical uses for controlled substances, approved in decision X/19, from the year 2002:

(a) Testing of oil, grease and total petroleum hydrocarbons in water;

(b) Testing of tar in road-paving materials; and

(c) Forensic finger-printing.

Decision XV/8: Laboratory and analytical uses

The *Fifteenth Meeting of the Parties* decided in *decision XV/8:*

1. To extend the global laboratory and analytical use exemption under the conditions set out in annex II of the report of the Sixth Meeting of the Parties until 31 December 2007;
2. To request the Technology and Economic Assessment Panel to report annually on the development and availability of laboratory and analytical procedures that can be performed without using the controlled substances in Annexes A, B and C (group II and group III substances) of the Protocol;
3. To apply the conditions set out in paragraphs 3, 4 and 5 of decision X/19 to paragraphs 1 and 2 of the present decision.

Decision XVI/16: Laboratory and analytical uses

The *Sixteenth Meeting of the Parties* decided in *decision XVI/16:*

Recalling decision IX/17 on essential-use exemptions for laboratory and analytical uses of ozone-depleting substances,

Noting the report of the Implementation Committee requesting guidance from the parties on the use of bromochloromethane for laboratory and analytical uses,

Considering that decision XV/8 requests the Technology and Economic Assessment Panel to report annually on the development and availability of laboratory and analytical procedures that can be performed without using controlled substances in Annexes A, B and C, groups II and III, of the Protocol,

1. To include in the global laboratory and analytical use exemption under the conditions set out in annex II of the report of the Sixth Meeting of the Parties substances in Annex C, groups II and III, of the Protocol;
2. To apply the conditions set out in paragraphs 3, 4 and 5 of decision X/19 to paragraph 1 of the present decision.

Decision XVII/10: Laboratory and analytical critical uses of methyl bromide

The *Seventeenth Meeting of the Parties* decided in *decision XVII/10:*

1. To authorize, for parties not operating under paragraph 1 of Article 5 of the Protocol, production and consumption of the controlled substance in Annex E of the Protocol, necessary to satisfy laboratory and analytical critical uses;

2. To agree, subject to paragraph 3 of the present decision, that the relevant illustrative uses listed in annex IV to the report of the Seventh Meeting of the Parties are laboratory and analytical critical uses until 31 December 2006, subject to the conditions applied to exemption for laboratory and analytical uses contained in annex II to the report of the Sixth Meeting of the Parties;

3. That the uses listed in subparagraphs (a) and (c) of paragraph 6 of decision VII/11 and decision XI/15 are excluded from the uses agreed in paragraph 2 of the present decision;

4. To request the Technology and Economic Assessment Panel to consider the uses and criteria referred to in paragraph 2 of the present decision in terms of the relevance of their application to laboratory and analytical critical uses of methyl bromide;

5. To further request the Technology and Economic Assessment Panel to consider other possible laboratory and analytical uses for methyl bromide for which information is available;

6. That the Technology and Economic Assessment Panel report to the Open-ended Working Group at its twenty-sixth meeting on the outcomes of paragraphs 4 and 5 of the present decision;

7. To adopt an illustrative list of analytical and laboratory critical uses for methyl bromide at its Eighteenth Meeting of the Parties;

8. To request the Technology and Economic Assessment Panel to report in 2007 and every other year thereafter on the development and availability of laboratory and analytical procedures that can be performed without using the controlled substance in Annex E of the Protocol;

9. That the Meeting of the Parties shall, on the basis of information reported by the Technology and Economic Assessment Panel in accordance with paragraph 8 of the present decision, decide on any uses which should no longer be agreed as laboratory and analytical critical uses and the date from which any such restriction should apply;

10. That the Secretariat should establish and maintain for the parties a current and consolidated list of laboratory and analytical critical uses that the parties have agreed are no longer laboratory and analytical critical uses;

11. That any decision taken pursuant to paragraph 9 of the present decision should not prevent a party from nominating a specific use under the critical use procedure set out in decision IX/6.

Decision XVII/13: Use of carbon tetrachloride for laboratory and analytical uses in parties operating under paragraph 1 of Article 5 of the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/13:*

Bearing in mind that parties operating under paragraph 1 of Article 5 of the Montreal Protocol must reduce consumption of carbon tetrachloride by 85 per cent with respect to their baseline by 2005 and by 100 per cent by 2010,

Considering that carbon tetrachloride has an important use in laboratory and analytical processes; and that alternatives are not yet available for some of them,

Recalling that decision IX/17 introduced an essential-use exemption for laboratory and analytical uses of ozone-depleting substances and decision XV/8 extended that global exemption to 31 December 2007,

Bearing in mind that according to paragraph 7 of decision IV/25, essential-use controls will not be applicable to parties operating under paragraph 1 of Article 5 until the phase-out dates applicable to those parties,

Considering that in some parties operating under paragraph 1 of Article 5, the control measures mentioned above may jeopardize carbon tetrachloride availability for analytical and laboratory processes,

1. That the Implementation Committee and Meeting of the Parties should defer until 2007 consideration of the compliance status in relation to control measures for carbon tetrachloride of parties operating under paragraph 1 of Article 5 which provide evidence to the Ozone Secretariat with the data report, submitted in accordance with Article 7, showing that the deviation from the respective consumption target is due to the usage of carbon tetrachloride for analytical and laboratory processes. This deferral should be reviewed at the Nineteenth Meeting of the Parties in order to address the period 2007–2009;

2. To urge parties operating under paragraph 1 of Article 5 to minimize the consumption of carbon tetrachloride in laboratory and analytical uses by applying the criteria and procedures of global exemption for carbon tetrachloride in laboratory and analytical uses that are currently established for parties not operating under paragraph 1 of Article 5.

Decision XVIII/15: Laboratory and analytical critical uses of methyl bromide

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/15:*

Noting with appreciation the work undertaken by the Chemicals Technical Options Committee and the Methyl Bromide Technical Options Committee in considering, in accordance with decision XVII/10, the relevance to laboratory and analytical critical uses of methyl bromide of the categories of uses listed in annex IV to the report of the Seventh Meeting of the Parties,

Acknowledging that in decision VII/11, adopted in 1995, parties were encouraged to identify and review the use of ozone-depleting substances in order to adopt where possible ozone-depleting substance-free technologies,

Noting that the aforementioned committees have reported that alternatives to methyl bromide are available for many laboratory and analytical critical uses, including methylating agent uses,

Noting that the aforementioned committees were not in favour of classifying field trials using methyl bromide as laboratory and analytical critical uses because of the impracticality and cost of using a large number of small containers of 99 per cent pure methyl bromide and that parties wishing to carry out such field trials could submit critical-use nominations for that purpose,

Recognizing that some laboratory and analytical critical uses listed in the committees' report are applicable to both quarantine and pre-shipment and to feedstock uses, which are not controlled under the Montreal Protocol,

1. To authorize, for parties not operating under paragraph 1 of Article 5, the production and consumption of the controlled substance in Annex E of the Protocol necessary to satisfy laboratory and analytical critical uses and subject to the conditions established in paragraph 2 of the present decision;

2. Subject to the conditions applied to the exemption for laboratory and analytical uses contained in annex II to the report of the Sixth Meeting of the Parties, to adopt a category of laboratory and analytical critical use to allow methyl bromide to be used:

   (a) As a reference or standard:
      (i) To calibrate equipment which uses methyl bromide;
      (ii) To monitor methyl bromide emission levels;
      (iii) To determine methyl bromide residue levels in goods, plants and commodities;

   (b) In laboratory toxicological studies;

   (c) To compare the efficacy of methyl bromide and its alternatives inside a laboratory;

   (d) As a laboratory agent which is destroyed in a chemical reaction in the manner of feedstock;

3. That any decision taken pursuant to the present decision does not preclude a party from nominating a specific use under the critical use procedure described in decision IX/6.

Decision XIX/17: Use of carbon tetrachloride for laboratory and analytical uses in parties operating under paragraph 1 of Article 5 of the Montreal Protocol

The *Nineteenth Meeting of the Parties* decided in *decision XIX/17*:

Recognizing the difficulties faced by countries operating under paragraph 1 of Article 5 of the Montreal Protocol in their search for viable alternatives to analytical methods that comply with international standards,

Considering that carbon tetrachloride plays an important role in analytical and laboratory processes and that there are currently no alternatives to it for some of those processes in parties operating under paragraph 1 of Article 5,

Recalling that in decision XVII/13 the parties agreed that the Implementation Committee and the Meeting of the Parties should defer until 2007 consideration of the compliance status in relation to the Montreal Protocol control measures for carbon tetrachloride of parties operating under paragraph 1 of Article 5,

Recalling also that in decision XVII/13 the parties agreed that the Nineteenth Meeting of the Parties would review the deferral referred to above in order to address the period 2007–2009,

1. That the Implementation Committee and the Meeting of the Parties should defer until 2010 consideration of the compliance status in relation to the control measures for carbon tetrachloride of parties operating under paragraph 1 of Article 5 which provide evidence to the Ozone Secretariat with their data reports, submitted in accordance with Article 7, showing that any deviation from the respective consumption target is due to the use of carbon tetrachloride for analytical and laboratory processes;

2. To urge parties operating under paragraph 1 of Article 5 to minimize the consumption of carbon tetrachloride in laboratory and analytical uses by applying the global exemption criteria and procedures for laboratory and analytical uses of carbon tetrachloride currently established for parties not operating under paragraph 1 of Article 5.

Decision XIX/18: Laboratory and analytical-use exemption

The *Nineteenth Meeting of the Parties* decided in *decision XIX/18*:

1. To extend until 31 December 2011 the global laboratory and analytical-use exemption, under the conditions set out in annex II of the report of the Sixth Meeting of the Parties and decisions XV/8, XVI/16, and XVIII/15, for the controlled substances in all annexes and groups of the Montreal Protocol except Annex C, group 1;

2. To request the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee to provide, by the Twenty-First Meeting of the Parties, a list of laboratory and analytical uses of ozone-depleting substances, indicating those for which alternatives exist and which are therefore no longer necessary and describing those alternatives;

3. To eliminate the testing of organic matter in coal from the global exemption for laboratory and analytical uses of controlled substances.

Decision XXI/6: Global laboratory use exemption

The *Twenty-First Meeting of the Parties* decided in *decision XXI/6*:

Noting the reports the Technology and Economic Assessment Panel (TEAP) provided under decision XVII/10 and under decision XIX/18 on laboratory and analytical uses of ozone depleting substances (ODS),

Noting that TEAP has identified in its report a number of procedures for which alternatives to the use of ODS are available, as summarised below:

(a) Analyses in which the ODS is used as a solvent for spectroscopic measurements:
   (i) Of hydrocarbons (oil and grease) in water or soil
   (ii) Of simethicone (polydimethylsiloxane)
   (iii) When recording infrared and nuclear magnetic resonance spectra, including hydroxyl index

(b) Analyses in which the ODS is used as a solvent for electrochemical methods of analysis of:
   (i) Cyanocobalamin
   (ii) Bromine index

(c) Analyses involving selective solubility in the ODS of:
   (i) Cascarosides
   (ii) Thyroid extracts
   (iii) Polymers

(d) Analyses in which the ODS is used to preconcentrate the analyte, for:
   (i) Liquid chromatography (HPLC) of drugs and pesticides
   (ii) Gas chromatography of organic chemicals such as steroids
   (iii) Adsorption chromatography of organic chemicals

(e) Titration of iodine with thiosulfate (iodometric analyses) for determination of:
   (i) Iodine
   (ii) Copper
   (iii) Arsenic
   (iv) Sulphur

(f) Iodine and bromine index measurements (titrations)

(g) Miscellaneous analyses, namely
  (i) Stiffness of leather
  (ii) Jellification point
  (iii) Specific weight of cement
  (iv) Gas mask cartridge breakthrough

(h) Use of ODS as a solvent in organic chemical reactions
  (i) O- and N-difluoromethylation

(i) General use as laboratory solvent, namely
  (i) Washing of NMR tubes
  (ii) Removal of greases from glassware,

Recalling decisions VII/11, XI/15, XVIII/15 and XIX/18 that already eliminated the following uses from the global exemption for laboratory and analytical uses:

(a) Refrigeration and air conditioning equipment used in laboratories, including refrigerated laboratory equipment such as ultra-centrifuges;

(b) Cleaning, reworking, repair, or rebuilding of electronic components or assemblies;

(c) Preservation of publications and archives;

(d) Sterilization of materials in a laboratory;

(e) Testing of oil, grease and total petroleum hydrocarbons in water;

(f) Testing of tar in road-paving materials;

(g) Forensic finger-printing;

(h) All laboratory and analytical uses of methyl bromide except:
  (i) As a reference or standard:
    – To calibrate equipment which uses methyl bromide;
    – To monitor methyl bromide emission levels;
    – To determine methyl bromide residue levels in goods, plants and commodities;
  (ii) In laboratory toxicological studies;
  (iii) To compare the efficacy of methyl bromide and its alternatives inside a laboratory;
  (iv) As a laboratory agent which is destroyed in a chemical reaction in the manner of feedstock;

(i) Testing of organic matter in coal,

Recalling the conditions applied to the exemption for laboratory and analytical uses contained in annex II of the report of the Sixth Meeting of the Parties:

1. To extend the applicability of the global laboratory and analytical use exemption also to countries operating under Article 5(1) from 1 January 2010 until 31 December 2010 for all ODS except those in Annex B, group III, Annex C, group I and Annex E;

2. To extend the global laboratory and analytical use exemption beyond 31 December 2010 until 31 December 2014:

  (a) For parties operating under Article 5(1) for all ODS except those in Annex B, group III, Annex C, group I and Annex E; and

  (b) For parties not operating under Article 5(1) for all ODS except those in Annex C, group I;

3. To request all parties to urge their national standards-setting organisations to identify and review those standards which mandate the use of ODS in laboratory and analytical procedures with a view to adopting, where possible, ODS-free laboratory and analytical products and processes;

4. To request the Ozone Secretariat to enter into discussion with the International Organization for Standardization (ISO), ASTM International (ASTM), the European Committee for Standardization (CEN) as well as with other relevant multinational standardisation organisations encouraging them to identify methods based on ODS and to expedite the inclusion of non-ODS alternative methods, techniques and substances in their standard methods.

5. To request the TEAP and its Chemicals Technical Options Committee to complete the report as requested under decision XIX/18 and to provide for the 30th Open-ended Working Group meeting:

   (a) A list of laboratory and analytical uses of ODS, including those uses where no alternatives exist;

   (b) To identify the international and national standards that require the use of ODS and to indicate the corresponding alternative standard methods not mandating the use of ODS;

   (c) To consider the technical and economical availability of those alternatives in Article-5 and non-Article-5 parties as well as to ensure that the alternative methods show similar or better statistical properties (for example accuracy or detection limits);

6. To request TEAP while continuing its work as described in paragraph 5, to evaluate the availability of alternatives for those uses already banned under the global exemption in parties operating under Article 5(1), considering technical and economical aspects. By the 30th meeting of the Open-ended Working Group TEAP should present its findings and recommendations whether exemptions would be required for parties operating under paragraph 1 of Article 5 for any of the uses already banned;

7. To allow 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 to ask parties to revisit this issue at the 22nd Meeting of the Parties;

8. To request the Ozone Secretariat to update the list of laboratory and analytical uses that the parties have agreed should no longer be eligible under the global exemption, as required by decision X/19 and to write to parties reporting laboratory and analytical uses of ozone depleting substances encouraging them to transition to non-ozone depleting alternatives, where allowed by their national standards;

9. To request parties to continue to investigate domestically the possibility of replacing ODS in those laboratory and analytical uses listed in the report by the TEAP and to make this information available to the Ozone Secretariat by 30 April 2010;

10. To encourage UNEP to invite representatives of the Chemicals Technical Options Committee to regional network meetings to raise awareness of ODS alternatives for laboratory and analytical uses where problems have been specifically identified by members of that network. Where considered necessary other representatives from competent authorities of parties could be invited to participate in the meeting.

Decision XXII/7: Global laboratory and analytical use exemption

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/7*:

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.

Decision XXIII/6: Global laboratory and analytical-use exemption

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/6*:

Recalling decision XXI/6, in which parties are requested to investigate the possibility of replacing ozone-depleting substances with alternatives identified by the Technology and Economic Assessment Panel in its 2010 progress report,

Recalling further decision XI/15, by which the parties, among other things, eliminated the use of ozone-depleting substances for the testing of oil, grease and total petroleum hydrocarbons in water from the global exemption for laboratory and analytical uses,

Acknowledging the work being carried out by the Technology and Economic Assessment Panel to identify ozone-depleting substances still being used for laboratory and analytical purposes, ozone-depleting substances that might still be mandated in certain standards, and available alternatives to ozone-depleting substances,

Noting that individual parties operating under paragraph 1 of Article 5 of the Montreal Protocol have reported difficulty in implementing existing alternatives to the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water and claim to 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 2014 to deviate from the existing ban on the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water in individual cases where such parties consider doing so to be justified;

2. To clarify that any deviation beyond that described in the preceding paragraph should take place only in accordance with an essential-use exemption, in particular in respect of:

   (a) The use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water beyond 2014;

   (b) Any other use already excluded from the global laboratory exemption beyond 2012;

3. To request parties operating under paragraph 1 of Article 5 to continue to take action to replace ozone-depleting substances for the testing of oil, grease and total petroleum hydrocarbons in water as soon as possible;

4. To request parties operating under paragraph 1 of Article 5 that use carbon tetrachloride for the testing of oil, grease or total petroleum hydrocarbons in water in accordance with paragraph 1 above to report annually to the Secretariat, together with their Article 7 report every year, on the quantities of carbon tetrachloride used, including information on the procedures followed for using the substance, any alternative methods or procedures being investigated and the expected timeframe during which the party will make use of the global exemption;

5. That the Implementation Committee and the Meeting of the Parties should defer until 2015 consideration of the compliance status in relation to the control measures for carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water of parties operating under paragraph 1 of Article 5 that provide evidence to the Secretariat, with their data reports submitted in accordance with Article 7, showing that any deviation from the consumption target for carbon tetrachloride is due to the use of that substance in accordance with paragraph 1 above;

6. To request the Secretariat to prepare a reporting form to assist parties reporting information under paragraph 4 above;

7. To request the Technology and Economic Assessment Panel to review information provided by parties operating under paragraph 1 of Article 5 in accordance with paragraph 4 above, provide those parties with information and advice on means and methods of achieving a transition to the use of non-ozone-depleting substances, and report annually on information provided and progress in assisting parties;

8. To request the Panel and interested parties, with support from the Secretariat, to prepare information on laboratory and analytical uses for the purpose of assisting parties to achieve a transition to alternative methods and procedures and invites parties to consider contributing resources and information for that purpose;

9. To request the Panel to continue its work in reviewing international standards that mandate the use of ozone-depleting substances and to work with the organizations that promulgate such standards to include non-ozone-depleting substances and procedures as applicable;

10. To remind parties of the categories and examples of laboratory uses contained in annex IV of the report of the Seventh Meeting of the Parties, as updated by decision XI/15 and listed by the Panel in its progress reports, which can be used as a basis for determining what uses might be deemed to be laboratory and analytical uses.

Decision XXVI/4: Essential-use exemption for laboratory and analytical uses for 2015 in China

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/4*:

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

Recalling decision XI/15, by which the parties, among other things, eliminated the use of ozone-depleting substances for the testing of oil, grease and total petroleum hydrocarbons in water from the global exemption for laboratory and analytical uses,

Recalling also decision XXIII/6, by which parties operating under paragraph 1 of Article 5 of the Montreal Protocol were allowed until 31 December 2014 to deviate from the existing ban on the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water in individual cases where such parties considered doing so to be justified and in which it was clarified that any deviation beyond that should take place only in accordance with an essential-use exemption in respect of the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water beyond 2014,

Noting that a party has reported difficulty in implementing existing alternatives to the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water and claims to need more time for the revision and promotion of national standards,

1. To encourage that party, which has applied for an exemption, to complete the revision of its relevant national standard and to ensure that a revised national standard is brought into force as soon as possible, with a view to ensuring a smooth transition to a method that does not use ozone-depleting substances;

2. To authorize the level of consumption for 2015 necessary to satisfy essential uses of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water, as specified in the annex to the present decision.

Annex

Essential-use authorizations for 2015 for carbon tetrachloride for testing of oil, grease and total petroleum hydrocarbons in water

(Metric tonnes)

Party	2015
China	80

Decision XXVI/5: Global laboratory and analytical-use exemption

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/5*:

Recalling decisions VII/11 and XXI/6, in which the Meeting of the Parties requested all parties to urge their national standards-setting organizations to identify and review their standards for laboratory and analytical procedures that mandate the use of Montreal Protocol controlled substances with a view to adopting, where possible, laboratory and analytical products and processes that do not use controlled substances,

Recalling also decisions VII/11, XI/15, XVIII/15 and XIX/18, by which the Meeting of the Parties eliminated specific uses from the global exemption for laboratory and analytical uses,

1. To extend the global laboratory and analytical-use exemption until 31 December 2021, under the conditions set out in annex II to the report of the Sixth Meeting of the

Parties and decisions XV/8, XVI/16 and XVIII/15, for the controlled substances under the Montreal Protocol in all annexes and groups except Annex C, group 1;

2. To request the Technology and Economic Assessment Panel to report no later than 2018 on the development and availability of laboratory and analytical procedures that can be performed without using controlled substances under the Montreal Protocol;

3. To encourage parties to continue to investigate domestically the possibility of replacing ozone-depleting substances in laboratory and analytical uses and to share the resulting information.

Decision XXVII/2: Essential-use exemption for laboratory and analytical uses for 2016 in China

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/2*:

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

Recalling decision XI/15, by which the parties, among other things, eliminated the use of ozone-depleting substances for the testing of oil, grease and total petroleum hydrocarbons in water from the global exemption for laboratory and analytical uses,

Recalling also decision XXIII/6, by which parties operating under paragraph 1 of Article 5 of the Montreal Protocol were allowed until 31 December 2014 to deviate from the existing ban on the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water in individual cases where such parties considered doing so to be justified, and in which it was clarified that any deviation beyond that should take place only in accordance with an essential-use exemption in respect of the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water beyond 2014,

Noting that China has reported difficulty in implementing existing alternatives to the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water and has indicated that it needs more time for the revision and promotion of national standards and has expressed its willingness to take the measures necessary to implement the alternatives as soon as possible,

1. To encourage China, which has applied for an exemption, to complete the revision of its relevant national standard and to ensure that a revised national standard is brought into force as soon as possible with a view to ensuring a smooth transition to a method that does not use ozone-depleting substances;

2. To authorize the level of consumption for China for 2016 necessary to satisfy essential uses of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water, as specified in the annex to the present decision.

Annex

Essential-use authorizations for 2016 for carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water

(Metric tonnes)

Party	2016
China	70

Decision XXVIII/6: Essential-use exemption for laboratory and analytical uses for 2017 in China

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/6*:

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

Recalling decision XI/15, by which the parties, among other things, eliminated the use of ozone-depleting substances for the testing of oil, grease and total petroleum hydrocarbons in water from the global exemption for laboratory and analytical uses,

Recalling also decision XXIII/6, by which parties operating under paragraph 1 of Article 5 of the Montreal Protocol were allowed until 31 December 2014 to deviate from the existing ban on the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water in individual cases where such parties considered doing so to be justified, and in which it was clarified that any deviation beyond that should take place only in accordance with an essential-use exemption in respect of the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water beyond 2014,

Noting that China has reported difficulty in implementing existing alternatives to the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water and has indicated that it needs more time for the revision and promotion of national standards, and noting also that the party is taking necessary measures to implement the alternatives and has expressed a willingness to continue doing so,

1. To encourage China, which has applied for an essential-use exemption for the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water, to complete the revision of its relevant national standard and to ensure that a revised national standard is brought into force as soon as possible with a view to ensuring a smooth transition to a method that does not use ozone-depleting substances;

2. To request that China, prior to submitting any further requests for essential-use exemptions for the use of ozone-depleting substances for the testing of oil, grease and total petroleum hydrocarbons in water, provide information on its evaluation of the use of other international analytical methods for such testing, on the national circumstances that make using them difficult and on progress in the development of its own method and in the revision of the relevant national standard, as well as a timeline for the phase-out of carbon tetrachloride for laboratory and analytical uses, indicating the anticipated steps and dates in that process;

3. To authorize the level of consumption for China for 2017 necessary to satisfy essential uses of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water, as specified in the annex to the present decision.

Annex

Essential-use authorization for 2017 for carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water

(Metric tonnes)

Party	2017
China	65

Decision XXIX/5: Essential-use exemption for laboratory and analytical uses for 2018 in China

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/5*:

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

Recalling decision XI/15, by which the parties, among other things, eliminated the use of ozone-depleting substances for the testing of oil, grease and total petroleum hydrocarbons in water from the global exemption for laboratory and analytical uses,

Recalling also decision XXIII/6, by which parties operating under paragraph 1 of Article 5 of the Montreal Protocol on Substances that Deplete the Ozone Layer were allowed until 31 December 2014 to deviate from the existing ban on the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water in individual cases where such parties considered doing so to be justified, and in which it was clarified that any deviation beyond that should take place only in accordance with an essential-use exemption in respect of the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water beyond 2014,

1. To authorize the level of consumption for China for 2018 necessary to satisfy essential uses of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water, as specified in the annex to the present decision;

2. To welcome the undertaking from China to cease the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water from 2019 onwards;

Annex

Essential-use authorization for 2018 for carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water

(Tonnes)[a]

Party	2018
China	65

[a] Tonnes = metric tons

Decisions on essential uses: metered-dose inhalers (MDIs)

Decision VIII/10: Actions by parties ~~not operating under Article 5~~ to promote industry's participation on a smooth and efficient transition away from CFC-based MDIs

The *Eighth Meeting of the Parties* decided in *decision VIII/10:*

1. That parties ~~not operating under Article 5~~ will request companies applying for MDI essential-use exemptions to demonstrate ongoing research and development of alternatives to CFC MDIs with all due diligence and/or collaborate with other companies in such efforts and, with each future request, to report in confidence to the nominating party whether and to what extent resources are deployed to this end and progress is being made on such research and development, and what licence applications if any have been submitted to health authorities for non-CFC alternatives;

2. That parties ~~not operating under Article 5~~ will request companies applying for MDI essential-use exemptions to demonstrate that they are undertaking individual or collaborative industry efforts, in consultation with the medical community, to educate

health-care professionals and patients about other treatment options and the transition to non-CFC alternatives;

3. That parties ~~not operating under Article 5~~ will request companies applying for MDI essential-use exemptions to demonstrate that they, or companies distributing or selling their product, are differentiating the packaging of the company's non-CFC MDIs from its CFC MDIs and are applying other appropriate marketing strategies, in consultation with the medical community, to encourage doctor and patient acceptance of the company's non-CFC alternatives subject to health and product-safety considerations;

4. That parties ~~not operating under Article 5~~ will request companies manufacturing, distributing or selling CFC MDIs and non-CFC alternatives not to engage in false or misleading advertising targeted at non-CFC alternatives or CFC MDIs;

5. That parties ~~not operating under Article 5~~ will request companies applying for MDI essential-use exemptions to ensure that participation in regulatory proceedings is conducted with a view toward legitimate environmental, health and safety concerns;

6. That parties ~~not operating under Article 5~~ will request companies manufacturing CFC MDIs to take all economically feasible steps to minimize CFC emissions during the manufacture of MDIs;

7. That parties ~~not operating under Article 5~~ will request companies manufacturing, distributing or selling CFC MDIs to dispose of expired, defective, and returned MDIs containing CFCs in a manner that minimizes CFC emissions;

8. That parties ~~not operating under Article 5~~ will request companies manufacturing CFC MDIs to review annually CFC requirements and current MDI market forecasts, and notify national regulatory authorities if such forecasts will result in surplus CFCs obtained under essential-use exemptions;

9. That parties ~~not operating under Article 5~~ will request companies applying for MDI essential-use exemptions to provide information on the steps that are being taken to provide a continuity of supply of asthma and chronic obstructive pulmonary disease (COPD) treatments (including CFC MDIs) to importing countries;

10. That parties not operating under Article 5 will request companies applying for MDI essential-use exemptions to provide information that demonstrates the steps being taken to assist the company's MDI manufacturing facilities in parties operating under Article 5 and countries with economies in transition in upgrading the technology and capital equipment needed for manufacturing non-CFC asthma and chronic obstructive pulmonary disease (COPD) treatments;

11. To request the Technology and Economic Assessment Panel to reflect paragraphs 1 through 10 above in a revised version of the Handbook on Essential-Use Nominations.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision VIII/11: Measures to facilitate a transition by a party ~~not operating under Article 5~~ from CFC-based MDIs

The *Eighth Meeting of the Parties* decided in *decision VIII/11* to note that a transition is occurring from the use of CFC-based MDIs to non-CFC treatments for asthma and chronic obstructive pulmonary disease. In order to ensure a smooth and efficient transition, and protect the health and safety of patients, parties not operating under Article 5 are encouraged:

1. To promote coordination between national environmental and health authorities on the environmental, health and safety implications of any proposed decisions on essential-use nominations and MDI transition policies;

2. To request their national authorities to expedite review of marketing/licensing/pricing applications of non-CFC treatments of asthma and chronic obstructive pulmonary disease, provided that such expedited review does not compromise patient health and safety;

3. To request their national authorities to review the terms for public MDI procurement and reimbursement, so that purchasing policies do not discriminate against non-CFC alternatives.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision VIII/12: Information gathering on a transition to non-CFC treatments for asthma and chronic obstructive pulmonary disease for parties not operating under Article 5

The *Eighth Meeting of the Parties* decided in *decision VIII/12:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committee pursuant to decision IV/25 of the Fourth Meeting of the Parties and decision VII/28 of the Seventh Meeting of the Parties;

2. To note with appreciation that one new non-CFC-based MDI for one active ingredient has now entered the market in some countries, and that others are anticipated over the next one to three years. Other non-CFC treatments and devices already provide a suitable alternative for many patients in some parties not operating under Article 5;

3. To request parties not operating under Article 5 that have developed a national transition strategy to report to the Panel and its relevant Technical Options Committee on the details of that national transition strategy for non-CFC treatments of asthma and chronic obstructive pulmonary disease in time for meetings of the Technical Options Committee, beginning in 1997;

4. To request the Technology and Economic Assessment Panel and its relevant Technical Options Committee to provide an interim report on progress in the development and implementation of national transition strategies in parties not operating under Article 5 for non-CFC treatments of asthma and chronic obstructive pulmonary disease (COPD) and report to the Open-ended Working Group in preparation for the Ninth Meeting of the Parties;

5. To request the Technology and Economic Assessment Panel to further examine and provide a progress report to the Ninth Meeting of the Parties and a final report to the Tenth Meeting of the Parties on issues surrounding a transition to non-CFC treatments of asthma and chronic obstructive pulmonary disease in parties not operating under Article 5 that is fully protective of public health. In so doing, the Technology and Economic Assessment Panel should consult with international bodies, such as the World Health Organization and other institutions representing health-care professionals, patient-advocacy groups and private industry, and with national bodies and Governments. The Technology and Economic Assessment Panel should consider:

   (a) In the context of a transition phase, how decisions taken within the Montreal Protocol framework and national strategies might complement each other;

(b) The impact on the right and ability of patients in parties operating under Article 5, in countries with economies in transition, in parties not operating under Article 5 with large disadvantaged communities and in importing countries to receive CFC-based MDIs where medically acceptable and affordable alternatives are not available due to reductions in essential-use exemptions in parties not operating under Article 5 for CFC-based MDIs;

(c) The influence of potential transferable essential use exemptions as well as existing and potential trade restrictions by individual countries on a smooth transition and access to affordable treatment options;

(d) The international markets and fluidity of trade in CFC-based MDIs as well as alternative treatments for asthma and chronic obstructive pulmonary disease;

(e) The implications for patient subgroups which may have continuing compelling medical needs after a virtual phase-out;

(f) The range of regulatory and non-regulatory incentives for, and impediments to, research and development of alternative treatments for asthma and chronic obstructive pulmonary disease and market penetration of alternative treatments for asthma and chronic obstructive pulmonary disease;

(g) The degree to which dry powder inhalers (DPIs) and other treatment options may be considered medically acceptable and affordable alternatives for CFC-based MDIs in consultation with the above bodies, and as a result, the factors which may influence their ability to act as substitutes in different countries;

(h) The relative implications for the phase-out of ozone-depleting substances of different policy options that facilitate the transition to non-CFC treatments;

(i) Steps that could be taken to facilitate access to affordable non-CFC treatment options and technology.

Decision IX/19: Metered-dose inhalers (MDIs)

The *Ninth Meeting of the Parties* decided in *decision IX/19:*

1. To note with appreciation the interim report of the Technology and Economic Assessment Panel (TEAP) pursuant to decision VIII/12;

2. To request the Technology and Economic Assessment Panel to continue its work and submit the final report to the Tenth Meeting of the Parties, through the Open-ended Working Group, taking into account the approach indicated in paragraph 5 of decision VIII/12 and the comments made during the fifteenth and sixteenth meetings of the Open-ended Working Group and the Ninth Meeting of the Parties;

3. To note the expectation of TEAP and its relevant Technical Options Committee that it remains possible that the major part of the MDI transition may occur in non-Article 5 countries by the year 2000 and there will be minimal need for CFCs for metered-dose inhalers by 2005, however, at this point in time there are still many variables and an exact time-scale is not possible to predict with certainty;

4. To note the concerns of some non-Article 5 parties that they may not be able to convert as soon as they would like unless their independent MDI manufacturers are able to license non-CFC technologies;

5. To require non-Article 5 parties submitting essential-use nominations for CFCs for MDIs for the treatment of asthma and chronic obstructive pulmonary disease (COPD) to present to the Ozone Secretariat an initial national or regional transition strategy by 31 January 1999 for circulation to all parties. Where possible, non-Article 5 parties are encouraged to develop and submit to the Secretariat an initial transition strategy by 31 January 1998. In preparing a transition strategy, non-Article 5 parties should take into consideration the availability and price of treatments for asthma and COPD in countries currently importing CFC MDIs;

5 *bis*. To require parties operating under paragraph 1 of Article 5 submitting essential-use nominations for chlorofluorocarbons for metered-dose inhalers for the treatment of asthma and chronic obstructive pulmonary disease to present to the Ozone Secretariat an initial national or regional transition strategy by 31 January 2010 for circulation to all parties. Where possible, parties operating under paragraph 1 of Article 5 are encouraged to develop and submit to the Secretariat an initial transition strategy by 31 January 2009. In preparing a transition strategy, parties operating under paragraph 1 of Article 5 should take into consideration the availability and price of treatments for asthma and chronic obstructive pulmonary disease in countries currently importing chlorofluorocarbon-containing metered-dose inhalers

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision IX/20: Transfer of essential-use authorizations for CFCs for MDIs

The *Ninth Meeting of the Parties* decided in *decision IX/20:*

1. That all transfers of essential-use authorizations for CFCs for MDIs be reviewed on a case-by-case basis at Meetings of the parties for approval;

2. Notwithstanding paragraph 1 of the present decision, to allow the Secretariat, in consultation with the Technology and Economic Assessment Panel, to authorize a party, in an emergency situation, to transfer some or all of its authorized levels of CFCs for essential uses in MDIs to another party, provided that:

   (a) The transfer applies only up to the maximum level that has previously been authorized for the calendar year in which the next Meeting of the Parties is to be held;

   (b) Both parties involved agree to the transfer;

   (c) The aggregate annual level of authorizations for all parties for essential uses of MDIs does not increase as a result of the transfer;

   (d) The transfer or receipt is reported by each party involved on the essential-use quantity-accounting format approved by the Eighth Meeting of the Parties by paragraph 9 of decision VIII/9.

Decision XII/2: Measures to facilitate the transition to chlorofluorocarbon-free metered-dose inhalers

The *Twelfth Meeting of the Parties* decided in *decision XII/2:*

1. For the purposes of this decision, "chlorofluorocarbon metered-dose inhaler product" means a chlorofluorocarbon-containing metered-dose inhaler of a particular brand name or company, active ingredient(s) and strength;

2. That any chlorofluorocarbon metered-dose inhaler product approved after 31 December 2000 for treatment of asthma and/or chronic obstructive pulmonary disease in a non-Article 5(1) party is not an essential use unless the product meets the criteria set out in paragraph 1(a) of decision IV/25;

2 *bis*. That any chlorofluorocarbon metered-dose inhaler product approved after 31 December 2008, excluding any product in the process of registration and approved by 31 December 2009, for treatment of asthma and/or chronic obstructive pulmonary disease in a party operating under paragraph 1 of Article 5, is not an essential use, unless the product meets the criteria set out in paragraph 1 (a) of decision IV/25;

3. With respect to any chlorofluorocarbon metered-dose inhaler active ingredient or category of products that a party has determined to be non-essential and thereby not authorized for domestic use, to request:

   (a) The party that has made the determination to notify the Secretariat;

   (b) The Secretariat to maintain such a list on its Web site;

   (c) Each nominating party to reduce accordingly the volume of chlorofluorocarbons it requests and licenses;

4. To encourage each party to urge each metered-dose inhaler company within its territory to diligently seek approval for the company's chlorofluorocarbon-free alternatives in its domestic and export markets, and to require each party to provide a general report on such efforts to the Secretariat by 31 January 2002 and each year thereafter;

5. To agree that each non-Article 5 party should, if it has not already done so:

   (a) Develop a national or regional transition strategy based on economically and technically feasible alternatives or substitutes that it deems acceptable from the standpoint of environment and health and that includes effective criteria and measures for determining when chlorofluorocarbon metered-dose inhaler product(s) is/are no longer essential;

   (b) Submit the text of any such strategy to the Secretariat by 31 January 2002;

   (c) Report to the Secretariat by 31 January each year thereafter on progress made on its transition to chlorofluorocarbon-free metered-dose inhalers;

6. To encourage each Article 5(1) party to:

   (a) Develop a national or regional transition strategy based on economically and technically feasible alternatives or substitutes that it deems acceptable from the standpoint of environment and health and that includes effective criteria and measures for determining when chlorofluorocarbon metered-dose inhaler product(s) can be replaced with chlorofluorocarbon-free alternatives;

   (b) Submit the text of any such a strategy to the Secretariat by 31 January 2005;

   (c) Report to the Secretariat by 31 January each year thereafter on progress made on its transition to chlorofluorocarbon-free metered-dose inhalers;

7. To request the Executive Committee of the Multilateral Fund to consider providing technical, financial and other assistance to Article 5(1) parties to facilitate the development of metered-dose inhaler transition strategies and the implementation of approved activities contained therein, and to invite the Global Environment Facility to

consider providing the same assistance to those eligible countries with economies in transition;

8. To decide that, as a means of avoiding unnecessary production of new chlorofluorocarbons, and provided that the conditions set out in paragraphs (a) – (d) of decision IX/20 are met, a party may allow a metered-dose inhaler company to transfer:

   (a) All or part of its essential use authorization to another existing metered-dose inhaler company; or

   (b) Chlorofluorocarbons to another metered-dose inhaler company provided that the transfer complies with national/regional licence or other authorization requirements;

9. To request the Technology and Economic Assessment Panel to summarize and review by 15 May each year the information submitted to the Secretariat;

10. To modify as necessary the Handbook for Essential Use Nominations to take account of the requirements contained in this decision as they pertain to non-Article 5(1) parties;

11. To request the Technology and Economic Assessment Panel to consider and report to the next Meeting of the Parties on issues related to the campaign production of chlorofluorocarbons for chlorofluorocarbon metered-dose inhalers.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision XIII/9: Metered-dose inhaler (MDI) production

The *Thirteenth Meeting of the Parties* decided in *decision XIII/9:*

To request the Executive Committee to prepare guidelines for the presentation of MDI projects involving the preparation of strategies and investment projects that would enable the move to CFC-free production of MDIs in Article 5 countries, and enable them to meet their obligations under the Montreal Protocol.

Decision XIII/10: Further study of campaign production of CFCs for metered-dose inhalers (MDIs)

The *Thirteenth Meeting of the Parties* decided in *decision XIII/10:*

Noting that the Technology and Economic Assessment Panel and Technical Options Committee review recommended that just-in-time production of CFCs for the manufacture of metered-dose inhalers is the best approach to protect the health of patients,

Noting, however, the possibility that just-in-time production of CFCs for the manufacture of CFC-based MDIs may not be available through to the end of the transition, and that the end of just-in-time production could come unexpectedly,

1. To note with appreciation the work of the Technology and Economic Assessment Panel and its Technical Options Committees in studying the issue of campaign production of CFCs for manufacturing CFC-based MDIs;

2. To request the Technology and Economic Assessment Panel and Technical Options Committees to analyse the current essential-use decisions and procedures to identify if changes are needed to facilitate expedient authorization for campaign production, including information needed for the review and authorization of nominations for campaign production quantities, the contingencies for under- and over-estimation of the quantities needed for a campaign production, the timing of the campaign production

vis-à-vis export and import of those quantities, the oversight and reporting on the use of campaign production quantities, and the flexibility in ensuring that the campaign production is used only in the manufacture of MDIs for the treatment of asthma and chronic obstructive pulmonary disease or that any excess is destroyed;

3. To request the Technology and Economic Assessment Panel to present its findings to the Open-ended Working Group in 2002;

4. To request the Technology and Economic Assessment Panel to continue to monitor and report on the timing of the likely need for campaign production.

Decision XIV/5: Global database and assessment to determine appropriate measures to complete the transition from chlorofluorocarbon metered-dose inhalers

The *Fourteenth Meeting of the Parties* decided in *decision XIV/5:*

Noting that while the transition to chlorofluorocarbon-free (CFC-free) alternative treatments for asthma and chronic obstructive pulmonary disease (COPD) depends largely on non-Article 5(1) parties adopting effective transition strategies and CFC metered-dose inhaler manufacturers diligently developing, seeking approval for, and launching CFC-free metered-dose inhalers and dry-powder inhalers,

Noting with concern the slow transition to CFC-free metered-dose inhalers in some parties, and the need for affordable and available alternatives in parties operating under Article 5(1),

Recognizing the desirability of a more transparent presentation of data to assist parties in better understanding essential use CFC volumes and gauging progress on, and impediments to, the transition,

1. To request each party or regional economic integration organization to submit available information to the Ozone Secretariat by 28 February 2003 and annual updates thereafter the following information concerning inhaler treatments for asthma and COPD that contain CFCs or that do not contain CFCs:

   (a) CFC and non-CFC metered-dose inhalers and dry-powder inhalers: sold or distributed within the party, by active ingredient, brand/manufacturer, and source (import or domestic production);

   (b) CFC and non-CFC metered-dose inhalers and dry-powder inhalers: produced within the party for export to other parties, by active ingredient, brand/manufacturer, source and importing party;

   (c) Non-CFC metered-dose inhalers and dry-powder inhalers: date approved, authorized for marketing, and/or launched in the territory of the party;

2. To request the Technology and Economic Assessment Panel to take into account information submitted pursuant to paragraph 1 and other available information in its annual assessment, and to request the parties to pay due consideration to this information when reviewing their national transition strategies.

Decision XV/5: Promoting the closure of essential-use nominations for metered-dose inhalers

The *Fifteenth Meeting of the Parties* decided in *decision XV/5:*

Recognizing that parties themselves have the ultimate competence, responsibility and accountability for the protection of the health and safety of their citizens, and for their actions to protect the ozone layer,

Acknowledging the urgent need to accelerate the phase-out of CFC-containing metered-dose inhalers in parties not operating under paragraph 1 of Article 5 and the importance of safe, effective and affordable metered-dose inhalers for public health and medical care,

Bearing in mind the work of the Technology and Economic Assessment Panel drawing on the database established by decision XIV/5,

Aware in particular that CFC-free salbutamol metered-dose inhalers are available in most parties not operating under paragraph 1 of Article 5,

Mindful of the 2003 assessment of the Panel, which concludes that the development of CFC-free metered-dose inhalers, their registration and launch into a market cannot alone lead to a full uptake in the market without appropriate domestic regulatory action,

1. That the present decision shall not affect the operation of paragraph 10 of decision VIII/9 relating to the authorization of a quantity of CFCs in an emergency situation;

2. To request that parties ~~not operating under paragraph 1 of Article 5~~, when submitting their nominations for essential-use exemptions for CFCs for metered-dose inhalers, specify, for each nominated use, the active ingredients, the intended market for sale or distribution and the quantity of CFCs required;

3. To request the Technology and Economic Assessment Panel and its Technical Options Committee to make recommendations on nominations for essential-use exemptions for CFCs for metered-dose inhalers from parties ~~not operating under paragraph 1 of Article 5~~ with reference to the active ingredient of the metered-dose inhalers in which the CFCs will be used and the intended market for sale or distribution and any national transition strategy covering that intended market which has been submitted according to decision XII/2 or decision IX/19;

4. That no quantity of CFCs for essential uses shall be authorized after the commencement of the Seventeenth Meeting of the Parties if the nominating party not operating under paragraph 1 of Article 5 has not submitted to the Ozone Secretariat, in time for consideration by the parties at the twenty-fifth meeting of the Open-ended Working Group, a plan of action regarding the phase-out of the domestic use of CFC-containing metered-dose inhalers where the sole active ingredient is salbutamol;

4 *bis*. That no quantity of chlorofluorocarbons for essential uses shall be authorized after the commencement of the Twenty-First Meeting of the Parties if the nominating party operating under paragraph 1 of Article 5 has not submitted to the Ozone Secretariat, in time for consideration by the parties at the twenty-ninth meeting of the Open-ended Working Group, a preliminary plan of action regarding the phase-out of the domestic use of chlorofluorocarbon-containing metered-dose inhalers where the sole active ingredient is salbutamol;

5. That the plans of action referred to in paragraph 4 above must include:

(a) A specific date by which time the party will cease making nominations for essential-use exemptions for CFCs for metered-dose inhalers where the sole active ingredient is salbutamol and where the metered-dose inhalers are expected to be sold or distributed on the market of any party ~~not operating under paragraph 1 of Article 5~~;

(b) The specific measures and actions sufficient to deliver the phase-out;

(c) Where appropriate, the actions or measures needed to ensure continuing access to or supply of CFC-containing metered-dose inhalers by parties operating under paragraph 1 of Article 5;

6. To request each party ~~not operating under paragraph 1 of Article 5~~ to submit to the Ozone Secretariat as soon as practicable for that party specific dates by which time it will cease making nominations for essential-use exemptions for CFCs for metered-dose inhalers where the active ingredient is not solely salbutamol and where the metered-dose inhalers are expected to be sold or distributed on the market of any party not operating under paragraph 1 of Article 5;

7. To request the Technology and Economic Assessment Panel to report, in time for the twenty-fourth meeting of the Open-ended Working Group, on the potential impacts of the phase-out of CFCs in parties not operating under paragraph 1 of Article 5 on the availability of affordable inhaled therapy in parties operating under paragraph 1 of Article 5;

8. To request the Ozone Secretariat to post on its web site all data submitted pursuant to decision XIV/5 that are designated non-confidential by the submitting party;

9. To request the Technology and Economic Assessment Panel to modify the Handbook on Essential Use Nominations to reflect the present decision.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision XVII/14: Difficulties faced by some parties operating under paragraph 1 of Article 5 of the Montreal Protocol with respect to chlorofluorocarbons used in the manufacture of metered-dose inhalers

The *Seventeenth Meeting of the Parties* decided in *decision XVII/14:*

Acknowledging that parties not operating under paragraph 1 of Article 5 of the Montreal Protocol have phased out chlorofluorocarbons but under specific conditions, can apply for essential-use exemption for the consumption of chlorofluorocarbons in the manufacture of metered-dose inhalers as specified by the Meeting of the Parties,

Concerned that parties operating under paragraph 1 of Article 5 of the Protocol which consume chlorofluorocarbons for the manufacture of metered-dose inhalers may find it difficult to phase out these substances without incurring economic losses to their countries,

Calling upon the parent pharmaceutical companies to accelerate the transfer of non-chlorofluorocarbon technologies to their joint venture partners in developing countries,

Noting the need for further work to be undertaken to assemble and document the new non-ozone-depleting substances methods of technology for metered-dose inhalers that would allow elimination of further uses of chlorofluorocarbons,

Noting with concern that there is a serious risk that, for some parties operating under paragraph 1 of Article 5, consumption levels in 2007 of chlorofluorocarbons for metered-dose inhaler uses may exceed the allowable amounts,

Aware of the critical need by parties operating under paragraph 1 of Article 5 for the consumption of metered-dose inhalers for protecting human health,

Recognizing also the difficulties that may be faced by parties operating under paragraph 1 of Article 5 in obtaining sufficient supply of Annex A, group I (chlorofluorocarbons) controlled substances during the period 2007–2009,

1. To consider at the Eighteenth Meeting of the Parties a possible decision which would address the difficulties that some parties operating under paragraph 1 of Article 5 may face in relation to metered-dose inhalers;
2. To request the Executive Committee of the Multilateral Fund to examine situations such as these and consider options that might assist this potential situation of non-compliance;
3. To request the Executive Committee to consider appropriate regional workshops to create awareness and educate stakeholders, including doctors and patients, on alternative metered-dose inhalers and on the elimination of chlorofluorocarbons in metered-dose inhaler uses and technical assistance to Article 5 parties to phase out this use;
4. To request the Open-ended Working Group at its twenty-sixth meeting to consider the issue.

Decision XVIII/16: Difficulties faced by some Article 5 parties manufacturing metered-dose inhalers which use chlorofluorocarbons

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/16:*

Recognizing that parties operating under paragraph 1 of Article 5 must reduce consumption of Annex A, group I, controlled substances (chlorofluorocarbons) by 85 per cent of their baseline by 2007 and complete the phase-out of those substances by 1 January 2010, including chlorofluorocarbons used in metered-dose inhalers for the treatment of asthma and chronic obstructive pulmonary disease,

Bearing in mind that, according to paragraph 7 of decision IV/25, essential-use controls will not be applicable to parties operating under paragraph 1 of Article 5 until the phase-out dates applicable to those parties,

Recognizing the potential uncertainty of supplies of pharmaceutical grade chloro-fluorocarbons in the near future and the impact on people's health and local businesses if national manufacturing plants which depend on imports of those substances cannot predict their availability,

Aware that the phase-out of chlorofluorocarbon-based metered-dose inhalers in parties not operating under paragraph 1 of Article 5 is likely to be complete by the phase-out deadline for parties operating under Article 5 and that most of the metered-dose inhalers used by patients in many parties operating under paragraph 1 of Article 5 are imported from parties not operating under paragraph 1 of Article 5,

Acknowledging that some parties operating under paragraph 1 of Article 5 have adopted metered-dose inhaler transition strategies, as encouraged by decision XII/2, but noting that most parties operating under paragraph 1 of Article 5 have yet to put in place national or regional transition strategies and that parties that produce metered-dose inhalers will

be unable to finalize such strategies unless technology conversion is included in their national plans,

Understanding, therefore, that there is a need for further measures to facilitate the transition to non-chlorofluorocarbon treatments for asthma and obstructive pulmonary disease in parties operating under paragraph 1 of Article 5,

Mindful that in some cases a regional approach to transition may be the most efficient,

Noting that parties not operating under paragraph 1 of Article 5 have made substantial progress in replacing chlorofluorocarbon-based metered-dose inhalers with alternative products but that at the present time still require a limited amount of pharmaceutical grade chlorofluorocarbons to produce metered-dose inhalers, as demonstrated by current essential-use exemption requests granted by the parties,

Taking into account that decision XVII/14 calls for the Eighteenth Meeting of the Parties to consider taking a decision addressing the difficulties faced by parties operating under paragraph 1 of Article 5 on metered-dose inhaler transition,

1. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to consider as a matter of urgency the funding of projects in relation to those parties operating under paragraph 1 of Article 5 that experience difficulties due to high consumption of chlorofluorocarbons for manufacturing metered-dose inhalers, in order to facilitate the transition from chlorofluorocarbon-based metered-dose inhalers;

2. To request the Executive Committee to consider within the context of the existing Multilateral Fund guidelines to review its decision 17/7 with regard to the existing cut-off date for consideration of metered-dose inhaler conversion projects consistent with the reality of the pace of technological advances in the metered-dose inhaler sector;

3. To request the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol to consider all possible options on how to address the potential non-compliance difficulties of some parties operating under paragraph 1 of Article 5 resulting from their high proportion of chlorofluorocarbon consumption in the metered-dose inhaler sector;

4. To further request the Implementation Committee to give special consideration to the situation of such parties, particularly in the context of paragraph 4 of the non-compliance procedure of the Protocol, in the light of information received from the parties concerned and having due regard to health considerations;

5. To consider again the matter referred to in paragraphs 3 and 4 at the Twentieth Meeting of the Parties in 2008;

6. To request the Executive Committee to consider including on the agenda of the United Nations Environment Programme thematic regional workshops, information to clarify the steps required to advance the transition from chlorofluorocarbon metered-dose inhalers;

7. To request each party ~~not operating under paragraph 1 of Article 5~~ receiving essential-use exemptions for the production or import of chlorofluorocarbons to manufacture metered-dose inhalers for export to parties operating under paragraph 1 of Article 5 to submit to each importing party a detailed export manufacturing transition plan for each manufacturer where the exports of an active ingredient to that party exceed 10 metric tonnes, specifying the actions that each manufacturer is taking and will take to

transition its exports to chlorofluorocarbon-free metered-dose inhalers as expeditiously as possible in a manner that does not put patients at risk;

8. That each manufacturer's export manufacturing transition plans should include specific details for each of the manufacturer's export markets and for each metered-dose inhaler by active ingredient concerning:

   (a) Timing of submission to the health authority of marketing applications for chlorofluorocarbon-free alternatives, expected approval and launch of such alternatives and withdrawal of associated chlorofluorocarbon product or products;

   (b) Indicative information on facilitative pricing, licensing and/or technology transfer arrangements under consideration;

   (c) Contribution to, and participation in, programmes for educating health care professionals, government health authorities and patients about the transition to chlorofluorocarbon-free treatments for asthma and chronic obstructive pulmonary disease;

9. Consistent with decision IV/25 and paragraph 4 of decision XII/2, to request each party referred to in paragraph 7 of the present decision, when deciding whether to nominate essential-use volumes for and/or grant essential-use licenses to a manufacturer, to take into account the manufacturer's efforts to implement its export manufacturing transition plan and its contribution to transition towards chlorofluorocarbon-free metered-dose inhalers;

10. To request each party referred to in paragraph 7 to submit each year to the Technology and Economic Assessment Panel, as part of the party's essential-use nomination, a report summarizing the export manufacturing transition plans submitted, taking care to protect any confidential information;

11. To request the Technology and Economic Assessment Panel to consider such reports in its assessment of each party's essential-use nominations;

12. To request the Technology and Economic Assessment Panel to assess and report on progress at the twenty-seventh meeting Open-ended Working Group and to report to the Nineteenth Meeting of the Parties on the need for, feasibility of, optimal timing of, and recommended quantities for a limited campaign production of chlorofluorocarbons exclusively for metered-dose inhalers in both parties operating under paragraph 1 of Article 5 and parties not operating under paragraph 1 of Article 5.

[Text indicated in ~~strikethrough~~ and underline has been deleted or added in accordance with the provisions of decision XX/3; see page 153 of this Handbook.]

Decision XX/4: Campaign production of chlorofluorocarbons for metered-dose inhalers

The *Twentieth Meeting of the Parties* decided in *decision XX/4*:

Acknowledging that chlorofluorocarbon consumption and production in parties operating under paragraph 1 of Article 5 will cease from 1 January 2010, with possible essential-use exemptions,

Acknowledging also that many parties operating under paragraph 1 of Article 5 import chlorofluorocarbon-free metered-dose inhalers from parties not operating under paragraph 1 of Article 5,

Recognizing that campaign production offers potential advantages in lieu of annual essential-use nominations under decision IV/25 to meet needs for pharmaceutical-grade chlorofluorocarbons,

Noting that decision XVIII/16, paragraph 12, requested the Technology and Economic Assessment Panel to assess "quantities for a limited campaign production of chlorofluorocarbons exclusively for metered-dose inhalers in parties operating under paragraph 1 of Article 5 and parties not operating under paragraph 1 of Article 5,"

Noting also that the Medical Technical Options Committee presented findings concerning the amounts of chlorofluorocarbons that may be needed for metered-dose inhalers only for parties operating under paragraph 1 of Article 5 in 2008,

Acknowledging that the Medical Technical Options Committee has reported the need for additional information concerning the operations of a final campaign for Article 5 parties except from one major manufacturing party,

1. To request that the Technology and Economic Assessment Panel present a report to the Twenty-First Meeting of the Parties, preceded by a preliminary report to the Open-ended Working Group at its twenty-ninth meeting, concerning:

   (a) The potential timing for final campaign production, taking into account, among other things, the information submitted in the nominations for 2010 and that some parties operating under paragraph 1 of Article 5 may prepare essential use nominations for the first time for the Twenty-First Meeting of the Parties;

   (b) Options for long-term storage, distribution, and management of produced quantities of pharmaceutical-grade chlorofluorocarbons before they are needed by parties, including existing methods used by parties not operating under paragraph 1 of Article 5;

   (c) Options for minimizing the potential for too much or too little chlorofluorocarbons production as part of a final campaign;

   (d) Contractual arrangements that may be necessary, considering the models currently used by parties not operating under paragraph 1 of Article 5 that submit essential-use nominations consistent with decision IV/25;

   (e) Options for reducing production of non-pharmaceutical-grade chlorofluorocarbons, together with options for final disposal of such chlorofluorocarbons;

2. To request the Multilateral Fund Secretariat to report to the Open-ended Working Group at its twenty-ninth meeting on the status of agreements to convert metered-dose inhaler manufacturing facilities located in parties operating under paragraph 1 of Article 5 and the implementation of approved projects.

Decision XXVI/2: Essential-use nominations for controlled substances for 2015

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/2*:

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,

Welcoming the continued progress of 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,

1. To authorize the levels of production and consumption for 2015 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 provide the Medical Technical Options Committee with information to enable the assessment of essential-use nominations, in accordance with the criteria contained 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 2015 to consider initially sourcing required pharmaceutical-grade chlorofluorocarbons from stockpiles where they are available and accessible, provided that such stockpiles are used subject to the conditions established by the Meeting of the Parties in paragraph 2 of its decision VII/28;
4. To encourage parties with stockpiles of pharmaceutical-grade chlorofluorocarbons potentially available for export to parties with essential-use exemptions in 2015 to notify the Ozone Secretariat of those quantities and to provide it with the details of a contact point by 31 December 2014;
5. To request the Secretariat to post on its website details of the potentially available stocks referred to in paragraph 4 of the present decision;
6. That the party 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 of the present decision, from imports, from domestic producers or from existing stockpiles;
7. To request that parties consider domestic regulations to ban the launch or sale of new chlorofluorocarbon-based metered-dose inhaler products, even if such products have been approved;
8. To encourage parties to fast-track their administrative processes for the registration of metered-dose inhaler products in order to speed up the transition to chlorofluorocarbon-free alternatives.

Annex

Essential-use authorizations for 2015 of chlorofluorocarbons for metered-dose inhalers

(Metric tonnes)

Party	2015
China	182.61

Decisions on CFCs

Decision IX/23: Continuing availability of CFCs

The *Ninth Meeting of the Parties* decided in *decision IX/23:*

1. To note that despite the phase-out of the production and consumption of CFCs by 1 January 1996 in parties not operating under paragraph 1 of Article 5, CFCs continue to remain available in fairly significant quantities in a number of such parties, thereby preventing the timely elimination of the use and emissions of CFCs;
2. To note that information suggests that illegal trade in CFCs is contributing to their continued availability, and therefore to increased and unnecessary damage to the ozone layer;
3. To note that apart from agreed exempted uses, the continued supply of new CFCs is no longer necessary, as technically and economically feasible alternatives are widely available;
4. To request non-Article 5 parties to consider banning the placing on the market and sale of virgin CFCs, except to meet the basic domestic needs of parties operating under paragraph 1 of Article 5 and other exempted uses. parties may also consider extending this ban to include other substances listed in Annex A and B to the Montreal Protocol and recovered, recycled and reclaimed substances, provided that adequate steps are taken to ensure their disposal;
5. To request the parties concerned to report to the Secretariat in time for the Eleventh Meeting of the Parties on action taken under this decision.

Decision XI/16: CFC management strategies in non-Article 5 parties

The *Eleventh Meeting of the Parties* decided in *decision XI/16:*

1. To recall that decision IV/24 urges all parties to take all practicable measures to prevent releases of controlled substances into the atmosphere;
2. To recall also that decision IX/23 requests non-Article 5 parties to consider banning the placing on the market and sale of virgin CFCs, except to meet the basic domestic needs of Article 5 parties and other exempted uses;
3. To note that other strategies, besides those considered in decision IX/23, could help to reduce emissions of CFCs from existing equipment;
4. To note that, in the case of halons, decision X/7 requests parties to develop strategies for the management of halons, including emissions reductions and ultimate elimination of their use;
5. To request that each non-Article 5 party develops and submits to the Ozone Secretariat, by July 2001, a strategy for the management of CFCs, including options for recovery, recycling, disposal and eventual elimination of their use. In preparing such a strategy, taking into account technological and economic feasibility, parties should consider the following options:
   (a) Recovering, and eliminating where appropriate, CFCs from existing or out-of-service products and equipment;
   (b) Setting target dates for bans on the refilling and/or the use of refrigeration and air-conditioning equipment functioning on CFCs;

(c) Ensuring that appropriate measures are taken for the environmentally safe and effective storage, management and final disposition of recovered CFCs;

(d) Encouraging the use of CFC substitutes and replacements acceptable from the standpoint of environment and health, taking into account their impact on the ozone layer, and any other environmental issues.

Decision XIV/9: The development of policies governing the service sector and final use of chillers

The *Fourteenth Meeting of the Parties* decided in *decision XIV/9:*

To request the Technology and Economic Assessment Panel to collect data and assess the portion of the refrigeration service sector made up by chillers and identify incentives and impediments to the transition to non-CFC equipment and prepare a report;

To request the Technology and Economic Assessment Panel to submit the report to the 2003 Open-ended Working Group meeting for their consideration.

Decision XVI/13: Assessment of the portion of the refrigeration service sector made up by chillers and identification of incentives and impediments to the transition to non-CFC equipment

The *Sixteenth Meeting of the Parties* decided in *decision XVI/13:*

Noting with appreciation the report of the chiller task force on the collection of data and assessment of the portion of the refrigeration service sector made up by chillers, as decided in decision XIV/9,

Noting that the chiller sector has been and will be a long-term challenge for both developed and developing countries owing to its distinct character, as has been brought out by the report of the Technology and Economic Assessment Panel,

Recognizing the need to develop a management plan for CFC-based chillers in the parties operating under paragraph 1 of Article 5, to facilitate CFC phase-out in chillers,

Recognizing also the urgent need for effective replacement programmes to phase out consumption of CFCs,

Recognizing further the need for economic incentives for assisting enterprises in these countries to speed up the replacement programme,

Recognizing the impediments and uncertainties brought out by the Technology and Economic Assessment Panel in its report related to the lack of information for decision makers and lack of policies and regulatory measures needed to be set up for CFC phase-out in the chiller sector,

To request the Executive Committee of the Multilateral Fund to consider:

(a) Funding of additional demonstration projects to help demonstrate the value of replacement of CFC-based chillers, pursuant to relevant decisions of the Executive Committee;

(b) Funding actions to increase awareness of users in countries operating under paragraph 1 of Article 5 of the impending phase-out and options that may be available for dealing with their chillers and to assist Governments and decision makers;

(c) Requesting those countries preparing or implementing refrigerant management plans to consider developing measures for the effective use of the ozone-depleting substances recovered from the chillers to meet servicing needs in the sector.

Decisions on halons

Decision I/9: ODP for halon-2402

The *First Meeting of the Parties* decided in *decision I/9* to accept the value for the Ozone Depleting Potential (ODP) for halon-2402, as 6.0, and to request the Secretariat to inform the Depositary that the parties agreed to accept this figure by consensus at their first meeting and that accordingly, the Depositary should insert this figure to replace the words "to be determined" in Annex A to the Montreal Protocol.

Decision II/3: Halons

The *Second Meeting of the Parties* decided in *decision II/3* with regard to halons to establish an ad hoc working group of experts to investigate, and make recommendations to the Fourth Meeting of the Parties in 1992 on the availability of substitutes for halons, the need to define essential uses of halons, methods of implementation and, if there is such a need, the identification of such uses.

Decision VII/12: Control measures for parties not operating under Article 5 concerning halons and other agents used for fire-suppression and explosion-inertion purposes

The *Seventh Meeting of the Parties* decided in *decision VII/12:*

1. To recommend that all parties not operating under Article 5 should endeavour, on a voluntary basis, to limit the emissions of halon to a minimum by:

   (a) Accepting as critical those applications meeting the essential-use criteria as defined in decision IV/25, paragraph 1 (a);

   (b) Limiting the use of halons in new installations to critical applications;

   (c) Accepting that existing installations for critical applications may continue to use halon in the future;

   (d) Considering the decommissioning of halon systems in existing installations, which are not critical applications, as quickly as technically and economically feasible;

   (e) Ensuring that halons are effectively recovered;

   (f) Preventing, whenever feasible, the use of halon in equipment testing and for training of personnel;

   (g) Evaluating and taking into account only those substitutes and replacements of halon, for which no other more environmentally suitable ones are available;

   (h) Promoting the environmentally safe destruction of halons, when they are not needed in halon banks (existing or to be created);

2. To request the Technology and Economic Assessment Panel and its Halons Technical Options Committee to prepare a report to the Eighth Meeting of the Parties to provide guidance on the above.

Decision VIII/17: Availability of halons for critical uses

The *Eighth Meeting of the Parties* decided in *decision VIII/17:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Halons Technical Options Committee pursuant to decision VII/12 of the Seventh Meeting of the Parties;

2. To request the Technology and Economic Assessment Panel and its Halons Technical Options Committee to carry out, on the basis of existing information, further studies on the future availability of halons to meet the demands for use in applications that are deemed critical by parties not operating under Article 5, and to report to the Ninth Meeting of the Parties;

3. To request parties not operating under Article 5 to estimate the approximate surplus or deficit relative to their assessment of their critical needs and to submit this information, together with an explanation of how it was determined, to the Industry and Environment Programme Activity Centre of the United Nations Environment Programme by 31 December 1997;

4. To request the Technology and Economic Assessment Panel and its Halons Technical Options Committee to evaluate the information received from parties, and to make an assessment, if possible, for the Tenth Meeting of the Parties of whether there will be adequate quantities of halon to meet future needs for critical applications of parties not operating under Article 5, and;

   (a) If there is a shortfall, either overall or in individual parties, to propose action which may be taken to enable that shortfall to be overcome; or

   (b) If there is a surplus, either overall or in individual parties, to provide guidance on appropriate policies for disposal or redeployment, bearing in mind the needs of other parties not operating under Article 5, as well as the needs of parties operating under Article 5, and to identify any potential barriers to such disposal and what steps may be needed to overcome them.

Decision IX/21: Decommissioning of non-essential halon systems in non-Article 5 parties

The *Ninth Meeting of the Parties* decided in *decision IX/21:*

Noting that in its 1994 report, the Scientific Assessment Panel identified decommissioning and destruction of halon as the second most environmentally beneficial potential approach to further lowering stratospheric chlorine and bromine abundances but that the Technology and Economic Assessment Panel concluded that such an approach, while technically feasible, was not appropriate at that time,

Noting that the Seventh Meeting of the Parties took action in relation to methyl bromide controls, which was the approach identified by the Scientific Assessment Panel as the most environmentally beneficial approach at that time,

Noting also that parties are considering further controls on methyl bromide,

Recognizing that, since 1994, some parties have taken action to decommission and commence destruction of non-essential halon,

Recognizing that depletion of the ozone layer continues to be a significant environmental concern and that atmospheric concentrations of halons continue to increase,

Recognizing that the Technology and Economic Assessment Panel is currently conducting an assessment of the availability of halons for critical uses under the terms of decision VIII/17,

1. To request the Technology and Economic Assessment Panel to examine the feasibility of early decommissioning in non-Article 5 parties of all non-essential halon systems, and the subsequent destruction or redeployment of halon stocks not required for those critical uses that have no identified substitutes or alternatives, bearing in mind the need of Article 5 parties for halon. In undertaking such an examination, TEAP should also examine the efficacy of halon alternatives, experience with potential measures to ensure safety and to minimize any emissions of halons during decommissioning, and experience with the cost and efficiency of storage prior to destruction and with halon destruction activities undertaken to date;

2. To request TEAP to report on this matter to the Tenth Meeting of the Parties.

Decision X/7: Halon-management strategies

The *Tenth Meeting of the Parties* decided in *decision X/7:*

Noting that in the executive summary of its 1998 report, the Scientific Assessment Panel identifies complete elimination and destruction of halon-1211 and 1301 as the most environmentally beneficial option to enhance the recovery of the ozone layer,

Noting that the Technology and Economic Assessment Panel, in its 1998 report pursuant to decision IX/21, concludes that by definition all non-critical uses of halon-1211 and 1301 can be decommissioned, taking into account the costs and benefits of such operations,

1. To request all parties to develop and submit to the Ozone Secretariat a national or regional strategy for the management of halons, including emissions reduction and ultimate elimination of their use;

2. To request parties not operating under Article 5 to submit their strategies to the Ozone Secretariat by the end of July 2000;

3. In preparing such a strategy, parties should consider issues such as:

   (a) Discouraging the use of halons in new installations and equipment;

   (b) Encouraging the use of halon substitutes and replacements acceptable from the standpoint of environment and health, taking into account their impact on the ozone layer, on climate change and any other global environmental issues;

   (c) Considering a target date for the complete decommissioning of non-critical halon installations and equipment, taking into account an assessment of the availability of halons for critical uses;

   (d) Promoting appropriate measures to ensure the environmentally safe and effective recovery, storage, management and destruction of halons;

4. To request the Technology and Economic Assessment Panel to update its assessment of the future need for halon for critical uses, in light of these strategies;

5. To request the Technology and Economic Assessment Panel to report on these matters to the Twelfth Meeting of the Parties.

Decision XV/11: Plan of action to modify regulatory requirements that mandate the use of halons on new airframes

The *Fifteenth Meeting of the Parties* decided in *decision XV/11:*

Acknowledging that potential alternatives to the use of halons exist to provide the necessary fire protection for both engine nacelles and cargo bays of commercial aircraft,

Concerned to note that new airframes are still being designed and certified with halons as the required fire extinguishant owing to regulatory requirements,

Acknowledging that airframe certification agencies and airframe manufacturers will wish to participate in a joint effort to allow the certification of alternatives to halon on new airframes,

To authorize representatives of the Ozone Secretariat and the Technology and Economic Assessment Panel to engage in discussions with the relevant International Civil Aviation Organization bodies in the development of a timely plan of action to enable consideration of the possibility that modifying the regulatory requirements that mandate the use of halons on new airframes may be feasible without compromising the health and safety of airline passengers, and to report thereon to the Sixteenth Meeting of the Parties.

Decision XIX/16: Follow-up to the 2006 assessment report by the Halons Technical Options Committee

The *Nineteenth Meeting of the Parties* decided in *decision XIX/16*:

Welcoming the 2006 assessment report of the Halons Technical Options Committee of the Technology and Economic Assessment Panel,

Welcoming also the continuing reduction in global halon use,

Noting the concern expressed by the Halons Technical Options Committee about the availability of certain halons around the world,

1. To request the Technology and Economic Assessment Panel to undertake a further study on projected regional imbalances in the availability of halon-1211, halon-1301 and halon-2402 and to investigate and propose mechanisms to better predict and mitigate such imbalances in the future;

2. To request the Technology and Economic Assessment Panel, when undertaking the study, to consult with the Secretariat of the Multilateral Fund on the outcomes of its study on the operation of halon banks around the world and to use such information from that study as may be relevant to its own review;

3. To request the Ozone Secretariat to make available 2004, 2005 and 2006 halon consumption figures by type of halon to the Technology and Economic Assessment Panel for its study;

4. To request the Technology and Economic Assessment Panel to submit its study in time to allow the Twentieth Meeting of the Parties to consider its results;

5. To encourage parties which have requirements for halon-1211, halon-1301 and halon-2402 to provide the following information to the Ozone Secretariat by 1 April 2008 to assist the Technology and Economic Assessment Panel with its study:

   (a) Projected need for halon-1211, halon-1301 and halon-2402 to support critical or essential equipment through the end of its useful life;

(b) Any difficulties experienced to date, or foreseen, in accessing adequate halons to support critical or essential equipment;

6. To encourage parties, on a regular basis, to inform their critical users of halons, including the maritime industries, the aviation sector and the military, of the need to prepare for reduced access to halons in the future and to take all actions necessary to reduce their reliance on halons;

7. To request the Ozone Secretariat to write to the International Maritime Organization secretariat and to the secretariat of the International Civil Aviation Organization to draw their attention to the decreasing availability of halons for marine and aviation uses and to the need to take all actions necessary to reduce reliance on halons in their respective sectors.

Decision XXI/7: Management and reduction of remaining uses of halons

The *Twenty-First Meeting of the Parties* decided in *decision XXI/7*:

Recognizing that the International Civil Aviation Organization (ICAO) General Assembly adopted a resolution A36-12 at its 36th Session encouraging ICAO to continue collaboration with the Technology and Economic Assessment Panel (TEAP) and its Halon Technical Options Committee (HTOC) and requesting its Secretary General to consider mandates to be effective: (1) in the 2011 timeframe, for the replacement of halon in lavatories, hand held extinguishers, engines and auxiliary power units in newly designed aircraft; (2) in the 2011 timeframe, for the replacement of halons in lavatories in new production aircraft; and (3) in the 2014 timeframe, for the replacement of halons in hand held extinguishers for new production aircraft;

Recalling that parties must ensure that the movement of halon is consistent with their obligations under Article 4B and international agreements on waste;

Noting that the 2009 report by the Halon Technical Options Committee observed that legislative barriers preventing the free flow of recycled halon among parties could result in halon not being available to meet future critical needs, including those of the aviation industry.

1. To express the parties' continued support for the implementation of mandatory dates by when halon alternatives will be used in previously agreed upon applications of newly designed aircraft;

2. To request TEAP and its HTOC to continue to engage ICAO on this issue and to report progress on this issue to the Twenty-Second Meeting of the Parties;

3. To encourage parties that have implemented import and/or export restrictions of recovered, recycled or reclaimed halons to consider reassessing their situation with a view towards removing barriers on the import and export of recovered, recycled or reclaimed halons to allow, wherever possible, their free movement between parties to enable parties to meet current and future needs, even as parties continue to transition to available halon alternatives;

4. To encourage parties to refrain from destroying uncontaminated recovered, recycled, or reclaimed halons before they have considered their domestic, as well as the global long-term future needs for halons, and to consider retaining uncontaminated recovered, recycled, reclaimed halons for anticipated future needs in a manner that employs best practices for storage and maintenance, in order to minimize emissions;

5. To encourage parties to report their assessments of current and long-term future needs for halons to the Ozone Secretariat for use by the TEAP and its HTOC in their future assessments of management of halon banks;

6. To continue to encourage parties to inform, on a regular basis, their users of halons, including the maritime industries, the aviation sector and the military, of the need to prepare for reduced access to halons in the future and to take all actions necessary to reduce their reliance on halons.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/11*:

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,

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.

Decision XXVI/7: Availability of recovered, recycled or reclaimed halons

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/7*:

Recognizing that the global production of halons for controlled uses was eliminated in 2009, but that some remaining uses, in particular for civil aviation, continue to rely on stocks of recovered, recycled or reclaimed halons for fire safety,

Noting that, despite efforts to evaluate the extent of accessible stocks of recovered, recycled or reclaimed halons, there is still uncertainty about the quantity of recovered, recycled or reclaimed halons that is accessible for continuing uses, such as in civil aviation,

Recalling the 1992 International Maritime Organization ban on the use of halons in new ships and noting that ships containing halons are now being decommissioned,

Recalling also the adoption by the Assembly of the International Civil Aviation Organization of resolutions A37-9 and A38-9, in which the Assembly expressed an urgent need to continue developing and implementing halon alternatives for civil aviation and called on manufacturers to use alternatives in lavatory fire extinguishing systems in newly designed and new production aircraft after 2011, in hand-held fire extinguishers in such aircraft after 2016, in engine and auxiliary power unit fire-extinguishing systems used in newly designed aircraft after 2014 and in the cargo compartments of new aircraft by a date to be determined by the Assembly in 2016,

Noting that the import and export of recovered, recycled or reclaimed halons is allowed under the Montreal Protocol and that the Technology and Economic Assessment Panel has found that the current distribution of recovered, recycled or reclaimed halon stocks potentially may not align with anticipated needs for such stocks,

Recalling paragraph 3 of decision XXI/7, concerning the import and export of recovered, recycled or reclaimed halons,

Taking note of the progress report of the Technology and Economic Assessment Panel provided to the parties before the thirty-fourth meeting of the Open-ended Working Group, including information on alternatives,

1. To encourage parties, on a voluntary basis, to liaise, through their national ozone officers, with their national civil aviation authorities to gain an understanding of how halons are being recovered, recycled or reclaimed to meet purity standards for aviation use and supplied to air carriers to meet ongoing civil aviation needs and on any national actions being taken to expedite the replacement of halons in civil aviation uses as called for by the Assembly of the International Civil Aviation Organization in its resolutions A37-9 and A38-9;

2. To also encourage parties, on a voluntary basis, to submit information provided in accordance with paragraph 1 of the present decision to the Ozone Secretariat by 1 September 2015;

3. To invite parties, on a voluntary basis, to reassess any national import and export restrictions other than licensing requirements with a view to facilitating the import and export of recovered, recycled or reclaimed halons and the management of stocks of such halons with the aim of enabling all parties to meet remaining needs in accordance with domestic regulations even as they make the transition to halon alternatives;

4. To request the Technology and Economic Assessment Panel, through its Halons Technical Options Committee:

(a) To continue to liaise with the International Civil Aviation Organization to facilitate the transition to halon alternatives, to approach the International Maritime Organization to estimate the amount and purity of halon-1211 and 1301 available from the breaking of ships and to report information on global stocks of recovered halons to the parties in its 2015 progress report;

(b) To report on existing and emerging alternatives for halons, including information on their characteristics and their rate of adoption, in particular for aviation uses;

5. To request the Ozone Secretariat to report to the parties, prior to the thirty-seventh meeting of the Open-ended Working Group, any information provided by parties in accordance with paragraph 1 of the present decision.

Decision XXIX/8: Future availability of halons and their alternatives

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/8*:

Recognizing that global production of halons for controlled uses was eliminated in 2009, but that some remaining uses, in particular for civil aviation, will continue to rely on stocks of recovered, recycled or reclaimed halons for fire safety for the foreseeable future,

Noting the adoption by the Assembly of the International Civil Aviation Organization of resolutions A37-9 and A38-9, in which the Assembly expressed an urgent need to continue to develop and implement alternatives to halons for civil aviation,

Taking note of Assembly of the International Civil Aviation Organization resolution A39-13, by which the Assembly encouraged the International Civil Aviation Organization to continue collaboration with the Secretariat, through the Halons Technical Options Committee of the Technology and Economic Assessment Panel, on the topic of alternatives to halons for civil aviation,

Recalling the information provided by the Panel as requested under decision XXVI/7,

Taking note of the progress report of the Panel that was provided to the parties before the thirty-ninth meeting of the Open-ended Working Group of the parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, including the need mentioned therein for better information on existing halon inventories and emissions in civil aviation,

1. To request the Technology and Economic Assessment Panel, through its Halons Technical Options Committee:

(a) To continue to liaise with the International Civil Aviation Organization on the development and implementation of alternatives to halons, and their rate of adoption by civil aviation, and to report thereon in its 2018 progress report;

(b) To explore the possibility of forming a joint working group with the International Civil Aviation Organization to develop and thereafter carry out a study to determine the current and projected future quantities of halons installed in civil aviation fire protection systems, the associated uses and releases of halons from those systems and any potential courses of action that civil aviation could take to reduce those uses and releases;

(c) To submit a report on the work of the joint working group, if established under paragraph 1 (b) above, before the Thirtieth Meeting of the Parties and the fortieth session of the Assembly of the International Civil Aviation Organization for consideration and potential further action;

2. To invite parties, on a voluntary basis, to reassess any national import and export restrictions other than licensing requirements with a view to facilitating the import and export of recovered, recycled or reclaimed halons and the management of stocks of such halons with the aim of enabling all parties to meet remaining needs in accordance with national regulations even as they make the transition to alternatives to halons;

3. To encourage parties to refrain from destroying uncontaminated recovered, recycled or reclaimed halons before they have considered their national and the global long-term future needs for halons, and to consider retaining uncontaminated recovered, recycled or reclaimed halons for anticipated future needs in a manner that employs best practices for storage and maintenance, in order to minimize emissions;

Decisions on carbon tetrachloride

Decision XVI/14: Sources of carbon tetrachloride emissions and opportunities for reductions

The *Sixteenth Meeting of the Parties* decided in *decision XVI/14:*

Noting with appreciation the 2002 report of the Scientific Assessment Panel and the April 2002 report of the Technology and Economic Assessment Panel on destruction technologies,

Recognizing the need to understand the latest technology and best practices for mitigating emissions and destruction of carbon tetrachloride,

Expressing concern that measured atmospheric concentrations of carbon tetrachloride are significant,

Recognizing the need to access further the sources of carbon tetrachloride being measured in the atmosphere,

1. To request the Technology and Economic Assessment Panel to assess global emissions of carbon tetrachloride being emitted:

   (a) From feedstock and process agent sources situated in parties not operating under paragraph 1 of Article 5;

   (b) From sources situated in parties operating under paragraph 1 of Article 5 already addressed by existing agreements with the Executive Committee of the Multilateral Fund;

   (c) From feedstock and process agent uses of carbon tetrachloride applied in parties operating under paragraph 1 of Article 5 not yet addressed by agreements with the Executive Committee of the Multilateral Fund;

   (d) From sources situated both in parties operating under paragraph 1 of Article 5 and in those not so operating that co-produce carbon tetrachloride;

   (e) From waste and incidental quantities of carbon tetrachloride that are not destroyed in a timely and appropriate manner;

2. To request the Technology and Economic Assessment Panel to assess potential solutions for the reduction of emissions for the categories above;

3. To request the Technology and Economic Assessment Panel to prepare a report for the consideration of the parties at the Eighteenth Meeting of the Parties in 2006.

Decision XVIII/10: Sources of carbon tetrachloride emissions and opportunities for reductions

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/10:*

Noting with appreciation the information presented by the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee in its May 2006 progress report,

Mindful of the obligations to ensure control measures under Article 2D of the Montreal Protocol regarding production and consumption of carbon tetrachloride,

Desiring to reduce emissions to background concentration levels, encourage earlier adaptation of ozone-safe alternatives and set limits on emissions that occur during interim use,

Expressing concern regarding the large discrepancy in reported emissions and observed atmospheric concentrations, which clearly indicates that emissions from industrial activity are being significantly underestimated (as of 2002 they were still in the order of 70,000 tonnes (plus or minus 6,000 tonnes)),

1. To request the Technology and Economic Assessment Panel to continue its assessment of global emissions of carbon tetrachloride, as set out in decision XVI/14 and other related decisions such as decision XVII/19, paragraph 6, paying particular attention:

   (a) To obtaining better data for industrial emissions to enable resolution of the significant discrepancy with atmospheric measurements;

   (b) To further investigating issues related to production of carbon tetrachloride (including its production as a by-product and its subsequent use, storage, recycling or destruction);

   (c) To estimating emissions from other sources such as landfills;

2. To request that the Technology and Economic Assessment Panel prepare a final report on the assessment referred to in paragraph 1 in time for the twenty-seventh meeting of the Open-ended Working Group for the consideration of the Nineteenth Meeting of the Parties in 2007.

Decision XXI/8: Sources of carbon tetrachloride emissions and opportunities for reductions of ODS emissions

The *Twenty-First Meeting of the Parties* decided in *decision XXI/8*:

Recalling decision XVII/10 on sources of carbon tetrachloride (CTC) emissions and opportunities for reduction, and the difficulties expressed by Technology and Economic Assessment Panel (TEAP) in reconciling reported emissions data and atmospheric concentrations,

Reiterating the concern regarding the large discrepancy between reported emissions and observed atmospheric concentrations, which suggests that emissions from industrial activity are significantly under reported and underestimated, or that atmospheric measurements of CTC emissions need to be reconciled,

Acknowledging that CTC can be emitted from processes, stockpiles or containers in the form of vapour or released from the same sources in liquid or solid waste stream(s) and via products, all of which would also be considered as emissions,

Mindful of the obligations to ensure compliance with control measures under Article 2D of the Montreal Protocol regarding production and consumption of carbon tetrachloride,

Desiring to reduce emissions to background concentration levels,

Noting the report UNEP/OzL.Pro/ExCom/58/50 of the 58th Executive Committee on emission reductions and phase-out of carbon tetrachloride in light of decision XVIII/10 of the Eighteenth Meeting of the Parties and its verbal report to the Twentieth Meeting of the Parties concluding that the rapid decrease in model-estimated bottom-up emissions (i.e. based on information from industry and Article 7 data) is significantly lower than emissions derived from atmospheric measurements for the range of scientifically determined atmospheric lifetimes.

1. To encourage parties having any carbon tetrachloride and other chloromethane production and/or consumption of CTC in pharmaceutical manufacturing processes to review their national data on CTC production, consumption and where possible estimated emissions and to provide any new data to the TEAP via the Ozone Secretariat by September 2010;

2. For the purpose of clarification the reference to "emissions" in paragraph 1 means any release from processes, stockpiles, products, and waste streams, either in the form of vapour or in the form of liquid;

3. To request the TEAP, in its next assessment report in 2011, to investigate chemical alternatives to ODS in exempted feedstock uses and investigate alternatives, including not-in-kind alternatives, to products made with such process agents and feedstocks and provide assessment of the technical and economic feasibility of reducing or eliminating such use and emissions;

4. To request TEAP and the Scientific Assessment Panel (SAP) to review the ozone depletion potential and atmospheric lifetime of CTC with a view to possibly reconciling the large discrepancy between emissions reported and those inferred from atmospheric measurements and to report their findings in the next quadrennial review;

5. To request the TEAP and SAP to coordinate their relevant findings, taking into account the information received in relation to paragraphs 1, 3 and 4, and report in time for the thirty-first meeting of the Open-ended Working Group for the consideration of the Twenty-Third Meeting of the Parties in 2011;

6. To encourage all parties to provide support for atmospheric research in the measurement of emissions of CTC with a particular focus on regions in which there is a need for improved data.

Decision XXIII/8: Investigation of carbon tetrachloride discrepancy

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/8*:

Taking note of the report from the Technology and Economic Assessment Panel and the Scientific Assessment Panel indicating the existence of a discrepancy between the emissions derived from reported production and consumption data from both parties operating under paragraph 1 of Article 5 and those not so operating and those inferred from atmospheric measurements,

Noting that the Technology and Economic Assessment Panel is continuing its work and will provide information as called for in decision XXI/8 relating to carbon tetrachloride,

1. To request the Technology and Economic Assessment Panel, in cooperation with the Scientific Assessment Panel, to continue to investigate the possible reasons for the identified discrepancy, considering in particular the extent to which the discrepancy could be due to:

   (a) Incomplete or inaccurate historical reporting of carbon tetrachloride produced;

   (b) Uncertainties in the atmospheric lifetime of carbon tetrachloride;

   (c) Carbon tetrachloride from unreported or underestimated sources from both parties operating under paragraph 1 of Article 5 and those not so operating;

2. To request the Technology and Economic Assessment Panel to report on its work in response to paragraph 1 above to the Twenty-Fourth Meeting of the Parties.

Decision XXVII/7: Investigation of carbon tetrachloride discrepancies

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/7*:

Reiterating its concern about the discrepancy between observed atmospheric concentrations and data on carbon tetrachloride reported in the 2014 assessment reports of the Technology and Economic Assessment Panel and the Scientific Assessment Panel, indicating that the mismatch between bottom-up inventories and global top-down estimates of carbon tetrachloride remains unresolved,

Noting with concern that derived emissions of carbon tetrachloride, based on its estimated lifetime and its accurately measured atmospheric abundances, have become much larger over the last decade than those from reported production and usage, notwithstanding that some of the discrepancy could be explained by additional sources unrelated to reported production, such as contaminated soils and industrial waste, and that additional explanations could include underreported releases to the atmosphere and incorrect partial lifetimes (stratosphere, ocean or soil),

Recalling decisions IV/12, X/12, XVI/14, XVIII/10, XXI/8 and XXIII/8,

1. To request the Technology and Economic Assessment Panel and the Scientific Assessment Panel to continue their analysis of the discrepancies between observed atmospheric concentrations and reported data on carbon tetrachloride and to report and provide an update on their findings to the Twenty-Eighth Meeting of the Parties.

Decisions on HCFCs

Decision III/12: Assessment Panels

The *Third Meeting of the Parties* decided in *decision III/12:*

(a) To request the Assessment Panels and in particular the Technology and Economic Assessment Panel to evaluate, without prejudice to Article 5 of the Montreal Protocol, the implications, in particular for developing countries, of the possibilities and difficulties of an earlier phase-out of the controlled substances, for example of the implications of a 1997 phase-out;

(b) Taking into account the London Resolution on transitional substances (annex VII to the report of the Second Meeting of the Parties to the Montreal Protocol) [see section 3.8 of this Handbook] to identify the specific areas where transitional substances are required to facilitate the earliest possible phase-out of controlled substances, taking into account environmental, technological and economic factors, where no other more

environmentally suitable alternatives are available. The quantities likely to be needed for those areas of application currently served by transitional substances shall both be assessed;

(c) To request the assessment panels to identify the transitional substances with the lowest potential for ozone depletion required for those areas and suggest, if possible, a technically and economically feasible timetable, indicating associated costs, for the elimination of transitional substances;

(d) To request the assessment panels to submit their reports in time for their consideration by the Open-ended Working Group with a view to their submission for consideration by the Fourth Meeting of the Parties;

(e) To endorse decision II/2, paragraph 2, of the Second Meeting of the Conference of the Parties to the Vienna Convention.

Decision IV/30: Hydrochlorofluorocarbons (HCFCs)

The *Fourth Meeting of the Parties* decided in *decision IV/30:*

1. To request the Technology and Economic Assessment Panel:

   (a) To evaluate alternative substances and technologies to the application for HCFCs as refrigerant and as insulation gas in rigid foam;

   (b) To identify other applications for HCFCs, if any, where other more environmentally suitable alternatives or technologies are not available; and

   (c) To submit its findings to the Open-ended Working Group of the parties to the Montreal Protocol no later than 31 March 1994;

2. To request the Open-ended Working Group to consider the report of the Technology and Economic Assessment Panel with respect to HCFCs; to consider the possible need for specific provisions for the implementation of the regulation on the applications for HCFCs, taking into account the special circumstances of parties operating under paragraph 1 of Article 5 of the Protocol; and to make any appropriate recommendations for consideration by the parties at their Meeting in 1994 and following subsequent reviews taking place under Article 6 of the Protocol;

3. To ensure that, notwithstanding the new status of HCFCs as controlled substances, the incremental costs to parties operating under paragraph 1 of Article 5 of the Protocol of making the transition from CFCs to HCFCs consistent with the regulation on the applications for HCFCs will continue to be met by the Fund and to request the Executive Committee to function in the light of this decision;

4. To request the Executive Committee to estimate, on an ongoing basis, the amount of HCFCs required by parties operating under paragraph 1 of Article 5 of the Protocol and to recommend the methods of meeting such needs in full, simultaneously with the exercise to estimate the amounts of controlled substances needed, as well as to estimate the production available to meet those needs, as requested by the Open-ended Working Group at its seventh meeting.

Decision V/8: Consideration of alternatives

The *Fifth Meeting of the Parties* decided in *decision V/8:*

1. That each party is requested, as far as possible and as appropriate, to give consideration in selecting alternatives and substitutes, bearing in mind, inter alia, Article 2F, paragraph 7, of the Copenhagen Amendment regarding hydrochlorofluorocarbons, to:
   (a) Environmental aspects;
   (b) Human health and safety aspects;
   (c) The technical feasibility, the commercial availability and performance;
   (d) Economic aspects, including cost comparisons among different technology options taking into account:
      (i) All interim steps leading to final ODS elimination;
      (ii) Social costs;
      (iii) Dislocation costs, etc.
   (e) Country-specific circumstances and due local expertise;
2. To note that the Executive Committee is taking the above considerations into account as far as information is available;
3. To request the Technology and Economic Assessment Panel and its Technical Options Committees in the context of finalizing its report, to provide information on which alternatives and substitutes best satisfied the above considerations, and to update this information on an annual basis;

Decision VI/13: Assessment Panels

The *Sixth Meeting of the Parties* decided in *decision VI/13* to request the Panels, as an inclusion in their ongoing work, to evaluate, without prejudice to Article 5 of the Montreal Protocol, the technical and economic feasibility, and the environmental, scientific, and economic implications for non-Article 5 countries, as well as Article 5 countries, bearing in mind Article 5, paragraph 1 *bis*, of the Copenhagen Amendment, of:

(a) The alternatives to hydrochlorofluorocarbons in so doing, the Technology and Economic Assessment Panel is requested to consider the ozone-depleting substance substitution potential of not-in-kind alternatives, in-kind alternatives, and alternative technologies. In assessing this matter, the Technology and Economic Assessment Panel should consider how available alternatives compare with hydrochlorofluorocarbons with respect to such factors as energy efficiency, total global warming impact, potential flammability, and toxicity, and the potential impacts on the effective use and phase-out of chlorofluorocarbons and halons; in time for consideration by the Open-ended Working Group at its eleventh meeting;

In considering these matters, the Scientific Assessment Panel shall consider, if possible, atmospheric chlorine and bromine loadings and their impact on ozone depletion. The Technology and Economic Assessment Panel and Scientific Assessment Panel evaluations shall be solely for the purpose of discussions by the parties and shall in no way be construed as recommendations for action.

[The remainder of this decision is located below under "Decisions on methyl bromide".]

Decision VIII/13: Uses and possible applications of hydrochlorofluorocarbons (HCFCs)

The *Eighth Meeting of the Parties* decided in *decision VIII/13:*

1. That UNEP distribute to the parties of the Montreal Protocol a list containing the HCFCs applications which have been identified by the Technology and Economic Assessment Panel, after having taken into account the following:

   (a) The heading should read "Possible Applications of HCFCs";

   (b) The list should include a chapeau stating that the list is intended to facilitate collection of data on HCFC consumption, and does not imply that HCFCs are needed for the listed applications;

   (c) The use as fire extinguishers should be added to the list;

   (d) The use as aerosols, as propellant, solvent or main component, should be included, following the same structure as for other applications;

2. That the Technology and Economic Assessment Panel and its Technical Options Committee be requested to prepare, for the Ninth Meeting of the Parties, a list of available alternatives to each of the HCFC applications which are mentioned in the now available list.

Decision XIX/8: Additional work on hydrochlorofluorocarbons

The *Nineteenth Meeting of the Parties* decided in *decision XIX/8*:

Noting that by decision XIX/6 the Meeting of the Parties adopted an adjustment to the Montreal Protocol to accelerate the phase-out of hydrochlorofluorocarbons (HCFCs) and noting the impact of those adjustments on efforts towards the recovery of the ozone layer,

Expressing appreciation for the work done by the Technology and Economic Assessment Panel and its technical options committees in analyzing the global status of HCFC consumption, banks, emissions and technologies and noting the need for further information on alternative technology acceptance and promotion among parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 parties),

Welcoming the European Commission's intention to organize and hold a workshop in 2008 on alternatives to HCFCs and their availability in Article 5 parties,

Taking into consideration the difficulties faced by some Article 5 parties facing specific climatic conditions and other unique operating conditions, such as those as in mines that are not open pit mines, in the air-conditioning and refrigeration sectors,

1. To request the Technology and Economic Assessment Panel to conduct a scoping study addressing the prospects for the promotion and acceptance of alternatives to HCFCs in the refrigeration and air-conditioning sectors in Article 5 parties, with specific reference to specific climatic conditions and unique operating conditions, such as those as in mines that are not open pit mines, in some Article 5 parties;

2. To request the Technology and Economic Assessment Panel to provide a summary of the outcome of the study referred to in the preceding paragraph in its 2008 progress report with a view to identifying areas requiring more detailed study of the alternatives available and their applicability.

Decision XXI/9: Hydrochlorofluorocarbons and environmentally sound alternatives

The *Twenty-First Meeting of the Parties* decided in *decision XXI/9*:

Noting that the transition from, and phase-out of, ozone-depleting substances has implications for climate system protection;

Recalling that decision XIX/6 requests the parties to accelerate the phase-out of production and consumption of hydrochlorofluorocarbons (HCFCs);

Mindful of the need to safeguard the climate change benefits associated with phase-out of HCFCs;

Aware of the increasing availability of low-Global warming potential (GWP) alternatives to HCFCs, in particular in the refrigeration, air-conditioning and foam sectors;

Aware also of the need to appropriately ensure the safe implementation and use of low-GWP technologies and products;

Recalling paragraph 9 and 11 (b) of decision XIX/6;

1. To request the Technology and Economic Assessment Panel (TEAP), in its May 2010 Progress Report and subsequently in its 2010 full assessment, to provide the latest technical and economic assessment of available and emerging alternatives and substitutes to HCFCs; and the Scientific Assessment Panel (SAP) in its 2010 assessment to assess, using a comprehensive methodology, the impact of alternatives to HCFCs on the environment, including on the climate; and both the SAP and the TEAP to integrate the findings in their assessments into a synthesis report;

2. To request the Technology and Economic Assessment Panel in its 2010 progress report:

   (a) To list all sub-sectors using HCFCs, with concrete examples of technologies where low-GWP alternatives are used, indicating what substances are used, conditions of application, their costs, relative energy efficiency of the applications and, to the extent possible, available markets and percentage share in those markets and collecting concrete information from various sources including information voluntarily provided by parties and industries. To further ask TEAP to compare these alternatives with other existing technologies, in particular, high-GWP technologies that are in use in the same sectors;

   (b) To identify and characterize the implemented measures for ensuring safe application of low-GWP alternative technologies and products as well as barriers to their phase-in, in the different sub-sectors, collecting concrete information from various sources including information voluntarily provided by parties and industries;

   (c) To provide a categorization and reorganization of the information previously provided in accordance with decision XX/8 as appropriate, updated to the extent practical, to inform the parties of the uses for which low- or no-GWP and/or other suitable technologies are or will soon be commercialized, including to the extent possible the predicted amount of high-GWP alternatives to ozone-depleting substances uses that can potentially be replaced;

3. To request the Ozone Secretariat to provide the UNFCCC Secretariat with the report of the workshop on high global-warming-potential alternatives for ozone-depleting substances;

4. To encourage parties to promote policies and measures aimed at avoiding the selection of high-GWP alternatives to HCFCs and other ozone-depleting substances in those applications where other market-available, proven and sustainable alternatives exist that minimise impacts on the environment, including on climate, as well as meeting other health, safety and economic considerations in accordance with decision XIX/6;

5. To encourage parties to promote the further development and availability of low-GWP alternatives to HCFCs and other ozone-depleting substances that minimise environmental impacts particularly for those specific applications where such alternatives are not presently available and applicable;

6. To request the Executive Committee as a matter of urgency to expedite the finalisation of its guidelines on HCFCs in accordance with decision XIX/6;

7. To request the Executive Committee, when developing and applying funding criteria for projects and programmes regarding in particular the phase-out of HCFCs:

   (a) To take into consideration paragraph 11 of decision XIX/6;

   (b) To consider providing additional funding and/or incentives for additional climate benefits where appropriate;

   (c) To take into account, when considering the cost-effectiveness of projects and programmes, the need for climate benefits; and

   (d) To consider in accordance with decision XIX/6, further demonstrating the effectiveness of low-GWP alternatives to HCFCs, including in air-conditioning and refrigeration sectors in high ambient temperature areas in Article 5 countries and to consider demonstration and pilot projects in air-conditioning and refrigeration sectors which apply environmentally sound alternatives to HCFCs;

8. To encourage parties to consider reviewing and amending as appropriate, policies and standards which constitute barriers to or limit the use and application of products with low- or zero-GWP alternatives to ozone-depleting substances, particularly when phasing out HCFCs.

Decision XXII/9: Hydrochlorofluorocarbons preblended in polyols

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/9*:

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.

Decision XXIII/9: Additional information on alternatives to ozone-depleting substances

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/9:*

To request the Technology and Economic Assessment Panel to prepare a report in consultation with the other scientific experts, if necessary, for consideration by the Open-ended Working Group at its thirty-second meeting containing information on, among other things:

(a) The cost of alternatives to hydrochlorofluorocarbons that are technically proven, economically viable and environmentally benign;

(b) Alternatives to hydrochlorofluorocarbons that are technically proven, economically viable, environmentally benign and suitable for use in high ambient temperatures, including how such temperatures may affect efficiency or other factors;

(c) Quantities and types of alternatives already and projected to be phased in as replacements for hydrochlorofluorocarbons, disaggregated by application, both in parties operating under paragraph 1 of Article 5 of the Montreal Protocol and parties not so operating;

(d) An assessment of the technical, economic and environmental feasibility of options in consultation with scientific experts.

Decision XXIV/7: Additional information on alternatives to ozone-depleting substances

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/7:*

Recalling the report of the Technology and Economic Assessment Panel on alternatives to hydrochlorofluorocarbons in the refrigeration and air-conditioning sector in parties operating under paragraph 1 of Article 5 with high ambient temperatures and unique operating conditions, submitted to the Open-ended Working Group at its thirtieth meeting pursuant to decision XIX/8,

Noting with appreciation volume 2 of the 2012 progress report of the Technology and Economic Assessment Panel which responded to decision XXIII/9,

1. To request the Technology and Economic Assessment Panel in consultations with experts from outside the Panel with the relevant expertise if necessary, to update information on alternatives and technologies in various sectors and prepare a draft report for consideration by the Open-ended Working Group at its thirty-third meeting and a final report to be submitted to the Twenty-Fifth Meeting of the Parties that would by end use:

   (a) Describe all available alternatives to ozone-depleting substances that are commercially available, technically proven, environmentally-sound, taking into account their efficacy, health, safety and environmental characteristics, cost-effectiveness, and their use including in high ambient temperatures and high urban density cities;

   (b) Update information provided by previous Panel reports on alternatives under development;

   (c) Identify barriers and restrictions to the adoption and commercial use of certain environmentally-sound alternatives to ozone-depleting substances;

(d) Estimate, if possible, the approximate amount of alternatives with negative environmental impacts that could be or could have been avoided or eliminated by both non-Article 5 and Article 5 parties in the process of phasing-out ozone-depleting substances;

(e) Identify the opportunities for the selection of environmentally-sound alternatives to HCFCs in the future;

2. To invite the Panel to take into account any information relevant for the report to be prepared under paragraph 1 of the present decision provided by parties to the Secretariat.

Decision XXV/5: Response to the report by the Technology and Economic Assessment Panel on information on alternatives to ozone-depleting substances (decision XXIV/7, paragraph 1)

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/5:*

Noting with appreciation volume 2 of the 2012 task force progress report, which responded to decision XXIII/9, and volume 2 of the 2013 progress report of the Technology and Economic Assessment Panel, which responded to decision XXIV/7,

Noting the release of the contribution of Working Group I to the fifth assessment report of the Intergovernmental Panel on Climate Change, entitled "Climate change 2013: the physical science basis",

1. To request the Technology and Economic Assessment Panel, in consultation with external experts if necessary, to prepare a report for consideration by the Open-ended Working Group at its thirty-fourth meeting and an updated report to be submitted to the Twenty-Sixth Meeting of the Parties that would:

   (a) Provide an update on information on alternatives to ozone-depleting substances in various sectors and subsectors, and differentiating between parties operating under paragraph 1 of Article 5 and parties not so operating, considering regional differences, and assessing whether such alternatives are:
      (i) Commercially available;
      (ii) Technically proven;
      (iii) Environmentally sound;
      (iv) Energy efficient;
      (v) Economically viable and cost-effective;
      (vi) Suitable for regions with high ambient temperatures, in particular considering the refrigeration and air-conditioning sector and their use in high-urban-density cities;
      (vii) Suitable for safe uses, in particular considering their potential flammability or toxicity, and their suitability for use in densely populated urban areas, and describing potential limitations of their use;
      (viii) Easily used;

   (b) Estimate current and future demand for alternatives to ozone-depleting substances, taking into account increased demand, in particular in the refrigeration and air-conditioning sectors and in parties operating under paragraph 1 of Article 5;

   (c) Assess, differentiating between parties operating under paragraph 1 of Article 5 and those not so operating, the economic costs and implications, and environmental benefits of various scenarios of avoiding high-global-warming-potential

alternatives to ozone-depleting substances, where such avoidance is possible, considering the list in subparagraph (a) of the present decision;

(d) Request the Scientific Assessment Panel, in liaison with the Intergovernmental Panel on Climate Change, to provide information from the contribution of Working Group 1 to the fifth assessment report on the main climate metrics, considering the updated information provided in paragraph 1 (a) of the present decision;

2. To convene a workshop, back to back with the thirty-fourth meeting of the Open-ended Working Group, to continue discussions on hydrofluorocarbon management, taking into account the information requested in the present decision and previous reports provided in response to decisions XXIII/9 and XXIV/7;

3. To encourage parties to provide to the Secretariat, on a voluntary basis, information on their implementation of paragraph 9 of decision XIX/6, including information on available data, policies and initiatives pertaining to the promotion of a transition from ozone-depleting substances that minimize environmental impact wherever the required technologies are available, and to request the Secretariat to compile any submissions received for consideration by the Open-ended Working Group at its thirty-fourth meeting;

4. To request the Executive Committee of the Multilateral Fund to consider the information provided in the report on additional information on alternatives to ozone-depleting substances prepared by the Technology and Economic Assessment Panel pursuant to decision XXIV/7 and other related reports, with a view to considering whether additional demonstration projects to validate whether low-global-warming-potential alternatives and technologies, together with additional activities to maximize the climate benefits in the hydrochlorofluorocarbon production sector, would be useful in assisting parties operating under paragraph 1 of Article 5 in further minimizing the environmental impact of the hydrochlorofluorocarbon phase-out.

Decision XXVI/9: Response to the report by the Technology and Economic Assessment Panel on information on alternatives to ozone-depleting substances

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/9:*

Noting with appreciation volume 2 of the 2012 Technology and Economic Assessment Panel report on the task force progress report which responded to decision XXIII/9, volume 2 of the 2013 progress report of the Technology and Economic Assessment Panel which responded to decision XXIV/7 and volume 4 of the 2014 progress report which responded to decision XXV/5,

1. To request the Technology and Economic Assessment Panel, if necessary in consultation with external experts, to prepare a report identifying the full range of alternatives, including not-in-kind technologies, and identifying applications where alternatives fulfilling the criteria identified in paragraph 1 (a) of the present decision are not available, and to make that report available for consideration by the Open-ended Working Group at its thirty-sixth meeting and an updated report to be submitted to the Twenty-Seventh Meeting of the Parties that would:

(a) Update information on alternatives to ozone-depleting substances in various sectors and subsectors and differentiating between parties operating under paragraph 1 of Article 5 and parties not so operating, considering energy efficiency, regional differences and high ambient temperature conditions in particular, and assessing whether they are:

(i) Commercially available;
(ii) Technically proven;
(iii) Environmentally sound;
(iv) Economically viable and cost effective;
(v) Safe to use in areas with high urban densities considering flammability and toxicity issues, including, where possible, risk characterization;
(vi) Easy to service and maintain;

and describe the potential limitations of their use and their implications for the different sectors, in terms of, but not limited to, servicing and maintenance requirements, and international design and safety standards;

(b) Provide information on energy efficiency levels in the refrigeration and air-conditioning sector referring to high-ambient temperature zones in international standards;

(c) Taking into account the uptake of various existing technologies, revise the scenarios for current and future demand elaborated in the October 2014 final report on additional information on alternatives to ozone-depleting substances of the Technology and Economic Assessment Panel's task force on decision XXV/5, and improve information related to costs and benefits with regard to the criteria set out in paragraph 1 (a) of the present decision, including reference to progress identified under stage I and stage II of HCFC phase-out management plans;

2. To convene a two-day workshop, back to back with an additional three-day meeting of the Open-ended Working Group in 2015, to continue discussions on all issues in relation to hydrofluorocarbon management, including a focus on high-ambient temperature and safety requirements as well as energy efficiency, taking into account the information requested in the present decision and other relevant information;

3. To encourage parties to continue to provide to the Secretariat, on a voluntary basis, information on their implementation of paragraph 9 of decision XIX/6, including information on available data, policies and initiatives pertaining to the promotion of a transition from ozone-depleting substances that minimizes environmental impact wherever the required technologies are available, and to request the Secretariat to compile any such submissions received;

4. To request the Executive Committee of the Multilateral Fund to consider providing additional funding to conduct inventories or surveys on alternatives to ozone-depleting substances in interested parties operating under paragraph 1 of Article 5 upon their request.

Decision XXVII/4: Response to the report by the Technology and Economic Assessment Panel on information on alternatives to ozone-depleting substances

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/4:*

Noting with appreciation the September 2015 report of the task force of the Technology and Economic Assessment Panel addressing the issues listed in subparagraphs 1 (a)–(c) of decision XXVI/9,

1. *To request* the Technology and Economic Assessment Panel, if necessary in consultation with external experts, to prepare a report for consideration by the Open-ended Working Group at its thirty–seventh meeting, and thereafter an updated report to be submitted

to the Twenty-Eighth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer in 2016, that would:

(a) Update, where necessary, and provide new information on alternatives to ozone-depleting substances, including not-in-kind alternatives, based on the guidance and assessment criteria provided in subparagraph 1 (a) of decision XXVI/9 and taking into account the most recent findings on the suitability of alternatives at high-ambient temperatures, highlighting in particular:
   (i) The availability and market penetration of these alternatives in different regions;
   (ii) The availability of alternatives for replacement and retrofit of refrigeration systems in fishing vessels, including in small island countries;
   (iii) New substances in development that could be used as alternatives to ozone-depleting substances and that could become available in the near-future;
   (iv) The energy efficiency associated with the use of these alternatives;
   (v) The total warming impact and total costs associated with these alternatives and the systems where they are used;

(b) Update and extend to 2050 all the scenarios in the decision XXVI/9 report.

Decision XXVII/5: Issues related to the phase-out of hydrochlorofluorocarbons

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/5*:

Aware that parties operating under paragraph 1 of Article 5 of the Montreal Protocol are taking measures to reduce and eventually eliminate the production and consumption of the ozone-depleting substances listed in Annex C, group I (hydrochlorofluorocarbons),

Recognizing that there is some uncertainty about the future use of hydrochlorofluorocarbons by parties not operating under paragraph 1 of Article 5 after 2020 for essential uses and for servicing existing refrigeration and air-conditioning equipment, in accordance with paragraph 6 (a) of Article 2F of the Montreal Protocol,

Recalling paragraphs 12, 13 and 14 of decision XIX/6, in which the Meeting of the Parties indicated that further consideration by the parties of the issues of essential uses, servicing and basic domestic needs should occur by 2015 at the latest,

1. To request the Technology and Economic Assessment Panel, in relation to Annex C, group I, substances:

   (a) To identify sectors, including subsectors, if any, where essential uses for parties not operating under paragraph 1 of Article 5 may be needed after 2020, including estimations of the volumes of hydrochlorofluorocarbons to be used;

   (b) To assess the future refrigeration and air-conditioning equipment servicing requirements between 2020 and 2030 of parties not operating under paragraph 1 of Article 5 and to assess whether there is a need for servicing in other sectors;

   (c) To report on recent volumes of production to satisfy basic domestic needs, projected estimates of such future production and estimated needs of parties operating under paragraph 1 of Article 5 to satisfy basic domestic needs beyond 2020;

2. To invite parties to provide relevant information to the Ozone Secretariat by 15 March 2016 for inclusion in the Panel's assessment;

3. To request the Panel to submit its report to the Open-ended Working Group at its thirty-seventh meeting, in 2016.

Decision XXVIII/8: Phase-out of hydrochlorofluorocarbons

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/8*:

Aware that parties not operating under paragraph 1 of Article 5 of the Montreal Protocol (non-Article 5 parties) are taking measures to reduce and eventually eliminate the production and consumption of the ozone-depleting substances listed in Annex C, group I (hydrochlorofluorocarbons),

Recognizing a need for continued consideration of issues related to hydrochlorofluorocarbons as indicated in paragraphs 12, 13, and 14 of decision XIX/6, and taking into account the report of the Technology and Economic Assessment Panel in response to decision XXVII/5,

Noting that Article 5 parties may require access to hydrochlorofluorocarbons produced by non-Article 5 parties to satisfy their basic domestic needs after 2020,

1. To request the Technology and Economic Assessment Panel, in relation to Annex C, group I, substances:

   (a) To continue to assess sectors, including subsectors, if any, where essential uses for non-Article 5 parties may be needed after 1 January 2020, including estimates of the volumes of hydrochlorofluorocarbons that may be needed;

   (b) To continue to assess the servicing requirements for refrigeration and air-conditioning equipment and any other possible needs in other sectors between 2020 and 2030 for non-Article 5 parties;

   (c) To continue to review recent volumes of production of each of the hydrochlorofluorocarbons to satisfy basic domestic needs and to make projected estimates of such future production and estimated needs of Article 5 parties to satisfy basic domestic needs beyond 1 January 2020;

2. To invite parties to provide relevant information to the Ozone Secretariat by 15 March 2017 for inclusion in the Panel's assessment;

3. To request the Panel to report on the assessment referred to above to the Open-ended Working Group at its thirty-ninth meeting, in 2017;

Decision XXIX/9: Hydrochlorofluorocarbons and decision XXVII/5

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/9*:

Aware that parties not operating under paragraph 1 of Article 5 of the Montreal Protocol on Substances that Deplete the Ozone Layer are taking measures to reduce and eventually eliminate the production and consumption of the ozone-depleting substances listed in Annex C, group I (hydrochlorofluorocarbons),

Recognizing a need for continued consideration of issues related to hydrochlorofluorocarbons as indicated in paragraphs 12, 13 and 14 of decision XIX/6, and taking into consideration the report of the Technology and *Economic* Assessment Panel prepared in response to decisions XXVII/5 and XXVIII/8,

Noting that the Halons Technical Options Committee considers it possible that certain aircraft rescue and firefighting applications may continue to need clean agents between 2020 and 2030,

Noting also that the Medical and Chemicals Technical Options Committee has identified certain hydrochlorofluorocarbons used as solvents for which there may be a continued need in certain precision cleaning applications and manufacturing processes,

Recalling the procedure laid down in paragraph 9 of Article 2 of the Montreal Protocol for adjustments and *reductions* in production and consumption of controlled substances,

1. To request the Technology and Economic Assessment Panel, in relation to Annex C, group I, substances, to assess requirements for the period from 2020 to 2030 for parties not operating under paragraph 1 of Article 5 and to provide information on the following:
   (a) Areas and volumes of possible needs in fire suppression sectors that may require the use of clean agents;
   (b) Areas and volumes of possible needs for solvent applications, including servicing;
   (c) Areas and volumes of possible other niche uses;
   (d) Existing or emerging applications and processes for alternatives related to items (a) to (c) above and the possibility of meeting identified needs through the use of recycled or reclaimed hydrochlorofluorocarbons;
2. To invite parties and other interested entities to provide additional information to the Secretariat by 15 January 2018 for inclusion in the Panel's progress report;
3. To request the Panel to report on the assessment referred to above by 15 March 2018;

Decisions on methyl bromide

Decision IV/23: Methyl bromide

The *Fourth Meeting of the Parties* decided in *decision IV/23:*

1. To request the Scientific Assessment Panel and the Technology and Economic Assessment Panel to assess the following, in accordance with Article 6 of the Protocol, and to submit their combined report, through the Secretariat, by 30 November 1994 at the latest, to the Seventh Meeting of the Parties:
   (a) Abundance of methyl bromide in the atmosphere and the proportion of anthropogenic emissions within this abundance of methyl bromide and the ozone-depleting potential of methyl bromide;
   (b) Methodologies to control emissions into the atmosphere from the various current uses of methyl bromide and the technical and economic feasibility and the likely results of such controls;
   (c) Availability of chemical and non-chemical substitutes for the various current uses of methyl bromide; their cost-effectiveness; the incremental costs of such substitutes, technological and economic feasibility of substitution for various uses and the benefits to the protection of the ozone layer by such substitution, taking into account the particular social, economic, geographic and agricultural conditions of different regions and, specifically, the developing countries;
2. To request the Open-ended Working Group of the parties to the Montreal Protocol to consider this report and submit its recommendations to the Seventh Meeting of the Parties in 1995.

Decision VI/13: Assessment Panels

The *Sixth Meeting of the Parties* decided in *decision VI/13* to request the Panels, as an inclusion in their ongoing work, to evaluate, without prejudice to Article 5 of the Montreal Protocol, the technical and economic feasibility, and the environmental, scientific, and economic implications for non-Article 5 countries, as well as Article 5 countries, bearing in mind Article 5, paragraph 1 *bis*, of the Copenhagen Amendment, of:

(b) Alternatives to methyl bromide, in time for consideration by the Open-ended Working Group at its eleventh meeting;

In considering these matters, the Scientific Assessment Panel shall consider, if possible, atmospheric chlorine and bromine loadings and their impact on ozone depletion. The Technology and Economic Assessment Panel and Scientific Assessment Panel evaluations shall be solely for the purpose of discussions by the parties and shall in no way be construed as recommendations for action.

[The remainder of this decision is located above under "Decisions on HCFCs".]

Decision VII/6: Reduction of methyl bromide emissions

The *Seventh Meeting of the Parties* decided in *decision VII/6* that parties should endeavour to reduce methyl bromide emissions by encouraging producers and users to take appropriate measures to implement, inter alia, good agricultural practices and improved application techniques.

Decision VII/8: Review of methyl bromide controls

The *Seventh Meeting of the Parties* decided in *decision VII/8:*

1. To request the Technology and Economic Assessment Panel to prepare a report to the Ninth Meeting of the Parties to enable the parties to consider further adjustments to control measures, on methyl bromide. In undertaking this task, the Panel should address, inter alia, the availability of viable alternatives of methyl bromide for specific applications;

2. That, in considering the viability of possible substitutes and alternatives to methyl bromide, the Technology and Economic Assessment Panel shall examine and be guided by the extent to which technologies and chemicals identified as alternatives and/or substitutes have been tested under full laboratory and field conditions, including field tests in Article 5 countries and have been fully assessed, inter alia, as to their efficacy, ease of application, relevance to climatic conditions, soils and cropping patterns, commercial availability, economic viability and efficacy with respect to specific target pests.

Decision IX/5: Conditions for control measures on Annex E substance in Article 5 parties

The *Ninth Meeting of the Parties* decided in *decision IX/5:*

1. That, in the fulfilment of the control schedule set out in paragraph 8 ter (d) of Article 5 of the Protocol, the following conditions shall be met:

   (a) The Multilateral Fund shall meet, on a grant basis, all agreed incremental costs of parties operating under paragraph 1 of Article 5 to enable their compliance with the control measures on methyl bromide. All methyl-bromide projects will be eligible for funding irrespective of their relative cost-effectiveness. The Executive

Committee of the Multilateral Fund should develop and apply specific criteria for methyl-bromide projects in order to decide which projects to fund first and to ensure that all parties operating under paragraph 1 of Article 5 are able to meet their obligations regarding methyl bromide;

(b) While noting that the overall level of resources available to the Multilateral Fund during the 1997–1999 triennium is limited to the amounts agreed at the Eighth Meeting of the Parties, immediate priority shall be given to the use of resources of the Multilateral Fund for the purpose of identifying, evaluating, adapting and demonstrating methyl bromide alternative and substitutes in parties operating under paragraph 1 of Article 5. In addition to the US$10 million agreed upon at the Eighth Meeting of the Parties, a sum of US$25 million per year should be made available for these activities in both 1998 and 1999 to facilitate the earliest possible action towards enabling compliance with the agreed control measures on methyl bromide;

(c) Future replenishment of the Multilateral Fund should take into account the requirement to provide new and additional adequate financial and technical assistance to enable parties operating under paragraph 1 of Article 5 to comply with the agreed control measures on methyl bromide;

(d) The alternatives, substitutes and related technologies necessary to enable compliance with the agreed control measures on methyl bromide must be expeditiously transferred to parties operating under paragraph 1 of Article 5 under fair and most favourable conditions in line with Article 10A of the Protocol. The Executive Committee should consider ways to enable and promote information exchange on methyl bromide alternatives among parties operating under paragraph 1 of Article 5 and from parties not operating under paragraph 1 of Article 5 to parties operating under that paragraph;

(e) In light of the assessment by the Technology and Economic Assessment Panel in 2002 and bearing in mind the conditions set out in paragraph 2 of decision VII/8 of the Seventh Meeting of the Parties, paragraph 8 of Article 5 of the Protocol, sub-paragraphs (a) to (d) above and the functioning of the Financial Mechanism as it relates to methyl bromide issues, the Meeting of the Parties shall decide in 2003 on further specific interim reductions on methyl bromide for the period beyond 2005 applicable to parties operating under paragraph 1 of Article 5;

2. That the Executive Committee should, during 1998 and 1999, consider and, within the limits of available funding, approve sufficient financial resources for methyl-bromide projects submitted by parties operating under paragraph 1 of Article 5 in order to assist them to fulfil their obligations in advance of the agreed phase-out schedule.

Decision XII/1: Methyl bromide production by non-Article 5 parties for basic domestic needs in 2001

The *Twelfth Meeting of the Parties* decided in *decision XII/1:*

1. To take note, with appreciation, of the conclusions of the Legal Drafting Group as to an unintended error in the Beijing Adjustment regarding the level of allowable production of methyl bromide for basic domestic needs;

2. To take note of the fact that the average production of methyl bromide for basic domestic needs in non-Article 5 parties reported for the period 1995-1999 did not exceed 10 per cent of their calculated level of production in 1991;

3. To express the hope and expectation that, in the light of the above, each party's methyl bromide production levels during 2001 will continue to remain within the 10 per cent production allowance for methyl bromide for basic domestic needs, as intended by the parties in Beijing.

Decision XV/12: Use of methyl bromide for the treatment of high-moisture dates

The *Fifteenth Meeting of the Parties* decided in *decision XV/12:*

Recognizing that in its 2002 report, the Methyl Bromide Technical Options Committee has explicitly acknowledged that there is currently no alternative to the use of methyl bromide for high-moisture dates that is in use in any country in the world,

Recognizing also that parties which consume over 80 per cent of their methyl bromide for high-moisture dates cannot meet the Protocol's methyl bromide control schedule without production losses for that important cash crop for their countries,

Recognizing further the need for further work to be undertaken to demonstrate alternatives to methyl bromide for high moisture dates,

1. That the Implementation Committee and Meeting of the Parties should defer the consideration of the compliance status of countries that use over 80 per cent of their consumption of methyl bromide on high-moisture dates until two years after the Technology and Economic Assessment Panel formally finds that there are alternatives to methyl bromide that are available for high-moisture dates;

2. That the above provision shall apply so long as the relevant party does not increase consumption of methyl bromide on products other than high-moisture dates beyond 2002 levels, and the party has noted its commitment to minimizing the use of methyl bromide for dates to the extent necessary to ensure effective control of pests;

3. To request the Executive Committee to consider appropriate demonstration projects for alternatives on high-moisture dates, and to ensure that the results of those projects are shared with the Technology and Economic Assessment Panel.

Decision Ex.I/2: Accelerated phase-out of methyl bromide by Article 5 parties

The *First Extraordinary Meeting of the Parties* decided in *decision Ex.I/2:*

Reaffirming the commitment of all the parties to the complete phase-out of methyl bromide,

Recognizing that some Article 5 parties have made commitments to an accelerated phase-out of controlled uses of methyl bromide and have concluded agreements with the Executive Committee of the Multilateral Fund towards that end,

Acknowledging that some Article 5 parties which are implementing early phase-out of methyl bromide on a voluntary basis and under such agreements are facing difficulties in fully meeting all the reduction steps in accordance with the timelines specified in such agreements as a result of specific circumstances not envisaged at the time of their adoption and ensuing review,

1. To request the Executive Committee to adopt a flexible approach when determining an appropriate course of action to deal with instances where a country has not met a reduction step specified in its methyl bromide accelerated phase-out agreement as a result of the specified circumstance not envisaged;

2. To invite the Executive Committee to consider, upon request by a party, a prolongation of the final reduction step, but not beyond 2015, and to consider also the timing of related funding in the party's existing agreement for the accelerated phase-out of methyl bromide in cases where the party concerned has demonstrated that there are difficulties in implementing alternatives originally considered to be technically and economically feasible alternatives;

3. To call upon the Executive Committee to adopt criteria for the prolongation of accelerated phase-out agreements when so requested by interested parties. In developing such criteria, the Executive Committee may request the advice of the Technology and Economic Assessment Panel and Methyl Bromide Technical Options Committee and consider any available information relating to the phase-out project of the party concerned.

Decision XVI/7: Trade in products and commodities treated with methyl bromide

The *Sixteenth Meeting of the Parties* decided in *decision XVI/7:*

Noting that many of the parties operating under paragraph 1 of Article 5 of the Montreal Protocol derive a portion of their national income from trade in commodities which currently rely on methyl bromide for their production or shipment,

Acknowledging that alternative practices, treatments and products are becoming increasingly available for methyl bromide treatments,

Recalling that, taking into account the shared but differentiated responsibilities of the parties regarding the protection of the ozone layer, the aim of each party to the Montreal Protocol is to phase out the controlled ozone-depleting substances,

1. To invite the parties to the Montreal Protocol, subject to rights and obligations under this agreement and any other international agreements, not to restrict trade in products or commodities from parties that have ratified the Montreal Protocol provisions regarding methyl bromide and are otherwise in compliance with their Montreal Protocol obligations just because the commodities or products have been treated with methyl bromide, or because the commodities have been produced or grown on soil treated with methyl bromide;

2. To welcome the continuing efforts of the parties operating under paragraph 1 of Article 5 of the Montreal Protocol in the adoption of alternatives to methyl bromide.

Decision XVI/9: Flexibility in the use of alternatives for the phasing out of methyl bromide

The *Sixteenth Meeting of the Parties* decided in *decision XVI/9:*

Considering the willingness of the parties to comply with the requirements under the Montreal Protocol and its phase-out schedules,

Considering that the development of alternatives to methyl bromide has come up against unforeseen difficulties, for certain crops such as melons, flowers and strawberries, owing to specific local and agricultural conditions,

Taking into account that these agricultural technologies need to be adapted and new expertise must be put in place for such specific conditions,

Aware that the parties operating under paragraph 1 of Article 5, facing this situation, seek continued technical support and the flexibility to adapt the necessary technical assistance in order to help build these capacities and find a more satisfactory solution to the use of alternatives,

To request the appropriate bodies to evaluate the progress already made and the necessary adjustments to reach the stated goals.

Decision XVII/11: Recapturing/recycling and destruction of methyl bromide from space fumigation

The *Seventeenth Meeting of the Parties* decided in *decision XVII/11:*

Welcoming the 2005 progress report of the Technology and Economic Assessment Panel,

Noting in particular that the report was inconclusive on recommendations on recapturing, recycling and destruction,* but highlighted local environmental and occupational health and safety concerns,

Recalling decision XI/13, paragraph 7, "to encourage the use of methyl bromide recovery and recycling technology (where technically and economically feasible) to reduce emissions of methyl bromide, until alternatives to methyl bromide for quarantine and pre-shipment uses are available",

Noting that recapture of methyl bromide from small-scale fumigations in containers is already carried out in several countries,

Recognizing the need to further reduce methyl bromide emissions in an effort to protect the ozone layer,

1. To encourage parties who have deployed in the past, currently deploy or plan to deploy technologies to recapture/recycle/destroy or reduce methyl bromide emissions from fixed facilities or sea container fumigation applications to submit to the Technology and Economic Assessment Panel details of efficacy, including destruction and removal efficiency (DRE), logistical issues and the economic feasibility of such fumigations, by 1 April 2006;
2. To encourage parties to report on any harmful by-products created using such technologies;
3. To adopt the form annexed to this decision for the purpose of submitting data;
4. To include the findings of data submitted in the 2006 progress report of the Technology and Economic Assessment Panel and summarize parties' positive and negative past experiences of recovery and destruction technologies.

Annex

Draft submission form for methyl bromide recapture

Recapture or destruction system used:
Location:
Submitting body: (Please provide name and e-mail address of individual to be contacted in the event of a query)
Commodity treated:
Fumigation contents and volume:

Chamber or tent volume:
Percentage loading of chamber:
Gas quantity retained by the recapture or destruction system:
Quantity lost during the fumigation by leakage or reaction:
Residual free gas left in the enclosure after extraction of methyl bromide into the recapture system:
Remaining sorbed gas (taking into account any gas naturally present prior to fumigation):
Quantity of methyl bromide transiting the recapture/destruction system and lost by leaks in the system:
Measurement of gas exhausted after recapture stopped:
Total gas present in the fumigated system at start of recapture:
Net efficiency of recapture:
Cost per kg recaptured/destroyed (US$):

** See section 7.6, p. 147 of the 2005 progress report.*

Decision XXIII/14: Key challenges facing methyl bromide phase-out in parties operating under paragraph 1 of Article 5

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/14*:

Noting that the report of the Technology and Economic Assessment Panel's task force on the 2012–2014 replenishment does not include a funding requirement for methyl bromide phase-out activities in Africa for the triennium 2012–2014, since all of the eligible funding for the region has already been approved,

Aware that methyl bromide is the only ozone-depleting substance directly connected to food security (production and post-harvest applications), and that its phase-out could easily be reversed,

Considering that it is necessary to continue to use chemical and non-chemical alternatives, and that the efficacy of those alternatives in the short term, medium term and long term should be taken into consideration,

Noting with concern that some applications of methyl bromide, such as the treatment of high-moisture fresh dates, still lack alternatives,

Aware that methyl bromide consumption, particularly in the quarantine and pre-shipment sector, is increasing in many parties operating under paragraph 1 of Article 5 of the Montreal Protocol,

Acknowledging that some African countries report that there is strong pressure to return to methyl bromide use as a result of the non-sustainability of alternatives, both in terms of availability and cost,

Noting that some African countries further report that certain chemical and non-chemical alternatives that have been adopted to replace methyl bromide in Africa have been unsustainable for various technical, economic and/or regulatory reasons,

Aware that some chemical alternatives that have been adopted and are relied upon are being or will be banned completely in the future, *Concerned* that the application of some chemical alternatives is complicated and not cost-effective,

Recalling that methyl bromide is used in Africa to protect crops, which are considered to be the backbone of the economies of many parties operating under paragraph 1 of Article 5,

Mindful that the Methyl Bromide Technical Options Committee pointed out in its May 2011 progress report that parties operating under paragraph 1 of Article 5 might wish to submit critical-use nominations for the remaining uses of methyl bromide that they consider appropriate for 2015 and possibly thereafter,

Taking into consideration the difficult and complex technical process involved in submitting critical-use nominations,

1. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to consider requesting its Senior Monitoring and Evaluation Officer, when carrying out the evaluation approved at its sixty-fifth meeting on methyl bromide projects in Africa, to consider options for a strategy to achieve the sustainable use of effective alternatives to methyl bromide in Africa;

2. To request the Technology and Economic Assessment Panel, in view of its May 2011 progress report, to consider whether the guidelines and criteria for the preparation of critical-use nominations of methyl bromide need any modification to take into account the situation of parties operating under paragraph 1 of Article 5 and to report on this issue to the Open-ended Working Group at its thirty-third meeting.

Decisions on hydrofluorocarbons

Decision XXVII/1: Dubai pathway on hydrofluorocarbons

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/1:*

Recognizing the Montreal Protocol's history of success in achieving collaborative and consensus-based outcomes and that hydrofluorocarbons (HFCs) are replacements for ozone-depleting substances that parties to the Montreal Protocol are already successfully phasing out,

1. To work within the Montreal Protocol to an HFC amendment in 2016 by first resolving challenges by generating solutions in the contact group on the feasibility and ways of managing HFCs during Montreal Protocol meetings;

2. To recognize the progress made at the Twenty-Seventh Meeting of the Parties on the challenges identified in the mandate of the contact group agreed at the resumed thirty-sixth meeting of the Open-ended Working Group (listed in annex I to the present decision,) on the feasibility and ways of managing HFCs, including development of a common understanding on issues related to flexibility of implementation, second and third stage conversions, guidance to the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, enabling activities for capacity-building and the need for an exemption for high-ambient-temperature countries, and to endorse the concepts listed in annex II to the present decision;

3. To recognize that further progress still needs to be made, in particular with respect to other challenges identified in the contact group mandate, for example conversion costs, technology transfer and intellectual property rights;

4. To hold in 2016 a series of Open-ended Working Group meetings and other meetings, including an extraordinary meeting of the parties;

5. To continue consideration at the meetings mentioned in paragraph 4 above of items 6 and 7 of the agenda for the Twenty-Seventh Meeting of the Parties (UNEP/Ozl.Pro. 27/1), including the submissions set out in documents UNEP/OzL.Pro.27/5, UNEP/OzL.Pro.27/6, UNEP/OzL.Pro.27/7 and UNEP/OzL.Pro.27/8).

Annex I

Mandate for a possible contact group on the feasibility and ways of managing HFCs

The Open-ended Working Group of the parties to the Montreal Protocol at its thirty-fifth meeting held in Bangkok from 22 to 24 April 2015, agreed that "it would continue to work inter-sessionally in an informal manner to study the feasibility and ways of managing HFCs, including, inter alia, the related challenges set out in annex II to the [report of the thirty-fifth meeting of the Open-ended Working Group], with a view to the establishment of a contact group on the feasibility and ways of managing HFCs at the thirty-sixth meeting of the Open-ended Working Group" (UNEP/OzL.Pro.WG.1/35/6, para. 128).

The informal meeting was convened on the 12-13 of June in Vienna on the above mentioned basis.

The parties have recognised in their interventions the success of the Montreal Protocol and its institutions in phasing out ODSs.

The management of HFCs is applicable to both A5 and non-A5 parties.

Parties agree that nothing should be considered agreed until everything is agreed.

Parties agree that they shall first resolve the challenges mentioned below by generating solutions in a contact group.

- Relevance and recognition of the special situation of developing countries and the principles under the Montreal Protocol which have enabled sufficient additional time in the implementation of commitments by A5 countries;
- Maintain the MLF as the financial mechanism, and to agree that additional financial resources will be provided by non-A5 parties to offset costs arising out of HFC management for A5 parties if obligations are agreed to. In this regard, key elements for financial support from the MLF for A5 parties will be developed by the contact group to provide guidance to the ExCom of the MLF, taking into account the concerns of parties;
- The elements in paragraph 1(a) of decision XXVI/9 including IPR issues in considering the feasibility and the ways of managing HFCs;
- Flexibility in implementation that enables countries to set their own strategies and set their own priorities in sectors and technologies;
- Exemption process and a mechanism for periodic review of alternatives including the consideration of availability or lack of availability of alternatives in all sectors in A5 countries and special needs for high ambient countries, based on all the elements listed in paragraph 1(a) of decision XXVI/9;
- Relationship with the HCFC phase out;
- Non-party trade provisions; and
- Legal aspects, synergies and other issues related to the UNFCCC in the context of HFC management under the MP;

Then, the parties will discuss in the contact group the ways of managing HFCs including the amendment proposals submitted by the parties.

Challenges to be addressed

- Energy efficiency
- Funding requirements
- Safety of substitutes
- Availability of technologies
- Performance and challenges in high ambient temperatures
- Second and third conversions

- Capacity-building
- Non-party trade provisions
- Synergies with the United Nations Framework Convention on Climate Change (legal, financial aspects)
- Relationship with the HCFC phase-out
- Ecological effects (effects on fauna and flora)
- Implications for human health
- Social implications
- National policy implications
- Challenges to the production sector
- Rates of penetration of new alternatives
- Exemptions and ways to address lack of alternatives
- Technology transfer
- Flexibility in implementation

[Source: Annex II of the report of the 35th Open-ended Working Group meeting]

Annex II

Issues raised and discussed in detail as part of the challenges during the contact group will be further discussed, in a direction consistent with the record of the discussion

Funding

Maintain the MLF as the financial mechanism and agree that additional financial resources will be provided by non A5 parties to offset costs arising out of HFC management for A5 parties if obligations are agreed to.

Flexibility

A5 parties will have flexibility to prioritize HFCs, define sectors, select technologies/alternatives, elaborate and implement their strategies to meet agreed HFC obligations, based on their specific needs and national circumstances, following a country driven approach.

The ExCom shall incorporate the principle in the above mentioned paragraph in relevant guidelines and its decision making process.

2nd and 3rd conversions

Enterprises that have already converted to HFCs in phasing out CFCs and/or HCFCs will be eligible to receive funding from the MLF to meet agreed incremental costs in the same manner as enterprises eligible for 1st conversions.

Guidance to the ExCom

It is understood that guidelines and/or methodologies will have to be developed on the following issues related to HFC control measures, if agreed:

- Determination of incremental costs
- Calculation of incremental costs
- Cost effectiveness thresholds
- Energy efficiency and climate impacts of projects

Enabling activities

Enabling activities will be supported by the MLF in any HFC phase down agreement.

- Capacity building and training for handling HFC alternatives in the servicing sector, the manufacturing and production sectors
- Institutional Strengthening
- Article 4b Licensing

- Reporting
- Demonstration projects
- Developing national strategies

HAT Exemption

The need for an exemption for high ambient temperature countries

It is understood that the remaining challenges will be further discussed.

Decision XXVIII/2: Decision related to the amendment phasing down hydrofluorocarbons

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/2*:

Recalling decision XXVIII/1, by which the Meeting of the Parties adopted the amendment to the Montreal Protocol set out in annex I to the report of the Twenty-Eighth Meeting of the Parties (hereinafter referred to as the Amendment),

1. That paragraphs 2 and 4 of Article 2J in Article I of the Amendment are applicable to Belarus, Kazakhstan, the Russian Federation, Tajikistan and Uzbekistan;

2. That subparagraphs (b), (d) and (f) of paragraph 8 qua of Article 5 in Article I of the Amendment are applicable to Bahrain, India, the Islamic Republic of Iran, Iraq, Kuwait, Oman, Pakistan, Qatar, Saudi Arabia and the United Arab Emirates (hereinafter referred to as Article 5, group 2, parties);

Elements in paragraph 1 (a) of decision XXVI/9, including intellectual property rights issues in considering the feasibility and ways of managing hydrofluorocarbons

3. To recognize the importance of timely updating international standards for flammable low-global-warming potential (GWP) refrigerants, including IEC60335-2-40, and to support promoting actions that allow safe market introduction, as well as manufacturing, operation, maintenance and handling, of zero-GWP or low-GWP refrigerant alternatives to hydrochlorofluorocarbons and hydrofluorocarbons;

4. To request the Technology and Economic Assessment Panel to conduct periodic reviews of alternatives, using the criteria set out in paragraph 1 (a) of decision XXVI/9, in 2022 and every five years thereafter, and to provide technological and economic assessments of the latest available and emerging alternatives to hydrofluorocarbons;

5. To request the Technology and Economic Assessment Panel to conduct a technology review four or five years before 2028 to consider a compliance deferral of two years from the freeze date of 2028 for Article 5, group 2, parties to address growth above a certain threshold in relevant sectors;

Relationship with the HCFC phase-out

6. To acknowledge the linkage between the hydrofluorocarbon and hydrochlorofluorocarbon reduction schedules relevant to sectors and the preference to avoid transitions from hydrochlorofluorocarbons to high-GWP hydrofluorocarbons and to provide flexibility if no other technically proven and economically viable alternatives are available;

7. To also acknowledge these linkages with respect to certain sectors, in particular industrial process refrigeration, and the preference to avoid transitions from hydrochlorofluorocarbons to high-GWP hydrofluorocarbons and to be willing to provide flexibility, if no other alternatives are available, in cases where:

(a) Hydrochlorofluorocarbon supply may be unavailable from existing allowable consumption, stocks as well as recovered/recycled material, and

(b) It would allow for a direct transition at a later date from hydrochlorofluorocarbons to low-GWP or zero-GWP alternatives;

8. To provide, prior to the commencement of the Article 5 hydrofluorocarbon freeze and in the light of the acknowledgement in paragraph 7 above, flexibility measures in relation to the hydrochlorofluorocarbon phase-out relevant to certain sectors, in particular the industrial process refrigeration subsector, in order to avoid double conversions;

Financial issues

Overarching principles and timelines

9. To recognize that the Amendment maintains the Multilateral Fund for the Implementation of the Montreal Protocol as the financial mechanism and that sufficient additional financial resources will be provided by parties not operating under paragraph 1 of Article 5 to offset costs arising out of hydrofluorocarbon obligations for parties operating under paragraph 1 of Article 5 under the Amendment;

10. To request the Executive Committee to develop, within two years of the adoption of the Amendment, guidelines for financing the phase-down of hydrofluorocarbon consumption and production, including cost-effectiveness thresholds, and to present those guidelines to the Meeting of the Parties for the parties' views and inputs before their finalization by the Executive Committee;

11. To request the Chair of the Executive Committee to report back to the Meeting of the Parties on the progress made in accordance with this decision, including on cases where Executive Committee deliberations have resulted in a change in a national strategy or a national technology choice submitted to the Executive Committee;

12. To request the Executive Committee to revise the rules of procedure of the Executive Committee with a view to building in more flexibility for parties operating under paragraph 1 of Article 5;

Flexibility in implementation that enables parties to select their own strategies and priorities in sectors and technologies

13. That parties operating under paragraph 1 of Article 5 will have flexibility to prioritize hydrofluorocarbons, define sectors, select technologies and alternatives and elaborate and implement their strategies to meet agreed hydrofluorocarbon obligations, based on their specific needs and national circumstances, following a country-driven approach;

14. To request the Executive Committee of the Multilateral Fund to incorporate the principle referred to in paragraph 13 above into relevant funding guidelines for the phase-down of hydrofluorocarbons and in its decision-making process;

Guidance to the Executive Committee of the Multilateral Fund with respect to the consumption, production and servicing sectors

15. To request the Executive Committee, in developing new guidelines on methodologies and cost calculations, to make the following categories of costs eligible and to include them in the cost calculation:

(a) For the consumption manufacturing sector:

(i) Incremental capital costs;

(ii) Incremental operating costs for a duration to be determined by the Executive Committee;

(iii) Technical assistance activities;
(iv) Research and development, when required to adapt and optimize low-GWP or zero-GWP alternatives to hydrofluorocarbons;
(v) Costs of patents and designs, and incremental costs of royalties, when necessary and cost-effective;
(vi) Costs of the safe introduction of flammable and toxic alternatives;

(b) For the production sector:
(i) Lost profit due to the shutdown/closure of production facilities as well as production reduction;
(ii) Compensation to displaced workers;
(iii) Dismantling of production facilities;
(iv) Technical assistance activities;
(v) Research and development related to the production of low-GWP or zero-GWP alternatives to hydrofluorocarbons with a view to lowering the costs of alternatives;
(vi) Costs of patents and designs or incremental costs of royalties;
(vii) Costs of converting facilities to produce low-GWP or zero-GWP alternatives to hydrofluorocarbons when technically feasible and cost-effective;
(viii) Costs of reducing emissions of HFC-23, a by-product from the production process of HCFC-22, by reducing its emission rate in the process, destroying it from the off-gas, or by collecting and converting it to other environmentally safe chemicals. Such costs should be funded by the Multilateral Fund to meet the obligations of parties operating under paragraph 1 of Article 5 specified under the Amendment;

(c) For the servicing sector:
(i) Public-awareness activities;
(ii) Policy development and implementation;
(iii) Certification programmes and training of technicians on safe handling, good practice and safety in respect of alternatives, including training equipment;
(iv) Training of customs officers;
(v) Prevention of illegal trade of hydrofluorocarbons;
(vi) Servicing tools;
(vii) Refrigerant testing equipment for the refrigeration and air-conditioning sector;
(viii) Recycling and recovery of hydrofluorocarbons;

16. To request the Executive Committee to increase in relation to the servicing sector the funding available under Executive Committee decision 74/50 above the amounts listed in that decision for parties with total hydrochlorofluorocarbon baseline consumption up to 360 metric tonnes when needed for the introduction of alternatives to hydrochlorofluorocarbons with low-GWP and zero-GWP alternatives to hydrofluorocarbons and maintaining energy efficiency also in the servicing/end-user sector;

Cut-off date for eligible capacity

17. That the cut-off date for eligible capacity is 1 January 2020 for those parties with baseline years from 2020 to 2022 and 1 January 2024 for those parties with baseline years from 2024 to 2026;

Second and third conversions

18. To request the Executive Committee to incorporate the following principles relating to second and third conversions into funding guidelines:

(a) First conversions, in the context of a phase-down of hydrofluorocarbons, are defined as conversions to low-GWP or zero-GWP alternatives of enterprises that have never received any direct or indirect support, in part or in full, from the Multilateral Fund, including enterprises that converted to hydrofluorocarbons with their own resources;

(b) Enterprises that have already converted to hydrofluorocarbons in phasing out chlorofluorocarbons and/or hydrochlorofluorocarbons will be eligible to receive funding from the Multilateral Fund to meet agreed incremental costs in the same manner as enterprises eligible for first conversions;

(c) Enterprises that convert from hydrochlorofluorocarbons to high-GWP hydrofluorocarbons, after the date of adoption of the Amendment, under hydrochlorofluorocarbon phase-out management plans already approved by the Executive Committee will be eligible to receive funding from the Multilateral Fund for a subsequent conversion to low-GWP or zero-GWP alternatives to meet agreed incremental costs in the same manner as enterprises eligible for first conversions;

(d) Enterprises that convert from hydrochlorofluorocarbons to high-GWP hydrofluorocarbons with their own resources before 2025 under the Amendment will be eligible to receive funding from the Multilateral Fund to meet agreed incremental costs in the same manner as enterprises eligible for first conversions;

(e) Enterprises that convert from hydrofluorocarbons to lower-GWP hydrofluorocarbons with Multilateral Fund support when no other alternatives are available will be eligible to receive funding from the Multilateral Fund for a subsequent conversion to low-GWP or zero-GWP alternatives if necessary to meet the final hydrofluorocarbon phase-down step;

Sustained aggregate reductions

19. To request the Executive Committee to incorporate the following principle related to sustained aggregate reductions into Multilateral Fund policies: remaining eligible consumption for funding in tonnage will be determined on the basis of the starting point of national aggregate consumption less the amount funded by previously approved projects in future multi-year agreement templates for hydrofluorocarbon phase-down plans, consistent with Executive Committee decision 35/57;

Enabling activities

20. To request the Executive Committee to include the following enabling activities to be funded in relation to the hydrofluorocarbon phase-down under the Amendment:

(a) Capacity-building and training for the handling of hydrofluorocarbon alternatives in the servicing, manufacturing and production sectors;

(b) Institutional strengthening;

(c) Article 4B licensing;

(d) Reporting;

(e) Demonstration projects; and

(f) Development of national strategies;

Institutional strengthening

21. To direct the Executive Committee to increase institutional strengthening support in light of the new commitments related to hydrofluorocarbons under the Amendment;

Energy efficiency

22. To request the Executive Committee to develop cost guidance associated with maintaining and/or enhancing the energy efficiency of low-GWP or zero-GWP replacement technologies and equipment, when phasing down hydrofluorocarbons, while taking note of the role of other institutions addressing energy efficiency, when appropriate;

Capacity-building to address safety

23. To request the Executive Committee to prioritize technical assistance and capacity-building to address safety issues associated with low-GWP or zero-GWP alternatives;

Disposal

24. To request the Executive Committee to consider funding the cost-effective management of stockpiles of used or unwanted controlled substances, including destruction;

Other costs

25. That the parties may identify other cost items to be added to the indicative list of incremental costs emanating as a result of the conversion to low-GWP alternatives;

Exemption for high-ambient-temperature parties

26. To make available an exemption for parties with high ambient temperature conditions where suitable alternatives do not exist for the specific sub-sector of use, as described below;

27. To distinguish and separate this exemption from the essential-use and critical-use exemptions under the Montreal Protocol;

28. To make this exemption effective and available as of the hydrofluorocarbon freeze date, with an initial duration of four years;

29. To apply this exemption for sub-sectors, contained in appendix I of this decision, in parties with an average of at least two months per year over ten consecutive years with a peak monthly average temperature above 35 degrees Celsius, where the party listed in appendix II has formally notified the Secretariat of its intent to use this exemption no later than one year before the hydrofluorocarbon freeze date, and every four years thereafter should it wish to extend the exemption;*, **

30. That any party operating under this high-ambient-temperature exemption will report separately its production and consumption data for the sub-sectors to which the exemption applies;

31. That any transfer of production and consumption allowances for this high-ambient-temperature exemption will be reported to the Secretariat under Article 7 of the Protocol by each of the parties concerned;

32. That the Technology and Economic Assessment Panel and a subsidiary body of the Panel that includes outside experts on high ambient temperatures will assess the suitability of hydrofluorocarbon alternatives for use where suitable alternatives do not exist based on criteria agreed by the parties that will include, but not be limited to, the criteria listed in paragraph 1 (a) of decision XXVI/9, and recommend sub-sectors to be added to or removed from appendix I to the present decision and report this information to the Meeting of the Parties;

33. That the assessment referred to in paragraph 32 above will take place periodically starting four years from the hydrofluorocarbon freeze date and every four years thereafter;

34. To review, no later than the year following receipt of the first report of the Technology and Economic Assessment Panel on the suitability of alternatives, the need for an extension of the high-ambient-temperature exemption for a further period of up to four years, and periodically thereafter, for specific sub-sectors in parties that meet the criteria set out in paragraph 29 above, and that parties will develop an expedited process for ensuring the renewal of the exemption in a timely manner where there are no feasible alternatives, taking into account the recommendation of the Panel and its subsidiary body;

35. That amounts of Annex F substances that are subject to the high-ambient-temperature exemption are not eligible for funding under the Multilateral Fund while they are exempted for that party;

36. That the Implementation Committee under the non-compliance procedure of the Montreal Protocol and the Meeting of the Parties should, for 2025 and 2026, defer consideration of the hydrochlorofluorocarbon compliance status of any party operating under a high-ambient-temperature exemption in cases where it has exceeded its allowable consumption or production levels due to its HCFC-22 consumption or production for the sub-sectors listed in appendix I to the present decision, on the condition that the party concerned is following the phase-out schedule for consumption and production of hydrochlorofluorocarbons for other sectors and has formally requested a deferral through the Secretariat;

37. To consider, no later than 2026, whether to extend the compliance deferral referred to in paragraph 36 for an additional period of two years and, if appropriate, to consider further deferrals thereafter, for parties operating under the high-ambient-temperature exemption;

Other exemptions

38. To allow for other exemptions, such as for essential uses and critical uses, for production or consumption that is necessary to satisfy uses agreed by the parties to be exempted uses;

39. To consider mechanisms for such exemptions in 2029, including multi-year exemption mechanisms;

40. To provide information and guidance to the Technology and Economic Assessment Panel for its periodic review of sectors where exemptions may be required;

** Spatially weighted average temperatures deriving the daily highest temperatures (using the Centre for Environmental Data Archival: http://browse.ceda.ac.uk/browse/badc/cru/data/cru_cy/cru_cy_3.22/data/tmx).*

*** As listed in appendix II to the present decision.*

Appendix I

List of exempted equipment for high ambient temperatures

(a) Multi-split air conditioners (commercial and residential)

(b) Split ducted air conditioners (commercial and residential)

(c) Ducted commercial packaged (self-contained) air-conditioners

Appendix II

List of countries operating under the high-ambient-temperature exemption

Algeria, Bahrain, Benin, Burkina Faso, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Gambia, Ghana, Guinea, Guinea-Bissau, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Libya, Mali, Mauritania, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sudan, Syrian Arab Republic, Togo, Tunisia, Turkmenistan, United Arab Emirates.

Decision XXVIII/3: Energy efficiency

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/3*:

Recognizing that a phase-down of hydrofluorocarbons under the Montreal Protocol would present additional opportunities to catalyse and secure improvements in the energy efficiency of appliances and equipment,

Noting that the air-conditioning and refrigeration sectors represent a substantial and increasing percentage of global electricity demand,

Appreciating the fact that improvements in energy efficiency could deliver a variety of co-benefits for sustainable development, including for energy security, public health and climate mitigation,

Highlighting the large returns on investment that have resulted from modest expenditures on energy efficiency, and the substantial savings available for both consumers and Governments,

1. To request the Technology and Economic Assessment Panel to review energy efficiency opportunities in the refrigeration and air-conditioning and heat-pump sectors related to a transition to climate-friendly alternatives, including not-in-kind options;
2. To invite parties to submit to the Ozone Secretariat by May 2017, on a voluntary basis, relevant information on energy efficiency innovations in the refrigeration, air-conditioning and heat-pump sectors;
3. To request the Technology and Economic Assessment Panel to assess the information submitted by parties on energy efficiency opportunities in the refrigeration and air-conditioning sectors during the transition to low-global-warming-potential and zero-global-warming-potential alternatives and to report thereon to the Twenty-Ninth Meeting of the Parties, in 2017.

Decision XXVIII/4: Establishment of regular consultations on safety standards

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/4*:

Noting that parties recognize the importance of the timely updating of international standards for flammable low-global-warming-potential (GWP) refrigerants, including International Standard IEC 60335-2-40 of the International Electrotechnical Commission (IEC), and support the promotion of actions that allow for the safe market introduction, manufacturing, operation, maintenance and handling of zero-GWP and low-GWP refrigerants that are alternatives to hydrochlorofluorocarbons (HCFCs) and hydrofluorocarbons (HFCs),

Aiming to support the timely revision of relevant standards in a manner that is technology-neutral to enable the safe use and market penetration of low-GWP alternatives,

1. To request the Technology and Economic Assessment Panel to establish a task force that includes outside experts, as needed:

   (a) To liaise and coordinate with standards organizations, including IEC, to support the timely revision of IEC standard 60335-2-40 and ensure that the requirements for the A2, A2L and A3 categories are revised synchronously using a fair, inclusive and scientifically sound approach;

   (b) To submit to the Open-ended Working Group at its thirty-ninth meeting a report on safety standards relevant for low-GWP alternatives, including on the following:
      (i) Progress in the revision of international safety standards by the IEC, the International Organization for Standardization (ISO) and other international standards bodies;
      (ii) Information concerning tests and/or risk assessments and their results relevant to safety standards;
      (iii) Assessment of the implications of international standards for the implementation of the decisions of the Meeting of the Parties to the Montreal Protocol on the accelerated phase-out of HCFCs and HFC control measures, and recommendations to the parties;

   (c) To provide relevant findings to the standards bodies;

2. To request the Ozone Secretariat to organize a workshop on safety standards relevant to the safe use of low-GWP alternatives back to back with the thirty-ninth meeting of the Open-ended Working Group, within existing resources;

3. To urge parties to consult and work with their industries and standards bodies to support the timely completion of the processes for developing new standards, harmonizing existing standards and revising current standards that would facilitate the adoption of additional environmentally friendly alternatives to HCFCs and HFCs and the broader deployment of existing such alternatives and allow for their use with a goal of completing such efforts by the end of 2018;

4. To invite parties to submit to the Ozone Secretariat by the end of 2016 information on their domestic safety standards relevant to the use of low-GWP flammable refrigerants;

5. To encourage parties to strengthen connections and cooperation between national and regional standards committees and national ozone units;

6. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to consider maintaining or, if required, increasing the Fund's technical and capacity-building assistance, in particular through the United Nations Environment Programme's Compliance Assistance Programme, with a view to improving cooperation between national authorities in charge of implementation of the Montreal Protocol and national and regional standards committees;

7. To consider holding regular consultations on international safety standards with the Ozone Secretariat and relevant international standards bodies, including IEC and ISO, and regional standards bodies, including the European Committee for Standardization, the European Committee for Electrotechnical Standardization, UL (formerly known as Underwriters Laboratories), the American National Standards Institute, the American Society of Heating, Refrigerating and Air-Conditioning Engineers and others, taking into account the outcomes of the processes mentioned in the present decision.

Decision XXIX/10: Issues related to energy efficiency while phasing down hydrofluorocarbons

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/10*:

Recalling decision XXVIII/2, in which the Meeting of the Parties, inter alia, requested the Executive Committee to develop cost guidance associated with maintaining and/or enhancing the energy efficiency of low-global-warming-potential (GWP) or zero-GWP replacement technologies and equipment when phasing down hydrofluorocarbons, while taking note of the role of other institutions addressing energy efficiency, when appropriate,

Recognizing the importance of maintaining and/or enhancing energy efficiency while transitioning away from high-GWP hydrofluorocarbons to low-GWP alternatives in the refrigeration, air-conditioning and heat pump sectors,

Noting that the use of air-conditioning and refrigeration is growing in countries operating under paragraph 1 of Article 5,

Recognizing that maintaining and/or enhancing energy efficiency could have significant climate benefits,

1. To request the Technology and Economic Assessment Panel in relation to maintaining and/or enhancing energy efficiency in the refrigeration, air-conditioning and heat-pump sectors, including in high-ambient-temperature conditions, while phasing down hydrofluorocarbons under the Kigali Amendment to the Montreal Protocol in parties operating under paragraph 1 of Article 5, to assess the following items:

   (a) Technology options and requirements including:
      (i) Challenges to their uptake;
      (ii) Their long-term sustainable performance and viability;
      (iii) Their environmental benefits in terms of carbon dioxide equivalents;

   (b) Capacity-building and servicing sector requirements in the refrigeration and air-conditioning and heat-pump sectors;

   (c) Related costs including capital and operating costs;

2. Also to request the Technology and Economic Assessment Panel to provide an overview of the activities and funding provided by other relevant institutions, as well as definitions, criteria and methodologies used in addressing energy efficiency in the refrigeration, air-conditioning and heat-pump sectors in relation to maintaining and/or enhancing energy efficiency in the refrigeration, air-conditioning and heat-pump sectors while phasing down hydrofluorocarbons under the Kigali Amendment to the Montreal Protocol, as well as those related to low-GWP and zero-GWP hydrofluorocarbon alternatives including on different financing modalities;

3. To request the Technology and Economic Assessment Panel to prepare a final report for consideration by the Open-ended Working Group at its fortieth meeting, and thereafter an updated final report to be submitted to the Thirtieth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer taking into consideration the outcome of the workshop described in paragraph 4 below;

4. To request the Secretariat to organize a workshop on energy efficiency opportunities while phasing down hydrofluorocarbons at the fortieth meeting of the Open-ended Working Group.

Decision XXIX/11: Safety standards

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/11*:

Recalling decision XXVIII/4 on the establishment of regular consultations on safety standards,

Cognizant of the importance of ensuring safe market introduction, manufacturing, operation, maintenance and handling of zero-global-warming-potential (GWP) and low-GWP refrigerants that are alternatives to hydrochlorofluorocarbons and hydrofluorocarbons,

Recognizing that safety standards must maintain or enhance the current level of protection of workers, users and property,

Taking note with appreciation of the report on safety standards for flammable low GWP refrigerants of the Technology and Economic Assessment Panel's task force on decision XXVIII/4 and the outcomes of the workshop on safety standards relevant to the safe use of low-GWP alternatives held in Bangkok on 10 July 2017,

1. To request the Secretariat to hold regular consultations with the relevant standards bodies referred to in paragraph 7 of decision XXVIII/4 with a view to providing, with regard to standards for flammable low-GWP refrigerants, a tabular overview of relevant safety standards, drawing on the 2017 report of the task force on decision XXVIII/4 and the outcome of the consultations The tabular overview should also include any relevant information submitted on a voluntary basis to the Secretariat by parties or by national and regional standards bodies;

2. That the overview shall provide concise information on the:

   (a) Scope of activities, appliances or products covered;

   (b) Content, namely the safety and relevant technical aspects addressed;

   (c) Responsible standards body and its subsidiary body in charge of the standard, including hyperlinks to publicly accessible contact details as well as to information on content and review process;

   (d) Status of the review (process and content under review);

3. To invite parties to update information submitted pursuant to decision XXVIII/4 by 1 January 2020;

4. To request the Secretariat to make the information referred to in paragraphs 1 and 2 of the present decision accessible on its website and to ensure an update of the tabular overview at least prior to each meeting of the parties up until the Thirty-Fourth Meeting of the Parties, when parties should consider whether to renew that request to the Secretariat.

Decision XXIX/12: Consideration of hydrofluorocarbons not listed as controlled substances in Annex F to the Protocol

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/12:*

Recalling decision XXVIII/1, by which the Meeting of the Parties adopted the amendment to the Montreal Protocol on phasing down hydrofluorocarbons listed in Annex F to the Protocol,

Acknowledging that the substances listed in Annex F to the Protocol include those hydrofluorocarbons that are at present commercially in use,

Noting, however, that there are other hydrofluorocarbons not listed in Annex F to the Protocol, which at present have minimal or no known production or consumption, which have global warming potential no less than the lowest global warming potential of the hydrofluorocarbons listed in Annex F,

To request the assessment panels under the Montreal Protocol to provide in their quadrennial reports to be presented to the Thirty-Fifth Meeting of the Parties, in 2023, and every four years thereafter, information on the consumption and production of hydrofluorocarbons not listed in Annex F of the Protocol which have global warming potential no less than the lowest global warming potential of the hydrofluorocarbons listed in Annex F, noting that this is for information purposes only, given that the substances referred to in the present paragraph are not included in Annex F;

Decisions on quarantine and pre-shipment

Decision VI/11: Clarification of "quarantine" and "pre-shipment" applications for control of methyl bromide

The *Sixth Meeting of the Parties* decided in *decision VI/11:*

1. Recognizing the need for non-Article 5 parties to have, before 1 January 1995, common definitions of "quarantine" and "pre-shipment" applications for methyl bromide, for purposes of implementing Article 2H of the Montreal Protocol, and that non-Article 5 parties have agreed on the following:

   (a) Quarantine applications, with respect to methyl bromide, are applications to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where:
      (i) Official control is that performed by, or authorized by a national plant, animal or environmental protection, or health authority;
      (ii) Quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

   (b) Pre-shipment applications are those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country;

   (c) In applying these definitions, non-Article 5 countries are urged to refrain from use of methyl bromide and to use non-ozone-depleting technologies wherever possible. Where methyl bromide is used, parties are urged to minimize emissions and use of methyl bromide through containment and recovery and recycling methodologies to the extent possible;

2. Acknowledging that Article 5 parties have agreed to identify the following:

   (a) That definitions relating to pre-shipment applications affect Article 5 countries and that new non-tariff barriers to trade should be avoided;

   (b) That the Article 5 countries still need to have more consultations and further approaches to the quarantine and pre-shipment application definitions related to methyl bromide;

(c) That the Food and Agriculture Organization of the United Nations should play a fundamental role in the establishment of common definitions concerning quarantine and pre-shipment applications related to methyl bromide use;

(d) That it is anticipated that the use of methyl bromide by Article 5 countries may increase in the forthcoming years;

(e) That adequate resources from the Multilateral Fund for the Implementation of the Montreal Protocol and other sources are needed to facilitate the transfer of non-ozone-depleting technologies for quarantine and pre-shipment applications related to methyl bromide to the Article 5 countries;

3. Further recognizing that containment, recovery and recycling methodologies relating to methyl bromide should be given a wider application among all parties;

4. To request the Open-ended working group of the parties at its eleventh and twelfth meetings

(a) To further study the most suitable definition for "quarantine" and "pre-shipment" applications relating to methyl bromide use, taking into consideration:
(i) The Methyl Bromide Technical Options Committee report;
(ii) The Methyl Bromide Scientific Assessment Report;
(iii) The FAO guidelines on Pests Risk Analysis; and
(iv) The development of lists of injurious pests;

(b) To consider jointly the definitions issues along with the methyl bromide issues contained in decision VI/13;

(c) To provide the necessary elements to be included for a decision of the Seventh Meeting of the Parties to the Montreal Protocol on all the above issues.

Decision VII/5: Definition of "quarantine" and "pre-shipment applications"

The *Seventh Meeting of the Parties* decided in *decision VII/5* that:

(a) "Quarantine applications", with respect to methyl bromide, are treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where:
(i) Official control is that performed by, or authorized by, a national plant, animal or environmental protection or health authority;
(ii) Quarantine pests are pests of potential importance to the areas endangered thereby and not yet present there, or present but not widely distributed and being officially controlled;

(b) "Pre-shipment applications" are those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country;

(c) In applying these definitions, all countries are urged to refrain from use of methyl bromide and to use non-ozone-depleting technologies wherever possible. Where methyl bromide is used, parties are urged to minimize emissions and use of methyl bromide through containment and recovery and recycling methodologies to the extent possible.

Decision X/11: Quarantine and pre-shipment exemption

The *Tenth Meeting of the Parties* decided in *decision X/11:*

Noting the Technology and Economic Assessment Panel's findings that over 18 per cent of methyl-bromide use is estimated to have been excluded from control under the quarantine and pre-shipment exemption, and that this use is increasing in some regions according to official data,

Noting also that the operation of the exemption criteria might lead to unnecessary use of methyl bromide;

1. To request the Technology and Economic Assessment Panel, as part of its ongoing work:
   (a) To assess the volumes and uses of methyl bromide under the quarantine and pre-shipment exemption, including the trend in use since the 1991 base year;
   (b) To report on the existing and potential availability of alternative substances and technologies, identifying those applications where alternative treatments do not currently exist, and also on the availability and economic viability of recovery, containment and recycling technologies;
   (c) To report on the operation of quarantine and pre-shipment exemptions as set out in decision VII/5, including the scope of the pre-shipment definition;
   (d) To report on existing and potential options that individual parties might consider to reduce the use and emissions of methyl bromide from its application under the quarantine and pre-shipment exemption and to elaborate further on their recommendations in previous reports, and taking into account the special circumstances of parties operating under paragraph 1 of Article 5 of the Protocol;
   (e) To review and report on the amendment by the International Plant Protection Convention (IPPC) to its quarantine and non-quarantine pests definitions, and the FAO/IPPC structure relative to the use of pesticides for regulated non-quarantine pests, to help determine whether clarification of the definitions of quarantine and pre-shipment, taking into account these FAO/IPPC usages, would help encourage consistency in the quarantine and pre-shipment definitions;
   (f) To submit its findings to the Open-ended Working Group of the parties to the Montreal Protocol at its first meeting in 1999;
2. To request the Open-ended Working Group, in the light of the report of the Technology and Economic Assessment Panel, to make any appropriate recommendations for consideration by the Eleventh Meeting of the Parties;
3. To request the parties to submit to the Secretariat by 31 December 1999 a list of regulations that mandate the use of methyl bromide for quarantine and pre-shipment treatments;
4. To remind the parties of the need to report on the volumes of methyl bromide consumed under the quarantine and pre-shipment exemption as set out in decision IX/28.

Decision XI/12: Definition of pre-shipment applications of methyl bromide

The *Eleventh Meeting of the Parties* decided in *decision XI/12* that pre-shipment applications are those non-quarantine applications applied within 21 days prior to export to meet the official requirements of the importing country or existing official requirements of the exporting country. Official requirements are those which are performed by, or authorized by, a national plant, animal, environmental, health or stored product authority.

Decision XI/13: Quarantine and pre-shipment

The *Eleventh Meeting of the Parties* decided in *decision XI/13:*

1. To note that, while the reliability of the survey data was noted by the Technology and Economic Assessment Panel to be insufficient to draw firm conclusions, the Panel's April 1999 report estimates that over 22 per cent of the methyl bromide use is excluded from control under the quarantine and pre-shipment exemption, and that this use is increasing in some countries;

2. To note that the Science Assessment Panel revised the ODP of methyl bromide to 0.4 in its 1998 report;

3. To note that, under an amendment adopted by the Eleventh Meeting of the Parties, each party shall provide the Secretariat with statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications;

4. To request that the 2003 report of the Technology and Economic Assessment Panel:

   (a) Evaluate the technical and economic feasibility of alternative treatments and procedures that can replace methyl bromide for quarantine and pre-shipment;

   (b) Estimate the volume of methyl bromide that would be replaced by the implementation of technically and economically feasible alternatives for quarantine and pre-shipment, reported by commodity and/or application;

5. To request the parties to review their national plant, animal, environmental, health and stored product regulations with a view to removing the requirement for the use of methyl bromide for quarantine and pre-shipment where technically and economically feasible alternatives exist;

6. To urge the parties to implement procedures (using a form shown in the Panel's April 1999 report, if necessary) to monitor the uses of methyl bromide by commodity and quantity for quarantine and pre-shipment uses in order:

   (a) To target the efficient use of resources for undertaking research to develop and implement technically and economically feasible alternatives;

   (b) To encourage early identification of technically and economically feasible alternatives to methyl bromide for quarantine and pre-shipment where such alternatives exist;

7. To encourage the use of methyl bromide recovery and recycling technology (where technically and economically feasible) to reduce emissions of methyl bromide, until alternatives to methyl bromide for quarantine and pre-shipment uses are available.

Decision XVI/10: Reporting of information relating to quarantine and pre-shipment uses of methyl bromide

The *Sixteenth Meeting of the Parties* decided in *decision XVI/10:*

Recalling the tasks assigned to the Technology and Economic Assessment Panel under decision XI/13 paragraphs 4 (a) and (b) regarding quarantine and pre-shipment uses of methyl bromide,

Recognizing that in order to complete both of these tasks, the Panel will require better data on the nature of each party's quarantine and pre-shipment uses and on the availability

in each party of technically and economically feasible alternatives to methyl bromide for these uses,

Noting the advice of some parties that they would require additional time in order to provide useful and robust data to inform the Panel's work on this issue, particularly on the availability of technically and economically feasible alternatives in their jurisdictions,

Desiring that the Technology and Economic Assessment Panel's implementation of decision XI/13, paragraph 4, should nevertheless take place in as timely and reasonable a manner as possible,

Noting with appreciation that some parties have already submitted partial data to inform the Panel's work on this issue,

Noting that, given the nature of quarantine and pre-shipment applications, quarantine and pre-shipment uses of methyl bromide and its alternatives can vary considerably from year to year,

Noting that the introduction of standard 15 of the International Standards for Phytosanitary Measures, of March 2002, of the International Plant Protection Convention of the Food and Agriculture Organization of the United Nations, may create a growing demand for the quarantine and pre-shipment uses of methyl bromide, despite the availability of heat treatment as a non-methyl bromide option in the standard.

Noting the current workload of the Methyl Bromide Technical Options Committee and its request at the twenty-fourth meeting of the Open-ended Working Group for additional expertise in some quarantine and pre-shipment applications,

Noting that quarantine and pre-shipment treatments, according to decisions VII/5 and XI/12, are authorized or performed by national plant, animal, health or stored product authorities,

1. To request the Panel to establish a task force, with the assistance of the parties in identifying suitably qualified members, to prepare the report requested by the parties under decision XI/13 paragraph 4;

2. To request parties that have not yet submitted data to the Panel on this issue to provide best available data to the task force before 31 March 2005, identifying as available all known uses of methyl bromide for quarantine and pre-shipment, by commodity and application;

3. In responding to the request under paragraph 2, to request the parties to use best available data for the year 2002 or data considered by the party to be representative of a calendar year period;

4. To request the task force to report the data submitted by the parties under paragraphs 2 and 3, or previously submitted by other parties in response to the 14 April 2004 methyl bromide quarantine and pre-shipment survey, by 31 May 2005, for the information of the Open-ended Working Group at its twenty-fifth session;

5. Also to request the task force, in reporting pursuant to paragraph 4, to present the data in a written report in a format aggregated by commodity and application so as to provide a global use pattern overview, and to include available information on potential alternatives for those uses identified by the parties' submitted data;

6. To request the parties to provide information to the task force, as available and based on best available data, on the availability and technical and economic feasibility of applying in their national circumstances the alternatives identified in paragraph 5,

focusing in particular on the parties' own uses, for the calendar year period reported under paragraphs 2 and 3, by 30 November 2005, constituting either:

(a) More than 10 per cent of their own total annual methyl bromide consumption for quarantine and pre-shipment consumption; or

(b) In the absence of uses over 10 per cent, which constitute their five highest volume uses; or

(c) Where data is available to the party, all their known uses;

7. To request the Panel, on the basis of information contained in paragraph 6, to report to the parties in accordance with decision XI/13, paragraph 4, by 31 May 2006.

Decision XVI/11: Coordination among United Nations bodies on quarantine and pre-shipment uses

The *Sixteenth Meeting of the Parties* decided in *decision XVI/11:*

Bearing in mind that, under standard 15 of the International Standards for Phytosanitary Measures, of March 2002, of the International Plant Protection Convention of the Food and Agriculture Organization of the United Nations, guidelines were issued regulating wood packaging materials in international trade, which approved heat treatments and fumigation by methyl bromide for wood packaging to reduce the risk of the introduction and/or spread of quarantine pest associated with wood packaging used in trade,

Understanding that these guidelines are intended to address quarantine and pre-shipment applications,

Considering that coordination among United Nations bodies is essential for the attainment of their common goals,

Taking into account that the Technology and Economic Assessment Panel is conducting assessments on methyl bromide alternatives on quarantine and pre-shipment uses,

1. To request the Ozone Secretariat to make contact with the Secretariat of the International Plant Protection Convention of the Food and Agriculture Organization of the United Nations, stressing the commitment by Parties to the Montreal Protocol to the reduction of methyl bromide with specific reference to standard 15 of the International Standard for Phytosanitary Measures, and to exchange information with a view to encouraging alternatives to methyl bromide treatment of wood packaging material stipulated by that organization as a phytosanitary measure;

2. To request the Ozone Secretariat to report thereon to the Seventeenth Meeting of the Parties;

3. To urge the parties to consider, in the context of standard 15 of the International Standards for Phytosanitary Measures, the use, as a priority and to the greatest possible extent, when economically feasible and when the country concerned has the required facilities of alternatives such as heat treatment or alternative packaging materials, instead of methyl bromide fumigation;

4. To encourage the importing parties to consider accepting wood packaging treated with alternative methods to methyl bromide, in accordance with standard 15.

Decision XVII/15: Coordination between the Ozone Secretariat and the Secretariat of the International Plant Protection Convention

The *Seventeenth Meeting of the Parties* decided in *decision XVII/15:*

Recalling decision XVI/11, on coordination among United Nations bodies on quarantine and pre-shipment uses,

Acknowledging the efforts made by the Ozone Secretariat to make contact and maintain coordination with the Secretariat of the International Plant Protection Convention regarding reduction in the use of methyl bromide, with specific reference to standard 15 of the International Standards for Phytosanitary Measures,

Bearing in mind that the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention agreed to submit to the Standards Committee for expedited review proposals for amending the March 2002 standard 15, so as to increase the duration of exposure to methyl bromide during fumigation and increase the minimum required gas concentrations at various stages of the fumigation to ensure its efficacy, which are expected to be considered for adoption by the Interim Commission on Phytosanitary Measures in 2006,

Stressing the importance of managing and, when economically and technically feasible, replacing quarantine and pre-shipment applications of methyl bromide,

Taking into account the risk to the ozone layer of increasing methyl bromide emissions through quarantine and pre-shipment applications,

1. To request the Ozone Secretariat to further liaise with the secretariat of the International Plant Protection Convention regarding the application of standard 15 of the International Standards for Phytosanitary Measures;

2. To request the Technology and Economic Assessment Panel to provide any information collected by the Quarantine and Pre-shipment Task Force pursuant to decision XVI/10 to the relevant bodies of the International Plant Protection Convention.

Decision XVIII/14: Montreal Protocol/International Plant Protection Convention cooperation on the use of alternatives to methyl bromide for quarantine and pre-shipment

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/14:*

Noting with appreciation the work done by the Technology and Economic Assessment Panel and its Quarantine and Pre-Shipment Task Force,

Mindful that in accordance with decisions VII/5 and XI/12 of the Meeting of the Parties quarantine and pre-shipment treatments are authorized or performed by national plant, animal, health or stored product authorities,

Noting that by its amendment to Article 7, paragraph 3, of the Montreal Protocol, the Eleventh Meeting of the Parties required each party to submit information to the Secretariat on the amount of methyl bromide used annually for quarantine and pre-shipment applications,

Acknowledging that the Commission on Phytosanitary Measures adopts international standards for phytosanitary measures under the International Plant Protection Convention, which is an international treaty that aims to secure action to prevent the spread and introduction of pests affecting plants and plant products and to promote appropriate measures for their control,

Taking into account that quarantine and pre-shipment applications of methyl bromide were originally conceived to protect natural ecosystems and agriculture from the accidental introduction and spread of such pests, including invasive alien species, while at the same time allowing trade,

Mindful that in decision XVII/15 the parties request the Ozone Secretariat to liaise further with the Secretariat of the International Plant Protection Convention, in consideration of the risk of depletion of the ozone layer,

Recognizing the need to develop common solutions that minimize the use of methyl bromide for quarantine and pre-shipment applications in a manner that is satisfactory for the ozone layer and also in terms of phytosanitary protection,

1. To welcome proposals by the Technical Panel on Forest Quarantine of the International Plant Protection Convention for closer cooperation between the International Plant Protection Convention and the Montreal Protocol technical bodies and to encourage the Commission on Phytosanitary Measures to consider approval of the recommendations from the Technical Panel on Forest Quarantine on cooperation with the Protocol;

2. To request the Technology and Economic Assessment Panel to cooperate with the technical bodies of the International Plant Protection Convention with a view to:

   (a) Ensuring that potentially duplicative activities are coordinated where practical and that technical information is shared and jointly developed as appropriate;

   (b) Identifying jointly technical and economic opportunities and constraints faced by countries in the development and adoption of alternatives to methyl bromide for quarantine and pre-shipment applications;

   (c) Allowing the Quarantine and Pre-shipment Task Force to gather quantitative and to the extent possible comprehensive information about the use of methyl bromide in quarantine and pre-shipment activities by combining relevant data sets available to each respective technical body;

   (d) Identifying jointly existing national plant, animal, environmental health and stored product regulations that require or authorize the use of methyl bromide for quarantine and pre-shipment applications;

   (e) Providing practical technical guidance on technologies, systems and arrangements aimed at minimizing emissions from methyl bromide fumigations to national plant protection organizations, as is urged in decision XI/13;

3. To request the Technology and Economic Assessment Panel to report on the results of its contacts and work described in paragraph 2 above in time for the twenty-seventh meeting of the Open-ended Working Group of the parties to the Montreal Protocol;

4. To request the Ozone Secretariat to continue liaising with the International Plant Protection Convention secretariat as appropriate in line with decision XVII/15, to build on interactions already developed, and to report comprehensively to the parties on secretariat-level cooperation and joint activities;

5. To request the Secretariat to provide factual information on the definitions of quarantine and pre-shipment under the Protocol and the International Plant Protection Convention;

6. To encourage national level officials working on Montreal Protocol and International Plant Protection Convention issues to cooperate more closely to ensure that the objectives of both agreements are being met when domestic actions are undertaken in relation to

methyl bromide use for quarantine and pre-shipment purposes and in the lead-up to future decision-making by parties in both multilateral agreements.

Decision XX/6: Actions by parties to reduce methyl bromide use for quarantine and pre-shipment purposes and related emissions

The *Twentieth Meeting of the Parties* decided in *decision XX/6*:

Recognizing that methyl bromide use for quarantine and pre-shipment purposes is an important remaining use of an ozone-depleting substance that is not controlled pursuant to paragraph 6 of Article 2H of the Montreal Protocol and that the 2006 assessment report of the Scientific Assessment Panel indicated that "emissions associated with continued or expanded exemptions, QPS ... may also delay recovery [of the ozone layer]",

Recalling that Article 7 of the Montreal Protocol requires parties to report on the annual amount of methyl bromide used for quarantine and pre-shipment applications and that decision XI/13 urges parties to implement procedures to monitor the uses of methyl bromide by commodity and quantity for quarantine and pre-shipment,

Recalling also decision VII/5 urging parties to refrain from using methyl bromide and to use non-ozone depleting technologies wherever possible and decision XI/13 encouraging parties to use recovery and recycling technologies where technically and economically feasible until alternatives are available,

Reaffirming the importance of managing and, when economically and technically feasible, replacing quarantine and pre-shipment applications of methyl bromide, as stated in the preamble to decision XVII/15,

Stressing that methyl bromide is a potent ozone-depleting substance and that it and many of its alternatives are hazardous substances that have caused serious human health impacts, notably on workers in ports and warehouses in some parties,

Recognizing that many parties have relied on methyl bromide for trade and the conservation of biodiversity and will continue to do so until alternatives become available and accepted for all quarantine and pre-shipment uses,

Acknowledging the efforts made by parties to phase out or reduce the use and emissions of methyl bromide for quarantine and pre-shipment purposes whether through adoption of alternatives or the use of recapture technologies,

Acknowledging with appreciation the joint efforts of the Ozone Secretariat and the International Plant Protection Convention in reviewing alternatives to methyl bromide for phytosanitary purposes, particularly under ISPM-15, and the Convention's recommendation encouraging parties to develop and implement strategies to replace and/or reduce methyl bromide use for phytosanitary applications,

Mindful that the use of methyl bromide for quarantine and pre-shipment purposes is still increasing in some regions of the world,

Recognizing current data gaps and the need for better information to monitor and analyse trends in quarantine and pre-shipment use and further to identify opportunities for reducing global amounts of methyl bromide required for quarantine and pre-shipment applications under the Montreal Protocol,

1. To urge those parties that have not yet done so to report data on the use of methyl bromide for quarantine and pre-shipment applications, as required under paragraph 3

of Article 7, by April 2009 and to report such data in accordance with existing Protocol requirements and decisions annually thereafter;

2. To request the Ozone Secretariat:

   (a) To update the definition of pre-shipment in paragraph 5.6 of the Instructions/ Guidelines for data reporting to reflect decision XI/12;

   (b) To post on its website, production and consumption data reported by the parties under paragraph 3 of Article 7 for methyl bromide used for quarantine and pre-shipment applications;

3. To request the Implementation Committee to consider the reporting of methyl bromide used for quarantine and pre-shipment applications under paragraph 3 of Article 7, in accordance with the non-compliance procedure of the Montreal Protocol;

4. To request the Technology and Economic Assessment Panel, in consultation with the International Plant Protection Convention secretariat, to review all relevant, currently available information on the use of methyl bromide for quarantine and pre-shipment applications and related emissions, to assess trends in the major uses, available alternatives and other mitigation options, and barriers to the adoption of alternatives or determine what additional information or action may be required to meet those objectives; the assessment should consider:

   (a) A description of the majority of the volumes of methyl bromide used for quarantine and pre-shipment applications, by the major uses and target pests;

   (b) The technical and economic availability of alternative substances and technologies for the main methyl bromide uses, by volume, and of technologies for methyl bromide recovery, containment and recycling;

   (c) Quarantine and pre-shipment applications for which no alternatives are available to date and an assessment of why alternatives are not technically or economically feasible or cannot be adopted;

   (d) Illustrative examples of regulations or other relevant measures that directly affect the use of methyl bromide for quarantine and pre-shipment treatment (including information requested in decision X/11);

   (e) Other barriers preventing the adoption of alternatives to methyl bromide;

   (f) Projects demonstrating technically and economically feasible alternatives, including technologies for recapture and destruction of methyl bromide for quarantine and pre-shipment applications;

5. To request the Technology and Economic Assessment Panel to present a draft report based on the analysis of the available information to the Open-ended Working Group at its twenty-ninth meeting, indicating areas where the information is not sufficient, explaining, where appropriate, why the data were inadequate and presenting a practical proposal for how best to gather the information required for a satisfactory analysis;

6. To request the Technology and Economic Assessment Panel to present a final report highlighting areas where sufficient information indicates opportunities for reductions in methyl bromide use or emissions for quarantine and pre-shipment purposes, including a list of available methyl bromide recapture technologies for consideration by the parties and, where there is insufficient information, a final proposal for further data gathering for the consideration of the Twenty-First Meeting of the Parties;

7. To request the Technology and Economic Assessment Panel, in accordance with its terms of reference, to list categories of use it has identified that have been classified as quarantine and pre-shipment use by some parties but not by others by the twenty-ninth meeting of the Open-ended Working Group and that those parties are requested to provide the information on the rationale for doing so to the Technology and Economic Assessment Panel in time for inclusion in its final report to the Twenty-First Meeting of the Parties

8. To request the Ozone Secretariat, in cooperation with the Technology and Economic Assessment Panel, the International Plant Protection Convention secretariat and other relevant bodies, to organize in the margins of the Twenty-First Meeting of the Parties a workshop to discuss the report referred to in paragraph 4 of the present decision and other relevant inputs with a view to determining possible further actions;

9. To request the Ozone Secretariat to strengthen cooperation and coordination with the International Plant Protection Convention secretariat in accordance with decisions XVII/15 and XVIII/14;

10. To encourage parties in accordance with the recommendations of the third meeting of the Commission on Phytosanitary Measures under the International Plant Protection Convention to put in place a national strategy that describes actions that will help them to reduce the use of methyl bromide for phytosanitary measures and/or reduce emissions of methyl bromide and make such strategies available to other parties through the Ozone Secretariat, where possible before the Twenty-First Meeting of the Parties; the strategy may include the following areas for action:

    (a) Replacing methyl bromide use;

    (b) Reducing methyl bromide use;

    (c) Physically reducing methyl bromide emissions;

    (d) Accurately recording methyl bromide use for phytosanitary measures.

Decision XXI/10: Quarantine and pre-shipment uses of methyl bromide

The *Twenty-First Meeting of the Parties* decided in *decision XXI/10*:

Recognizing that methyl bromide use for quarantine and pre-shipment purposes is identified in the 2006 assessment report of the Scientific Assessment Panel as a remaining uncontrolled use of ozone-depleting substances of which the emissions may delay recovery of the ozone layer,

Mindful of the Scientific Assessment report scenarios which calculated that the integrated total chlorine and bromine in the atmosphere from 2007 to 2050 (equivalent effective stratospheric chlorine, EESC) would be reduced by 3.2% if all quarantine and pre-shipment emissions were eliminated by 2015,

Mindful that the use of methyl bromide for quarantine and pre-shipment purposes is still increasing in some regions,

Acknowledging the efforts made by parties to phase out or reduce the use and emissions of methyl bromide for quarantine and pre-shipment purposes,

Noting that 22 non-Article 5 parties and 54 Article 5 parties have reported data on current quarantine and pre-shipment consumption, that 31 other parties which used quarantine and pre-shipment in the past have reduced their quarantine and pre-shipment consumption

to zero, and that 14 additional parties will cease next year and that a further 27 parties are scheduled to cease consumption by 1 January 2010,

Noting that the Technology and Economic Assessment Panel's Task Force [*Table 9-1 (p. 138) of the QPS Task Force report of October 2009*] concluded that there are technically feasible alternatives which may replace a large proportion of the quarantine and pre-shipment uses of methyl bromide, especially in sawn timber, wood packaging material (ISPM 15), grains and similar foodstuffs, pre-plant soils use and logs,

Aware that, particularly for compliance with ISPM 15, there are more than 6,000 certified heat treatment facilities deployed in many countries, and that not-in-kind alternatives (such as plastic pallets or cardboard pallets) are available worldwide, including in many Article 5 countries, and do not require any treatment under ISPM 15; also noting that the ISPM 15 standard encourages national plant protection organisations (NPPOs) to promote the use of alternative treatments approved in that standard'

Further noting that under the International Plant Protection Convention alternative treatments are currently under review,

Noting the importance of monitoring quarantine and pre-shipment uses of methyl bromide and their reporting under Article 7 in order to assess the contribution of quarantine and pre-shipment uses to methyl bromide emissions into the atmosphere,

Aware that several parties have succeeded in reducing quarantine and pre-shipment consumption by adopting policy measures such as promoting the adoption of alternatives, reviewing regulatory requirements, allowing alternative options, adopting "polluter pays' taxes on methyl bromide imports, and/or limiting quarantine and pre-shipment consumption,

Noting that methyl bromide use and emissions can also be reduced by technical improvements in fumigation practices, such as using gas-tight structures, determining minimum effective methyl bromide doses, monitoring during fumigation to minimise re-dosing, using recovery equipment, and treating wood packing materials prior to loading containers rather than treating entire loaded containers,

1. *To remind* parties of their obligations to report annual data on the consumption of methyl bromide for quarantine and pre-shipment under Article 7 and to establish and implement a system for licensing trade in methyl bromide, including quarantine and pre-shipment, under Article 4B;

2. *To invite* parties to collect data on quarantine and pre-shipment according to decision XI/13, and to consider using the format provided in the Technology and Economic Assessment Panel's report of April 1999;

3. *To request* the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee, in consultation with other relevant experts and the IPPC Secretariat to provide a report to be considered by the 30th meeting of the Open-ended Working Group covering the following:

   (1) A review of available information on the technical and economical feasibility of alternatives, and the estimated availability, for the following categories of quarantine and pre-shipment uses:
      a. Sawn timber and wood packaging material (ISPM 15);
      b. Grains and similar foodstuffs;
      c. Pre-plant soils use;
      d. Logs;

(2) The current availability and market penetration rate of quarantine and pre-shipment alternatives to the uses listed in paragraph 3(1) above, and their relation with regulatory requirements and other drivers for the implementation of alternatives;

(3) An update of table 9.1 of the 2009 Task Force report to include economic aspects, and to take account of the information compiled under this paragraph, distinguishing between Article 5 and non-Article 5 parties and between quarantine and pre-shipment uses separately;

(4) A description of a draft methodology, including assumptions, limitations, objective parameters, the variations within and between countries and how to take account of them, that the Technology and Economic Assessment Panel would use, if requested by the parties, for the assessment of the technical and economical feasibility of alternatives, of the impact of their implementation and of the impacts of restricting the quantities of methyl bromide production and consumption for quarantine and pre-shipment uses;

4. *To encourage* parties to apply best-practice measures to reduce methyl bromide quarantine and pre-shipment use and emissions, that may include the review of required use dosages, gas tightness controls, monitoring during fumigation and other measures to minimize methyl bromide dosages, and, in applications where alternatives are not yet available, the recovery and possible reuse of methyl bromide, and to review the methyl bromide quarantine and pre-shipment requirements for possibilities of introducing alternative mitigation measures whenever possible;

5. *To encourage* parties to consider adopting, where possible within their national policy framework, incentives to promote the transition to alternatives such as deposit/rebate schemes or other financial measures;

6. *To encourage* parties or regions to use the October 2009 Technology and Economic Assessment Panel quarantine and pre-shipment task force report to develop documents that summarise information on technical options to reduce emissions, and on adopted technologies that have replaced methyl bromide quarantine and pre-shipment applications, the reductions achieved, the investments needed, the operating costs, and the funding strategies;

7. *To encourage* parties to implement the recommendations of the third meeting of the Commission of the Phytosanitary Measures under the IPPC, also referred to in decision XX/6.

Decision XXIII/5: Quarantine and pre-shipment uses of methyl bromide

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/5*:

Recognizing the value of developing a strategic view on the use of methyl bromide for quarantine and pre-shipment purposes and the importance of enhancing the data available for that purpose,

Mindful that consistent reporting on methyl bromide consumption for quarantine and pre-shipment purposes would facilitate monitoring and review of quarantine and pre-shipment consumption and uses,

Recalling decision XI/13, and in particular its paragraph 3, requiring each party to provide the Secretariat with statistical data on the amount of methyl bromide used annually for quarantine and pre-shipment applications,

Recalling also the recommendation of the Commission on Phytosanitary Measures of the International Plant Protection Convention on the replacement or reduction of the use of methyl bromide as a phytosanitary measure [*CPM-3 (2008) Report, Appendix 6*], adopted in 2008, and decisions XX/6 and XXI/10, encouraging parties to the Montreal Protocol to implement that recommendation,

Recalling the definitions of "quarantine" and "pre-shipment" set forth in decisions VII/5 and XI/12 and noting the importance of applying them consistently,

Recalling that under specification 16 alternatives to methyl bromide use for phytosanitary purposes approved by national plant protection organizations are to be submitted under the International Plant Protection Convention,

1. To encourage parties to follow the recommendation of the Commission on Phytosanitary Measures of the International Plant Protection Convention that data on current usage of methyl bromide as a phytosanitary measure should be accurately recorded and collated, including information on the quantities of methyl bromide used in kilograms, a description of the articles fumigated, where appropriate, whether the use was on imported or exported commodities and target pests;

2. To invite parties in a position to do so, on a voluntary basis, to submit information to the Ozone Secretariat by 31 March 2013 on:

   (a) The amount of methyl bromide used to comply with phytosanitary requirements of destination countries;

   (b) Phytosanitary requirements for imported commodities that must be met through the use of methyl bromide and to request the Secretariat to forward the information to the Technology and Economic Assessment Panel;

3. To urge parties to comply with the reporting requirements of Article 7 and to provide data on the amount of methyl bromide used for quarantine and pre-shipment applications annually and to invite parties in a position to do so, on a voluntary basis, to supplement such data by reporting to the Secretariat information on methyl bromide uses recorded and collated pursuant to the recommendation of the Commission on Phytosanitary Measures;

4. To encourage parties to consider avoiding requiring multiple treatments of consignments with methyl bromide unless a risk of an infestation with a pest has been identified;

5. To request the Technology and Economic Assessment Panel to provide, for consideration by the Open-ended Working group at its thirty-second meeting, a concise report that:

   (a) Summarizes data submitted under Article 7 of the Montreal Protocol on a regional basis, providing analysis of trends in that data;

   (b) Provides guidance on procedures and methods for data collection on methyl bromide use for quarantine and pre-shipment for parties that have not yet established such procedures and methods or wish to improve existing ones;

6. To request the Technology and Economic Assessment Panel to provide, for consideration by the Open-ended Working group at its thirty-third meeting, a concise report based on the information provided in accordance with paragraph 2 above;

7. To request the Secretariat to consult the Secretariat of the International Plant Protection Convention on how to ensure and improve the exchange of information on methyl

bromide uses and alternative treatments between the Convention and Montreal Protocol bodies and on the systems available to facilitate access to such information by national authorities and private organizations, and to report to the Open-ended Working group at its thirty-second meeting on the outcome of such consultation and on cooperation in general between the Convention and the Protocol.

Decision XXIV/15: Reporting of information on quarantine and pre-shipment use of methyl bromide

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/15*:

Recalling the need for improved reporting on methyl bromide consumption for quarantine and pre-shipment uses,

Recalling also decision XXIII/5, in particular its paragraph 2, in which the Meeting of the Parties invited parties in a position to do so, on a voluntary basis, to submit information to the Ozone Secretariat by 31 March 2013 on:

(a) The amount of methyl bromide used to comply with phytosanitary requirements of destination countries; and

(b) Phytosanitary requirements for imported commodities that must be met through the use of methyl bromide,

Recalling further decision XXIII/5, in particular its paragraph 3, in which the Meeting of the Parties urged parties to comply with the reporting requirements of Article 7 and to provide data on the amount of methyl bromide used for quarantine and pre-shipment applications annually and invited parties in a position to do so, on a voluntary basis, to supplement such data by reporting to the Secretariat information on methyl bromide uses recorded and collated pursuant to the recommendation of the Commission on Phytosanitary Measures,

1. To consider at the thirty-third meeting of the Open-ended Working Group whether to ask the Technology and Economic Assessment Panel to undertake an analysis of trends in Article 7 data on methyl bromide use for quarantine and pre-shipment, taking into account the information submitted in accordance with decision XXIII/5 and how to improve the information;

2. To request the Ozone Secretariat to remind parties that they are invited to submit information by 31 March 2013, on a voluntary basis, in accordance with paragraph 2 of decision XXIII/5;

3. To invite parties that have not yet established procedures for data collection on methyl bromide use for quarantine and pre-shipment or wish to improve existing procedures to consider using the elements identified as essential by the Technology and Economic Assessment Panel in section 10.4.4 of its 2012 progress report;

4. To request the Ozone Secretariat to upload to its website the forms that have been provided as examples in section 10.4.2 of the 2012 progress report of the Technology and Economic Assessment Panel.

Decisions on critical-use exemptions

Decision VII/29: Assessment of the possible need for and modalities and criteria for a critical agricultural use exemption for methyl bromide

The *Seventh Meeting of the Parties* decided in *decision VII/29:*

1. To note that the latest Montreal Protocol Scientific Assessment underscores the need for a phase-out of methyl bromide because of its significant role in depleting the ozone layer;

2. To recognize, however, the concerns regarding the applicability of the existing essential-use criteria and process for evaluating the use of methyl bromide in the agricultural sector, and the availability of alternatives for important agricultural uses of this compound;

3. To request the Technology and Economic Assessment Panel to examine need for and the modalities (including the essential-use process) and criteria that could be used to facilitate review, approval and implementation of requests for critical agricultural use exemptions. In recommending suitable modalities and criteria, the Technology and Economic Assessment Panel may take into consideration:

   (a) Whether alternative practices or substitutes exist that are commercially available and efficacious;

   (b) The relative costs and benefit of alternative practices and substitutes to allow the parties to assess their economic viability, taking into account the scale of application and the individual circumstances of particular uses;

   (c) Whether a party has demonstrated that all economically feasible actions are being taken to minimize use and any associated emissions from the approved exemption, and that continued efforts are being made to evaluate and develop alternatives to the use of methyl bromide for this application;

   (d) The feasibility of placing a cap on the total percentage of baseline production and consumption permitted under an essential use for any particular country; and

   (e) A range of alternative decision-making and implementation processes;

4. To request the Technology and Economic Assessment Panel to prepare a study of the possible uses of market-based measures to allow for greater flexibility in implementing the requirements for limitations on methyl bromide;

5. That the Technology and Economic Assessment Panel's analysis should be presented for consideration to the Open-ended Working Group at its thirteenth meeting to facilitate a decision by the Eighth Meeting of the Parties.

Decision VIII/16: Critical agricultural uses of methyl bromide

The *Eighth Meeting of the Parties* decided in *decision VIII/16:*

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee pursuant to decision VII/29 of the Seventh Meeting of the Parties;

2. To request the Technology and Economic Assessment Panel to further examine and report to the Ninth Meeting of the Parties on the different options on the issue of critical use of methyl bromide, as presented to the thirteenth meeting of the Open-ended Working Group in the June 1996 TEAP Report.

Decision IX/6: Critical-use exemptions for methyl bromide

The *Ninth Meeting of the Parties* decided in *decision IX/6:*

1. To apply the following criteria and procedure in assessing a critical methyl bromide use for the purposes of control measures in Article 2 of the Protocol:

   (a) That a use of methyl bromide should qualify as "critical" only if the nominating party determines that:
      (i) The specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption; and
      (ii) There are no technically and economically feasible alternatives or substitutes available to the user that are acceptable from the standpoint of environment and health and are suitable to the crops and circumstances of the nomination;

   (b) That production and consumption, if any, of methyl bromide for critical uses should be permitted only if:
      (i) All technically and economically feasible steps have been taken to minimize the critical use and any associated emission of methyl bromide;
      (ii) Methyl bromide is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide, also bearing in mind the developing countries' need for methyl bromide;
      (iii) It is demonstrated that an appropriate effort is being made to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes, taking into consideration the circumstances of the particular nomination and the special needs of Article 5 parties, including lack of financial and expert resources, institutional capacity, and information. Non-Article 5 parties must demonstrate that research programmes are in place to develop and deploy alternatives and substitutes. Article 5 parties must demonstrate that feasible alternatives shall be adopted as soon as they are confirmed as suitable to the party's specific conditions and/or that they have applied to the Multilateral Fund or other sources for assistance in identifying, evaluating, adapting and demonstrating such options;

2. To request the Technology and Economic Assessment Panel to review nominations and make recommendations based on the criteria established in paragraphs 1 (a) (ii) and 1 (b) of the present decision;

3. That the present decision will apply to parties operating under Article 5 and parties not so operating only after the phase-out date applicable to those parties.

Decision IX/7: Emergency methyl-bromide use

The *Ninth Meeting of the Parties* decided in *decision IX/7* to allow a party, upon notification to the Secretariat, to use, in response to an emergency event, consumption of quantities not exceeding 20 tonnes of methyl bromide. The Secretariat and the Technology and Economic Assessment Panel will evaluate the use according to the "critical methyl bromide use" criteria and present this information to the next meeting of the parties for review and appropriate guidance on future such emergencies, including whether or not the figure of 20 tonnes is appropriate.

Decision XIII/11: Procedures for applying for a critical-use exemption for methyl bromide

The *Thirteenth Meeting of the Parties* decided in *decision XIII/11:*

Noting that parties not operating under paragraph 1 of Article 5 must cease production and consumption of methyl bromide for other than quarantine and pre-shipment applications

from 1 January 2005, except for consumption and production that meet the levels agreed by the parties for critical uses,

Noting the importance of providing the parties not operating under paragraph 1 of Article 5 with early guidance on arrangements for implementing decision IX/6, which provides criteria and procedures for assessing a critical methyl bromide use,

Noting the need for the parties to have adequate guidance to enable them to submit nominations for critical-use exemptions for consideration at the 15th Meeting of the Parties in 2003,

1. To note with appreciation the work of the Methyl Bromide Technical Options Committee (MBTOC) in presenting the information required in order adequately to assess nominations submitted in pursuance of decision IX/6 for critical-use exemptions and the ongoing work of the Technology and Economic Assessment Panel in preparing a consolidated list of alternatives to methyl bromide that had been included in past TEAP and MBTOC reports;

2. To request the Technology and Economic Assessment Panel to prepare a handbook on critical-use nomination procedures which provides this information, and the schedule for submission which reflects that currently employed in the essential-use nomination procedure;

3. To request the Technology and Economic Assessment Panel to finalize the consolidated list of alternatives to methyl bromide referred to in paragraph 1 and post it on its Website as soon as possible;

4. To request the Technology and Economic Assessment Panel to finalize the "Handbook on Critical Use Nominations for Methyl Bromide" by January 2002, and the Secretariat to post this Handbook on its Website as soon as possible;

5. To request the Technology and Economic Assessment Panel to engage suitably qualified agricultural economists to assist it in reviewing critical-use nominations.

Decision XV/54: Categories of assessment to be used by the Technology and Economic Assessment Panel when assessing critical uses of methyl bromide

The *Fifteenth Meeting of the Parties* decided in *decision XV/54:*

Recognizing that parties had difficulty in taking a decision on the appropriate amount of methyl bromide to use for critical uses,

Mindful that exemptions must comply fully with decision IX/6 and are intended to be limited, temporary derogations from the phase-out of methyl bromide,

1. To invite parties with nominations that are currently categorized as "noted" in the Technology and Economic Assessment Panel 2003 supplementary report to submit additional information in support of their nominations, using the comments by the Technology and Economic Assessment Panel/Methyl Bromide Technical Options Committee in the October 2003 supplementary report as a guide to the additional information required. The Methyl Bromide Technical Options Committee Co-Chairs will provide additional guidance to assist parties concerning the information required if so requested. parties are requested to submit additional information to the Ozone Secretariat by 31 January 2004;

2. To request the Methyl Bromide Technical Options Committee to convene a special meeting, which should be held in sufficient time to allow a report by the Technology and Economic Assessment Panel to be released to the parties no later than 14 February 2004;

3. To request the Technology and Economic Assessment Panel to evaluate the critical-use nominations for methyl bromide that are currently categorized as "noted" and recategorize them as "recommended", "not recommended" or "unable to assess".

Decision Ex.I/3: Critical-use exemptions for methyl bromide for 2005

The *First Extraordinary Meeting of the Parties* decided in *decision Ex.I/3:*

Reaffirming the obligation to phase out the production and consumption of methyl bromide in accordance with paragraph 5 of Article 2H by 1 January 2005, subject to the availability of an exemption for uses agreed to be critical by the parties,

Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide,

Noting that those alternatives are not always technically and economically feasible in the circumstances of the nominations,

Noting also that Article 5 parties have made substantial progress in the adoption of effective alternatives,

Mindful that exemptions must fully comply with decision IX/6, and are intended to be limited, temporary derogations from the phase-out of methyl bromide,

Mindful also that decision IX/6 permits the production and consumption of methyl bromide for critical uses only if it is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide,

Recognizing the desirability of a transparent presentation of data on alternatives to methyl bromide to assist the parties to understand better the critical-use volumes and to gauge progress on and impediments to the transition,

Recognizing also that each party should aim at significantly and progressively decreasing its production and consumption of methyl bromide for critical uses with the intention of completely phasing out methyl bromide as soon as technically and economically feasible alternatives are available,

Resolved that each party should revert to methyl bromide only as a last resort and in the situation when a technically and economically feasible alternative to methyl bromide which is in use ceases to be available as a result of de-registration or for other reasons,

Taking into account the recommendation by the Technology and Economic Assessment Panel that critical-use exemptions should not be authorized in cases where technically and economically feasible options are registered, available locally and used commercially by similarly situated enterprises,

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

1. For the agreed critical uses set forth in annex II A to the report of the First Extraordinary Meeting of the Parties to the Montreal Protocol [see section 3.4 of this Handbook] for each party, to permit, subject to the conditions set forth in decision Ex.I/4, the levels of production and consumption set forth in annex II B to the report of the First Extraordinary Meeting

of the Parties [see section 3.4 of this Handbook] which are necessary to satisfy critical uses, with the understanding that additional levels and categories of uses may be approved by the Sixteenth Meeting of the Parties in accordance with decision IX/6;

2. That a party with a critical-use exemption level in excess of permitted levels of production and consumption for critical uses is to make up any such difference between those levels by using quantities of methyl bromide from stocks that the party has recognized to be available;

3. That a party using stocks under paragraph 2 above shall prohibit the use of stocks in the categories set forth in annex II A to the report of the First Extraordinary Meeting of the Parties to the Montreal Protocol [see section 3.4 of this Handbook] when amounts from stocks combined with allowable production and consumption for critical uses exceed the total level for that party set forth in annex II A to the report of the First Extraordinary Meeting of the Parties;

4. That parties should endeavour to allocate the quantities of methyl bromide recommended by the Technology and Economic Assessment Panel as listed in annex II A to the report of the First Extraordinary Meeting of the Parties; [see section 3.4 of this Handbook]

5. That each party which has an agreed critical use should ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing the use of methyl bromide and that such procedures take into account available stocks. Each party is requested to report on the implementation of the present paragraph to the Ozone Secretariat;

6. To take note of the proposal by the United States of America on multi-year exemptions, as reflected in paragraph 7 of the paper reproduced in annex III to the report of the First Extraordinary Meeting of the Parties, and to consider, at the Sixteenth Meeting of the Parties, the elaboration of criteria and a methodology for authorizing multi-year exemptions;

7. Bearing in mind that parties should aim at significantly and progressively reducing their production and consumption of methyl bromide for critical-use exemptions, that a party may request reconsideration by the Meeting of the Parties of an approved critical-use exemption in the case of exceptional circumstances, such as unforeseen de-registration of an approved methyl bromide alternative when no other feasible alternatives are available, or where pest and pathogens build resistance to the alternative, or where the use-reduction measures on which the Technology and Economic Assessment Panel based its recommendation as to the level necessary to satisfy critical uses are demonstrated not to be feasible in the specific circumstances of that party.

Decision Ex.I/4: Conditions for granting and reporting critical-use exemptions for methyl bromide

The *First Extraordinary Meeting of the Parties* decided in *decision Ex.I/4:*

Mindful of the principles set forth in the report by the chair of the informal consultation on methyl bromide held in Buenos Aires on 4 and 5 March 2004, namely, fairness, certainty and confidence, practicality and flexibility, and transparency,

Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide,

Noting that those alternatives are not always technically and economically feasible in the circumstances of nominations,

Noting that Article 5 and non-Article 5 parties have made substantial progress in the adoption of effective alternatives,

Mindful that exemptions must comply fully with decision IX/6 and are intended to be limited, temporary derogations from the phase-out of methyl bromide,

Recognizing the desirability of a transparent presentation of data on alternatives to methyl bromide to assist the parties to understand better the critical-use volumes and to gauge progress on and impediments to the transition from methyl bromide,

Resolved that each party should aim at significantly and progressively decreasing its production and consumption of methyl bromide for critical uses with the intention of completely phasing out methyl bromide as soon as technically and economically feasible alternatives are available,

Recognizing that parties should revert to methyl bromide only as a last resort, in the event that a technically and economically feasible alternative to methyl bromide which is in use ceases to be available as a result of de-registration or for other reasons,

1. That each party which has an agreed critical use under the present decision should submit available information to the Ozone Secretariat before 1 February 2005 on the alternatives available, listed according to their pre-harvest or post-harvest uses and the possible date of registration, if required, for each alternative; and on the alternatives which the parties can disclose to be under development, listed according to their pre-harvest or post-harvest uses and the likely date of registration, if required and known, for those alternatives, and that the Ozone Secretariat shall be requested to provide a template for that information and to post the said information in a database entitled "Methyl Bromide Alternatives" on its web site;

2. That each party which submits a nomination for the production and consumption of methyl bromide for years after 2005 should also submit information listed in paragraph 1 to the Ozone Secretariat to include in its Methyl Bromide Alternatives database and that any other party which no longer consumes methyl bromide should also submit information on alternatives to the Secretariat for inclusion in that database;

3. To request each party which makes a critical-use nomination after 2005 to submit a national management strategy for phase-out of critical uses of methyl bromide to the Ozone Secretariat before 1 February 2006. The management strategy should aim, among other things:

   (a) To avoid any increase in methyl bromide consumption except for unforeseen circumstances;

   (b) To encourage the use of alternatives through the use of expedited procedures, where possible, to develop, register and deploy technically and economically feasible alternatives;

   (c) To provide information, for each current pre-harvest and post-harvest use for which a nomination is planned, on the potential market penetration of newly deployed alternatives and alternatives which may be used in the near future, to bring forward the time when it is estimated that methyl bromide consumption for such uses can be reduced and/or ultimately eliminated;

   (d) To promote the implementation of measures which ensure that any emissions of methyl bromide are minimized;

(e) To show how the management strategy will be implemented to promote the phase-out of uses of methyl bromide as soon as technically and economically feasible alternatives are available, in particular describing the steps which the party is taking in regard to subparagraph (b) (iii) of paragraph 1 of decision IX/6 in respect of research programmes in non-Article 5 parties and the adoption of alternatives by Article 5 parties;

4. To request the Meeting of the Parties to take into account information submitted pursuant to paragraphs 1 and 3 of the present decision when it considers permitting a party to produce or consume methyl bromide for critical uses after 2006;

5. To request a party that has submitted a request for a critical use exemption to consider and implement, if feasible, Technology and Economic Assessment Panel and Methyl Bromide Technical Options Committee recommendations on actions which a party may take to reduce critical uses of methyl bromide;

6. To request any party submitting a critical-use nomination after 2004 to describe in its nomination the methodology used to determine economic feasibility in the event that economic feasibility is used as a criterion to justify the requirement for the critical use of methyl bromide, using as a guide the economic criteria contained in section 4 of annex I to the report of the First Extraordinary Meeting of the Parties; [see section 3.4 of this Handbook]

7. To request each party from 1 January 2005 to provide to the Ozone Secretariat a summary of each crop or post-harvest nomination containing the following information:

   (a) Name of the nominating party;

   (b) Descriptive title of the nomination;

   (c) Crop name (open field or protected) or post-harvest use;

   (d) Quantity of methyl bromide requested in each year;

   (e) Reason or reasons why alternatives to methyl bromide are not technically and economically feasible;

8. To request the Ozone Secretariat to post the information submitted pursuant to paragraph 7 above, categorized according to the year in which it was received, on its web site within 10 days of receiving the nomination;

9. To request the Technology and Economic Assessment Panel:

   (a) To identify options which parties may consider for preventing potential harmful trade of methyl bromide stocks to Article 5 parties as consumption is reduced in non-Article 5 parties and to publish its evaluation in 2005 to enable the Seventeenth Meeting of the Parties to decide if suitable mitigating steps are necessary;

   (b) To identify factors which Article 5 parties may wish to take into account in evaluating whether they should either undertake new accelerated phase-out commitments through the Multilateral Fund for the Implementation of the Montreal Protocol or seek changes to already agreed accelerated phase-outs of methyl bromide under the Multilateral Fund;

   (c) To assess economic infeasibility, based on the methodology submitted by the nominating party under paragraph 6 above, in making its recommendations on each critical-use nomination. The report by the Technology and Economic Assessment Panel should be made with a view to encouraging nominating parties to adopt a common approach in assessing the economic feasibility of alternatives;

(d) To submit a report to the Open-ended Working Group at its twenty-sixth session on the possible need for methyl bromide critical uses over the next few years, based on a review of the management strategies submitted by parties pursuant to paragraph 3 of the present decision;

(e) To review critical-use nominations on an annual basis and apply the criteria set forth in decision IX/6 and of other relevant criteria agreed by the parties;

(f) To recommend an accounting framework for adoption by the Sixteenth Meeting of the Parties which can be used for reporting quantities of methyl bromide produced, imported and exported by parties under the terms of critical-use exemptions, and after the end of 2005 to request each party which has been granted a critical-use exemption to submit information together with its nomination using the agreed format;

(g) To provide, in consultation with interested parties, a format for a critical-use exemption report, based on the content of annex I to the report of the First Extraordinary Meeting of the Parties [see section 3.4 of this Handbook], for adoption by the Sixteenth Meeting of the Parties, and to request each party which reapplies for a methyl bromide critical-use exemption after the end of 2005 to submit a critical-use exemption report in the agreed format;

(h) To assess, annually where appropriate, any critical-use nomination made after the end of 2006 in the light of the Methyl Bromide Alternatives database information submitted pursuant to paragraph 1 of the present decision, and to compare, annually where appropriate, the quantity, in the nomination, of methyl bromide requested and recommended for each pre-harvest and post-harvest use with the management strategy submitted by the party pursuant to paragraph 3 of the present decision;

(i) To report annually on the status of re-registration and review of methyl bromide uses for the applications reflected in the critical-use exemptions, including any information on health effects and environmental acceptability;

(j) To report annually on the status of registration of alternatives and substitutes for methyl bromide, with particular emphasis on possible regulatory actions that will increase or decrease dependence on methyl bromide;

(k) To modify the handbook on critical-use nominations for methyl bromide to take the present decision and other relevant information into account, for submission to the Sixteenth Meeting of the Parties.

Decision XVI/2: Critical use exemptions for methyl bromide for 2005 and 2006

The *Sixteenth Meeting of the Parties* decided in *decision XVI/2:*

Cognizant of its duty to assess critical uses of methyl bromide under Article 2H, paragraph 5, of the Montreal Protocol,

Taking into account the criteria and procedures for the assessment of critical uses of methyl bromide articulated in decision IX/6,

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

Recognizing that the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee review nominations for critical-use exemptions pursuant to paragraph 2 of decision IX/6 and that the parties assess a critical methyl bromide use for the purposes of control measures in Article 2H of the Protocol,

Noting that decision XVI/4 should provide a solid basis for review of critical-use nominations in the future, and that in the absence of technical and economic justification for a recommendation, particular consideration should be given to the party's nomination,

Bearing in mind, in particular, paragraphs 3 and 4 of the working procedures of the Methyl Bromide Technical Options Committee relating to the evaluation of nominations for critical uses of methyl bromide, as set out in annex I to the report of the Sixteenth Meeting of the Parties [see section 3.4 of this Handbook],

1. For the agreed supplemental critical-use categories for 2005, set forth in section IA to the annex to the present decision [see section 3.4 of this Handbook] for each party, to permit, subject to the conditions set forth in decision Ex.I/4, to the extent that those conditions are applicable, the supplementary levels of production and consumption for 2005 set forth in section IB to the annex to the present decision [see section 3.4 of this Handbook] which are necessary to satisfy critical uses;

2. For the agreed critical-use categories for 2006, set forth in section IIA to the annex to the present decision [see section 3.4 of this Handbook] for each party, to permit, subject to the conditions set forth in decision Ex. I/4, to the extent that those conditions are applicable, the levels of production and consumption for 2006 set forth in section IIB to the annex to the present decision [see section 3.4 of this Handbook] 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 to the Montreal Protocol in accordance with decision IX/6;

3. That parties should endeavour to ensure that the quantities of methyl bromide recommended by the Technology and Economic Assessment Panel are allocated as listed in sections IA and IIA of the annex to the present decision;

4. That each party which has an agreed critical use should ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing critical use of methyl bromide and that such procedures take into account available stocks of banked or recycled methyl bromide. Each party is requested to report on the implementation of the present paragraph to the Ozone Secretariat;

5. To approve in the interim, until the Extraordinary Meeting of the Parties referred to in paragraph 9 below is convened, subject to the conditions set forth in decision Ex. I/4, to the extent that those conditions are applicable, the portions of the 2006 critical-use nominations set forth in section III of the annex to the present decision; [see section 3.4 of this Handbook]

6. To ask the Methyl Bromide Technical Options Committee to review:

   (a) Those portions of the 2006 critical-use nominations set forth in section III of the annex to the present decision;

   (b) The 2006 critical-use nominations that were identified as "unable to assess" in the October 2004 report of the Technology and Economic Assessment Panel,

on the basis of all relevant information submitted by 24 January 2005, including any supplemental information submitted by the parties, and information relating to what is suitable for the crops and circumstances of the nomination;

7. To request the Methyl Bromide Technical Options Committee to evaluate the nominations referred to in paragraph 6 of the present decision:

   (a) In accordance with the procedures set out in annex I to the report of the Sixteenth Meeting of the Parties subject to modifications necessary to meet the timetable provided in paragraphs 6–9 of the present decision;

   (b) To meet the nominating party before it completes its deliberations, if so requested by the party;

8. To request the Technology and Economic Assessment Panel to report its findings to the parties in the form of an interim report by 30 April 2005, and in the form of a final report by 15 May 2005;

9. To review the report of the Technology and Economic Assessment Panel prepared pursuant to paragraphs 6–8 of the present decision at an extraordinary Meeting of the Parties held in conjunction with the twenty-fifth meeting of the Open-ended Working Group, in order to adopt a decision at the Meeting with respect to the portions of the 2006 critical-use nominations referred to in paragraph 6 of the present decision, with the understanding that it shall not give rise to any further financial implications;

10. That the procedure provided for in paragraphs 6–9 of the present decision is exceptional and applies only in 2005, unless the parties decide otherwise.

Decision XVI/3: Duration of critical-use nominations of methyl bromide

The *Sixteenth Meeting of the Parties* decided in *decision XVI/3:*

Mindful that decision Ex.I/4, under paragraph 9 (e), requested the Technology and Economic Assessment Panel to review critical-use nominations on an annual basis and to apply the criteria set forth in decision IX/6 and of other relevant criteria agreed by the parties,

Recognizing that decision Ex.I/3, under paragraph 6, asked the parties to take note of the proposal by the United States of America on multi-year exemptions, and to consider the elaboration of criteria and a methodology for authorizing multi-year exemptions,

1. To agree that the basis for extending the duration of critical-use nominations and exemptions of methyl bromide to periods greater than one year requires further attention;

2. To elaborate, as far as possible, at the Seventeenth Meeting of parties a framework for spreading a critical-use exemption over more than one year and to agree that the following elements, among others, should be taken into account:

   (a) Annual reporting on:
      (i) Status of re-registration and review of methyl bromide;
      (ii) Status of registration of alternatives and substitutes for methyl bromide;
      (iii) Efforts to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes;

   (b) Assessment of requests to reconsider approved critical-use exemptions in the case of exceptional circumstances;

(c) Review of downward trends for different instances;

(d) Assessments of nominations in the light of the alternatives database referred to in paragraph 1 of decision Ex.I/4, and comparisons with management strategies;

(e) Applicability of existing decisions to methyl bromide critical-use exemptions longer than one year;

(f) Additional conditions applicable to critical-use exemptions longer than one year;

3. To consider the technical justifications for spreading a critical-use exemption over more than one year, taking into account, among others, the following instances:

(a) Where the use patterns of methyl bromide are not regular on an annual or seasonal basis;

(b) Where, for a specific use, no alternatives or emerging solutions are anticipated for several years;

(c) Where a plan of implementation of an alternative stretches over several years;

(d) Where management strategies include a complete time-bound phase-out for a nomination or sector or use.

Decision XVI/6: Accounting framework

The *Sixteenth Meeting of the Parties* decided in *decision XVI/6:*

Noting with appreciation the work undertaken by the Technology and Economic Assessment Panel, pursuant to decision Ex.I/4, paragraph 9 (f), in developing an accounting framework,

Mindful that after the end of 2005 each party which has been granted a critical-use exemption is requested to submit information on the quantities of methyl bromide produced, imported and exported by parties under the terms of the critical-use exemptions,

Aware that such information must be submitted with a party's nomination using the accounting framework format,

1. To adopt the accounting framework, as set out in annex II to the report of the Sixteenth Meeting of the Parties; [see section 3.4 of this Handbook]

2. To request the Technology and Economic Assessment Panel to include the accounting framework in the next version of the Handbook on Critical Use Nominations for Methyl Bromide.

Decision Ex.II/1: Critical-use exemptions for methyl bromide

The *Second Extraordinary Meeting of the Parties* decided in *decision Ex.II/1:*

Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide, and that those alternatives are not always technically and economically feasible in the circumstances of the nominations,

Mindful that exemptions must fully comply with decision IX/6, including with regard to use minimization and emissions reduction, and that they are intended to be limited, temporary derogations from the phase-out of methyl bromide,

Recognizing the value of gas retention or other techniques for minimizing emissions of methyl bromide and other chemical alternatives, and that such uses can achieve pest and disease control with significant reductions in dose,

Acknowledging that further information described in decision Ex.I/4 will be submitted by the parties in 2006,

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

1. For the agreed critical uses for 2006, set forth in table A of the annex to the present decision [see section 3.4 of this Handbook], to permit, subject to the conditions set forth in the present decision and in decision Ex. I/4, to the extent those conditions are applicable, the supplementary levels of production and consumption for 2006 set forth in table B of the annex to the present decision [see section 3.4 of this Handbook] which are necessary to satisfy critical uses, with the understanding that additional levels and categories of uses may be approved by the Seventeenth Meeting of the Parties in accordance with decision IX/6;

2. That a party with a critical-use exemption level in excess of permitted levels of production and consumption for critical uses is to make up any such difference between those levels by using quantities of methyl bromide available from existing stocks;

3. That each party which has an agreed critical use shall take into full consideration all quantities of existing stocks of methyl bromide and that the sum of these quantities shall be reported in 2006 in column G of the Framework Report, as set out in annex II to the report of the Sixteenth Meeting of the Parties [see section 3.4 of this Handbook], subject to confidentiality and disclosure clauses of domestic laws and regulations. Where all or part of the quantities are withheld pursuant to such laws and regulations, the reasons for withholding the quantities in column G shall be footnoted appropriately;

4. That parties that have an agreed critical use shall endeavour to license, permit, authorize or allocate the quantities of methyl bromide recommended by the Technology and Economic Assessment Panel to the specific categories of use shown in table A of the annex to the present decision;

5. That each party which has an agreed critical use renews its commitment to ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing the use of methyl bromide and that such procedures take into account quantities of methyl bromide available from existing stocks;

6. To request parties licensing, permitting or authorizing methyl bromide that is used for 2006 critical uses to ensure, wherever methyl bromide is authorized for critical-use exemptions, the use of emission minimization techniques such as virtually impermeable films, barrier film technologies, deep shank injection and/or other techniques that promote environmental protection, whenever technically and economically feasible.

Decision XVII/9: Critical-use exemptions for methyl bromide for 2006 and 2007

The *Seventeenth Meeting of the Parties* decided in *decision XVII/9:*

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

Noting with appreciation that some parties have made substantial reductions in the quantities of methyl bromide authorized, permitted or licensed for 2005 and have significantly reduced the quantities for 2006,

Noting that parties submitting requests for methyl bromide for 2007 have supported their requests with a national management strategy,

1. For the agreed critical-use categories for 2006, set forth in table A of the annex to the present decision [see section 3.4 of this Handbook] for each party, to permit, 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 2006 set forth in table B of the annex to the present decision [see section 3.4 of this Handbook] which are necessary to satisfy critical uses;

2. For the agreed critical-use categories for 2007, set forth in table C of the annex to the present decision [see section 3.4 of this Handbook] for each party, to permit, subject to the conditions set forth in the present decision and in decision Ex. I/4, the levels of production and consumption for 2007 set forth in table D of the annex to the present decision [see section 3.4 of this Handbook] 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 to the Montreal Protocol in accordance with decision IX/6;

3. That a party with a critical use exemption level in excess of permitted levels of production and consumption for critical uses is to make up any such differences between those levels by using quantities of methyl bromide from stocks that the party has recognized to be available;

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

5. That each party which has an agreed critical use renews its commitment to ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing critical use of methyl bromide and that such procedures take into account available stocks of banked or recycled methyl bromide. Each party is requested to report on the implementation of the present paragraph to the Ozone Secretariat by 1 February for the years to which this decision applies;

6. That parties licensing, permitting or authorizing methyl bromide that is used for 2007 critical uses shall request the use of emission minimization techniques such as virtually impermeable films, barrier film technologies, deep shank injection and/or other techniques that promote environmental protection, whenever technically and economically feasible;

7. To request parties to endeavour to use stocks, where available, to meet any demand for methyl bromide for the purposes of research and development;

8. To request the Quarantine and Pre-shipment Task Force of the Technology and Economic Assessment Panel to evaluate whether soil fumigation with methyl bromide to control quarantine pests on living plant material can in practice control pests to applicable quarantine standards, to evaluate the long-term effectiveness of pest control several months after fumigation for this purpose and to provide a report in time for the twenty-sixth meeting of the Open-ended Working Group;

9. That each party should ensure that its national management strategy for the phase-out of critical uses of methyl bromide addresses the aims specified in paragraph 3 of decision Ex. I/4;

10. To request the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee to report for 2005 and annually thereafter, for each agreed critical use category, the amount of methyl bromide nominated by a party, the amount of the agreed critical use and either:

(a) The amount licensed, permitted or authorized; or

(b) The amount used.

Decision XVIII/13: Critical-use exemptions for methyl bromide for 2007 and 2008

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/13:*

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

Noting with appreciation that some parties have made substantial reductions in the quantities of methyl bromide authorized, permitted or licensed for 2006 and have significantly reduced the quantities requested,

Noting that parties submitting requests for methyl bromide for 2007 have supported their requests with a management strategy as required under decision Ex.I/4,

1. For the agreed critical-use categories for 2007, set forth in table A of the annex to the present decision [see section 3.4 of this Handbook] for each party, to permit, 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 2007 set forth in table B of the annex to the present decision [see section 3.4 of this Handbook] which are necessary to satisfy critical uses, in addition to the amounts permitted in decision XVII/9;

2. For the agreed critical-use categories for 2008 set forth in table C of the annex to the present decision [see section 3.4 of this Handbook] for each party to permit, 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 2008 set forth in table D of the annex to the present decision [see section 3.4 of this Handbook] 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 to the Montreal Protocol in accordance with decision IX/6;

3. That when assessing supplemental requests for critical use exemptions for 2008 for a specific nomination, the Technology and Economic Assessment Panel should take into account the most current information, including any information on domestic implementation of related 2007 and 2008 critical uses, in accordance with paragraph 2 of decision IX/6;

4. That a party with a critical use exemption level in excess of permitted levels of production and consumption for critical uses is to make up any such differences between those levels by using quantities of methyl bromide from stocks that the party has recognized to be available;

5. That parties shall endeavour to license, permit, authorize or allocate quantities of critical-use methyl bromide as listed in tables A and C of the annex to the present decision; [see section 3.4 of this Handbook]

6. That each party which has an agreed critical use renews its commitment to ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing critical use of methyl bromide and, in particular, the criterion laid down in paragraph 1(b) (ii) of decision IX/6. Each party is requested to report on the implementation of the present paragraph to the Ozone Secretariat by 1 February for the years to which this decision applies;

7. To request the Technology and Economic Assessment Panel to publish annually in its progress report beginning in 2007 and prior to each Open-ended Working Group meeting the stocks of methyl bromide held by each nominating party as reported in its accounting framework report;

8. That parties licensing, permitting or authorizing methyl bromide that is used for 2008 critical uses shall request the use of emission minimization techniques such as virtually impermeable films, barrier film technologies, deep shank injection and/or other techniques that promote environmental protection, whenever technically and economically feasible;

9. That each party should continue to ensure that its national management strategy for the phase-out of critical uses of methyl bromide addresses the aims specified in paragraph 3 of decision Ex.I/4.

Decision XIX/9: Critical-use exemptions for methyl bromide for 2008 and 2009

The *Nineteenth Meeting of the Parties* decided in *decision XIX/9*:

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

Noting that parties submitting requests for methyl bromide have supported their requests with management strategies as requested under decision Ex.I/4,

1. To permit, for the agreed critical-use categories for 2008 set forth in table A of the annex to the present decision [see section 3.4 of this Handbook] 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 2008 set forth in table B of the annex to the present decision [see section 3.4 of this Handbook] which are necessary to satisfy critical uses, in addition to the amounts permitted in decision XVIII/13;

2. To permit, for the agreed critical-use categories for 2009 set forth in table C of the annex to the present decision [see section 3.4 of this Handbook] 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 2009 set forth in table D of the annex to the present decision [see section 3.4 of this Handbook] 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. To request the Technology and Economic Assessment Panel to ensure that recent findings with regard to the adoption rate of alternatives are annually updated and reported to the parties in its first report of each year and inform the work of the Panel;

4. That when assessing supplemental requests for critical use exemptions for 2009 for a specific nomination, the Technology and Economic Assessment Panel should take into account the most current information, including any information on domestic implementation of related 2008 and 2009 critical uses, in accordance with paragraph 2 of decision IX/6;

5. That a party with a critical use exemption level in excess of permitted levels of production and consumption for critical uses is to make up any such differences between those levels by using quantities of methyl bromide from stocks that the party has recognized to be available;

6. That parties shall endeavour to license, permit, authorize or allocate quantities of critical-use methyl bromide as listed in tables A and C of the annex to the present decision; [see section 3.4 of this Handbook]

7. That each party which has an agreed critical use renews its commitment to ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing critical use of methyl bromide and, in particular, the criterion laid down in paragraph 1 (b) (ii) of decision IX/6. Each party is requested to report on the implementation of the present paragraph to the Ozone Secretariat by 1 February for the years to which this decision applies;

8. To request the Technology and Economic Assessment Panel to continue publishing annually in its progress report prior to each meeting of the Open-ended Working Group the stocks of methyl bromide held by each nominating party as reported in that party's accounting framework report;

9. 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 Technology and Economic Assessment Panel's terms of reference, the Committee should continue to develop its recommendations in a consensus process that includes full discussion among all available members of the Committee;

10. To note the importance of transparency in the critical-use exemption process and to request the Technology and Economic Assessment Panel to provide to the Open-ended Working Group at its next meeting a written explanation of its methodology for using its meta-analysis in its work and to disclose to the parties in a written explanation any significant changes or deviations it intends to make to that methodology before it undertakes any such change or deviation;

11. That parties licensing, permitting or authorizing methyl bromide for critical uses shall request the use of emission minimization techniques such as virtually impermeable films, barrier film technologies, deep shank injection and/or other techniques that promote environmental protection, whenever technically and economically feasible;

12. That each party should continue to ensure that its national management strategy for the phase-out of critical uses of methyl bromide addresses the aims specified in paragraph 3 of decision Ex.I/4.

Decision XX/5: Critical-use exemptions for methyl bromide for 2009 and 2010

The *Twentieth Meeting of the Parties* decided in *decision XX/5*:

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

Noting that parties submitting requests for methyl bromide have supported their requests with management strategies as requested under decision Ex.I/4, and that they should periodically provide updated information,

1. To permit, for the agreed critical-use categories for 2009 set forth in table A of the annex to the present decision [see section 3.4 of this Handbook] 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 2009 set forth in table B of the annex to the present decision [see section 3.4 of this Handbook] which are necessary to satisfy critical uses, in addition to the amounts permitted in decision XIX/9;

2. To permit, for the agreed critical-use categories for 2010 set forth in table C of the annex to the present decision [see section 3.4 of this Handbook] 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 2010 set forth in table D of the annex to the present decision [see section 3.4 of this Handbook] 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. To request the Technology and Economic Assessment Panel to ensure that recent findings with regard to the adoption rate of alternatives are annually updated and reported to the parties in its first report of each year and inform the work of the Panel;

4. That when assessing supplemental requests for critical use exemptions for 2010 for a specific nomination, the Technology and Economic Assessment Panel should take into account the most current information, including any information on domestic implementation of related 2009 and 2010 critical uses, in accordance with paragraph 2 of decision IX/6;

5. That a party with a critical use exemption level in excess of permitted levels of production and consumption for critical uses is to make up any such differences between those levels by using quantities of methyl bromide from stocks that the party has recognized to be available;

6. That parties shall endeavour to license, permit, authorize or allocate quantities of critical-use methyl bromide as listed in tables A and C of the annex to the present decision; [see section 3.4 of this Handbook]

7. That each party which has an agreed critical use renews its commitment to ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing critical use of methyl bromide and, in particular, the criterion laid down in paragraph 1 (b) (ii) of decision IX/6. Each party is requested to report on the implementation of the present paragraph to the Ozone Secretariat by 1 February for the years to which the present decision applies;

8. To request the Technology and Economic Assessment Panel to continue publishing annually in its progress report prior to each meeting of the Open-ended Working Group the stocks of methyl bromide held by each nominating party as reported in that party's accounting framework report;

9. 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 Technology and Economic Assessment Panel's terms of reference, the Committee should ensure that it develops its recommendations in a consensus process that includes full discussion among all available members of the Committee and should ensure that members with relevant expertise are involved in developing its recommendations;

10. To request the Technology and Economic Assessment Panel to ensure that the critical-use recommendations reported in its annual progress report clearly set out the reasons for recommendations and that, where requests are received from parties for further information, the Methyl Bromide Technical Options Committee should provide a response within four weeks of submission of such a request;

11. That parties licensing, permitting or authorizing methyl bromide for critical uses shall request the use of emission minimization techniques such as virtually impermeable

films, barrier film technologies, deep shank injection and/or other techniques that promote environmental protection, whenever technically and economically feasible;

12. That each party should continue to ensure that its national management strategy for the phase-out of critical uses of methyl bromide addresses the aims specified in paragraph 3 of decision Ex.I/4, and that each party should periodically update or provide supplements to its national management strategy to provide new information on actions, such as identifying alternatives or regulatory updates, being undertaken to make significant progress in reducing critical use nominations, and indicating currently envisaged progress towards a phase-down;

13. To request the Technology and Economic Assessment Panel to ensure that its consideration of nominations analyse the impact of national, subnational and local regulations and law on the potential use of methyl bromide alternatives, and include a description of the analysis in the critical use nomination report.

Decision XXI/11: Critical-use exemptions for methyl bromide for 2010 and 2011

The *Twenty-First Meeting of the Parties* decided in *decision XXI/11*:

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

Recognizing the significant reductions made in critical use nominations in many parties,

Recalling paragraph 10 of decision XVII/9,

1. To permit, for the agreed critical-use categories for 2010 set forth in table A of the annex to the present decision for each party [see section 3.4 of this Handbook], 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 2010 set forth in table B of the annex to the present decision [see section 3.4 of this Handbook] which are necessary to satisfy critical uses, in addition to the amounts permitted in decision XX/5;

2. To permit, for the agreed critical-use categories for 2011 set forth in table C of the annex to the present decision for each party [see section 3.4 of this Handbook], 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 2011 set forth in table D of the annex to the present decision [see section 3.4 of this Handbook] 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 critical-use methyl bromide 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 Technology and Economic Assessment Panel's terms of reference, the Committee should ensure that it develops its recommendations in a consensus process that includes full discussion among all available members of the Committee and should ensure that members with relevant expertise are involved in developing its recommendations;

5. To request the Technology and Economic Assessment Panel to ensure that the critical use recommendations reported in its annual progress report clearly set out the reasons

for recommendations and that, where requests are received from parties for further information, the Methyl Bromide Technical Options Committee should provide a response within four weeks of the submission of such a request;

6. That each party which has an agreed critical use exemption renews its commitment to ensure that the criteria in paragraph 1 of decision IX/6 are applied when licensing, permitting or authorizing critical use of methyl bromide and, in particular, the criterion laid down in paragraph 1 (b) (ii) of decision IX/6. Each party is requested to report on the implementation of the present paragraph to the Ozone Secretariat by 1 February for the years to which the present decision applies.

7. To request all parties that have nominated a critical use exemption to report data on stocks using the accounting framework agreed at the 16th Meeting of the Parties and to urge parties that have not yet provided such a report to submit the accounting framework prior to the 22nd Meeting of the Parties.

8. When submitting nominations, parties are requested to submit updates of the reports requested in the decisions on critical uses including the following:
   i. National Management Strategy under decision Ex.I/4(3), if there are significant changes;
   ii. Methyl bromide alternative database under decision Ex.I/4(2);
   iii. Information to enable the Methyl Bromide Technical Options Committee to report on the amount of critical use categories licensed, permitted, authorised or the amount used;

9. The Methyl Bromide Technical Options Committee is requested to summarise in the table on its recommendations for each nomination information on adherence with each criterion set out in decision IX/6(1)(a)(ii) and (b)(i) and (b)(iii) and other relevant decisions of the parties.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/6*:

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 [see section 3.4 of this Handbook] 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 [see section 3.4 of this Handbook] 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 [see section 3.4 of this Handbook] 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 [see section 3.4 of this Handbook] 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.

Decision XXIII/4: Critical-use exemptions for methyl bromide for 2013

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/4*:

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 to 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 critical-use exemptions 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,

1. To permit, for the agreed critical-use categories for 2013 set forth in table A of the annex to the present decision [see section 3.4 of this Handbook] 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 2013 set forth in table B of the annex to the present decision [see section 3.4 of this Handbook] 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;

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

3. 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;

4. 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;

5. To request the Technology and Economic Assessment Panel to ensure that its consideration of nominations analyse the impact of national, subnational, and local regulations and law on the potential use of methyl bromide alternatives, and include a description of the analysis in the critical use nomination report;

6. To urge parties operating under critical-use exemptions to put in place effective systems to discourage the accumulation of methyl bromide produced under the exemptions.

Decision XXIV/5: Critical-use exemptions for methyl bromide for 2014

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/5*:

Noting with appreciation the work of 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 to 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 critical-use exemptions 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,

Recognizing also that Australia will not seek any further critical-use nominations of methyl bromide for use in the rice sector and therefore that the approval to use part of its 2014 allocation in 2013 is to be seen as exceptional and non-recurring,

Noting that soilless systems for strawberry runners are not yet fully economically or technically feasible throughout Australia and Canada,

Noting also that the Methyl Bromide Technical Options Committee has a "bottom up" approach for calculating the area concerned by methyl bromide in California in the United States of America and that the regulatory authorities have a "top down" approach and that these varying approaches give rise to a difference of 150 hectares,

Acknowledging that the Technical and Economic Assessment Panel, and specifically its Methyl Bromide Technical Options Committee, produce reports that are science based, independent and robust and that all parties should strive to respect the results of this work,

1. To permit, for the agreed critical-use categories for 2014 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 in decision Ex.I/4 to the extent that those conditions are applicable, the levels of production and consumption for 2014 set forth in table B 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 use may be approved by the Meeting of the Parties in accordance with decision IX/6;

2. As part of a final transition out of the rice sector, to approve Australia bringing forward up to 1.187 tonnes of methyl bromide from its critical use exemption to 2013 for fumigating packaged rice, with any quantity brought forward to 2013 deducted from its allocation in 2014 and for Australia to ensure that this amount is reported in full transparency to the Ozone Secretariat;

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

4. To recognize the continued contribution of the expertise of the Methyl Bromide Technical Options Committee 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 request that Canada and Australia take all reasonable steps to explore further the possibility of transitioning to technically and economically feasible alternatives, including soilless culture in the case of strawberry runners and to ensure that the Methyl Bromide Technical Options Committee is fully aware of these efforts;

7. To request that the United States of America takes all reasonable steps to explore further the possibility of transitioning to technically and economically feasible alternatives in the case of strawberry fruits and to ensure that the Methyl Bromide Technical Options Committee is fully aware of these efforts;

8. To request the Technology and Economic Assessment Panel to ensure that its consideration of nominations analyse the impact of national, subnational and local regulations and law on the potential use of methyl bromide alternatives and to include a description of the analysis in the critical use nomination report;

9. To urge parties operating under critical-use exemptions to put in place effective systems to discourage the accumulation of methyl bromide produced under the exemptions.

Annex

Table A: Agreed critical-use categories for 2014

(Metric tonnes)

Australia	Strawberry runners (29.760); rice (1.187)
Canada	Mills (5.044); strawberry runners (Prince Edward Island) (5.261)
United States of America	Commodities (0.740); mills and food processing structures (22.800), cured pork (3.730); strawberry – field (415.067)

Table B: Permitted levels of production and consumption for 2014

(Metric tonnes)

Australia	30.947
Canada	10.305
United States of America	442.337[a]

[a] Minus available stocks

Decision XXV/4: Critical-use exemptions for methyl bromide for 2015

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/4*:

Noting with appreciation the work of 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 by 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 to 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 critical-use exemptions 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,

Recognizing further that soilless systems for strawberry runners are economically and technically feasible and in use in many countries, but are not yet economically and technically feasible throughout Australia,

Recognizing that Australia has a research programme to identify technically and economically feasible alternatives to methyl bromide for strawberry runners,

Recognizing also that technically and economically feasible alternatives, including soilless culture systems, are currently not available for the production of strawberry runners in Prince Edward Island, Canada,

Recognizing further that Canada will proceed with its assessment of the impact of chloropicrin on groundwater in Prince Edward Island, Canada,

Acknowledging that the Technology and Economic Assessment Panel, and specifically its Methyl Bromide Technical Options Committee, produces reports that are science-based, independent and robust, and that all parties should strive to respect the results of that work,

1. To request that Australia submit, by the thirty-sixth meeting of the Open-ended Working Group, the available results of its research programme to the Technology and Economic Assessment Panel for its consideration;

2. To request that Canada submit, by the thirty-sixth meeting of the Open-ended Working Group, the available results of its assessment of the impact of chloropicrin on groundwater to the Technology and Economic Assessment Panel for its consideration;

3. To consider approving a critical-use nomination for the strawberry sector in California, United States of America, in 2014, and to approve sufficient methyl bromide for use in 2016 to enable that sector to complete its intended transition from critical uses for methyl bromide by the end of 2016;

4. To permit, for the agreed critical-use categories for 2015 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 in decision Ex.I/4 to the extent that those conditions are applicable, the levels of production and consumption for 2015 set forth in table B 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 use may be approved by the Meeting of the Parties in accordance with decision IX/6;

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

6. 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;

7. To request the Technology and Economic Assessment Panel to ensure that its consideration of nominations analyses the impact of national, subnational and local regulations and law on the potential use of methyl bromide alternatives and to include a description of the analysis in the critical-use nomination report.

Annex

Table A: Agreed critical-use categories for 2015

(Metric tonnes)

Australia	Strawberry runners 29.760
Canada	Strawberry runners (Prince Edward Island) 5.261
United States of America	Strawberry field 373.66; cured pork 3.24

Table B: Permitted levels of production and consumption for 2015

(Metric tonnes)

Australia	29.760
Canada	5.261
United States of America	376.90[a]

[a] Minus available stocks

Decision XXVI/6: Critical-use exemptions for methyl bromide for 2015 and 2016

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/6*:

Noting with appreciation the work of 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 to by the Sixteenth Meeting of the Parties,

Recalling further paragraphs 1 and 2 of decision XXV/4, in which the Meeting of the Parties requested that, by the thirty-sixth meeting of the Open-ended Working Group, Australia submit the available results of its research programme and Canada submit the available results of its assessment of the impact of chloropicrin on groundwater to the Technology and Economic Assessment Panel for its consideration,

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 critical-use exemptions 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,

Recognizing further that the additional information provided by Argentina at the Twenty-Sixth Meeting of the Parties allowed the Co-Chairs of the Methyl Bromide Technical Options Committee to show how an amount of methyl bromide would be justified for critical use by Argentina in line with decision IX/6,

1. To permit, for the agreed critical-use categories for 2015 and 2016 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 in decision Ex.I/4 to the extent that those conditions are applicable, the levels of production and consumption for 2015 and 2016 set forth in table B 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 use may be approved by the Meeting of the Parties in accordance with decision IX/6;

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

3. 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.

Annex

Table A: Agreed critical-use categories

(Metric tonnes)

2016	
Australia	Strawberry runners 29.760
Canada	Strawberry runners (Prince Edward Island) 5.261
United States of America	Strawberry field 231.54; cured pork 3.24
2015	
Argentina	Strawberry fruit 64.3; green pepper/tomato 70
China	Ginger protected 24.0; ginger open field 90.0
Mexico	Strawberry nursery 43.539; raspberry nursery 41.418

Table B: Permitted levels of production and consumption[a]

(Metric tonnes)

2016	
Australia	29.760
Canada	5.261
United States of America	234.78
2015	
Argentina	134.3
China	114.0
Mexico	84.957

[a] Minus available stocks

Decision XXVII/3: Critical-use exemptions for methyl bromide for 2016 and 2017

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/3*:

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

Recognizing the significant reductions in critical-use nominations for methyl bromide by 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 of methyl bromide using the accounting framework agreed to by the Sixteenth Meeting of the Parties,

Recalling further paragraph 1 of decision XXV/4, in which the Meeting of the Parties requested that, by the thirty-sixth meeting of the Open-ended Working Group, Australia submit the available results of its research programme,

Noting with appreciation that, in accordance with paragraph 2 of decision XXV/4, Canada submitted the available results of its assessment of the impact of chloropicrin on groundwater to the Technology and Economic Assessment Panel in August 2015,

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 critical-use exemptions 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,

1. To permit, for the agreed critical-use categories for 2016 and 2017 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 in decision Ex.I/4 to the extent that those conditions are applicable, the levels of production and consumption for 2016 and 2017 set forth in table B 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 use may be approved by the Meeting of the Parties in accordance with decision IX/6;

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

3. 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.

Annex

Table A: Agreed critical-use categories

(Metric tonnes)

2017	
Australia	Strawberry runners 29.760
2016	
Argentina	Strawberry fruit 71.25; tomato 58
China	Ginger, protected 21.0; ginger, open field 78.75
Mexico	Strawberry, nursery 43.539; raspberry, nursery 41.418
South Africa	Mills 5.462; houses 68.6

Table B: Permitted levels of production and consumption[a]

(Metric tonnes)

2017	
Australia	29.760
2016	
Argentina	129.25
China	99.75
Mexico	84.957
South Africa	74.062

[a] Minus available stocks

Decision XXVIII/7: Critical-use exemptions for methyl bromide for 2017 and 2018

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/7*:

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

Recognizing the significant reductions in critical-use nominations for methyl bromide by 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 of methyl bromide using the accounting framework agreed to by the Sixteenth Meeting of the Parties,

Noting with appreciation that, in accordance with paragraph 1 of decision XXV/4, Australia submitted the available results of its research programme to the Technology and Economic Assessment Panel by the thirty-seventh meeting of the Open-ended Working Group,

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 critical-use exemptions 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,

Recalling decision Ex.I/4, which requests parties with critical-use exemptions to submit annual accounting frameworks,

1. To permit, for the agreed critical-use categories for 2017 and 2018 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 in decision Ex.I/4, to the extent that those conditions are applicable, the levels of production and consumption for 2017 and 2018 set forth in table B of the annex to the present decision, which are necessary to satisfy critical uses, with the understanding that additional production and consumption and categories of use may be approved by the Meeting of the Parties in accordance with decision IX/6;

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

3. 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;

Annex

Table A: Agreed critical-use categories

(Metric tonnes)

2018	
Australia	Strawberry runners 29.730
2017	
Argentina	Strawberry fruit 38.84; tomato 64.10
Canada	Strawberry runners (Prince Edward Island) 5.261
China	Ginger, open field 74.617; ginger, protected 18.36
South Africa	Mills 4.1; structures 55.0

Table B: Permitted levels of production and consumption[a]

(Metric tonnes)

2018	
Australia	29.730
2017	
Argentina	102.94
Canada	5.261
China	92.977
South Africa	59.1

[a] Minus available stocks

Decision XXIX/6: Critical-use exemptions for methyl bromide for 2018 and 2019

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/6*:

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

Recognizing the significant reductions in critical-use nominations for methyl bromide by 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 of methyl bromide using the accounting framework agreed to 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 critical-use exemptions 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,

Recalling decision Ex.I/4, by which parties with critical-use exemptions were requested to submit annual accounting frameworks,

Noting the progress made under the research programme of the Australian strawberry runner industry and that Australia is planning to move to alternatives if trials in 2018 and 2019 are successful and the registration of the alternatives is completed,

Noting also the progress made under the Canadian research programme and the commitment of Canada to submitting a progress report before the fortieth meeting of the Open-ended Working Group,

Noting with appreciation that China does not intend to submit further nominations for critical-use exemptions,

1. To permit, for the agreed critical-use categories for 2018 and 2019 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 in decision Ex.I/4, to the extent that those conditions are applicable, the levels of production and consumption for 2018 and 2019 set forth in table B of the annex to the present decision, which are necessary to satisfy critical uses, with the understanding that additional production and consumption and categories of use may be approved by the Meeting of the Parties in accordance with decision IX/6;

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

3. 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 Secretariat by 1 February for the years to which the present decision applies;

4. That parties submitting future requests for critical-use nominations for methyl bromide shall also comply with paragraph 1 (b) (iii) of decision IX/6 and that parties not operating under paragraph 1 of Article 5 shall demonstrate that research programmes are in place to develop and deploy alternatives to and substitutes for methyl bromide.

Annex

Table A: Agreed critical-use categories

(Tonnes)[a]

2019	
Australia	Strawberry runners 28.98
2018	
Argentina	Strawberry fruit 29.0; tomatoes 47.7
Canada	Strawberry runners (Prince Edward Island) 5.261
China	Ginger, open field 68.88; ginger, protected 18.36
South Africa	Mills 2.9; houses 42.75

[a] Tonnes = metric tons

Table B: Permitted levels of production and consumption[a]

(Tonnes)[b]

2019	
Australia	28.98
2018	
Argentina	76.7
Canada	5.261
China	87.24
South Africa	45.65

[a] Minus available stocks
[b] Tonnes = metric tons

Decisions on new substances

Decision IX/24: Control of new substances with ozone-depleting potential

The *Ninth Meeting of the Parties* decided in *decision IX/24:*

1. That any party may bring to the attention of the Secretariat the existence of new substances which it believes have the potential to deplete the ozone layer and have the likelihood of substantial production, but which are not listed as controlled substances under Article 2 of the Protocol;
2. To request the Secretariat to forward such information forthwith to the Scientific Assessment Panel and the Technology and Economic Assessment Panel;
3. To request the Scientific Assessment Panel to carry out an assessment of the ozone-depleting potential of any such substances of which it is aware either as a result of information provided by parties, or otherwise, to pass that information to the Technology and Economic Assessment Panel as soon as possible, and to report to the next ordinary Meeting of the Parties;
4. To request the Technology and Economic Assessment Panel to report to each ordinary Meeting of the Parties on any such new substances of which it is aware either as a result of information provided by parties, or otherwise, and for which the Scientific Assessment Panel has estimated to have a significant ozone-depleting potential. The report shall include an evaluation of the extent of use or potential use of each substance and if necessary the potential alternatives, and shall make recommendations on actions which the parties should consider taking;
5. To request parties to discourage the development and promotion of new substances with a significant potential to deplete the ozone layer, technologies to use such substances and use of such substances in various applications.

Decision X/8: New substances with ozone-depleting potential

The *Tenth Meeting of the Parties* decided in *decision X/8:*

Recalling that, under the Montreal Protocol, each party has undertaken to control the global emissions of ozone-depleting substances with the ultimate objective of their elimination,

Recalling that decision IX/24 requested parties to discourage the development and promotion of substances with a significant potential to deplete the ozone layer and provides

a procedure for notifying such substances to the Secretariat and their evaluation by the Science Assessment Panel and the Technology and Economic Assessment Panel,

1. That all parties should take measures actively to discourage the production and marketing of bromochloromethane;

2. To encourage parties, in the light of reports from the Scientific Assessment Panel and the Technology and Economic Assessment Panel, to take measures actively, as appropriate, to discourage the production and marketing of new ozone-depleting substances;

3. That should new substances be developed and marketed which, following application of decision IX/24, are agreed by the parties to pose a significant threat to the ozone layer, the parties will take appropriate steps under the Protocol to ensure their control and phase-out;

4. That parties should report to the Secretariat, as far as possible by 31 December 1999, and as necessary thereafter, on any new ozone-depleting substances notified and evaluated under the terms of decision IX/24 being produced or sold in their territories, including the nature of the substances, the quantities involved, the purposes for which these substances are being marketed or used and, if possible, the names of the producers and distributors;

5. To request the Technology and Economic Assessment Panel and the Science Assessment Panel, taking into account, as appropriate, assessments carried out under decision IX/24, to collaborate in undertaking further assessments:

   (a) To determine whether substances such as n-propyl bromide, with a very short atmospheric life-time of less than one month, pose a threat to the ozone layer;

   (b) To identify the sources and availability of halon-1202;

   and to report back to the Meeting of the Parties as soon as possible, but not later than the Twelfth Meeting of the Parties;

6. To request the legal drafting group which the Open-ended Working Group may establish to consider and report back to the Eleventh Meeting of the Parties through the Open-ended Working Group on the options available under the Montreal Protocol to introduce controls on new ozone-depleting substances.

Decision XI/19: Assessment of new substances

The *Eleventh Meeting of the Parties* decided in *decision XI/19:*

1. To recall that decision X/8 requested parties that, should new substances be developed and marketed which, following application of decision IX/24, are agreed by the parties to pose a significant threat to the ozone layer, appropriate steps are taken under the Montreal Protocol to ensure their control and phase-out;

2. To note that many new chemicals are brought into the market by the chemical industry so that criteria for assessing the potential ODP of these chemicals will be useful;

3. To request the Scientific Assessment Panel and the Technology and Economic Assessment Panel:

   (a) To develop criteria to assess the potential ODP of new chemicals;

   (b) To develop a guidance paper on mechanisms to facilitate public-private sector cooperation in the evaluation of the potential ODP of new chemicals in a manner that satisfies the criteria to be set by the Panels;

4. To request the Panels to report back to the Thirteenth Meeting of the Parties.

Decision XI/20: Procedure for new substances

The *Eleventh Meeting of the Parties* decided in *decision XI/20:*

Recalling decisions IX/24 and X/8 on control of new ozone-depleting substances,

Noting that the issue was discussed at the Eleventh Meeting of the Parties,

To continue to give full consideration to ways to expedite the procedure for adding new substances and their associated control measures to the Protocol and for removing them therefrom.

Decision XIII/5: Procedures for assessing the ozone-depleting potential of new substances that may be damaging to the ozone layer

The *Thirteenth Meeting of the Parties* decided in *decision XIII/5:*

Understanding that "new substances" are those believed to deplete the ozone layer and to have the likelihood of substantial production but not listed as controlled substances under Article 2 of the Protocol,

Mindful of the requests to parties under decision IX/24 and decision X/8 to report to the Ozone Secretariat new substances being produced in their territory,

Recalling decision XI/19 on the assessment of new substances, which requests the Technology and Economic Assessment Panel and the Scientific Assessment Panel to develop criteria to assess the potential ODP of a new substance and to produce a guidance paper on public/private sector partnerships in this assessment,

Understanding the urgency and the benefit of disseminating information on new substances that enables individual parties to limit or ban the use of those substances as soon as possible,

Noting the desirability of having a standardized and independent ODP analysis in order to ensure consistent and reproducible results,

1. To request the Secretariat to keep the list of new substances submitted by parties pursuant to decision IX/24 on the UNEP Website up to date and to distribute the current version of the list to all parties about six weeks in advance of the meeting of the Open-ended Working Group and the Meeting of the Parties;

2. To ask the Secretariat to request a party that has an enterprise producing a listed new substance to request that enterprise to undertake a preliminary assessment of its ODP following procedures to be developed by the Scientific Assessment Panel and to submit, if available, toxicological data on the listed new substance, and further to request the party to report the outcome of the request to the Secretariat;

3. To call on parties to encourage their enterprises to conduct the preliminary assessment of its ODP within one year of the request of the Secretariat and, in cases where the substance is produced in more than one territory, to request the Secretariat to notify the parties concerned in order to promote the coordination of the assessment;

4. To request the Secretariat to notify the Scientific Assessment Panel of the outcome of the preliminary assessment of the ODP to enable the Panel to review the assessment for each new substance in its annual report to the parties and to recommend to the parties when a more detailed assessment of the ODP of a listed new substance may be warranted.

Decision XIII/6: Expedited procedures for adding new substances to the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *decision XIII/6:*

Recalling decision XI/20, which requires parties to give full consideration to ways for expediting the procedure for adding new substances and their associated control measures to the Protocol,

To request the Ozone Secretariat to compile precedents in other Conventions regarding the procedures for adding new substances and to provide a report at the 22nd Meeting of the Open-ended Working Group, in 2002.

Decision XIII/7: n-propyl bromide

The *Thirteenth Meeting of the Parties* decided in *decision XIII/7:*

Noting the Technology and Economic Assessment Panel's report that n-propyl bromide (nPB) is being marketed aggressively and that nPB use and emissions in 2010 are currently projected to be around 40,000 metric tonnes,

1. To request parties to inform industry and users about the concerns surrounding the use and emissions of nPB and the potential threat that these might pose to the ozone layer;
2. To request parties to urge industry and users to consider limiting the use of nPB to applications where more economically feasible and environmentally friendly alternatives are not available, and to urge them also to take care to minimize exposure and emissions during use and disposal;
3. To request the Technology and Economic Assessment Panel to report annually on nPB use and emissions.

Decision XVIII/11: Sources of n-propyl bromide emissions, alternatives available and opportunities for reductions

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/11:*

Noting with appreciation the information presented by the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee in its May 2006 progress report,

Mindful of the options to include new substances as controlled substances in the Montreal Protocol, and in particular of decision XIII/7, requesting parties to urge industry and users to consider limiting the use of n-propyl bromide to applications for which more economically feasible and environmentally friendly alternatives are not available,

Desiring to obtain more specific information on use categories and emissions of n-propyl bromide to allow parties to consider further steps regarding n-propyl bromide, in the light of available alternatives,

1. To request the Scientific Assessment Panel to update existing information on the ozone depletion potential of n-propyl bromide, including ozone depleting potential depending on the location of the emissions and the season in the hemisphere at that location;
2. To request the Technology and Economic Assessment Panel to continue its assessment of global emissions of n-propyl bromide, as set out in decision XIII/7, paying particular attention to:

(a) Obtaining more complete data on production and uses of n-propyl bromide as well as emissions of n-propyl bromide from those sources;

(b) Providing further information on the technological and economical availability of alternatives for the different use categories of n-propyl bromide and information on the toxicity of and regulations on the substitutes for n-propyl bromide;

(c) Presenting information on the ozone depletion potential of the substances for which n-propyl bromide is used as a replacement;

3. To request that the Technology and Economic Assessment Panel prepare a report on the assessment referred to in paragraph 1 in time for the twenty-seventh meeting of the Open-ended Working Group for the consideration of the Nineteenth Meeting of the Parties.

Decision XXIV/10: Review by the Scientific Assessment Panel of RC-316c

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/10:*

Recalling decisions IX/24, X/8, XI/19 and XIII/5 of the Meeting of the Parties pertaining to new substances,

Noting that the Scientific Assessment Panel has developed procedures for assessing the ozone-depletion potential of new substances,

1. To invite parties in a position to do so to provide environmental assessments of RC-316c (1,2-dichloro-1,2,3,3,4,4-hexafluorocyclobutane, CAS 356-18-3), a chlorofluorocarbon not controlled by the Montreal Protocol, and any guidance on practices that can reduce intentional releases of the substance;

2. To request the Scientific Assessment Panel to conduct a preliminary assessment of RC-316c and report to the Open-ended Working Group at its thirty-third meeting on the ozone-depletion potential and global-warming potential of the substance and other factors that the Panel deems relevant.

Decisions on other issues

Decision I/12G: Clarification of terms and definitions: Article 2, paragraph 6

The *First Meeting of the Parties* decided in *decision I/12G* to agree to the following clarification of Article 2, paragraph 6 of the Protocol:

(a) Paragraphs 1 to 4 of Article 2 of the Protocol freeze and then reduce annual production and therefore do not allow any increase of such production under Article 2, paragraph 6;

(b) Since the object and purpose of the Protocol is to significantly reduce the production and use of CFCs and halons, neither Article 2, paragraph 6 nor any other provision allows an increase in production to be exported to non-parties so that the reduction in global consumption is not obtained in accordance with the object of the Protocol;

(c) Only countries that notify the Secretariat that the facilities were under construction or contracted prior to 16 September 1987, provided for in national legislation prior to 1 January 1987 and completed by 31 December 1990 were allowed to operate under Article 2, paragraph 6.

Article 4: Control of trade with non-parties

Decisions on non-parties in compliance with the Protocol

Decision IV/17B: Application to Colombia of paragraph 8 of Article 4 of the amended Montreal Protocol

The *Fourth Meeting of the Parties* decided in *decision IV/17B* that the exceptions provided for in paragraph 8 of Article 4 of the 1990 London Amendment to the Montreal Protocol should apply to Colombia, a country not yet party to the Protocol, from 1 January 1993 until the date on which the Protocol and its Amendment enter into force for Colombia, bearing in mind that Colombia is in full compliance with Article 2, Articles 2A to E, and Article 4 of the Protocol and the amended Protocol and has submitted data to that effect to this Meeting and, previously, to the Ozone Secretariat, as specified in Article 7 of the amended Protocol.

Decision IV/17C: Application of trade measures under Article 4 to non-parties to the Protocol

The *Fourth Meeting of the Parties* decided in *decision IV/17C:*

1. Recalling that paragraph 8 of Article 4 of the Protocol permits a Meeting of the Parties to determine that a State not party to the Protocol is in full compliance with Articles 2, 2A to 2E and Article 4 of the Protocol and therefore is not to be subject to the trade controls specified in that Article, to determine provisionally, pending a final decision at the Fifth Meeting of the Parties, that any State not party to the Protocol which:

   (a) Has by 31 March 1993 notified the Secretariat that it is in full compliance with Articles 2, 2A to 2E and Article 4 of the Protocol;

   (b) Has by 31 March 1993 submitted supporting data to that effect to the Secretariat as specified in Article 7 of the Protocol;

   is in compliance with the relevant provisions of the Protocol and may be exempt, between that time and the Fifth Meeting of the Parties, from the trade controls in paragraphs 2 and 2 *bis* of Article 4 of the Protocol;

2. To request the Secretariat to transmit any such data received to the Implementation Committee and to the parties;

3. That a final decision on the position of such States will be taken at the Fifth Meeting of the Parties, taking account of any comment on the data of these States that the Implementation Committee may make.

Decision V/3: Application of trade measures under Article 4 to non-parties to the London Amendment

The *Fifth Meeting of the Parties* decided in *decision V/3*:

1. To note the information reported by non-parties to the Montreal Protocol pursuant to decision IV/17C (Control of trade with non-parties) of the Fourth Meeting of the Parties and to request the Secretariat to inform those States that the trade restrictions under Article 4 are applicable to all non-parties as per the provisions of that Article;

2. To note, however, the request by Malta, Jordan, Poland and Turkey to the Meeting of the Parties to agree an extension for them of decision IV/17 C pending completion of their procedures for ratification of the London Amendment;

3. To note that these four countries have all submitted data pursuant to decision IV/17 C notifying that in 1992 they were in full compliance with Articles 2, 2A to 2E and 4 of the Montreal Protocol and have submitted supporting data to that effect as specified in Article 7 of the Protocol;

4. To agree to extend, until the Sixth Meeting of the Parties, the exemption of those four countries from the trade controls in Articles 2, 2A to 2E and 4 of the Montreal Protocol provided that by 31 March 1994 they submit to the Secretariat, for consideration by the Implementation Committee, data as specified in Article 7 to demonstrate that during 1993 they were in full compliance with the controls in all those Articles. Such data shall be submitted in accordance with the revised format for reporting of data as adopted by the parties in decision V/5;

5. To agree to this exemption on the understanding that any future exemption of this nature would only be granted in accordance with the requirements of paragraph 8 of Article 4.

Decision VI/4: Application of trade measures under Article 4 to non-parties to the London Amendment to the Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/4:*

1. To note the information reported by Poland and Turkey pursuant to decision V/3 (Application of trade measures under Article 4 to non-parties to the London Amendment) of the Fifth Meeting of the Parties and to note that these two countries have thereby submitted data demonstrating that in 1993 they were in full compliance with Articles 2, 2A–2E and 4 of the Montreal Protocol and have submitted supporting data to that effect as specified in Article 7 of the Protocol;

2. To request those countries to submit data on their compliance with the above Articles of the Protocol by 31 March 1995 in order to establish their continued eligibility under Article 4, paragraph 8, to treatment as parties during the year 1995–1996;

3. To welcome the fact that both countries intend to ratify or accede to the London Amendment in 1995.

Decision XV/3: Obligations of parties to the Beijing Amendment under Article 4 of the Montreal Protocol with respect to hydrochlorofluorocarbons

The *Fifteenth Meeting of the Parties* decided in *decision XV/3*:

Affirming that it is operating by consensus,

Reaffirming the obligation to control consumption of hydrochlorofluorocarbons by the parties to the amendment adopted by the Fourth Meeting of the Parties to the Montreal Protocol at Copenhagen on 25 November 1992 (the "Copenhagen Amendment"),

Reaffirming the obligation to control production of hydrochlorofluorocarbons by the parties to the amendment adopted by the Eleventh Meeting of the Parties to the Montreal Protocol at Beijing on 3 December 1999 (the "Beijing Amendment"),

Strongly urging all States not yet party to the Copenhagen or Beijing Amendments to ratify, accede to or accept them as soon as possible,

Recalling that, as of 1 January 2004, the parties to the Beijing Amendment have accepted obligations under Article 4, paragraph 1 quin., and paragraph 2 quin., of the Protocol to ban

the import and export of the controlled substances in group 1 of Annex C (hydrochlorofluorocarbons) from any "State not party to this Protocol",

Noting that Article 4, paragraph 9 of the Protocol provides that "for the purposes of this Article, the term 'State not party to this Protocol' shall include, with respect to a particular controlled substance, a State or regional economic integration organization that has not agreed to be bound by the control measures in effect for that substance",

Noting also that Article 4, paragraph 8 of the Protocol permits parties to the Beijing Amendment to import and export hydrochlorofluorocarbons from "any State not party to this Protocol, if that State is determined, by a Meeting of the Parties, to be in full compliance with Article 2, Articles 2A–2I and this Article, and have submitted data to that effect as specified in Article 7",

Acknowledging that the meaning of the term "State not party to this Protocol" may be subject to differing interpretations with respect to hydrochlorofluorocarbons by parties to the Beijing Amendment, given that control measures for the consumption of hydrochlorofluorocarbons were introduced in the Copenhagen Amendment while control measures for the production of hydrochlorofluorocarbons were introduced in the Beijing Amendment,

Acknowledging also that, for those parties operating under Article 5, paragraph 1, of the Protocol no control measures for the consumption or production of hydrochlorofluorocarbons will be in effect under either the Copenhagen or Beijing Amendments until 2016,

Desiring to decide in that context on a practice in the application of Article 4, paragraph 9 of the Protocol by establishing by consensus a single interpretation of the term "State not party to this Protocol", to be applied by parties to the Beijing Amendment for the purpose of trade in hydrochlorofluorocarbons under Article 4 of the Protocol,

Expecting parties to the Beijing Amendment to import or export hydrochlorofluorocarbons in ways that do not result in the importation or exportation of hydrochlorofluorocarbons to any "State not party to this Protocol" as that term is interpreted herein, recognizing the need to assess the fulfilment of that expectation,

1. That the parties to the Beijing Amendment will determine their obligations to ban the import and export of controlled substances in group I of Annex C (hydrochlorofluorocarbons) with respect to States and regional economic organizations that are not parties to the Beijing Amendment by January 1 2004 in accordance with the following:

   (a) The term "State not party to this Protocol" in Article 4, paragraph 9 does not apply to those States operating under Article 5, paragraph 1, of the Protocol until January 1, 2016 when, in accordance with the Copenhagen and Beijing Amendments, hydrochlorofluorocarbon production and consumption control measures will be in effect for States that operate under Article 5, paragraph 1, of the Protocol;

   (b) The term "State not party to this Protocol" includes all other States and regional economic integration organizations that have not agreed to be bound by the Copenhagen and Beijing Amendments;

   (c) Recognizing, however, the practical difficulties imposed by the timing associated with the adoption of the foregoing interpretation of the term "State not party to this Protocol," paragraph 1 (b) shall apply unless such a State has by 31 March 2004:
      (i) Notified the Secretariat that it intends to ratify, accede or accept the Beijing Amendment as soon as possible;
      (ii) Certified that it is in full compliance with Articles 2, 2A to 2G and Article 4 of the Protocol, as amended by the Copenhagen Amendment;

(iii) Submitted data on (i) and (ii) above to the Secretariat, to be updated on 31 March 2005,

in which case that State shall fall outside the definition of "State not party to this Protocol" until the conclusion of the Seventeenth Meeting of the Parties;

2. That the Secretariat shall transmit data received under paragraph 1 (c) above to the Implementation Committee and the parties;

3. That the parties shall consider the implementation and operation of the foregoing decision at the Sixteenth Meeting of the Parties, in particular taking into account any comments on the data submitted by States by 31 March 2004 under paragraph 1 (c) above that the Implementation Committee may make.

Decision XVII/3: Application to Belgium, Poland and Portugal of paragraph 8 of Article 4 of the Montreal Protocol with respect to the Beijing Amendment to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/3:*

Acknowledging that Belgium, Poland and Portugal have notified the Secretariat, pursuant to decision XV/3, that their respective ratification processes are under way and that they will do all that is possible to complete those procedures as expeditiously as possible,

Expressing regret that despite their best efforts, Belgium, Poland and Portugal will not be able to ratify the Beijing Amendment before the expiry of decision XV/3 on the last day of the Seventeenth Meeting of the Parties,

1. That on the basis of the data submitted under Article 7 of the Protocol and the review conducted by the Implementation Committee, Belgium, Poland and Portugal are in full compliance with Articles 2, 2A to 2I and 4 of the Montreal Protocol, including its Beijing Amendment;

2. That the exceptions provided for in paragraph 8 of Article 4 of the Montreal Protocol shall apply to Belgium, Poland and Portugal from 17 December 2005;

3. That the determination in paragraph 1 of the present decision and the exceptions referred to in paragraph 2 of the present decision shall expire at the end of the Eighteenth Meeting of the Parties.

Decision XVII/4: Application to Tajikistan of paragraph 8 of Article 4 of the Montreal Protocol with respect to the Beijing Amendment to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/4:*

Acknowledging that Tajikistan has notified the Secretariat, pursuant to decision XV/3, that its ratification process is under way and that it will do all that is possible to complete that procedure as expeditiously as possible,

Expressing regret that despite its best efforts, Tajikistan will not be able to ratify the Beijing Amendment before the expiry of decision XV/3 on the last day of the Seventeenth Meeting of the Parties,

1. That on the basis of the data submitted under Article 7 of the Protocol and the review conducted by the Implementation Committee, Tajikistan is in full compliance with Articles 2, 2A to 2I and 4 of the Montreal Protocol, including its Beijing Amendment;

2. That the exceptions provided for in paragraph 8 of Article 4 of the Montreal Protocol shall apply to Tajikistan from 17 December 2005;

3. That the determination in paragraph 1 of the present decision and the exceptions referred to in paragraph 2 of the present decision shall expire at the end of the Eighteenth Meeting of the Parties.

Decision XX/9: Application of the Montreal Protocol's trade provisions to hydrochlorofluorocarbons

The *Twentieth Meeting of the Parties* decided in *decision XX/9*:

Recalling decision XV/3, which clarifies the definition of States not party to the Montreal Protocol for the purposes of obligations of parties to the Copenhagen and Beijing Amendments to the Montreal Protocol in respect of control measures on hydrochlorofluorocarbons,

Noting decision XIX/6, by which the parties agreed to accelerate the phase-out of hydrochlorofluorocarbons, including the establishment of the new freeze date of 1 January 2013 for parties operating under paragraph 1 of Article 5,

Acknowledging that the accelerated phase-out of hydrochlorofluorocarbons as determined by decision XIX/6 brings forward control measures for hydrochlorofluorocarbons for parties operating under paragraph 1 of Article 5 of the Protocol from 2016 to 2013,

1. To annul paragraph 1 (a) of decision XV/3, which reads

   the term "State not party to this Protocol" in Article 4, paragraph 9 does not apply to those States operating under Article 5, paragraph 1, of the Protocol until 1 January 2016 when, in accordance with the Copenhagen and Beijing Amendments, hydrochlorofluorocarbon production and consumption control measures will be in effect for States that operate under Article 5, paragraph 1, of the Protocol;

   and replace it with:

   the term "State not party to this Protocol" in Article 4, paragraph 9, does not apply to those States operating under Article 5, paragraph 1, of the Protocol until 1 January 2013 when, in accordance with the Copenhagen and Beijing Amendments, hydrochlorofluorocarbon production and consumption control measures will be in effect for States that operate under Article 5, paragraph 1, of the Protocol.

Decision XXIV/2: Application to Bahrain, Bolivia (Plurinational State of), Chad, Ecuador, Haiti, Kenya and Nicaragua of paragraph 8 of Article 4 of the Montreal Protocol with respect to the Beijing Amendment to the Montreal Protocol

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/2*:

Considering paragraph 8 of Article 4 of the Montreal Protocol, which reads:
"Notwithstanding the provisions of this Article, imports and exports referred to in paragraphs 1 to 4 ter of this Article may be permitted from, or to, any State not party to this Protocol, if that State is determined, by a meeting of the parties, to be in full compliance with Article 2, Articles 2A to 2I and this Article, and have submitted data to that effect as specified in Article 7",

Acknowledging that Bahrain, Bolivia (Plurinational State of), Chad, Ecuador, Haiti, Kenya and Nicaragua have notified the Secretariat that their ratification processes of the Beijing

Amendment are under way and that they will do all that is possible to complete the procedures as expeditiously as possible,

Expressing regret that despite their best efforts, Bahrain, Bolivia (Plurinational State of), Chad, Ecuador, Haiti, and Kenya will not be able to ratify the Beijing Amendment before the last day of the Twenty-Fourth Meeting of the Parties,

Noting that although the Implementation Committee has not specifically considered the situation of Bahrain, Bolivia (Plurinational State of), Chad, Ecuador, Haiti, and Kenya in the context of paragraph 8 of Article 4 of the Montreal Protocol, the report of the Implementation Committee to the Twenty-Fourth Meeting of the Parties indicates that all of those parties are in full compliance with Article 2, Articles 2A to 2I and Article 4 of the Protocol, including its Beijing Amendment, and have submitted data to that effect as specified in Article 7,

1. That on the basis of the data submitted under Article 7 of the Protocol, Bahrain, Bolivia (Plurinational State of), Chad, Ecuador, Haiti, Kenya and Nicaragua are in full compliance with Articles 2, Articles 2A to 2I and Article 4 of the Protocol, including its Beijing Amendment;

2. That the exceptions provided for in paragraph 8 of Article 4 of the Protocol shall apply to Bahrain, Bolivia (Plurinational State of), Chad, Ecuador, Haiti, Kenya and Nicaragua from 1 January 2013;

3. That the determination in paragraph 1 of the present decision and the exceptions referred to in paragraph 2 of the present decision shall expire at the end of the Twenty-Fifth Meeting of the Parties;

4. That the term "State not party to this Protocol" in Article 4, paragraph 9 applies to those States operating under Article 5, paragraph 1, of the Protocol that have not agreed to be bound by Beijing Amendment and that are not listed in paragraph 2 of the present decision, unless such a State has by 31 March 2013:

   (a) Notified the Secretariat that it intends to ratify, accede to or accept the Beijing Amendment as soon as possible;

   (b) Certified that it is in full compliance with Articles 2, 2A to 2I and Article 4 of the Protocol, as amended by the Copenhagen Amendment;

   (c) Submitted data under subparagraphs (a) and (b) above to the Secretariat, in which case that State shall fall outside the definition of a "State not party to this Protocol" until the conclusion of the Twenty-Fifth Meeting of the Parties and the information so submitted will be posted by the Ozone Secretariat on its website within a week of receipt;

5. That the term "State not party to this Protocol" includes all other States and regional economic integration organizations that have not agreed to be bound by the Beijing Amendment;

6. That any State that has not agreed to be bound by the Beijing Amendment and that seeks an exception as provided for in paragraph 8 of Article 4 of the Protocol beyond the Twenty-Fifth Meeting of the Parties may do so by submitting a request to the Ozone Secretariat prior to the beginning of the meeting of the Implementation Committee that immediately precedes the Meeting of the Parties, that the Secretariat will notify the Committee of any such request, that the Committee will review relevant data submitted in accordance with Article 7 and develop a recommendation for consideration

by the parties and that such requests seeking the exception provided for in paragraph 8 of Article 4 will be considered on an annual basis.

Decisions on restrictions on trade with non-parties

Decision III/15: Annex to the Montreal Protocol

The *Third Meeting of the Parties* decided in *decision III/15* to:

(a) To adopt as an Annex D to the Montreal Protocol, in accordance with the procedure laid down in Article 10 of the Vienna Convention, the list of products containing controlled substances. The annex is contained in annex V of the report of the Third Meeting of the Parties;

(b) To request the Secretariat to identify the Customs Code Numbers for the items on the list from the Customs Co-operation Council. The Customs Code Numbers will be submitted for acceptance by the Fourth Meeting of the Parties.

Decision IV/16: Annex D to the Montreal Protocol

The *Fourth Meeting of the Parties* decided in *decision IV/16:*

1. To take note of the entry into force of Annex D to the Protocol on 27 May 1992;

2. To note that Singapore intends to remove its objection with respect to the products classified under items 1, 2 (with regard to domestic refrigerators and freezers), 4, 5 and 6 of Annex D;

3. To adopt the conclusions of the note regarding the Harmonized System customs code numbers for the products listed in Annex D of the amended Montreal Protocol, as contained in document UNEP/OzL.Pro.4/3.

Decision IV/17A: Trade issues

The *Fourth Meeting of the Parties* decided in *decision IV/17A:*

1. To take note of the information provided by some parties on the implementation of Article 4 of the Protocol and to encourage further those parties that have not yet done so to provide the information to the Secretariat as soon as possible;

2. To clarify, as follows, the situation of parties that have not ratified the London Amendment:

   (a) Under paragraph 2 of Article 4 of the Protocol, the export ban on Annex A substances shall apply only to any State not party to the Montreal Protocol of 1987;

   (b) Under paragraph 2 *bis* of Article 4 of the Protocol, the export ban on Annex B substances shall commence only on 10 August 1993.

Decision IV/27: Implementation of paragraph 4 of Article 4 of the Protocol

The *Fourth Meeting of the Parties* decided in *decision IV/27* to request the Technology and Economic Assessment Panel to study the feasibility, in accordance with paragraph 4 of Article 4 of the Protocol, of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex A of the Protocol and to report its findings, by 31 March 1993, to the Secretariat with a view to their consideration at the Fifth Meeting of the Parties in 1993.

Decision IV/28: Implementation of paragraph 3 *bis* of Article 4 of the Protocol

The *Fourth Meeting of the Parties* decided in *decision IV/28* to request the Technology and Economic Assessment Panel to study and report, through the Secretariat, by 31 March 1994 at the latest, on a list of products containing controlled substances from Annex B to enable the Sixth Meeting of the Parties, in 1994, to consider the elaboration of such a list as an annex to the Protocol, in accordance with paragraph 3 *bis* of Article 4 of the Protocol.

Decision V/17: Feasibility of banning or restricting from States not party to the Montreal Protocol the import of products produced with, but not containing, controlled substances in Annex A, in accordance with paragraph 4 of Article 4 of the Protocol

The *Fifth Meeting of the Parties* decided in *decision V/17:*

1. To note with appreciation the work by the Technology and Economic Assessment Panel regarding the feasibility of banning or restricting the import of products produced with, but not containing, controlled substances;

2. That it is not feasible to impose a ban or restriction on the import of such products under the Protocol at this stage;

3. To request the Technology and Economic Assessment Panel to review this issue at regular intervals.

Decision V/20: Extension of application of trade measures under Article 4 to controlled substances listed in group I of Annex C and in Annex E

The *Fifth Meeting of the Parties* decided in *decision V/20:*

1. To request the Technology and Economic Assessment Panel to assess the feasibility and implications of extending the application of trade measures under Article 4 of the Protocol to trade in the controlled substances listed in group I of Annex C and in Annex E and report through the Secretariat by 30 November 1994 at the latest to the Open-ended Working Group;

2. To request the Open-ended Working Group to make recommendations on the subject, as appropriate, with a view to their consideration by the Seventh Meeting of the Parties, in 1995.

Decision VI/12: List of products containing controlled substances in Annex B of the Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/12:*

1. To note the conclusions of the Technology and Economic Assessment Panel and the recommendation of the Open-ended Working Group of the parties on elaborating a list of products containing controlled substances in Annex B of the Protocol;

2. To agree that, in view of the tightening of the phase-out schedule for Annex B substances from 1 January 2000 to 1 January 1996 and ratification of the Protocol by an overwhelming majority of countries, the elaboration of the list called for in Article 4, paragraph 3 *bis*, of the Montreal Protocol would be of little practical consequence and the work entailed in drawing up and adopting such a list would be disproportionate to the benefits, if any, to the ozone layer;

3. To decide not to elaborate the list specified in Article 4, paragraph 3 *bis*, of the Montreal Protocol.

Decision VII/7: Trade in methyl bromide

The *Seventh Meeting of the Parties* decided in *decision VII/7:*

1. To recall paragraph 10 of Article 4 of the Protocol, which provides, inter alia, that parties shall consider by 1 January 1996 whether to amend the Protocol in order to extend the measures in Article 4 to trade in methyl bromide with States not party to the Protocol;
2. Recognizing the importance of Article 4 trade controls in promoting the environmental objectives of the Protocol, to consider at the Eighth Meeting of the Parties whether to amend the Protocol to control trade in the controlled substance in Annex E, and in products containing the controlled substance in Annex E, with States not party to the Protocol;
3. To this end, to request the Technology and Economic Assessment Panel to clarify, before the Eighth Meeting of the Parties, what products, if any, should be considered products containing the controlled substance in Annex E.

Decision VIII/15: Control of trade in methyl bromide with non-parties

The *Eighth Meeting of the Parties* decided in *decision VIII/15:*

To consider the issue of control of trade in methyl bromide with non-parties at the Ninth Meeting of the Parties to the Montreal Protocol in 1997.

Decision VIII/18: List of products containing controlled substances in group II of Annex C (hydrobromofluorocarbons) of the Protocol

The *Eighth Meeting of the Parties* decided in *decision VIII/18*:

1. To note the conclusion of the Technology and Economic Assessment Panel on the elaboration of a list of products containing controlled substances in group II of Annex C of the Protocol;
2. To decide not to elaborate the lists referred to in Article 4, paragraphs 3 *ter* and 4 *ter* of the Montreal Protocol.

Decisions on other trade issues

Decision II/15: Extension of the mandate of the Open-ended Working Group of the parties

The *Second Meeting of the Parties* decided in *decision II/15* to continue the work of the Open-ended Working Group of the parties and to extend its mandate to consider, if necessary and in particular, the following topic:

(d) Problems arising under the trade provisions of the Protocol, in respect of both trade between parties and trade with non-parties including issues related to free-trade zones; and to make recommendations to the Third Meeting of the Parties.

[The remainder of this decision is located under Article 11.]

Decision III/16: Trade Issues

The *Third Meeting of the Parties* decided in *decision III/16* to encourage the parties to inform the Secretariat of the implementation of Article 4 of the Protocol.

Article 4A: Control of trade with parties

Decision VII/32: Control of export and import of products and equipment containing substances listed in Annexes A and B of the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *decision VII/32:*

1. To recommend that each party adopt legislative and administrative measures, including labelling of products and equipment, to regulate the export and import, as appropriate, of products and equipment containing substances listed in Annexes A and B of the Montreal Protocol and of technology used in the manufacturing of such products and equipment, in order to avert any adverse impact associated with the export of such products and equipment using technologies that are or will soon be obsolete because of their reliance on Annex A or Annex B substances and which would be inconsistent with the spirit of the Protocol, including decision I/12C of the First Meeting of the Parties to the Protocol, held in Helsinki in 1989;

2. To recommend that parties report on action taken to implement the present decision at future Meetings of the parties.

Decision IX/9: Control of export of products and equipment whose continuing functioning relies on Annex A and Annex B substances

The *Ninth Meeting of the Parties* decided in *decision IX/9:*

1. To recommend that each party adopt legislative and administrative measures, including labelling of products and equipment, to regulate the export and import, as appropriate, of products, equipment, components and technology whose continuing functioning relies on supply of substances listed in Annexes A and B of the Montreal Protocol, in order to avert any adverse impact associated with the export of such products and equipment using technologies that are or will soon be obsolete because of their reliance on Annex A or Annex B substances and which would be inconsistent with the spirit of the Protocol, including decision 1/12 C of the First Meeting of the Parties to the Protocol, held in Helsinki in 1989;

2. To recommend to non-Article 5 parties to adopt appropriate measures to control, in cooperation with the importing Article 5 parties, the export of used products and equipment, other than personal effects, whose continuing functioning relies on supply of substances listed in Annexes A and B of the Montreal Protocol;

3. To recommend to parties to report to the Tenth Meeting of the Parties on actions taken to implement the present decision.

Decision X/9: Establishment of a list of countries that do not manufacture for domestic use and do not wish to import products and equipment whose continuing functioning relies on Annex A and Annex B substances

The *Tenth Meeting of the Parties* decided in *decision X/9:*

1. To recall that decision IX/9 recommends:

   (a) That each party adopt legislative and administrative measures, including labelling of products and equipment, to regulate the export and import, as appropriate, of products, equipment, components and technology whose continuing functioning relies on supply of substances listed in Annex A and Annex B of the Montreal

Protocol, in order to avert any adverse impact associated with the export of such products and equipment using technologies that are or will soon be obsolete because of their reliance on Annex A or Annex B substances and which would be inconsistent with the spirit of the Protocol, including decision I/12 C of the First Meeting of the Parties to the Protocol, held in Helsinki in 1989;

(b) That non-Article 5 parties adopt appropriate measures to control, in cooperation with importing Article 5 parties, the export of used products and equipment, other than personal effects, whose continuing functioning relies on supply of substances listed in Annex A and Annex B of the Montreal Protocol;

2. To note that in order for such export measures to be effective, both importing and exporting parties need to take appropriate steps;

3. To note that the products and equipment listed below* constitute categories of products and equipment whose continued use relies on the supply of substances listed in Annex A or Annex B;

4. To invite, on a voluntary basis, those parties that do not manufacture for domestic use products and equipment in a category listed below* and that do not permit the importation of such products and equipment from any source, to inform the Secretariat, if they so choose, that they do not consent to the importation of such products and equipment;

5. To request the Secretariat to maintain a list of parties that do not want to receive products and equipment from one or more categories listed below.* This list shall be distributed to all parties by the Secretariat at the Eleventh Meeting of the Parties and updated on an annual basis thereafter;

6. To acknowledge that the issue of imports and exports of products and equipment whose continued functioning relies on Annex A and Annex B substances should be further considered at the Eleventh Meeting of the Parties with a view to addressing more specifically the concerns of countries in the process of phasing out production of those products and equipment;

** Products and equipment containing a controlled substance specified in Annex A or B of the Montreal Protocol: 1) Automobile and truck air conditioning units (whether incorporated in vehicles or not); 2) domestic and/or commercial refrigeration and air conditioning/heat pump equipment (when containing controlled substances in Annex A or Annex B as a refrigerant and/or in insulating material of the product) (e.g. refrigerators, freezers, dehumidifiers, water coolers, ice machines, air conditioning and heat pump units); 3) transport refrigeration units; 4) aerosol products, except medical aerosols; 5) portable fire extinguisher; 6) insulation boards, panels and pipe covers; 7) pre-polymers.*

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/17*:

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.

Decision XXVII/8: Avoiding the unwanted import of products and equipment containing or relying on hydrochlorofluorocarbons

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/8:*

Noting with appreciation the historical role of decision X/9, on the Establishment of a list of countries that do not manufacture for domestic use and do not wish to import products and equipment whose continuing functioning relies on Annex A and Annex B substances, adopted by the Tenth Meeting of the Parties in November 1998, in limiting the use and furthering the phase-out of substances specified in Annex A and Annex B to the Montreal Protocol during the implementation of country programmes on phasing out chlorofluorocarbons and halons,

Taking into consideration that decision X/9 covers only the substances specified in Annex A and Annex B to the Montreal Protocol,

Bearing in mind that during the implementation of country programmes on phasing out hydrochlorofluorocarbons parties may take advantage of the positive experience of implementation of the main provisions of decision X/9, particularly in developing countries, by introducing bans or restrictions on the import of products and equipment containing or relying on substances specified in Annex C to the Montreal Protocol (hydrochlorofluorocarbons),

Taking into consideration that some parties have already introduced bans or restrictions on the import of products and equipment containing or relying on hydrochlorofluorocarbons and therefore wish to inform exporting countries of that fact through existing mechanisms under the Montreal Protocol,

1. To invite those parties that do not permit the importation of products and equipment containing or relying on hydrochlorofluorocarbons from any source to inform the Secretariat, on a voluntary basis, if they so choose, that they do not consent to the importation of such products and equipment;

2. To request the Secretariat to maintain a list of parties that do not want to receive products and equipment containing or relying on hydrochlorofluorocarbons, which shall be distributed to all parties by the Secretariat and updated on an annual basis.

Article 4B: Licensing

Decisions on licensing systems

Decision VII/9: Basic domestic needs

The *Seventh Meeting of the Parties* decided in *decision VII/9:*

Recognizing that the Montreal Protocol requires each party operating under Article 5 to freeze its production and consumption of chlorofluorocarbons by 1 July 1999 and of other Annex A and B substances thereafter,

Recognizing the needs of parties operating under Article 5 for adequate and quality supplies of ozone-depleting substances at fair and equitable prices,

Recognizing the need to take steps to avoid any monopoly of supplies of ozone-depleting substances to parties operating under Article 5,

Recognizing that the needs above could be met by calculating the production baselines of parties operating under Article 5 separately from the consumption baseline and that paragraph 3 of Article 5 of the Protocol should be amended to reflect this,

1. That until the first control measure for each controlled substance in Annex A and B becomes effective for them (e.g., for chlorofluorocarbons, until 1 July 1999), parties operating under Article 5 may supply such substance to meet the basic domestic needs of parties operating under Article 5;

2. That after the first control measure for each controlled substance in Annex A and B becomes effective for them (e.g., for chlorofluorocarbons, after 1 July 1999), parties operating under Article 5 may supply such substance to meet the basic domestic needs of parties operating under Article 5, within the production limits required by the Protocol;

3. That in order to prevent oversupply and dumping of ozone-depleting substances, all parties importing and exporting ozone-depleting substances should monitor and regulate this trade by means of import and export licences;

4. That in addition to the reporting required under Article 7 of the Protocol, exporting parties should report to the Ozone Secretariat by 30 September each year on the types, quantities and destinations of their exports of ozone-depleting substances during the previous year;

5. That the determination of the eligible incremental costs for phase-out projects in the production sector should be consistent with paragraph 2 (a) of the indicative list of incremental costs and based on the conclusions of the Executive Committee's guidelines on phase-out of the production sector;

6. That the Executive Committee should as a priority agree on modalities to calculate and verify production capacity in parties operating under Article 5;

7. That from 7 December 1995, no party should install or commission any new capacity for the production of controlled substances listed in Annex A or Annex B of the Montreal Protocol;

8. To incorporate appropriately into the Protocol by the Ninth Meeting of the Parties:

   (a) A licensing system, including a ban on unlicensed imports and exports; and

   (b) The establishment of a production sector baseline for parties operating under Article 5 calculated:

      (i) For Annex A substances, as the average of the annual calculated level of production during the period of 1995 to 1997 inclusive or the calculated level of consumption of 0.3 kg per capita, whichever is lower; and

      (ii) For Annex B substances, as the average of the annual calculated level of production for 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kg per capita, whichever is lower;

   At the same time, the parties should consider introducing a mechanism to ensure that imports and exports of controlled substances should only be permitted between parties to the Montreal Protocol which have reported data and demonstrated their compliance with all relevant provisions of the Protocol. The parties should also consider whether to extend the terms of the present decision to all other controlled substances covered under the Montreal Protocol.

Decision VIII/26: Exports of ozone-depleting substances and products containing ozone-depleting substances

The *Eighth Meeting of the Parties* decided in *decision VIII/26:*

1. To note that the links among exports of ozone-depleting substances and products containing such substances under the Montreal Protocol, illegal trade, and compliance with the Montreal Protocol were discussed at the Seventh Meeting of the Parties to the Montreal Protocol; and also to note that some aspects of this issue were briefly discussed again at the Eighth Meeting of the Parties to the Montreal Protocol in the context of document UNEP/OzL.Pro.8/CRP.1;

2. To note that the debate at the Seventh Meeting of the Parties to the Montreal Protocol and a brief discussion at the Eighth Meeting of the Parties to the Montreal Protocol have demonstrated the importance, complexity and sensitivity of this issue; and also to note that, in addition, the debate and brief discussion revealed important aspects that require further deliberation including, inter alia, the need for controlling exports of ODS from parties not operating under Article 5 found to be in non-compliance with their obligations under the Protocol to parties operating under Article 5;

3. To recognize that this issue ultimately has a direct impact on progress towards the elimination of ozone-depleting substances and the protection of the ozone layer;

4. To decide to include this issue on the agenda of the Fifteenth Meeting of the Open-ended Working Group of the parties to the Montreal Protocol;

5. To encourage interested parties to submit their views to the Secretariat by March 1997, for compilation and forwarding to parties prior to the Fifteenth Meeting of the Open-ended Working Group of the parties to the Montreal Protocol.

Decision IX/8: Licensing system

The *Ninth Meeting of the Parties* decided in *decision IX/8:*

Noting that decisions V/25 and VI/14A set in place systems for exchange, recording and reporting of information concerning trade in controlled substances to meet the basic domestic needs of parties operating under Article 5,

Noting that decision VI/14B requested that recommendations be made to the Seventh Meeting of the Parties concerning whether reports under Article 7 should be made in relation to trade to meet the basic domestic needs of parties operating under Article 5,

Noting that decision VII/9 required that an import- and export-licensing system be incorporated into the Montreal Protocol by the Ninth Meeting of the Parties,

Noting that, in response to a report prepared by the Secretariat on illegal imports and exports of ozone-depleting substances, decision VIII/20 urged each party not operating under Article 5 to establish a system for validation and approval of imports of any used, recycled or reclaimed controlled substances before they are imported and to report to the Ninth Meeting of the Parties on the establishment of such a system,

Noting that decision VIII/20 also requests the Ninth Meeting of the Parties to consider instituting a system to require validation and approval of exports of used and recycled ozone-depleting substances from all parties,

Noting that the Ninth Meeting of the Parties has adopted an Amendment to the Protocol, requiring all parties to implement an import and export licensing system,

1. That the licensing system to be established by each party should:
   (a) Assist collection of sufficient information to facilitate parties' compliance with relevant reporting requirements under Article 7 of the Protocol and decisions of the parties; and
   (b) Assist parties in the prevention of illegal traffic of controlled substances, including, as appropriate, through notification and/or regular reporting by exporting countries to importing countries and/or by allowing cross-checking of information between exporting and importing countries;
2. To facilitate the efficient notification and/or reporting and/or cross-checking of information, each party should inform the Secretariat by 31 January 1998 of the name and contact details of the officer to whom such information and requests should be directed. The Secretariat shall periodically prepare, update and circulate to all parties a full list of these contact details;
3. That the Secretariat and Implementing Agencies should take steps to assist parties in the design and implementation of appropriate national licensing systems;
4. That parties operating under Article 5 may require assistance in the development, establishment and operation of such a licensing system and, noting that the Multilateral Fund has provided some funding for such activities, that the Multilateral Fund should provide appropriate additional funding for this purpose.

Decision XIV/36: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *decision XIV/36:*

1. To note with appreciation that 59 parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. To further note with appreciation that 56 parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. To urge all the remaining 25 parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
4. To encourage all the remaining parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
5. To review periodically the status of the establishment of licensing systems by all parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

Decision XV/20: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *decision XV/20:*

1. To note with appreciation that 73 parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;

2. To note also with appreciation that 43 parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;

3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;

4. To urge all the remaining 33 parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;

5. To encourage all the remaining parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;

6. To urge all parties that already operate licensing systems to ensure that they are implemented and enforced effectively;

7. To review periodically the status of the establishment of licensing systems by all parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

Decision XVI/32: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *decision XVI/32:*

1. To note with appreciation that 81 parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;

2. To note also with appreciation that 42 parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;

3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;

4. To urge all the remaining 39 parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;

5. To encourage all the remaining parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;

6. To urge all parties that already operate licensing systems to ensure that they are implemented and enforced effectively;

7. To review periodically the status of the establishment of licensing systems by all parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

Decision XVII/23: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/23:*

1. To note with appreciation that 107 parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. To note also with appreciation that 37 parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;
4. To urge all the remaining 29 parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
5. To encourage all remaining parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
6. To urge all parties that already operate licensing systems to ensure that they are implemented and enforced effectively;
7. To review periodically the status of the establishment of licensing systems by all parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

Decision XVIII/35: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/35:*

1. To note 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 substances in Annexes A, B, C and E of the Protocol, to report to the Secretariat on the establishment and operation of that system;
2. To note with appreciation that 124 parties to the Montreal Amendment to the Protocol have established import and export licensing systems as required under the terms of the Amendment;
3. To note also with appreciation that 30 parties to the Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
4. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling of data collection;
5. To note that parties to the Montreal Amendment to the Protocol that have not yet established licensing systems are in non-compliance with Article 4B of the Protocol and can be subject to the non-compliance procedure under the Protocol;
6. To urge all remaining 23 parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems and to urge those that have not yet established such systems to do so as a matter of urgency;

7. To encourage all remaining parties to the Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;

8. To urge all parties that already operate licensing systems to ensure that they are implemented and enforced effectively;

9. To review periodically the status of the establishment of licensing systems by all parties to the Protocol, as called for in Article 4B of the Protocol.

Decision XIX/26: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Nineteenth Meeting of the Parties* decided in *decision XIX/26*:

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 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 143 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 26 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 record that Barbados, Cook Islands, Eritrea, Haiti, Kiribati, Nauru, Niue, Sao Tome and Principe, Somalia, Tonga, United Republic of Tanzania and Uzbekistan are parties to the Montreal Amendment to the Protocol, that they have not yet established import and export licensing systems for ozone-depleting substances and are therefore in non-compliance with Article 4B of the Protocol and that financial assistance has been approved for all of them;

2. To request each of the 12 parties listed in paragraph 1 to submit to the Secretariat as a matter of urgency and no later than 29 February 2008, for consideration by the Implementation Committee under the non-compliance procedure of the Montreal Protocol at its fortieth meeting, a plan of action to ensure the prompt establishment and operation of an import and export licensing system for ozone-depleting substances;

3. To encourage all remaining parties to the Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems for ozone-depleting substances if they have not yet done so;

4. 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;

5. 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.

Decision XX/14: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Twentieth Meeting of the Parties* decided in *decision XX/14*:

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 159 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 18 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 encourage all remaining parties to the Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems for ozone-depleting substances if they have not yet done so;

2. 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;

3. 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.

Decision XXI/12: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Twenty-First Meeting of the Parties* decided in *decision XXI/12*:

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 174 out of the 178 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 encourage all remaining parties to the Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems for ozone-depleting substances if they have not yet done so;

2. 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;

3. 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.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/19*:

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.

Decision XXIII/31: Status of the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/31*:

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 182 of the 185 parties to the Montreal Amendment to the Protocol have established import and export licensing systems for ozone-depleting substances as required by the Amendment and that 174 of those parties have provided disaggregated information on their licensing systems detailing which annexes and groups of substances under the Montreal Protocol are subject to those systems,

Noting also with appreciation that 10 parties to the Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems for ozone-depleting substances and that eight of those parties have provided disaggregated information on their licensing systems,

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

Recognizing also that the successful phase-out of most ozone-depleting substances by parties is largely attributable to the establishment and implementation of licensing systems to control the import and export of ozone-depleting substances,

1. To request Bolivia, the Democratic Republic of Korea, Dominica, Ecuador, Ghana, the Holy See, Tajikistan and Thailand, which are parties to the Montreal Amendment, and Guinea and Papua New Guinea, which are non-parties to the Montreal Amendment, none of which have yet provided disaggregated information on their licensing systems, to submit such information to the Secretariat as a matter of urgency, and no later than 31 March 2012, for consideration by the Committee at its forty-eighth meeting;

2. To urge Ethiopia, San Marino and Timor-Leste to complete the establishment and operation of licensing systems as soon as possible and to report to the Secretariat thereon no later than 31 March 2012;

3. To encourage Botswana, which is non-party to the Montreal Amendment to the Protocol and has not yet established a licensing system, to ratify the Amendment and to establish a licensing system to control imports and exports of ozone-depleting substances;

4. To urge Chad, Comoros, the Gambia, the Federated States of Micronesia, Solomon Islands, Sudan and Tonga, which operate licensing systems for ozone-depleting substances that do not include export controls, to ensure that they are structured in accordance with Article 4B of the Protocol and that they provide for the licensing of exports and to report there on to the Secretariat;

5. To urge Honduras and Togo, whose licensing systems do not regulate substances in Annex C, group I (hydrochlorofluorocarbons), to ensure that those systems include import and export controls for the above-mentioned substances and to report thereon to the Secretariat;

6. 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.

Decision XXIV/17: Status of the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/17*:

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 191 of the 192 parties to the Montreal Amendment to the Protocol have established import and export licensing systems for ozone-depleting substances as required by the Amendment and that they have provided disaggregated information on their licensing systems detailing which annexes and groups of substances under the Montreal Protocol are subject to those systems,

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

Recognizing also that the successful phase-out of most ozone-depleting substances by parties is largely attributable to the establishment and implementation of licensing systems to control the import and export of ozone-depleting substances,

1. To congratulate South Sudan for having recently ratified all amendments to the Montreal Protocol, and to request the party to establish an import and export licensing system for ozone-depleting substances consistent with Article 4 B of the Protocol and to report to the Secretariat by 30 September 2013 on the establishment of that system;

2. To urge the Gambia, which operates a licensing system for ozone-depleting substances that does not include export controls, to ensure that that system is structured in accordance with Article 4 B of the Protocol and that it provides for the licensing of exports and to report thereon to the Secretariat;

3. To encourage Botswana, which is non-party to the Montreal Amendment to the Protocol and has not yet established a licensing system to control imports and exports of ozone-depleting substances, to ratify the Amendment and to establish such a licensing system;

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 4 B of the Protocol.

Decision XXV/15: Status of the establishment of licensing systems under Article 4B of the Montreal Protocol

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/15*:

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 to the Protocol, to report to the Secretariat on the establishment and operation of that system,

Noting with appreciation that 192 of the 194 parties to the Montreal Amendment to the Protocol have established import and export licensing systems for ozone-depleting substances as required by the Amendment and that they have provided disaggregated information on their licensing systems detailing which annexes and groups of substances under the Montreal Protocol are subject to those systems,

Noting, however, that Botswana and South Sudan, which became parties to the Montreal Amendment in 2013, have not yet established such systems,

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

Recognizing also that the successful phase-out of most ozone-depleting substances by parties is largely attributable to the establishment and implementation of licensing systems to control the import and export of ozone-depleting substances,

1. To request Botswana and South Sudan to establish an import and export licensing system for ozone-depleting substances consistent with Article 4B of the Protocol and to report to the Secretariat by 31 March 2014 on the establishment of that system;

2. 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.

Decisions on illegal trade

Decision VII/33: Illegal imports and exports of controlled substances

The *Seventh Meeting of the Parties* decided in *decision VII/33* to request that the Secretariat examine information available to it, and request further information from the parties regarding dumping, illegal imports and exports, and uncontrolled production of Annex A and B substances and products containing them that could undermine the effectiveness of the Protocol, and report to the Eighth Meeting of the Parties, taking into account the non-compliance procedure under the Montreal Protocol.

Decision VIII/20: Illegal imports and exports of controlled substances

The *Eighth Meeting of the Parties* decided in *decision VIII/20:*

1. To note with appreciation the report prepared by the Secretariat on illegal imports and exports of ozone-depleting substances;

2. To urge each party not operating under Article 5 that has not already done so to establish a system requiring validation and approval of imports of any used, recycled or reclaimed ozone-depleting substances before they are imported. Importers should sufficiently demonstrate to approving authorities that the ozone-depleting substances have indeed been previously used;

3. To request each party not operating under Article 5 to report to the Secretariat by the Ninth Meeting of the Parties on the establishment of the system described in paragraph 2 above;

4. That the exception in decision IV/24 (which provides that the import and export of recycled and used controlled substances not be taken into account in the calculation of the party's consumption level) shall not apply to any party not operating under Article 5 that has not established by 1 January 1998 a system such as that described in paragraph 2 above;

5. To request the Ninth Meeting of the Parties to consider instituting a system to require validation and approval of exports of used and recycled ozone-depleting substances from all parties.

Decision XII/10: Monitoring of international trade and prevention of illegal trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances

The *Twelfth Meeting of the Parties* decided in *decision XII/10:*

Recognizing the threat of illegal trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances to the global process of ozone layer protection,

Understanding the importance of control of trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances in all parties in view of the need for global implementation of the provisions of the Montreal Protocol,

Acknowledging that presently the effective control at national borders of trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances is very difficult due to problems in ozone-depleting substances identification, the complexity of relevant customs codes, the lack of an internationally accepted common labelling system and the lack of specially trained customs officers, and the need to approach most of these problems by concerted action at the international level,

Acknowledging that it is important to understand the status of and take into account ongoing work in this area by other international bodies, and take into consideration previous decisions of the parties, including decisions IX/22, X/18 and XI/26,

1. To request the Ozone Secretariat, in consultation, as appropriate, with the Technology and Economic Assessment Panel, the United Nations Environment Programme, the discussion group on customs codes for ozone-depleting substances and international trade and customs organizations, to examine the options for studying the following issues and to report on these options at the twenty-first meeting of the Open-ended Working Group for consideration by the parties in 2001:

   (a) Current national legislation on the labelling of ozone-depleting substances, mixtures containing ozone-depleting substances and products containing ozone-depleting substances;

   (b) The need for, scope of and cost of implementation of a universal labelling and/or classification system for ozone-depleting substances, mixtures containing ozone-depleting substances and products containing ozone-depleting substances, including the feasibility of the introduction of a producer-specific marker, identifier or identification methodology;

   (c) Methods for sharing experience between parties on issues related to classification, labelling, compliance and incidents of illegal trade;

   (d) The differences between products containing ozone-depleting substances and mixtures containing ozone-depleting substances, and the possibility of the creation of a list of categories of products containing ozone-depleting substances with the corresponding Harmonized System/Combined Nomenclature classification;

   (e) Possible guidance for customs authorities on how to proceed with the illegally traded ozone-depleting substances seized on the border;

2. To express appreciation for the activities of the Division of Technology, Industry and Economics of the United Nations Environment Programme and to encourage further work with regard to providing information on the above to Article 5 parties and countries with economies in transition, specifically through customs training at the regional and/or national level.

Decision XIII/12: Monitoring of international trade and prevention of illegal trade in ozone-depleting substances, mixtures and products containing ozone-depleting substances

The *Thirteenth Meeting of the Parties* decided in *decision XIII/12:*

1. To request the Ozone Secretariat, in consultation, as appropriate, with the Technology and Economic Assessment Panel, the World Customs Organization, the United Nations Environment Programme Division of Technology, Industry and Economics (UNEP/DTIE) and the World Trade Organization to undertake a study and present a report with practical suggestions on the issues contained in decision XII/10 to the Open-ended Working Group at its 22nd meeting, in 2002, for consideration by the parties in 2002;
2. That in preparing the study, the Secretariat should use decision XII/10 as terms of reference and should study solely those issues discussed in that decision.

Decision XIV/7: Monitoring of trade in ozone-depleting substances and preventing illegal trade in ozone-depleting substances

The *Fourteenth Meeting of the Parties* decided in *decision XIV/7:*

Mindful of decision XIII/12 requesting the Ozone Secretariat to undertake a study dealing with issues related to monitoring of trade in ODS and preventing illegal trade in ODS listed in decision XII/10 and present a report with practical suggestions to the Open-ended Working Group at its twenty-second meeting, in 2002, for consideration of the parties in 2002,

Acknowledging with appreciation the work of the Ozone Secretariat and all organizations and individuals which assisted in the preparation of the report,

Acknowledging with appreciation the proposal from the Ozone Secretariat, based on the work done by the ODS Customs Codes Discussion Group convened under decision X/18, on national subdivisions to customs codes for classification of mixtures containing ODS, which is presently being processed by the World Customs Organization,

Recalling previous decisions of the parties dealing with monitoring of trade in ODS, customs codes, ODS import and export licensing systems and prevention of illegal trade in ODS, namely decisions II/12, VI/19, VIII/20, IX/8, IX/22, X/18 and XI/26,

Understanding the importance of actions aimed at improvement of monitoring of trade in ODS and preventing illegal trade in ODS for timely and smooth phase-out of ODS according to the agreed schedules,

1. To encourage each party to consider means and continued efforts to monitor international transit trade;
2. To encourage all parties to introduce economic incentives that do not impair international trade but which are appropriate and consistent with international trade law, to promote the use of ODS substitutes and products (including equipment) containing them or designed for them, and technologies utilizing them; and to consider demand control measures in addressing illegal trade;
3. To urge each party that has not already done so to introduce in its national customs classification system the separate sub-divisions for the most commonly traded HCFCs and other ODS contained in the World Customs Organization recommendation of 25 June 1999 and request that parties provide a copy to the Secretariat; and to urge all parties to take due account of any new recommendations by the World Customs Organization once they are agreed;
4. To provide the following further clarification of the difference between a controlled substance, or a mixture containing a controlled substance, and a product containing a controlled substance contained in Article 1 of the Montreal Protocol and further explained in decision I/12A:

(a) No matter which customs code is allocated to a controlled substance or mixture containing a controlled substance, such substance or mixture, when in a container used for transportation or storage as defined in decision 1/12A, shall be considered to be a "controlled substance" and thus shall be subject to the phase-out schedules agreed upon by the parties;

(b) The clarification contained in subparagraph (a) above concerns, in particular, controlled substances or mixtures containing controlled substances classified under customs codes related to their function and sometimes wrongly considered to be "products", thus avoiding any controls resulting from the Montreal Protocol phase-out schedules;

5. To encourage all parties to exchange information and intensify joint efforts to improve means of identification of ODS and prevention of illegal ODS traffic. In particular those parties concerned should make even greater use of the UNEP regional networks and other networks in order to increase cooperation on illegal trade issues and enforcement activities;

6. To request the Division of Technology, Industry and Economics of the United Nations Environment Programme through the Executive Committee to report to the Sixteenth Meeting of the Parties on the activities of the regional networks with regard to means of combating illegal trade; to request the Executive Committee to consider making an evaluation of customs officers training and licensing systems projects a priority and, if possible, report to the Sixteenth Meeting of the Parties;

7. To invite parties, in order to facilitate exchange of information, to report to the Ozone Secretariat fully proved cases of illegal trade in ozone-depleting substances. The illegally traded quantities should not be counted against a party's consumption provided the party does not place the said quantities on its own market. The Secretariat is requested to collect any information on illegal trade received from the parties and to disseminate it to all parties. The Secretariat is also requested to initiate exchanges with countries to explore options for reducing illegal trade;

8. To request the Executive Committee of the Multilateral Fund to continue to provide financial and technical assistance to Article 5 parties to introduce, develop and apply inspection technologies and equipment in customs to combat illegal ODS traffic and to monitor ODS trade, and to report to the Sixteenth Meeting of the Parties to the Montreal Protocol on activities to date.

Decision XVI/33: Illegal trade in ozone-depleting substances

The *Sixteenth Meeting of the Parties* decided in *decision XVI/33:*

1. To note with appreciation the notes by the Secretariat on information reported by the parties on illegal trade in ozone-depleting substances and on streamlining the exchange of information on reducing illegal trade in ozone-depleting substances;

2. Further to note with appreciation the report by the Division of Technology, Industry and Economics of the United Nations Environment Programme on activities of the regional networks with regard to means of combating illegal trade;

3. To note the need for coordination of efforts by parties at national and international level to suppress illegal trade in ozone-depleting substances;

4. To request the Ozone Secretariat to gather further ideas from the parties on further areas of cooperation between parties and other bodies in combating illegal trade

such as development of a system of tracking trade in ozone-depleting substances and improvement of communications between exporting and importing countries in the light of the information provided in the note by the Secretariat on streamlining the exchange of information on reducing illegal trade in ozone-depleting substances and the report by the Division of Technology, Industry and Economics of the United Nations Environment Programme on activities of the regional networks with regard to means of combating illegal trade;

5. Further to request the Ozone Secretariat to produce draft terms of reference for a study on the feasibility of developing a system of tracking trade in ozone-depleting substances and the cost implications of carrying out such a study, taking into account the proposal presented by Sri Lanka;

6. To request in addition the Executive Secretary of the Ozone Secretariat to convene in the first half of 2005, and provided that funds are available, a workshop of experts from parties to the Montreal Protocol to develop specific areas and a conceptual framework of cooperation in the light both of information already available and of the reports to be produced by the Secretariat pursuant to paragraphs 4 and 5 above and make appropriate proposals to the Meeting of the Parties;

7. To consider the information on the outcome of the workshop to be convened by the Ozone Secretariat at the Seventeenth Meeting of the Parties.

Decision XVII/16: Preventing illegal trade in controlled ozone-depleting substances

The *Seventeenth Meeting of the Parties* decided in *decision XVII/16:*

Mindful of the importance of preventing illegal trade to ensuring the smooth and effective phase-out of controlled ozone-depleting substances,

Understanding the need to control both import and export of all controlled ozone-depleting substances by all parties, in particular through establishment of licensing systems, as required under Article 4B of the Montreal Protocol,

Recalling the provisions related to monitoring and control of trade in controlled ozone-depleting substances contained in decisions VII/9, VIII/20, IX/8 and XIV/7,

Recognizing that there are already trade tracking systems established in other environmental conventions as well as international trade statistics databases,

Mindful of the ongoing development of the Strategic Approach to International Chemicals Management, which includes as an objective the prevention of illegal international trade, and of decision 23/9 of the Governing Council of the United Nations Environment Programme, on chemicals management, requesting the Executive Director of the United Nations Environment Programme to promote cooperation between the Montreal Protocol and certain other conventions in addressing international illegal trafficking of hazardous chemicals and hazardous wastes,

Acknowledging with appreciation the draft terms of reference for a study on the feasibility of developing an international system of tracking the movement of controlled ozone-depleting substances between parties produced by the Ozone Secretariat, as required by decision XVI/33,

Noting with appreciation the outcome of the workshop of experts from the parties to the Montreal Protocol organized by the Ozone Secretariat on 3 April 2005 in Montreal on the

development of specific areas and a conceptual framework of cooperation in preventing and combating illegal trade in controlled ozone-depleting substances,

Noting with appreciation the Report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol on the evaluation of customs officers training and licensing system projects to the twenty-fifth meeting of the Open-ended Working Group,

1. To approve the terms of reference for a study on the feasibility of developing an international system of monitoring the transboundary movement of controlled ozone-depleting substances between parties, as presented in the appendix to the present decision, and to request the Ozone Secretariat to undertake such a study, to initiate the necessary tenders and to present the results to the Eighteenth Meeting of the Parties to the Montreal Protocol in 2006;

2. To invite the Ozone Secretariat to consult with other conventions or organizations who might benefit from the outcome of that study to contribute towards its work;

3. To urge all parties, including regional economic integration organizations, to implement fully their obligations under Article 4B of the Montreal Protocol, in particular, the licensing systems for the control of imports, exports, re-exports (re-exports mean exports of previously imported substances) and, if technically and administratively feasible, transit of all controlled ozone-depleting substances, including mixtures containing them, regardless of whether the party concerned is or is not recognized as the producer and/or importer, exporter or re-exporter of the particular substance or group of substances;

4. To request the Ozone Secretariat to revise the reporting format resulting from decision VII/9 to cover exports (including re-exports) of all controlled ozone-depleting substances, including mixtures containing them, and to urge the parties to implement the revised reporting format expeditiously. The Ozone Secretariat is also requested to report back aggregated information related to the controlled substance in question received from the exporting/re-exporting party to the importing party concerned;

5. To invite parties to submit information to the Ozone Secretariat by 30 June 2006 on any existing systems for exchanging information on import and export licenses between importing and exporting parties;

6. To consider additional control measures with regard to the use of controlled ozone-depleting substances in particular sectors or in particular applications, as this approach may effectively diminish illegal trade activities;

7. To encourage further work on the Green Customs initiative of the United Nations Environment Programme in combating illegal trade in controlled ozone-depleting substances as well as further networking and twinning activities in the framework of regional networks aimed at the exchange of information and experience on both licit and illicit trade in controlled ozone-depleting substances between the parties, including enforcement agencies;

8. To request the Executive Committee to consider at its forty-eighth meeting the recommendations contained in the report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol on the Evaluation of Customs Officers Training and Licensing System Projects to the twenty-fifth meeting of the Open-ended Working Group, in particular where they relate to customs training

and other elements of capacity building that are needed in combating illegal trade in controlled ozone-depleting substances;

9. To approve a maximum amount of $200,000 from the Trust Fund of the Vienna Convention as a one-time measure to facilitate the feasibility study on developing a system for monitoring the transboundary movement of controlled ozone-depleting substances between the parties.

Decision XVIII/18: Preventing illegal trade in ozone-depleting substances through systems for monitoring their transboundary movement between parties

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/18:*

Acknowledging the urgent need for action to prevent and minimize illegal trade in controlled ozone-depleting substances so as not to undermine efforts to phase out ozone depleting substances, in particular those of the parties operating under paragraph 1 of Article 5 of the Montreal Protocol,

Mindful of decision XVII/16, in which the parties requested the Ozone Secretariat to undertake a feasibility study on developing a system for monitoring the transboundary movement of controlled ozone-depleting substances between the parties and to present the results of that study to the Eighteenth Meeting of the Parties in 2006,

Noting with appreciation the work of the Ozone Secretariat and all organizations and individuals that assisted in the preparation of the study,

Noting that the study contains recommendations on better implementation and enforcement of existing mechanisms, notably licensing systems for the control of imports, exports and re-exports as called for in Article 4B of the Protocol, which have a key role to play in monitoring transboundary movements in controlled ozone-depleting substances,

Acknowledging also the need for parties to make a detailed assessment of all the options put forward in the study and, in particular, the medium-term and longer-term options,

1. To urge all parties to implement fully Article 4B of the Protocol as well as to take into account recommendations contained in existing decisions of the parties, notably decisions IX/8, XIV/7, XVII/12 and XVII/16;

2. To encourage all parties to consider taking effective action to improve monitoring of transboundary movement of controlled ozone-depleting substances including, as appropriate, a better utilization of existing systems under other multilateral agreements for tracking trade in chemicals and to exchange relevant information specifically in the context of trade in ozone-depleting substances between parties operating under paragraph 1 of Article 5 of the Protocol and parties not so operating;

3. To encourage all parties which have experience in using the United Nations commodity trade statistics database, commonly known as "UNComtrade", and the publicly available software Global Risk Identification and Detection, commonly known as "eGRID", which are used to monitor trade in ozone-depleting substances, to provide information on the suitability and costs of those tools to the Ozone Secretariat, which will report such information at the twenty-seventh meeting of the Open-ended Working Group and subsequently at the Nineteenth Meeting of the Parties in 2007;

4. To encourage the United Nations Environment Programme's Compliance Assistance Programme to continue its efforts to train ozone officers and customs officers on best

practices and to raise awareness and to disseminate examples of best practices for national licensing systems and regional cooperation to combat illegal trade;

5. To invite all parties to submit written comments by 31 March 2007 to the Ozone Secretariat on the report, focusing in particular on their priorities with respect to the medium-and longer-term options listed in the study and/or all other possible options with a view to identifying those cost-effective actions which could be given priority by the parties both collectively through further action to be considered under the Protocol and at the regional and national levels;

6. To request the Ozone Secretariat to provide a compilation of those comments for consideration at the twenty-seventh meeting of the Open-ended Working Group and subsequently at the Nineteenth Meeting of the Parties in 2007.

Decision XIX/12: Preventing illegal trade in ozone-depleting substances

The *Nineteenth Meeting of the Parties* decided in *decision XIX/12*:

Acknowledging the need for action to prevent and to minimize illegal trade in controlled ozone-depleting substances and the importance of this issue in continuing discussions on the future of the Protocol,

Mindful of decision XVIII/18, which requested the parties to provide written comments on the report entitled "ODS Tracking Feasibility Study on developing a system for monitoring the transboundary movement of controlled ozone-depleting substances between parties" and requested the Ozone Secretariat to provide a compilation of such comments to the Nineteenth Meeting of the Parties in 2007,

Noting with appreciation the comments of the parties on the medium- and longer-term options put forward in the tracking feasibility study,

Noting that there are other initiatives that could be used in the monitoring of the transboundary movements of controlled ozone-depleting substances between parties,

Acknowledging that an important first step toward effective monitoring of transboundary movements of ozone-depleting substances between parties would be better implementation and enforcement of existing mechanisms,

Acknowledging the initiative to attempt to combat illegal trade through informal prior informed consent by countries in the South Asian and South East Asia and Pacific regions and implementation of Project Sky Hole Patching by the Regional Intelligence Liaison Office of the World Customs Organization,

Recognizing the benefits of transparency and information sharing on measures established by parties to combat illegal trade,

Noting that action relevant to trade in ozone-depleting substances may occur in other forums such as the World Customs Organization,

1. To remind all parties of their obligation under Article 4B of the Protocol to establish an import and export licensing system for all controlled ozone-depleting substances;

2. To urge all parties to fully and effectively implement and actively enforce their systems for licensing the import and export of controlled ozone-depleting substances as well as recommendations contained in existing decisions of the parties, notably decisions IX/8, XIV/7, XVII/12, XVII/16 and XVIII/18;

3. That parties wishing to improve implementation and enforcement of their licensing systems in order to combat illegal trade more effectively may wish to consider implementing domestically on a voluntary basis the following measures:

   (a) Sharing information with other parties, such as by participating in an informal prior informed consent procedure or similar system;

   (b) Establishing quantitative restrictions, for example import and/or export quotas;

   (c) Establishing permits for each shipment and obliging importers and exporters to report domestically on the use of such permits;

   (d) Monitoring transit movements (trans-shipments) of ozone-depleting substances, including those passing through duty-free zones, for instance by identifying each shipment with a unique consignment reference number;

   (e) Banning or controlling the use of non-refillable containers;

   (f) Establishing appropriate minimum requirements for labelling and documentation to assist in the monitoring of trade of ozone-depleting substances;

   (g) Cross-checking trade information, including through private-public partnerships;

   (h) Including any other relevant recommendations from the ozone-depleting substances tracking study;

4. To request the Ozone Secretariat to continue to collaborate with the World Customs Organization in relation to possible actions by parties on any new amendments to the Harmonized Commodity Description and Coding System with respect to ozone-depleting substances and to report to the Meeting of the Parties on actions taken at the World Customs Organization.

Decisions on other issues

Decision XXIII/11: Montreal Protocol treatment of ozone-depleting substances used to service ships, including ships from other flag states

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/11*:

Taking into account that Article 4B of the Montreal Protocol on Substances that Deplete the Ozone Layer requires parties to establish and implement systems for licensing imports and exports to phase out the production and consumption of Annex A, B, C, and E ozone-depleting substances,

Taking into account also that consumption is defined under the Montreal Protocol as production plus imports minus exports,

Recognizing that ships use equipment and technologies containing ozone-depleting substances onboard during operations in national and international waterways,

Mindful that many parties registered as flag States are unsure of the reporting requirements for ships under the Montreal Protocol,

Concerned that differing party interpretations of the Montreal Protocol with regard to the sale of ozone depleting-substances to ships may result in the miscalculation of consumption or disparities in the reporting of consumption,

1. To request the Ozone Secretariat to prepare a document that collects current information about the sale of ozone-depleting-substances to ships, including ships from other flag States, for onboard servicing and other onboard uses, including on how parties calculate consumption with regard to such sales, and that identifies issues relevant to the treatment of the consumption of ozone-depleting substances used to service ships, including flag ships, for onboard uses for submission to the Open-ended Working Group at its thirty-second meeting to enable the Twenty-Fourth Meeting of the Parties to take a decision on the matter;

2. To include in the document any guidance and/or information on ozone-depleting-substances previously provided to the parties regarding sales to ships for onboard uses;

3. To request the Ozone Secretariat in preparing the document referred to in paragraph 1 to consult as deemed necessary with relevant international bodies, in particular the International Maritime Organization and the World Customs Organization, to include in the document information on whether and how those bodies address:

   (a) Trade in ozone-depleting substances for use onboard ships;

   (b) Use of ozone-depleting substances onboard ships;

   and to provide a general overview on the framework applied by those bodies to manage relevant activities;

4. To request that the document be made available to all parties at least six weeks before the thirty-second meeting of the Open-ended Working Group;

5. To request parties to provide to the Ozone Secretariat, by 1 April 2012, information on the current system used by the parties, if any, to regulate and report on ozone-depleting substances supplied for the purpose of servicing ships, including ships from other flag States, for onboard use, on how they calculate consumption with regard to such ozone-depleting substances, and on any relevant cases in which they have supplied, imported or exported such ozone-depleting substances;

6. Requests the Secretariat to include the information provided pursuant to the preceding paragraph in an annex to the document called for in paragraph 1;

7. To request the Technology and Economic Assessment Panel to provide in its 2012 progress report a summary on the available data concerning the use of ozone-depleting substances on ships, including the quantities typically used on different types of ships, the estimated refrigerant bank on ships and an estimation of emissions;

8. To invite parties in a position to do so to provide, to the extent possible, relevant data concerning the use of ozone-depleting substances on ships, including the quantities typically used on different types of ships, the estimated refrigerant bank on ships and an estimation of emissions to the Panel by 1 March 2012.

Decision XXIV/9: Controlled substances used on ships

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/9*:

Noting with appreciation the report provided by the Ozone Secretariat in response to decision XXIII/11,

1. To request the Technology and Economic Assessment Panel to provide together with its 2013 progress report an updated version of the information provided in its previous progress reports on transport refrigeration in the maritime sector;

2. To invite parties to encourage relevant stakeholders to minimize the use of controlled substances in newly built ships and to consider environmentally benign and energy-efficient alternatives wherever they are available;

3. To revisit the issue at the thirty-third meeting of the Open-ended Working Group.

Article 5: Special situation of developing countries

Decisions on definitions and classification

Decision I/12E: Clarification of terms and definitions: developing countries

The *First Meeting of the Parties* decided in *decision I/12E* that the following countries shall be considered developing countries for the purposes of the Protocol:

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic Kampuchea, Democratic People's Republic of Korea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Romania, Rwanda, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

Decision II/10: Data of developing countries

The *Second Meeting of the Parties* decided in *decision II/10* concerning data of developing countries:

- to ask the Secretariat to determine from the data available to it the exact quantities of the controlled substances required by developing countries operating under paragraph 1 of Article 5 and the possible sources of supply to assist developed countries to authorize their companies to produce the additional amounts needed within the percentages authorized by Article 2 and Articles 2A to 2E of the Protocol;

- to request the Secretariat to publish in its annual report on data an updated list of developing countries which, on the basis of complete data submissions, are considered to be operating under paragraph 1 of Article 5. The Secretariat shall also publish a list of developing countries that, having submitted incomplete or estimated data, appear to qualify as parties operating under paragraph 1 of Article 5. In accordance with the provisions of Article 5 of the Protocol, no party will be eligible for paragraph 1 of Article 5

treatment until it submits complete data to the Secretariat establishing that its annual calculated per capita level of consumption is below 0.3 kg.

Decision III/3: Implementation Committee

The *Third Meeting of the Parties* decided in *decision III/3:*

(d) To endorse the recommendation on the categorization of the developing countries under paragraph 1 of Article 5:

"In the light of the figures contained in the report on data (UNEP/OzL.Pro/WG.2/1/3 and Add.1), the recommendation contained in paragraph 14 (e) of the report of the Ad Hoc Group of Experts on the Reporting of Data (UNEP/OzL.Pro/WG.2/1/4), the Committee determined that the following developing countries should be temporarily categorized as not operating under Article 5, paragraph 1: Bahrain, Malta, Singapore and United Arab Emirates. All other developing countries were considered to be operating under Article 5, paragraph 1."

[The remainder of this decision is located under Article 8.]

Decision III/5: Definition of developing countries

The *Third Meeting of the Parties* decided in *decision III/5*:

(a) To consider the requests by States for classification as developing countries on an individual basis as and when they come;

(b) To accept the classification of Turkey as a developing country for the purposes of the Montreal Protocol, noting that Turkey is classified as a developing country by the World Bank, OECD and UNDP;

(c) To request the Open-ended Working Group of the parties to study and fully define the criteria which will be applied in the future in case of applications for classification as a developing country for the purpose of the Montreal Protocol, and to submit a report for consideration to the Fourth or Fifth Meeting of the Parties.

Decision III/13: Further adjustments to and amendments of the Montreal Protocol

The *Third Meeting of the Parties* decided in *decision III/13* regarding further adjustments to and amendments of the Montreal Protocol to request the Open-ended Working Group of the parties, to consider the following proposal which is aimed at possibly amending the Montreal Protocol and to submit a report on this proposal to the Fourth Meeting of the Parties:

(a) Article 7, paragraph 5 (of the amended Protocol): "In cases of trans-shipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import";

(b) To review all relevant articles of the Montreal Protocol in order to consider the possible consequences of a country which is operating under Article 5, paragraph 1 of the Protocol, exceeding the consumption ceiling of 0.3 kilograms per capita specified in that Article;

(c) To discuss measures including possible amendments to the Protocol to clarify the situations of such a party with respect to the Article 2 control measures and in particular to specify:
- The base year which should apply to such a party for the purpose of the reduction schedule;
- The stage of the reduction schedule with which it should be in compliance;
- What (if any) period should be allowed to the party to enable it to comply fully with the control measures;

(d) To consider the possible implications of a party losing its Article 5(1) status if it is at the time a member of the Executive Committee of the Interim Multilateral Fund.

Decision IV/7: Definition of developing countries

The *Fourth Meeting of the Parties* decided in *decision IV/7* to note that the Open-ended Working Group recommended that no criteria for future classification as a developing country for the purpose of the Montreal Protocol be adopted by the Meeting of the Parties and that the parties should consider individually applications by parties for classification as developing countries as and when such applications are made.

Decision IV/15: Situation whereby parties operating under paragraph 1 of Article 5 exceed the consumption limit set in that Article

The *Fourth Meeting of the Parties* decided in *decision IV/15* to clarify, as follows, the situation whereby a developing country operating under paragraph 1 of Article 5 of the Protocol exceeds the consumption limits set in that Article:

Where a developing country operating under paragraph 1 of Article 5 of the Protocol exceeds the maximum level of consumption for controlled substances set in that Article, the parties shall consider the situation on a case-by-case basis when requested to do so by the developing country. The procedure on non-compliance adopted by the Fourth Meeting of the Parties (annex IV to the report of the Fourth Meeting of the Parties)[9] would enable the Implementation Committee to address such a situation with a view to securing an amicable solution and to make appropriate recommendations to the Meeting of the Parties regarding, inter alia, such measures as reduction schedules and technical and financial assistance.

Decision V/4: Classification of certain developing countries as not operating under Article 5 and reclassification of certain developing countries earlier classified as not operating under Article 5

The *Fifth Meeting of the Parties* decided in *decision V/4:*

1. To note that Cyprus, Kuwait, the Republic of Korea, Saudi Arabia, Singapore and the United Arab Emirates are not classified as parties operating under Article 5 based on their annual per capita consumption of controlled substances, which is more than 0.3 kilograms. The classification will be appropriately revised in accordance with paragraph 1 of Article 5 of the Protocol, on receipt of further data from them, if it warrants reclassification;

9 The non-compliance procedure set out in annex IV to the report of the Fourth Meeting of the Parties was replaced by annex II to the report of the Tenth Meeting of the Parties. See section 3.5.

2. To reclassify Malta and Bahrain as parties operating under Article 5 from the year 1991, based on the data furnished by those parties showing their annual per capita consumption of controlled substances to be less than 0.3 kilograms;

3. That the Open-ended Working Group shall analyse the operation of Article 5 with regard to the classification and reclassification of those developing countries to which the Article applies and propose to the Sixth Meeting of the Parties any clarificatory decisions it deems necessary.

Decision VI/5: Status of certain parties vis-à-vis Article 5 of the Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/5* to adopt the following principles regarding treatment of classified and reclassified developing country parties:

(a) The Secretariat should continue to classify, in absence of complete data, developing countries temporarily as operating or not operating under Article 5 based on the information available to the Secretariat, subject to the conditions that:
   (i) The Secretariat encourages these parties to approach the Executive Committee and the Implementation Committee for assistance in establishing accurate data;
   (ii) A country may only be classified temporarily as operating under Article 5 for a period of two years applicable from the time of adoption of the present decision. After this period, Article 5 status can no longer be extended without data reporting as required by the Protocol, unless the country has sought the assistance of the Executive Committee and the Implementation Committee. In this case, the extension period shall not exceed two years;
   (iii) A developing country temporarily classified as operating under Article 5 would lose the status if it does not report base-year data as required by the Protocol within one year of the approval of its country programme and its institutional strengthening by the Executive Committee, unless otherwise decided by a Meeting of the Parties;

(b) The Executive Committee will consider projects from parties temporarily classified as operating under Article 5. The projects approved when such temporary classification is operative will continue to be funded even if the countries subsequently are reclassified as not operating under Article 5 on receipt of data. However, no project will be sanctioned during a period during which the country is classified as not operating under Article 5;

(c) parties may be allowed to correct the data submitted by them in the interest of accuracy for a given year but no change of classification will be permitted for that year pertaining to which the data has been corrected. Any such corrections should be accompanied by an explanatory note to facilitate the work of the Implementation Committee;

(d) Regarding developing-country parties which are initially classified as not operating under Article 5 and then reclassified, any outstanding contribution to the Multilateral Fund will be disregarded, only for the years in which they are reclassified as operating under Article 5. Any party reclassified as operating under Article 5 will be allowed to utilize the remainder of the ten-year grace period;

(e) Any developing-country party initially classified as non-Article 5 but reclassified subsequently as operating under Article 5 shall not be requested to contribute to the Multilateral Fund. Such parties are urged not to request financial assistance for national programmes from the Multilateral Fund but may seek other assistance under Article 10 of the Montreal Protocol. This will not apply if the initial classification of the party as non-Article 5, made in the absence of complete data, is subsequently proved to be wrong on the basis of complete data.

Decision VIII/29: Application of Georgia for developing country status under the Montreal Protocol

The *Eighth Meeting of the Parties* decided in *decision VIII/29* to accept the application of Georgia to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that Georgia is classified as a developing country by the World Bank and the Organisation for Economic Cooperation and Development and as a net recipient country by the United Nations Development Programme.

Decision IX/26: Application of the Republic of Moldova for developing country status under the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *decision IX/26* to accept the application of the Republic of Moldova to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that the Republic of Moldova is classified as a developing country by the World Bank and the Organisation for Economic Cooperation and Development and as a net recipient country by the United Nations Development Programme.

Decision IX/27: Application of South Africa for developing country status under the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *decision IX/27:*

Noting that South Africa is classified as a developing country by the United Nations Development Programme and the Organisation for Economic Cooperation and Development,

Noting that South Africa is regarded as a developing country in all other international environmental agreements and protocols to which it is a party and where this distinction is made,

Noting that South Africa's annual calculated level of consumption of controlled substances in Annex A of the Montreal Protocol was less than 0.3 kilograms per capita at the time of its accession to the Montreal Protocol,

Noting that South Africa has thus far totally complied with the requirements of the existing Amendments to the Montreal Protocol and undertakes not to revert to producing or consuming substances phased out under these Amendments, and

Noting that South Africa has undertaken not to request financial assistance from the Multilateral Fund for fulfilling commitments undertaken by developed countries prior to the Ninth Meeting of the Parties,

To accept the classification of South Africa as a developing country for the purposes of the Montreal Protocol.

Decision IX/33: Request by Brunei Darussalam for reclassification as a party operating under paragraph 1 of Article 5

The *Ninth Meeting of the Parties* decided in *decision IX/33:*

1. To recall decision VI/5, subparagraph (c), of the Sixth Meeting of the Parties to the Montreal Protocol under which a party is allowed to correct the data submitted by it in the interest of accuracy for a given year but no change of classification is permitted for that year pertaining to which the data has been corrected;

2. To note the revised data on consumption of ozone-depleting substances reported by Brunei Darussalam for 1994 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;

3. To note further the data on consumption of ozone-depleting substances reported by Brunei Darussalam for 1995 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;

4. To reclassify Brunei Darussalam as a party operating under paragraph 1 of the Article 5 effective 1 January 1995 on the basis of its data submitted for 1995.

Decision XII/11: Application by Kyrgyzstan for developing country status under the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *decision XII/11* to accept the application of Kyrgyzstan to be listed as a developing country for the purposes of the Montreal Protocol, taking into account its difficult economic situation, its classification as a developing country by World Bank and its low per capita consumption of ozone-depleting substances.

Decision XII/12: Request by Slovenia to be removed from the list of developing counties under the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *decision XII/12:*

1. To note the request by Slovenia to be removed from the list of developing countries under Article 5 of the Montreal Protocol;

2. To approve Slovenia's request and note further that Slovenia shall assume the obligations of a party not operating under Article 5 of the Montreal Protocol.

Decision XIV/2: Application by Armenia for developing country status under the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *decision XIV/2* to accept the application of Armenia to be listed as a developing country operating under Article 5 of the Montreal Protocol, taking into account its difficult economic situation, its classification as a developing country by the World Bank and the United Nations Development Programme and its low per capita consumption of ozone-depleting substances, on the understanding that the process for ratification of the London Amendment in Armenia must be completed before any assistance from the Multilateral Fund can be rendered to the party.

Decision XVI/39: Application of Turkmenistan for developing country status under the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *decision XVI/39* to accept the application of Turkmenistan to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that the per capita consumption of Annex A and Annex B substances of the party is below the limits specified under Article 5 of the Montreal Protocol and the party is classified as a low income country by the World Bank.

Decision XVI/40: Request by Malta to be removed from the list of developing countries under the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *decision XVI/40:*

1. To note the request by Malta to be removed from the list of developing countries operating under paragraph 1 of Article 5 of the Montreal Protocol;

2. To approve Malta's request and note further that Malta shall assume the obligations of a party not operating under paragraph 1 of Article 5 of the Montreal Protocol.

Decision XVII/2: Request by Cyprus to be removed from the list of developing countries under the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/2:*

1. To note the request by Cyprus to be removed from the list of developing countries operating under paragraph 1 of Article 5 of the Montreal Protocol;

2. To approve the request by Cyprus and note further that Cyprus shall assume the obligations of a party not operating under paragraph 1 of Article 5 of the Montreal Protocol for the year 2005 and thereafter.

Decision XIX/7: Eligibility of South Africa for financial assistance from the Multilateral Fund

The *Nineteenth Meeting of the Parties* decided in *decision XIX/7*:

Recalling decision IX/27, which, while accepting the classification of South Africa as a developing country for the purposes of the Montreal Protocol, noted that South Africa has undertaken not to request financial assistance from the Multilateral Fund for fulfilling commitments undertaken by developed countries prior to the Ninth Meeting of the Parties,

Noting that the adjustment for HCFC control measures of the Nineteenth Meeting of the Parties contains new obligations undertaken by all developing countries, including South Africa,

That South Africa, as a developing country operating under paragraph 1 of Article 5 of the Montreal Protocol, is eligible for technical and financial assistance from the Multilateral Fund for fulfilling its commitments to phase out both production and consumption of HCFCs, consistent with decision XIX/6 of the Nineteenth Meeting of the Parties.

Decision XIX/19: Request by Romania to be removed from the list of developing countries under the Montreal Protocol

The *Nineteenth Meeting of the Parties* decided in *decision XIX/19*:

1. To note the request by Romania to be removed from the list of developing countries operating under paragraph 1 of Article 5;

2. To approve the request by Romania and note further that Romania shall assume the obligations of a party not operating under paragraph 1 of Article 5 of the Montreal Protocol from 1 January 2008.

Decision XXV/16: Request by Croatia to be removed from the list of developing countries under the Montreal Protocol

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/16*:

1. To note the request by Croatia to be removed from the list of developing countries operating under paragraph 1 of Article 5 of the Montreal Protocol;

2. To approve the request by Croatia, and to note that Croatia shall assume the obligations of a party not operating under paragraph 1 of Article 5 of the Montreal Protocol for the year 2014 and thereafter.

Decisions on control measures

Decision V/19: Control measures to be applicable to parties operating under paragraph 1 of Article 5 of the Protocol with respect to the controlled substances in group I of Annex C, group II of Annex C, and Annex E

The *Fifth Meeting of the Parties* decided in *decision V/19:*

1. To request the Scientific Assessment Panel and the Technology and Economic Assessment Panel in collaboration with the Secretariat and the Executive Committee to assess the following, in accordance with Article 6 and taking into account the report required by decision V/11 of the Protocol and to submit their combined report, through the Secretariat, by 30 November 1994 at the latest, to the Seventh Meeting of the Parties:

   (a) What base year, initial levels, control schedules and phase-out date for consumption of controlled substances in group I of Annex C are feasible for application to parties operating under paragraph 1 of Article 5 of the Protocol;

   (b) What base year, initial levels and control schedules for consumption and production of the controlled substances in group II of Annex C are feasible for application to parties operating under paragraph 1 of Article 5 of the Protocol;

   (c) What base year, initial levels and control schedules for consumption and production of the controlled substances in Annex E are feasible for application to parties operating under paragraph 1 of Article 5 of the Protocol;

2. To request the Open-ended Working Group of the parties to the Montreal Protocol to consider the combined report of the two Assessment Panels and submit its recommendation to the Seventh Meeting of the Parties, in 1995.

Decision IX/5: Conditions for control measures on Annex E substance in Article 5 parties

The *Ninth Meeting of the Parties* decided in *decision IX/5:*

1. That, in the fulfilment of the control schedule set out in paragraph 8 ter (d) of Article 5 of the Protocol, the following conditions shall be met:

   (a) The Multilateral Fund shall meet, on a grant basis, all agreed incremental costs of parties operating under paragraph 1 of Article 5 to enable their compliance with the control measures on methyl bromide. All methyl-bromide projects will be eligible for funding irrespective of their relative cost-effectiveness. The Executive Committee of the Multilateral Fund should develop and apply specific criteria for methyl-bromide projects in order to decide which projects to fund first and to ensure that all parties operating under paragraph 1 of Article 5 are able to meet their obligations regarding methyl bromide;

   (b) While noting that the overall level of resources available to the Multilateral Fund during the 1997–1999 triennium is limited to the amounts agreed at the Eighth Meeting of the Parties, immediate priority shall be given to the use of resources of the Multilateral Fund for the purpose of identifying, evaluating, adapting and demonstrating methyl bromide alternative and substitutes in parties operating under paragraph 1 of Article 5. In addition to the US$10 million agreed upon at the Eighth Meeting of the Parties, a sum of US$25 million per year should be made available for these activities in both 1998 and 1999 to facilitate the earliest

possible action towards enabling compliance with the agreed control measures on methyl bromide;

(c) Future replenishment of the Multilateral Fund should take into account the requirement to provide new and additional adequate financial and technical assistance to enable parties operating under paragraph 1 of Article 5 to comply with the agreed control measures on methyl bromide;

(d) The alternatives, substitutes and related technologies necessary to enable compliance with the agreed control measures on methyl bromide must be expeditiously transferred to parties operating under paragraph 1 of Article 5 under fair and most favourable conditions in line with Article 10A of the Protocol. The Executive Committee should consider ways to enable and promote information exchange on methyl bromide alternatives among parties operating under paragraph 1 of Article 5 and from parties not operating under paragraph 1 of Article 5 to parties operating under that paragraph;

(e) In light of the assessment by the Technology and Economic Assessment Panel in 2002 and bearing in mind the conditions set out in paragraph 2 of decision VII/8 of the Seventh Meeting of the Parties, paragraph 8 of Article 5 of the Protocol, sub-paragraphs (a) to (d) above and the functioning of the Financial Mechanism as it relates to methyl bromide issues, the Meeting of the Parties shall decide in 2003 on further specific interim reductions on methyl bromide for the period beyond 2005 applicable to parties operating under paragraph 1 of Article 5;

2. That the Executive Committee should, during 1998 and 1999, consider and, within the limits of available funding, approve sufficient financial resources for methyl-bromide projects submitted by parties operating under paragraph 1 of Article 5 in order to assist them to fulfil their obligations in advance of the agreed phase-out schedule.

Decisions on basic domestic needs

Decision I/12C: Clarification of terms and definitions: basic domestic needs

The *First Meeting of the Parties* decided in *decision I/12C* to agree to the following clarification of the term "basic domestic needs" in Articles 2 and 5 of the Protocol: "Basic domestic needs" referred to in Articles 2 and 5 of the Protocol should be understood as not to allow production of products containing controlled substances to expand for the purpose of supplying other countries.

Decision IV/29: Meeting the needs of parties operating under paragraph 1 of Article 5 of the Protocol

The *Fourth Meeting of the Parties* decided in *decision IV/29:*

1. To note with appreciation the report: "Meeting of the needs of Article 5 parties for controlled substances during the grace and phase-out periods", prepared by the Executive Committee of the Interim Multilateral Fund for the Implementation of the Montreal Protocol;

2. To request the Executive Committee to update its report and submit it to the Seventh Meeting of the Parties to the Montreal Protocol, in 1995, through the Secretariat, before 31 December 1994;

3. To request parties to take note of the Executive Committee's report and to take the necessary steps, consistent with the provisions of the Protocol, to promote an adequate supply of controlled substances in order to meet the needs of the parties operating under paragraph 1 of Article 5 of the Protocol.

Decision V/16: Supply of halons to parties operating under paragraph 1 of Article 5 of the Protocol

The *Fifth Meeting of the Parties* decided in *decision V/16* to request the Technology and Economic Assessment Panel and its Halons Technical Options Committee to study and report through the Secretariat by 31 March 1994 at the latest on the problems and options of parties operating under paragraph 1 of Article 5 of the Protocol in obtaining halon in light of the phase-out in developed countries and subsequent closing of halon production facilities. This report should particularly analyse whether halon is available to parties operating under paragraph 1 of Article 5 of the Protocol in sufficient quantity and quality and at affordable prices from banks of recycled halon.

Decision V/25: Provision of information on the supply of controlled substances to parties operating under paragraph 1 of Article 5 of the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *decision V/25:*

1. To request parties operating under paragraph 1 of Article 5 of the Protocol which require controlled substances from another party to furnish, with effect from 1 January 1995, to the Government of the supplying party a letter specifying the volume of the substances required and stating that the substances are required for the purposes of meeting their basic domestic needs;

2. To request parties supplying the controlled substances to provide annually to the Secretariat a summary of the requests received from parties operating under paragraph 1 of Article 5 of the Protocol and to indicate therein whether such parties receiving the substances have affirmed that the supply is to meet their basic domestic needs.

Decision VI/14A: Provision of information on the supply of controlled substances to parties operating under paragraph 1 of Article 5 of the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/14A* that, in order to facilitate implementation of the Protocol's provision concerning the supply of controlled substances to meet the basis domestic needs of parties operating under Article 5, paragraph 1, of the Montreal Protocol, a party may opt to use either decision V/25 or the following:

(a) Each party operating under paragraph 1 of Article 5 of the Protocol, that requires controlled substances referred to in Articles 2A and 2E from another party is requested to furnish, with effect from 1 January 1995, to the Government of the supplying party within 60 days of such imports a letter specifying the quantity of the substances imported and stating that the substances are to be used for the purposes of meeting its basic domestic needs. The parties concerned will work out an internal mechanism so that enterprises in importing and exporting countries can trade directly in controlled substances;

(b) Each party supplying the controlled substances is requested to provide annually to the Secretariat a summary of the letters received from parties operating under paragraph 1 of Article 5 of the Protocol and to indicate therein whether each such party receiving

the substances had affirmed that such imports are to meet its basic domestic needs. It is expected that such supplies will be consistent with the provisions of the Protocol.

Decision VI/14B: "Basic domestic needs"

The *Sixth Meeting of the Parties* decided in *decision VI/14B* to request the Open-ended Working Group to make recommendations to the Seventh Meeting of the Parties concerning the following issues:

(a) The need for clarification, amendment and/or further definition and of provisions regarding "basic domestic needs" in Articles 2 and 5 of the Montreal Protocol and under decision 1/12C of the First Meeting of the Parties;

(b) What appropriate measures, such as reports under Article 7, should be taken for implementation of provisions related to "basic domestic needs" in Articles 2 and 5 of the Protocol.

Decision VII/9: Basic domestic needs

The *Seventh Meeting of the Parties* decided in *decision VII/9:*

Recognizing that the Montreal Protocol requires each party operating under Article 5 to freeze its production and consumption of chlorofluorocarbons by 1 July 1999 and of other Annex A and B substances thereafter,

Recognizing the needs of parties operating under Article 5 for adequate and quality supplies of ozone-depleting substances at fair and equitable prices,

Recognizing the need to take steps to avoid any monopoly of supplies of ozone-depleting substances to parties operating under Article 5,

Recognizing that the needs above could be met by calculating the production baselines of parties operating under Article 5 separately from the consumption baseline and that paragraph 3 of Article 5 of the Protocol should be amended to reflect this,

1. That until the first control measure for each controlled substance in Annex A and B becomes effective for them (e.g., for chlorofluorocarbons, until 1 July 1999), parties operating under Article 5 may supply such substance to meet the basic domestic needs of parties operating under Article 5;

2. That after the first control measure for each controlled substance in Annex A and B becomes effective for them (e.g., for chlorofluorocarbons, after 1 July 1999), parties operating under Article 5 may supply such substance to meet the basic domestic needs of parties operating under Article 5, within the production limits required by the Protocol;

3. That in order to prevent oversupply and dumping of ozone-depleting substances, all parties importing and exporting ozone-depleting substances should monitor and regulate this trade by means of import and export licences;

4. That in addition to the reporting required under Article 7 of the Protocol, exporting parties should report to the Ozone Secretariat by 30 September each year on the types, quantities and destinations of their exports of ozone-depleting substances during the previous year;

5. That the determination of the eligible incremental costs for phase-out projects in the production sector should be consistent with paragraph 2 (a) of the indicative list of incremental costs and based on the conclusions of the Executive Committee's guidelines on phase-out of the production sector;

6. That the Executive Committee should as a priority agree on modalities to calculate and verify production capacity in parties operating under Article 5;

7. That from 7 December 1995, no party should install or commission any new capacity for the production of controlled substances listed in Annex A or Annex B of the Montreal Protocol;

8. To incorporate appropriately into the Protocol by the Ninth Meeting of the Parties:

   (a) A licensing system, including a ban on unlicensed imports and exports; and

   (b) The establishment of a production sector baseline for parties operating under Article 5 calculated:

      (i) For Annex A substances, as the average of the annual calculated level of production during the period of 1995 to 1997 inclusive or the calculated level of consumption of 0.3 kg per capita, whichever is lower; and

      (ii) For Annex B substances, as the average of the annual calculated level of production for 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kg per capita, whichever is lower;

   At the same time, the parties should consider introducing a mechanism to ensure that imports and exports of controlled substances should only be permitted between parties to the Montreal Protocol which have reported data and demonstrated their compliance with all relevant provisions of the Protocol. The parties should also consider whether to extend the terms of the present decision to all other controlled substances covered under the Montreal Protocol.

Decision X/15: Exports of controlled substances in Annex A and Annex B to the Montreal Protocol from non-Article 5 parties to meet the basic domestic needs of Article 5 parties

The *Tenth Meeting of the Parties* decided in *decision X/15:*

Aware that parties operating under Article 5 are taking measures under the Protocol to limit their production of ozone-depleting substances in Annex A and Annex B,

Concerned that this reduction should not be offset by any unnecessary increase in exports of controlled substances from non-Article 5 parties under the provisions of Article 2 of the Protocol,

To request the Technology and Economic Assessment Panel:

(a) To make an assessment of the quantities of controlled substances in Annex A and Annex B to the Protocol likely to be required and produced by parties operating under Article 5 of the Protocol for the period 1999-2010;

(b) To make an assessment of the quantities of controlled substances in Annex A and Annex B to the Protocol which need to be produced and exported by parties not operating under Article 5 in order to meet the basic domestic needs of parties operating under Article 5 during the period 1999-2010;

(c) To present its report to the Open-ended Working Group in time for the issue to be considered by the Eleventh Meeting of the Parties.

Decision XI/28: Supply of HCFCs to parties operating under paragraph 1 Article 5 of the Protocol

The *Eleventh Meeting of the Parties* decided in *decision XI/28* to request the Technology and Economic Assessment Panel to study and report by 30 April 2003 at the latest on the problems and options of Article 5 parties in obtaining HCFCs in the light of the freeze on the production of HCFCs in non-Article 5 parties in the year 2004. This report should analyse whether HCFCs are available to Article 5 parties in sufficient quantity and quality and at affordable prices, taking into account the 15 per cent allowance to meet the basic domestic needs of the Article 5 parties and the surplus quantities available from the consumption limit allowed to the non-Article 5 parties. The parties, at their Fifteenth Meeting in the year 2003, shall consider this report for the purpose of addressing problems, if any, brought out by the report of the Technology and Economic Assessment Panel.

Decision XV/2: Production for basic domestic needs

The *Fifteenth Meeting of the Parties* decided in *decision XV/2:*

Aware that parties operating under Article 5 have been taking measures gradually to reduce and eventually eliminate their production and consumption of ozone-depleting substances in Annex A, group I (CFCs), and Annex B, group II (carbon tetrachloride),

Aware also that parties not operating under Article 5 have also been taking steps in advance of the Protocol control measures to reduce their production of those controlled substances that are exported to meet the basic domestic needs of Article 5 parties,

Recognizing the need to ensure that the supply of Annex A, group I and Annex B, group II (carbon tetrachloride) ozone-depleting substances is sufficient to meet the basic domestic needs of Article 5 parties, while not being so abundant as to discourage efforts to phase out those substances in compliance with the Montreal Protocol,

Recognizing also that comprehensive information on market trends related to Annex A, group I and Annex B, group II ozone-depleting substances would allow better planning by Article 5 parties and ensure a more efficient and predictable phase-out of those substances,

To request the Technology and Economic Assessment Panel:

(a) To assess the quantities of controlled substances in Annex A, group I and Annex B, group II to the Montreal Protocol that are likely to be required by parties operating under Article 5 of the Protocol for the period 2004–2010;

(b) To assess the permitted levels of production from companies in parties operating under Article 5 to the Protocol, taking into account schedules agreed for reduction in production under the Multilateral Fund;

(c) To assess the quantities of controlled substances in Annex A, group I and Annex B, group II to the Protocol which can be produced and exported by parties not operating under Article 5 in order to meet the basic domestic needs of parties operating under Article 5 during the period 2004–2010, taking into account regional production phase-out regulations and agreements;

(d) To also take into account, when preparing the assessments, the actual and potential impact of training programmes for refrigeration technicians, retrofitting, recovery and recycling operations and other measures in reducing the demand for Annex A, group I and Annex B, group II substances;

(e) To report on bulk price ranges of Annex A, group I and Annex B, group II substances in a representative sample of Article 5 parties, including relative changes in bulk prices from 1 January 2001 to 31 December 2003, in comparison to bulk prices of alternatives;

(f) To present its report to the Open-ended Working Group at its twenty-fourth session or at the Sixteenth Meeting of the Parties.

Decision XVII/12: Minimizing production of chlorofluorocarbons by parties not operating under paragraph 1 of Article 5 of the Montreal Protocol to meet the basic domestic needs of parties operating under paragraph 1 of Article 5

The *Seventeenth Meeting of the Parties* decided in *decision XVII/12:*

Noting that parties not operating under paragraph 1 of Article 5 of the Montreal Protocol continue to report production of chlorofluorocarbons to meet the basic domestic needs of parties operating under paragraph 1 of Article 5 of the Montreal Protocol, pursuant to Article 2A of the Protocol,

Recalling that the Technology and Economic Assessment Panel reported to the parties in its 2004 Basic Domestic Needs Task Force Report that there is no evidence of chlorofluorocarbon supply shortage in recent years and that the bulk market price for chlorofluorocarbons in parties operating under Article 5 of the Protocol is not rising, a situation that may be impeding the market penetration of chlorofluorocarbon alternatives in those countries,

Also noting the phase-out schedule for production of chlorofluorocarbons to meet the basic domestic needs of parties operating under paragraph 1 of Article 5 by 2010 as set out in Article 2A of the Protocol,

Recognizing the successful efforts of several parties operating under paragraph 1 of Article 5 to phase out their chlorofluorocarbon production with assistance from the Multilateral Fund for the Implementation of the Montreal Protocol,

Recognizing the successful efforts of several parties not operating under paragraph 1 of Article 5 in phasing out production of chlorofluorocarbons for basic domestic needs,

Mindful of the requirement set out in decision V/25 for parties supplying the basic domestic needs of parties operating under paragraph 1 of Article 5 to report such quantities and secure and report affirmations from receiving parties, and of decision VII/9 on basic domestic needs,

Noting that sufficient supplies of chlorofluorocarbons are available from production facilities in parties operating under paragraph 1 of Article 5 and from recycled and reclaimed stocks,

Seeking to phase out chlorofluorocarbon production as soon as possible,

1. To urge all parties not operating under paragraph 1 of Article 5 that produce chlorofluorocarbons to meet the basic domestic needs of parties operating under paragraph 1 of Article 5 to ensure that such production is truly required by:

   (a) Requesting a written affirmation from the prospective importing party that the chlorofluorocarbons are required and that such importation would not result in its non-compliance, prior to exporting any chlorofluorocarbons to meet the basic domestic needs of parties operating under paragraph 1 of Article 5;

(b) Including copies of these written affirmations when reporting chlorofluorocarbon production to meet the basic domestic needs of parties operating under paragraph 1 of Article 5 to the Ozone Secretariat under Article 7 of the Protocol;

2. To request that the Secretariat report at the next Meeting of the Parties and at each regular Meeting of the Parties thereafter, the level of production of chlorofluorocarbons in parties not operating under paragraph 1 of Article 5 to meet the basic domestic needs of parties operating under paragraph 1 of Article 5 as compared to their allowed production as set out in Article 2A of the Protocol and when doing so to include copies of the affirmations, together with available data on transfer of production rights;

3. To urge all parties not operating under paragraph 1 of Article 5 that have an entitlement to produce chlorofluorocarbons for the basic domestic needs of parties operating under paragraph 1 of Article 5 to ensure an accelerated phase-out of their production, and to report back to the parties at their Eighteenth Meeting on progress in eliminating production of chlorofluorocarbons for basic domestic needs;

4. To consider at the Eighteenth Meeting of the Parties an adjustment to accelerate the phase-out schedule set out in Article 2A of the Protocol for chlorofluorocarbon production to meet the basic domestic needs of parties operating under paragraph 1 of Article 5.

Decision XIX/28: Implementation of paragraph 1 of decision XVII/12 with respect to the reporting of production of chlorofluorocarbons by parties not operating under paragraph 1 of Article 5 of the Montreal Protocol to meet the basic domestic needs of parties operating under paragraph 1 of Article 5

The *Nineteenth Meeting of the Parties* decided in *decision XIX/28*:

Recalling that decision XVII/12 of the Seventeenth Meeting of the Parties urges parties not operating under paragraph 1 of Article 5 of the Protocol (non-Article 5 parties), prior to exporting chlorofluorocarbons (CFCs) to parties operating under paragraph 1 of Article 5 (Article 5 parties), to request written affirmations from such parties that the CFCs are required by them and that their importation will not result in those parties' non-compliance,

Recalling also that paragraph 1 of decision XVII/12 urges all non-Article 5 parties that produce CFCs to meet the basic domestic needs of Article 5 parties to include in their annual data reports to the Secretariat copies of the written affirmations they receive from prospective importing parties pursuant to that decision,

Recalling further that paragraph 2 of decision XVII/12 requests the Secretariat to report at each regular meeting of the parties the level of production of CFCs in non-Article 5 parties to meet the basic domestic needs of Article 5 parties, as compared to their allowed production set out in Article 2A of the Protocol, and when doing so to include copies of the affirmations referred to above, together with available data on transfer of production rights,

To request the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol to review, on the basis of the report prepared by the Secretariat in accordance with paragraph 2 of decision XVII/12, the implementation by the parties of paragraph 1 of decision XVII/12, and to report its conclusions, including any appropriate recommendations, to the Meeting of the Parties.

Decisions on review under paragraph 8

Decision V/11: Review under paragraph 8 of Article 5 of the Protocol

The *Fifth Meeting of the Parties* decided in *decision V/11:*

1. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to prepare a report in respect of the review referred to in paragraph 8 of Article 5, taking into account section II, paragraph 4, of decision IV/18 and submit it to the Open-ended Working Group of the parties through the Secretariat by 31 December 1994 and to prepare, and submit through the Secretariat, an addendum to its report no later than three months before the 1995 Meeting of the Parties with a view to its consideration at that Meeting. Such report shall include consideration of:

   (a) The operation of the Fund to date;

   (b) The rate at which low- and non-ozone-depleting-substance technologies are being transferred to or developed by parties operating under Article 5, including the report on the actual implementation of these technologies;

   (c) The progress made and problems encountered by Article 5 parties in implementing their country programmes;

   (d) The current plans of Article 5 parties as articulated in their country programmes;

   (e) The financial implications of various phase-out strategies, including a comparison in achieving the targets set in the London and the Copenhagen Amendments;

   (f) The feasibility of achieving the greatest possible reduction as soon as possible.

   The comments of the parties will be invited on the draft report in a manner so as to be available to the Open-ended Working Group and the Meeting of the Parties if required;

2. To request the Open-ended Working Group of the parties to consider the report and make recommendations as appropriate to the Seventh Meeting of the Parties.

Decision VII/4: Provision of financial support and technology transfer

The *Seventh Meeting of the Parties* decided in *decision VII/4:*

1. To emphasize the importance of the effective implementation of financial cooperation, including provision of adequate funding under Article 10 and technology transfer under Article 10 A of the Montreal Protocol, in assisting parties operating under paragraph 1 of Article 5 in complying with the existing control measures under the Protocol;

2. To stress that the adoption of any new control measures by the Seventh Meeting of the Parties for parties operating under paragraph 1 of Article 5 will require additional funding which will need to be reflected in the replenishment of the Multilateral Fund in 1996 and beyond and in the implementation of technology transfer;

3. To underline that the implementation of control measures by parties operating under paragraph 1 of Article 5 will, as provided in Article 5, paragraph 5, depend upon the effective implementation of the financial cooperation as provided by Article 10 and the transfer of technology as provided by Article 10A;

4. To urge parties when taking decisions on the replenishment of the Multilateral Fund in 1996 and beyond, to allocate the necessary funds in order to ensure that countries operating under paragraph 1 of Article 5 can comply with their agreed control measure commitments.

Decision X/29: Inconsistencies in the timing for the reporting of data under Article 7 and for monitoring compliance with the phase-out schedule under Article 5, paragraph 8 *bis*

The *Tenth Meeting of the Parties* decided in *decision X/29:*

Noting that the compliance period for parties operating under paragraph 1 of Article 5 of the Protocol for the freeze in production and consumption extends from 1 July 1999 to 30 June 2000, from 1 July 2000 to 30 June 2001, and from 1 July 2001 to 31 December 2002 under paragraph 8 *bis* of Article 5,

Noting also that the process of collecting accurate data on anything other than a calendar year basis is very difficult,

Noting further that parties not operating under paragraph 1 of Article 5 faced similar difficulties, which were overcome when it became clear that their reductions in production and consumption were significantly below those required under the freeze obligations of Article 2A,

1. To urge the Implementation Committee to review and report on the status of the data reported by parties operating under paragraph 1 of Article 5, relative to the freeze in production and consumption using the best available data submitted;

2. To urge the Implementation Committee to view the data from the July to June time period, or other time periods relevant to paragraph 8 *bis* of Article 5, as especially critical in cases where annual data submitted by parties operating under paragraph 1 of Article 5 demonstrates that a country is very close to its baseline freeze level.

Decisions on participation of developing countries

Decision III/6: Participation of developing countries

The *Third Meeting of the Parties* decided in *decision III/6* to encourage the participation of representatives of developing countries in meetings of assessment panels, the Committee on Destruction Technologies, the Bureau and working groups and in any other meetings convened under the Montreal Protocol and to provide, as far as possible, financial assistance for such participation.

Decision IV/8: Participation of developing countries

The *Fourth Meeting of the Parties* decided in *decision IV/8* to encourage further the participation of representatives of developing countries in all meetings organized under the Montreal Protocol and to provide financial assistance for such participation in the 1993 and 1994 budgets.

Article 6: Assessment and review of control measures

Decisions on establishment and organisation of assessment panels

Decision I/3: Establishment of Assessment Panels

The *First Meeting of the Parties* decided in *decision I/3* to endorse the establishment, in accordance with Article 6 of the Montreal Protocol, of the following four review panels:

(a) Panel for Scientific Assessment;

(b) Panel for Environmental Assessment;

(c) Panel for Technical Assessment;

(d) Panel for Economic Assessment;

according to the composition in annex V and the terms of reference in annex VI[10] of the report of the First Meeting of the Parties.

Decision I/5: Establishment of Open-ended Working Group

The *First Meeting of the Parties* decided in *decision I/5* to establish an Open-ended Working Group to:

(a) Review the report of the four panels referred in decision I/3, and integrate them into one synthesis report;

(b) Based on (a) above, and taking into account the views expressed at the First Meeting of the Parties to the Montreal Protocol, prepare draft proposals for any amendments to the Protocol which would be needed. Such proposals are to be circulated to the parties in accordance with Article 9 of the Vienna Convention for the Protection of the Ozone Layer.

[The remainder of this decision is located under Article 11.]

Decision I/10: Characteristics of relevant substances

The *First Meeting of the Parties* decided in *decision I/10* to request the Panel for Scientific Assessment to give full consideration to ODPs, greenhouse-warming potential and atmospheric life-time of the various atmospheric constituents whether controlled or not, and advise the parties as to the environmental characteristics, both currently and in the light of projections of future production and emission, of all relevant atmospheric constituents. In this regard, particular attention should be paid to potential substitutes for the presently controlled substances, particularly HCFC-22. Similarly, the importance of methyl chloroform and carbon tetrachloride in controlling the volume of atmospheric ozone should be quantified.

Decision II/13: Assessment panels

The *Second Meeting of the Parties* decided in *decision II/13* with regard to assessment panels:

To request the Technology Review Panel to assess, in accordance with Article 6, the earliest technically feasible dates and the costs for reductions and total phase-out of 1,1,1-trichloromethane (methyl chloroform) and to report its findings in time for consideration by the preparatory meeting to the Fourth Meeting of the Parties with a view to their consideration at that Fourth Meeting;

To request the Secretariat to convene members of each of the four assessment panels established by the First Meeting of the Parties to review new information and to consider its inclusion in supplementary reports in time for consideration by the Fourth Meeting of the Parties, subject to a review of their mandate in the context of Article 2, paragraph 9, at the Third Meeting of the Parties;

To request the Technology Review Panel to include in its work:

10 The terms of reference contained in annex VI to the First Meeting of the Parties have been replaced. For the current terms of reference see section 3.3 of this Handbook.

(a) An evaluation of the need for transitional substances in specific applications;

(b) An analysis of the quantity of controlled substances required by parties operating under paragraph 1 of Article 5 for their basic domestic needs, both at present and in the future, and the likely availability of such supplies; and

(c) A comparison of the toxicity, flammability, energy efficiency implications and other environmental and safety considerations of chemical substitutes, along with an analysis of the likely availability of substitutes for medical uses;

To request the Scientific Assessment Panel to include in its work:

(a) An evaluation of the ozone-depletion potential, other possible ozone layer impacts, and global warming potential of chemical substitutes (e.g. HCFCs and HFCs) for controlled substances;

(b) An evaluation of the likely ozone-depletion potential of "other halons" that might be produced in significant quantities; and

(c) An analysis of the anticipated impact on the ozone layer of the revised control measures reflecting the changes adopted at the Second Meeting of the Parties taking into account the current level of global participation in the Protocol;

To instruct the Scientific Assessment Panel to prepare estimated data on the impacts on the ozone layer of engine emissions from high-altitude aircraft, heavy rockets and space shuttles;

To undertake efforts to encourage broad participation in all assessment panels by experts from developing countries.

Decision III/12: Assessment Panels

The *Third Meeting of the Parties* decided in *decision III/12*:

(a) To request the Assessment Panels and in particular the Technology and Economic Assessment Panel to evaluate, without prejudice to Article 5 of the Montreal Protocol, the implications, in particular for developing countries, of the possibilities and difficulties of an earlier phase-out of the controlled substances, for example of the implications of a 1997 phase-out.

[The remainder of this decision is located under Article 2.]

Decision IV/13: Assessment panels

The *Fourth Meeting of the Parties* decided in *decision IV/13:*

1. To note with appreciation the work done by the Panels for Ozone Scientific Assessment, Environmental Effects Assessment, and Technology and Economic Assessment in their reports of November–December 1991;

2. To request the Technology and Economic Assessment Panel and its Technical and Economic Options Committees to report annually to the Open-ended Working Group of the parties to the Montreal Protocol the technical progress in reducing the use and emissions of controlled substances and assess the use of alternatives, particularly their direct and indirect global-warming effects;

3. To request the three assessment panels to update their reports and submit them to the Secretariat by 30 November 1994 for consideration by the Open-ended Working Group and by the Seventh Meeting of the Parties to the Montreal Protocol. These assessments

should cover all major facets discussed in the 1991 assessments with enhanced emphasis on methyl bromide. The scientific assessment should also include an evaluation of the impact of sub-sonic aircraft on ozone;

4. To encourage the panels to meet once a year to enable the co-chairpersons of the panels to bring to the notice of the meetings of the parties to the Montreal Protocol, through the Secretariat, any significant developments which, in their opinion, deserve such notice.

Decision V/13: Assessment Panel reports

The *Fifth Meeting of the Parties* decided in *decision V/13:*

1. To note with appreciation the interim reports of the Co-Chairs of the Scientific and the Environmental Effects Assessment Panels and to request them to continue their work in accordance with the decisions of the Fourth and Fifth Meetings of the parties to the Protocol;

2. To note with appreciation the reports of the Halons Technical Options Committee and of the Technology and Economic Assessment Panel submitted in July 1993;

3. To note with satisfaction the progress in reducing the consumption of the controlled substances.

Decision VII/34: Assessment Panels

The *Seventh Meeting of the Parties* decided in *decision VII/34:*

1. To note with appreciation the work done by the Scientific, Environmental Effects, and Technology and Economic Assessment Panels and the Technical Options Committees and Working Groups in preparing their reports of November 1994, March 1995 and November 1995;

2. To request the three Assessment Panels to update their reports of November 1994 and submit them to the Secretariat by 31 October 1998 for consideration by the Open-ended Working Group and by the Eleventh Meeting of the Parties to the Montreal Protocol in 1999;

3. That the Scientific Assessment Panel should keep the parties to the Montreal Protocol informed of any important new scientific developments on a year-to-year basis. The major emphasis of the 1998 assessment should be twofold:

   (a) An evaluation of the updated understanding of the impact of halocarbons on the ozone layer, including: observed and expected trends in controlled substances, ozone, and ultraviolet radiation; an improved understanding of the ozone-depleting role of methyl bromide; consequences to the ozone layer of non-compliance with the Montreal Protocol; a continuing evaluation of the ozone-depleting potentials of the substitutes for the phased-out substances; and the prediction of future halogen atmospheric abundances and ozone levels; and

   (b) An assessment of other aspects of ozone changes, such as the impacts of aircraft emissions, and the role of ozone changes in the alteration of the global climate system, with particular attention to the need for adequate information in the southern hemisphere. The Panel is requested to work as appropriate with the International Civil Aviation Organization and the Intergovernmental Panel on Climate Change;

4. That the Environmental Effects Panel should keep the parties to the Montreal Protocol informed on any important new scientific developments on a year-to-year basis. It should consider:

   (a) In consultation with the Scientific Assessment Panel, observed and predicted changes in ultraviolet radiation;

   (b) Environmental effects of changing ultraviolet radiation; and

   (c) Direct environmental effects of chemicals involved in the problem of depletion of the ozone layer;

5. That the Technology and Economic Assessment Panel should keep the parties to the Montreal Protocol informed of any important new technical and economic developments on a year-to-year basis. It should furthermore:

   (a) Complete by 31 March of each year the evaluation of essential-use nominations submitted for 1997 and beyond;

   (b) With regard to metered-dose inhalers:
      (i) Recommend an accounting framework for reporting quantities and uses of ozone-depleting substances produced and consumed for metered-dose inhalers under terms of essential-use exemptions;
      (ii) Report progress in commercial availability and acceptance of emerging non-ODS alternatives and substitutes;
      (iii) Describe educational and training approaches to speed and the successful transition to non-ODS therapy, mindful of the needs of patients and the special circumstances of parties operating under Article 5 and countries with economies in transition; and
      (iv) By 31 March 1996, consider options for a transitional strategy for metered-dose inhalers, taking into consideration the rate of commercialization, manufacturing rationalization, the progress on national approval, the special circumstances of parties operating under Article 5 and countries with economies in transition, and the importance of drug access by patients, including those who face particularly challenging therapy;

   (c) Report progress and developments in the control of substances by 31 March of each year;

   (d) Update or supplement its report on the status of implementation of the Protocol in the countries with economies in transition by 31 March 1996;

   (e) With regard to its organization and functioning:
      (i) Proceed with efforts to increase participation of Article 5 country experts, subject to budgetary constraints, and to improve geographical and expertise balance;
      (ii) Present procedures and criteria for the nomination and selection of members of the Technology and Economic Assessment Panel;
      (iii) Request the Secretariat to appoint a small informal advisory group from both Article 5 and non-Article 5 parties to meet with the Technology and Economic Assessment Panel and to report back to the parties on the progress made; and
      (iv) Report to the parties at the thirteenth meeting of the Open-ended Working Group, in 1996, including:

a. A description of member expertise highlighting relevance, affiliation, country of residence and period of service to the Technology and Economic Assessment Panel;
b. Its methods of operation, including appointment of new members to subsidiary bodies, promotion to chair and other matters; and
c. Options proposed for restructuring the Technology and Economic Assessment Panel and its Technical Options Committees and Working Groups, including the financial and chairing issues in compliance with the terms of reference as set out in various decisions, including decision I/3, and propose adjustments, if deemed necessary, to those terms of reference;

(f) Prepare a document listing the uses and possible applications of ozone-depleting substances listed in Annex C to the Protocol, enabling parties to collect information on their consumption levels for the purpose of compliance with reporting requirements;

(g) Collaborate with the Industry and Environment Programme Activity Centre of the United Nations Environment Programme to prepare, in accordance with the provisions of decision VII/22, the report on inventory and assessment of technologies and know-how to phase out ozone-depleting substances, including an elaboration of the terms under which transfers of such technology and know-how take place;

6. That the enhanced participation of the parties operating under Article 5 and countries with economies in transition should be funded by the Secretariat with an adequate budget allocation or could be also provided by additional voluntary contributions which all parties are encouraged to offer;

7. To offer the assistance of the Scientific, Environmental Effects, and Technology and Economic Assessment Panels to the subsidiary body on science and technology under the United Nations Framework Convention on Climate Change, as necessary;

8. To request the Technology and Economic Assessment Panel to present the annual schedules of its meetings and workshops to the Secretariat.

Decision VIII/19: Organization and functioning of the Technology and Economic Assessment Panel

The *Eighth Meeting of the Parties* decided in *decision VIII/19*:

1. To note with appreciation the work done by the Technology and Economic Assessment Panel and its Technical Options Committees and Working Groups in preparing their reports;

2. To note with appreciation the report of the Informal Advisory Group on the organization and functioning of the Technology and Economic Assessment Panel;

3. To confirm the current membership of the Technology and Economic Assessment Panel as set out in appendix I to its June 1996 report, and also to confirm Mr. R. Agarwal as Co-Chair of the Refrigeration Technical Options Committee;

4. To confirm the current list of Technical Options Committees, as set out in appendix II to that report, whilst noting that this list may be added to or amended according to mandates set by any Meeting of the Parties;

5. To approve terms of reference and the code of conduct for the Technology and Economic Assessment Panel, the technical options committees, and any temporary subsidiary

bodies set up by those bodies, as contained in annex V[11] to the report of the Eighth Meeting of the Parties;

6. That the nomination and appointment process for the Technology and Economic Assessment Panel, as set out in the new terms of reference, should apply to all appointments commencing with those made at the Ninth Meeting of the Parties.

Decision XI/17: Terms of reference for Assessment Panels

The *Eleventh Meeting of the Parties* decided in *decision XI/17:*

1. To note with appreciation the excellent and highly useful work done by the Scientific, Environmental Effects, and Technology and Economic Assessment Panels and their colleagues worldwide in preparing their reports of 1998 including the Synthesis Report of 1999 and its decadal perspective of the information provided by the Panels over the period 1989–1999;

2. To note also with appreciation, and encourage as appropriate, the ongoing fruitful collaboration of the Panels with the Subsidiary Body on Science and Technology under the United Nations Framework Convention on Climate Change, the Intergovernmental Panel on Climate Change, and the International Civil Aviation Organization;

3. To request the three Assessment Panels to update their 1998 reports in 2002 and submit them to the Secretariat by 1 January 2003 for consideration by the Open-ended Working Group and by the Fifteenth Meeting of the Parties to the Montreal Protocol in 2003;

4. To request the Assessment Panels to keep the parties to the Montreal Protocol informed of any important new developments on a year-to-year basis;

5. To request the Scientific Assessment Panel to include the following in the 2002 scientific assessment:

   (a) An evaluation of the observed trends in controlled substances and their consistency with reported production of ODS;

   (b) A quantification of the ozone-depleting impacts of new (e.g., short-lived) halogen-containing substances;

   (c) A characterization of methyl bromide sources and sinks and the likely quantitative implications of the results for the ozone layer;

   (d) A characterization of the known interrelations between ozone depletion and climate change including feedbacks between the two;

   (e) A description and interpretation of the observed changes in global and polar ozone and in ultraviolet radiation, as well as set future projections and scenarios for these variables, taking into account also the expected impacts of climate change;

6. To request the Environmental Effects Panel to continue the identification of the impacts of ozone depletion noting its association with aspects of climate change, including:

   (a) An evaluation of how the combined influence of ultraviolet radiation changes due to ozone depletion and climate change factors can impact on the biosphere and on human health;

11 The terms of reference contained in annex V to the Eighth Meeting of the Parties have been replaced. For the current terms of reference see section 3.3 of this Handbook.

(b) A characterization of those impacts caused by ultraviolet radiation changes that may have effects on climate;

Decision XV/53: Terms of reference for the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel

The *Fifteenth Meeting of the Parties* decided in *decision XV/53:*

1. To note with appreciation the excellent and highly useful work conducted by the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel and their colleagues worldwide in preparing their 2002 reports, including the 2003 synthesis report;
2. To request the three assessment panels to update their 2002 reports in 2006 and submit them to the Secretariat by 31 December 2006 for consideration by the Open-ended Working Group and by the Nineteenth Meeting of the Parties to the Montreal Protocol, in 2007;
3. To request the assessment panels to keep the parties to the Montreal Protocol informed of any important new developments on a year-to-year basis;
4. That, for the 2006 report, the Scientific Assessment Panel should consider issues including:
   (a) Assessment of the state of the ozone layer and its expected recovery;
   (b) Evaluation of specific aspects of recent annual Antarctic ozone holes, in particular the hole that occurred in 2002;
   (c) Evaluation of the trends in the concentration of ozone-depleting substances in the atmosphere and their consistency with reported production and consumption of ozone-depleting substances;
   (d) Assessment of the impacts of climate change on ozone-layer recovery;
   (e) Analysis of atmospheric concentrations of bromine and the likely quantitative implications of the results on the state of the ozone layer;
   (f) Description and interpretation of the observed changes in global and polar ozone and in ultraviolet radiation, as well as set future projections and scenarios for those variables, taking also into account the expected impacts of climate change;
5. That, for the 2006 report, the Environmental Effects Panel should continue identifying the environmental impacts of ozone depletion and the environmental impacts of the interaction of ozone depletion and climate change;
6. That the Technology and Economic Assessment Panel should, among other matters, consider the following topics:
   (a) Significance of the phase-out of ozone-depleting substances for sustainable development, particularly in Article 5 countries and countries with economies in transition;
   (b) Technical progress in all sectors;
   (c) Technically and economically feasible choices for the elimination of ozone-depleting substances by the use of alternatives that have superior environmental performance with regard to climate change, human health and sustainability;

(d) Technical progress on the recovery, reuse and destruction of ozone-depleting substances;

(e) Accounting of the production and use of ozone-depleting substances and of ozone-depleting substances in inventory or contained in products.

Decision Ex.I/5: Review of the working procedures and terms of reference of the Methyl Bromide Technical Options Committee

The *First Extraordinary Meeting of the Parties* decided in *decision Ex.I/5:*

Acknowledging with appreciation the important and valuable work undertaken so far by the Methyl Bromide Technical Options Committee,

Reaffirming the need for the Methyl Bromide Technical Options Committee to sustain an optimum level of expertise to be able to address diverse types of alternatives to methyl bromide and the desirability of having a reasonable term of membership of the Methyl Bromide Technical Options Committee to ensure continuity;

Noting decision XIII/11, which requests the Technology and Economic Assessment Panel to engage suitably qualified agricultural economists to assist in reviewing nominations,

Recognizing the desirability of ensuring that some members of the Methyl Bromide Technical Options Committee have knowledge of alternatives that are used in commercial practice, and practical experience in technology transfer and deployment,

Recognizing the need to strengthen the Methyl Bromide Technical Options Committee and to enhance the transparency and efficiency of the Committee's process relating to the evaluation of nominations for critical-use exemptions,

Noting the terms of reference for the Technology and Economic Assessment Panel and its technical options committees adopted at the Eighth Meeting of the Parties,

Mindful that those terms of reference state that the overall goal is to achieve a representation of about 50 per cent for Article 5 parties and noting that current Article 5 representation within the Methyl Bromide Technical Options Committee is only about 30 per cent,

Recalling decision XV/54 on categories of assessment to be used by the Technology and Economic Assessment Panel when assessing critical uses of methyl bromide,

1. To establish a process to review the working procedures and terms of reference of the Methyl Bromide Technical Options Committee as they relate to the evaluation of nominations for critical use exemptions;

2. That such a review shall consider, in particular:

   (a) The need to enhance the transparency and efficiency of the analysis and reporting by the Methyl Bromide Technical Options Committee on critical-use nominations, including the communication between the nominating party and the Methyl Bromide Technical Options Committee;

   (b) The timing and structure of the Methyl Bromide Technical Options Committee reports on critical-use nominations;

   (c) The duration and rotation of membership, taking into account the need to provide for a reasonable turnover of members while also ensuring continuity;

   (d) The conflict-of-interest documents which must be completed by members of the Methyl Bromide Technical Options Committee;

(e) The expertise required in the Methyl Bromide Technical Options Committee, taking into account among other things that the composition of the Methyl Bromide Technical Options Committee should ensure that some members have practical and first-hand experience which should relate, in particular, to replacing methyl bromide with alternatives, and that within that composition reflected the appropriate skills and expertise required to perform the work of Methyl Bromide Technical Options Committee, including expertise in the field of agricultural economy, technology transfer and regulatory processes of registration;

(f) The criteria and procedure for selecting the experts, including ensuring a balance between experts from Article 5 and non-Article 5 parties, pursuant to the qualification requirements as set forth in subparagraph (e) above;

(g) Further guidance on the application of the criteria set forth in decision IX/6;

(h) The modalities for the Methyl Bromide Technical Options Committee to submit annual work plans to the Meeting of the Parties;

(i) The instances where the Methyl Bromide Technical Options Committee should seek the guidance of the Meeting of the Parties in conducting its work;

(j) Modalities for the Methyl Bromide Technical Options Committee to provide the Meeting of the Parties with budget proposals for the conduct of the Committee's work through the Secretariat;

3. To establish to that end an ad hoc working group which shall meet for three days immediately prior to the twenty-fourth meeting of the Open-ended Working Group and shall comprise 12 representatives of Article 5 parties and 12 representatives of non-Article 5 parties;

4. To invite the Co-Chairs of the Methyl Bromide Technical Options Committee to participate in the meeting of the ad hoc working group;

5. That the ad hoc working group should base its discussions on the Methyl Bromide Technical Options Committee-related elements and issues set forth in paragraph 2 above and shall report its findings and recommendations to the Open-ended Working Group at its twenty-fourth session;

6. To request the Open-ended Working Group at its twenty-fourth session to formulate recommendations for the consideration and approval of the Sixteenth Meeting of the Parties and to identify which elements, if any, could be used on an interim basis pending approval by the Sixteenth Meeting of the Parties;

7. That the Methyl Bromide Technical Options Committee should continue to assess the nominations as "recommended", "not recommended" or "unable to assess".

8. That the reports of the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee, to be published following those bodies' initial assessment of nominations submitted in 2004 and following the subsequent assessment of any additional information submitted by nominating parties, should include:

(a) If the Panel and Committee do not recommend any part of a nomination, a clear description of the nominating party's request for an exemption and of the reasons why the Panel and Committee did not accept it, including references to the relevant studies, wherever available, used as the basis for such a decision;

(b) If the Panel and Committee require additional information, a clear description of the information required.

Decision XVI/4: Review of the working procedures and terms of reference of the Methyl Bromide Technical Options Committee

The *Sixteenth Meeting of the Parties* decided in *decision XVI/4:*

Reaffirming that each party should aim significantly and progressively to decrease its production and consumption of methyl bromide for critical uses with the intention of completely phasing out methyl bromide as soon as technically and economically feasible alternatives are available for critical uses in the circumstances of the nominations according to decision IX/6,

To adopt the elements related to procedures and terms of reference of the Methyl Bromide Technical Options Committee related to the evaluation of nominations for critical uses of methyl bromide as set out in annex I to the report of the Sixteenth Meeting of the Parties.
[See section 3.4 of this Handbook.]

Decision XVI/5: Provision of financial assistance to the Methyl Bromide Technical Options Committee

The *Sixteenth Meeting of the Parties* decided in *decision XVI/5:*

Noting the heavy workload faced by the Methyl Bromide Technical Options Committee in its role under its renewed working procedures for the assessment of nominations for critical-use exemptions,

Acknowledging that a significant proportion of the Committee's administrative burden in conducting this work falls to the Co-Chairs of the Committee,

Acknowledging the greater levels of detail and transparency that are requested by the parties to be applied to the Methyl Bromide Technical Options Committee's reports on its assessment of those nominations,

Noting that the current workload of the Methyl Bromide Technical Options Committee in conducting its assessment of the present high numbers of critical-use nominations to the standards directed by the parties represents an exceptional circumstance that will not continue indefinitely, and for which the associated administrative burden for the Committee could reasonably be expected to reduce in the near term,

1. To provide financial support to the positions of one co-chair from a party operating under paragraph 1 of Article 5 and one co-chair from a party not so operating of the Methyl Bromide Technical Options Committee to cover the costs of their travel and accommodation for attendance at those meetings related to the Committee's assessment of critical-use nominations;

2. Also to provide financial support to the Methyl Bromide Technical Options Committee's Co-Chairs, to facilitate expert assistance in the initial summarization of critical-use nominations to facilitate the Methyl Bromide Technical Options Committee's timely and more detailed assessment of the nominations' claims against the criteria of decision IX/6, and expert assistance with the preparation of the Methyl Bromide Technical Options Committee's reports on its assessment of the critical-use nominations, so as to ensure that such reports provide sufficient levels of transparency and detail to meet the requirements of the parties;

3. That the financial support referred to in paragraph 2 of the present decision would not exceed the equivalent of 12 months full time salary for one P-3 level position, and would be allocated between the components identified in paragraph 2 at the discretion of the Technology and Economic Assessment Panel;

4. To authorize as a transitional measure to enable the Methyl Bromide Technical Options Committee to adapt to a new pattern of its meetings arising out of its renewed working procedures, the Secretariat to meet upon request the expenses, i.e., daily subsistence allowance and travel, for the attendance of members of the Methyl Bromide Technical Options Committee in its meetings on the assessment of the critical-use exemption nominations, which they are unable to defray during 2005, while taking into account the practice on the standards of accommodation for the travels of independent experts attending official meetings of the Protocol;

5. To provide the necessary technical and financial assistance to the Co-Chairs of the Methyl Bromide Technical Options Committee, funds permitting, with respect to:

   (a) Their site visits where necessary for the verification of the basis for nominations of critical-use exemptions; and

   (b) Strengthening the liaison function of the Secretariat with the members of the Methyl Bromide Technical Options Committee;

6. That the financial support referred to in paragraphs 1–5 of the present decision would be provided within the existing level of budgetary provisions drawn from the Trust Fund of the Montreal Protocol for the 2005 budget to meet the expenses required above;

7. That the temporary financial support referred to in paragraphs 1–5 of the present decision would initially be provided only for 2005, with any proposal for similar support to be provided in subsequent years requiring the separate consideration and agreement of the parties;

8. To encourage parties not operating under paragraph 1 of Article 5 of the Protocol to continue offering assistance to their members in the three Panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol.

Decision XVIII/19: Guidelines for disclosure of interest for groups such as the Technology and Economic Assessment Panel and its technical options committees

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/19:*

Recalling decision VIII/19,

Acknowledging the valuable contribution of the Technology and Economic Assessment Panel, the technical options committees and temporary subsidiary bodies in their role of providing analysis and presenting technical information to the Montreal Protocol,

Noting the code of conduct for the members of the Technology and Economic Assessment Panel, technical options committees and temporary subsidiary bodies adopted in annex V[12] to the report of the Eighth Meeting of the Parties,

Recognizing the need to update paragraphs 5 and 6 of the code of conduct,

12 The terms of reference contained in annex V to the Eighth Meeting of the Parties have been replaced. For the current terms of reference see section 3.3 of this Handbook.

1. To replace paragraphs 5 and 6 of the code of conduct [see section 3.4 of this Handbook] with the following paragraphs:

"5. The Technology and Economic Assessment Panel, the technical options committee and the temporary subsidiary body members shall disclose activities, including business, government or financial interests in the production of ozone-depleting substances, their alternatives, and products containing ozone depleting substances or their alternatives, which might call into question their ability to discharge their duties and responsibilities objectively. The Technology and Economic Assessment Panel, technical options committee and temporary subsidiary body members must annually disclose such activities. They must also disclose any financing from a company engaged in commercial activities for their participation in the Technology and Economic Assessment Panel, the technical options committees or any temporary subsidiary body. An illustrative list of interests is provided in the annex to the present code of conduct.

A conflict of interest would only arise when an interest of a Technology and Economic Assessment Panel, a technical options committee, or a temporary subsidiary body member, his or her personal partner or dependant would influence the expert's work as a member with respect to the subject matter being considered.

Should there be a likelihood of a conflict of interest, a member shall take appropriate action. Such action could include seeking the advice of the co-chair or not fully participating in the determination of an issue or not participating at all in the determination of an issue.

The co-chair(s) shall seek to avoid conflicts of interest. This could include requesting a member to take appropriate action, such as requesting a member to take no role or a restricted role in the determination of an item. In the case of a serious conflict of interest, where a member has been nominated by a party, that party shall be advised by the co-chair(s) of the conflict at the earliest opportunity. Cases of conflicts or likely conflicts of interest relating to the co-chairs should be raised with the President of the Meeting of the Parties.

6. The Technology and Economic Assessment Panel is responsible for the interpretation of the code of conduct and the members of the Technology and Economic Assessment Panel, technical options committees and temporary subsidiary bodies for its application. The Technology and Economic Assessment Panel shall publish in annual reports descriptions of the financial and other relevant interests. As well, such reports shall include a brief description of conflicts or likely conflicts that arose in the year, the matter they were related to, whether any parties were involved and how they were resolved.

Annex

The following is an illustrative list of the types of interests that should be disclosed:

(a) A current proprietary interest of a member or his/her personal partner or dependant in a substance, technology or process (e.g., ownership of a patent) to be considered by the Technology and Economic Assessment Panel or any of its technical options committees or temporary subsidiary bodies;

(b) A current financial interest of a member or his/her personal partner or dependant, e.g., shares or bonds in an entity with an interest in the subject matter of the meeting or work (but not shareholdings through general mutual funds or similar arrangements where the expert has no control over the selection of shares);

(c) A current employment, consultancy, directorship, or other position held by a member or his/her personal partner or dependant, whether or not paid, in any entity which has an interest in the subject matter of the Technology and Economic Assessment Panel. This element of disclosure also includes paid consultancy efforts performed on behalf of an implementing agency to assist developing countries to adopt alternatives;

(d) The provision of advice on significant issues to a government with respect to its implementation of the Montreal Protocol or engaging in the development of significant policy positions of a government for a Montreal Protocol meeting;

(e) Performance of any paid research activities or receipt of any fellowships or grants for work related to a proposed use of an ozone-depleting substance or an alternative to a proposed use of an ozone-depleting substance."

Decision XIX/20: Terms of reference for the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel

The *Nineteenth Meeting of the Parties* decided in *decision XIX/20*:

1. To note with appreciation the excellent and highly useful work conducted by the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel and their colleagues worldwide in preparing their 2006 assessment reports, including the 2007 synthesis report;

2. To request the three assessment panels to update their 2006 reports in 2010 and submit them to the Secretariat by 31 December 2010 for consideration by the Open-ended Working Group and by the Twenty-Third Meeting of the Parties to the Montreal Protocol in 2011;

3. To request the assessment panels to keep the parties to the Montreal Protocol informed of any important new developments;

4. That for the 2010 report the Scientific Assessment Panel should consider issues including:

   (a) Assessment of the state of the ozone layer and its future evolution;

   (b) Evaluation of the Antarctic ozone hole and Arctic ozone depletion and the predicted changes in these phenomena;

   (c) Evaluation of the trends in the concentration of ozone-depleting substances in the atmosphere and their consistency with reported production and consumption of ozone-depleting substances and the likely implications for the state of the ozone layer;

   (d) Assessment of the interaction between climate change and changes on the ozone-layer;

   (e) Assessment of the interaction between tropospheric and stratospheric ozone,

   (f) Description and interpretation of the observed changes in global and polar ozone and in ultraviolet radiation, as well as future projections and scenarios for those variables, taking into account among other things the expected impacts of climate change;

   (g) Assessment of consistent approaches to evaluating the impact of very short-lived substances, including potential replacements, on the ozone layer;

   (h) Identification and reporting, as appropriate, on any other threats to the ozone layer;

5. That the Environmental Effects Assessment Panel should consider the following issues for future updates and the 2010 report:

   (a) Continued identification of the environmental impacts of ozone depletion and the environmental impacts of the interaction of ozone depletion and climate change for all areas that are assessed;

   (b) Assessment of the effects on human health from stratospheric ozone depletion;

   (c) Assessment of the impact of increased UV-B radiation on terrestrial and aquatic ecosystems and their interactions with each other and biogeochemical cycles;

   (d) Impact of stratospheric ozone depletion on the troposphere and its implications for the environment;

   (e) Assessment of the significance of UV-B radiation on materials;

6. That the Technology and Economic Assessment Panel should, among other matters, consider the following topics:

   (a) The impact of the phase-out of ozone-depleting substances on sustainable development, particularly in parties operating under paragraph 1 of Article 5 and countries with economies in transition;

   (b) Technical progress in all sectors;

   (c) Technically and economically feasible choices for the reduction and elimination of ozone-depleting substances through the use of alternatives, taking into account their impact on climate change and overall environmental performance;

   (d) Technical progress on the recovery, reuse and destruction of ozone-depleting substances;

   (e) Accounting for the production and use in various applications of ozone-depleting substances, ozone-depleting substances in inventories, ozone-depleting substances in products and the production and use in various applications of very short-lived substances;

   (f) Accounting of emissions of all relevant ozone-depleting substances with a view to updating continuously use patterns and coordinating such data with the Scientific Assessment Panel in order periodically to reconcile estimated emissions and atmospheric concentrations.

Decision XXII/22: Membership changes on the assessment panels

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/22*:

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.

[The remainder of this decision is located below under "Decisions on appointment of co-chairs of assessment panels".]

Decision XXIII/10: Updating the nomination and operational processes of the Technology and Economic Assessment Panel and its subsidiary bodies

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/10*:

Recalling the terms of reference for the Technology and Economic Assessment Panel set forth in decision VIII/19 and amended by decision XVIII/19,

Recalling also decision VII/34 on the organization and functioning of the Technology and Economic Assessment Panel and specifically on efforts to increase the participation of experts from parties operating under paragraph 1 of Article 5 (Article 5 parties) and to improve geographical expertise and balance,

Recalling in particular section 2.1 of the terms of reference of the Technology and Economic Assessment Panel on the size and balance of the Panel, and the need to promote a membership that balances geography and expertise, including the overall goal of achieving a representation of about 50 per cent for experts from Article 5 parties in the Panel and its technical options committees,

Recognizing the need for the process and criteria for the appointment of experts to the Panel to be transparent and equitable,

Recalling sections 2.2 and 2.3 of the terms of reference of the Technology and Economic Assessment Panel, on nominations to the Panel and appointment of members to the Panel, and specifically the provision that any nominations made by the Panel are to be communicated to the relevant party for consultation before recommendations for appointment are made,

Recognizing the need for parties to receive from the Panel advice of the highest quality and to ensure that changes to the nomination process do not have an adverse effect on the expertise of the Panel or the quality of its advice,

Taking note of the information provided by the Panel in its 2011 progress report, in particular in response to decision XXII/22,

1. To request the Panel to compose its technical options committees and its temporary subsidiary bodies to reflect a balance of appropriate expertise so that their reports and information are comprehensive, objective, and policy neutral and to provide a description in reports by temporary subsidiary bodies on how their composition was determined;

2. To request the Panel to update its matrix of needed capabilities calling for expertise on the Panel, its technical options committees and its temporary subsidiary bodies twice a year and to publish the matrix on the Secretariat website and in the Panel's annual progress reports; this matrix should include the need for geographic and expertise balance;

3. Also to request the Panel to ensure that the information in the matrix is clear and sufficient to allow a full understanding of needed expertise and that information on the nomination process, the selection process, the Panel's terms of reference and the operation of the Panel and its subsidiary bodies is published on the Secretariat website in an easily accessible format;

4. Further to request the Panel to standardize the information required from potential experts for all nominations to the Panel, its technical options committees and its temporary subsidiary bodies in line with section 9.5.4 of the 2011 progress report, and to

prepare a draft nomination form for consideration by the Open-ended Working Group at its thirty-second meeting;

5. To request the Panel to ensure that all nominations for appointments to the Panel, including co-chairs of the technical options committee, are agreed to by the national focal points of the relevant party;

6. To request the Panel to ensure that all nominations to its technical options committees and its temporary subsidiary bodies have been made in full consultation with the national focal points of the relevant party;

7. That all appointments to the Panel, and its technical options committees, including those of co-chairs, should be for a period of no more than four years;

8. That members of the Panel or of the technical options committee may be re-nominated for additional periods of up to four years each;

9. That the terms of all the members of the Panel and its technical options committees shall otherwise expire at the end of 2013 and 2014, respectively, in the absence of reappointment by the parties prior to that time, except for those experts that have already been nominated for four-year periods in past decisions;

10. That parties may revisit the status of the Panel and its technical options committee membership at the Twenty-Fifth and Twenty-Sixth Meetings of the Parties respectively if more time is needed by the parties to submit nominations;

11. To invite the parties having co-chairs and members currently serving on the Panel and its technical options committees to submit re-nominations for those experts in line with paragraphs 7, 8 and 9 of the present decision for consideration at the Twenty-Fifth and Twenty-Sixth Meetings of the Parties respectively;

12. That a decision of the parties is required to confirm any re-appointment to the Panel;

13. That a decision of the parties is required to confirm any temporary subsidiary body that exists for a period of more than one year;

14. That the parties should confirm, every four years, beginning in 2012, the list of technical options committees needed to meet the parties' requirements;

15. That the Ozone Secretariat should attend the meetings of the Panel whenever possible and appropriate to provide ongoing institutional advice on administrative issues when necessary;

16. To request the Panel to ensure that all new technical options committee members are properly informed of the Panel's terms of reference, its code of conduct contained in the Panel's terms of reference, relevant decisions of the parties and Panel operational procedures and are requested to abide by that guidance;

17. To request the Panel to revise its draft guidelines on recusal, taking into account similar guidelines in other multilateral forums, and provide them to the Open-ended Working Group at its thirty-second meeting for consideration by the parties;

18. To request the Panel to prepare guidelines, for the appointment of the Co-Chairs of the Panel and to provide them to Open-ended Working Group at its thirty-second meeting for consideration by the parties;

19. To request the Panel to consider the number of members of each of its subsidiary bodies to ensure that their membership is consistent with each of the subsidiary bodies'

workload and to propose revision to their numbers to the Open-ended Working Group at its thirty-second meeting for the consideration of the parties, taking into account the need for geographical balance in accordance with decision VII/34;

20. To request the Panel to update its terms of reference in accordance with this decision and submit it to the Open-ended Working Group at its thirty-second meeting for consideration by the parties;

21. To request the Technology and Economic Assessment Panel not to apply the guidelines mentioned in paragraphs 17 and 18 until they are approved by the parties.

Decision XXIII/13: Potential areas of focus for the 2014 quadrennial reports of the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/13*:

1. To note with appreciation the excellent and highly useful work of the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel and their colleagues worldwide in preparing their 2010 assessment reports, including the 2011 synthesis report;

2. To request the three assessment panels to update their 2010 reports in 2014 and submit them to the Secretariat by 31 December 2014 for consideration by the Open-ended Working Group and by the Twenty-Seventh Meeting of the Parties in 2015;

3. That for its 2014 report, the Environmental Effects Assessment Panel should consider the most recent scientific information regarding effects on human health and the environment of changes in the ozone layer and in ultraviolet radiation, including:

   (a) Effects of ultraviolet radiation reaching the biosphere and how those effects relate to physical, biological and environmental processes;

   (b) Adverse effects of ultraviolet radiation on human health, including cancers, eye damage, infectious and other diseases and the beneficial effects of ultraviolet radiation;

   (c) Effects on the biodiversity and functioning of ecosystems, including the delivery of ecosystem services such as food production;

   (d) Effects of ultraviolet radiation on materials, including materials used in building construction;

   (e) Risks to human health and the environment from substances that affect the ozone layer;

4. That the 2014 report of the Scientific Assessment Panel should include:

   (a) Assessment of the state of the ozone layer and its future evolution, including in respect of atmospheric changes from, for example, sudden stratospheric warming or accelerated Brewer-Dobson circulation;

   (b) Evaluation of the Antarctic ozone hole and Arctic winter/spring ozone depletion and the predicted changes in these phenomena, with a particular focus on temperatures in the polar stratosphere;

   (c) Evaluation of trends in the concentration in the atmosphere of ozone-depleting substances and their consistency with reported production and consumption of

those substances and the likely implications for the state of the ozone layer and the atmosphere;

(d) Assessment of the interaction between the ozone layer and the atmosphere; including:
(i) The effect of polar ozone depletion on tropospheric climate;
(ii) The effects of atmosphere-ocean coupling;

(e) Description and interpretation of observed ozone changes and ultraviolet radiation, along with future projections and scenarios for those variables, taking into account among other things the expected impacts to the atmosphere;

(f) Assessment of the effects of ozone-depleting substances and other ozone-relevant substances, if any, with stratospheric influences, and their degradation products, the identification of such substances, their ozone-depletion potential and other properties;

(g) Identification of any other threats to the ozone layer;

5. That in its 2014 report the Technology and Economic Assessment Panel should consider the following topics:

(a) Technical progress in all consumption sectors and destruction of ozone-depleting substances;

(b) Accounting for production and consumption for the various applications of ozone-depleting substances;

(c) Technically and economically feasible alternatives to ozone-depleting substances, in consumption sectors taking into account their overall performance;

(d) Status of banks containing ozone-depleting substances, including those maintained for essential and critical uses, and the options available for handling them;

(e) Challenges facing parties operating under paragraph 1 of Article 5 of the Montreal Protocol in phasing out remaining ozone-depleting substances such as methyl bromide and maintaining the phase-outs already achieved.

Decision XXIV/8: Terms of reference, code of conduct and disclosure and conflict of interest guidelines for the Technology and Economic Assessment Panel and its technical options committees and temporary subsidiary bodies

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/8*:

Taking note of paragraph 17 of decision XXIII/10, in which the parties requested the Technology and Economic Assessment Panel to revise its draft guidelines on recusal, taking into account similar guidelines in other multilateral forums, and provide them to the Open-ended Working Group for consideration at its thirty-second meeting,

Taking note also of the terms of reference of the Panel as set out in annex V of the report of the Eighth Meeting of the Parties, as amended by decision XVIII/19,

Taking note further of decision XXIII/10, in which the parties requested the Technology and Economic Assessment Panel to propose an update to its terms of reference,

Recalling decision VII/34 on the organization and functioning of the Panel and specifically on efforts to increase the participation of experts from parties operating under paragraph 1 of Article 5 in order to improve geographical expertise and balance,

Noting that the Intergovernmental Panel on Climate Change has established a conflict of interest committee and the Stockholm Convention on Persistent Organic Pollutants Review Committee has adopted a procedure for dealing with conflicts of interest,

Bearing in mind that the role of the Panel, its technical options committees and its temporary subsidiary bodies makes it essential to avoid even the appearance of any conflict between individual members' interests and their duties as Panel members,

Bearing in mind also that it is in the interest of the Panel, its technical options committees and its temporary subsidiary bodies to maintain public confidence in its integrity by adhering closely to its terms of reference,

1. To request the Technology and Economic Assessment Panel to make recommendations on the future configuration of its technical options committees to the Open-ended Working Group at its thirty-third meeting, bearing in mind anticipated workloads;

2. To approve the terms of reference and the conflict of interest and disclosure policy for the Technology and Economic Assessment Panel, its technical options committees and any temporary subsidiary bodies set up by those bodies set out in the annex[13] to the present decision in place of the terms of reference set out in annex V to the report of the Eighth Meeting of the Parties, as amended;

3. To request that the Technology and Economic Assessment Panel and its technical options committees make available to the parties their standard operating procedures.

Decision XXV/6: Operation and organization of the Technology and Economic Assessment Panel

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/6*:

Taking note of decision XXIV/8, which updated the terms of reference for the Technology and Economic Assessment Panel,

Taking note also of the information provided by the Technology and Economic Assessment Panel in volume 3 of its 2013 progress report,

Recognizing that the Technology and Economic Assessment Panel has commenced implementation of its revised terms of reference as approved by the parties in decision XXIV/8,

Recognizing also the need to consider adjustments to the technical options committees so as to reflect evolving workloads, the need for relevant expertise, and the requirements of the parties,

1. To encourage the Technology and Economic Assessment Panel to continue its implementation of the revised terms of reference as approved by the parties in decision XXIV/8;

2. To request the Technology and Economic Assessment Panel to provide the following information in its 2014 progress report:

   (a) An update on its processes for the nomination of members to its technical options committees, taking into account section 2.2.2 of its terms of reference;

13 See section 3.3 of this Handbook.

(b) Its proposed configuration of the technical options committees from 1 January 2015 (for example, the combination or division of the existing technical options committees, or maintaining the status quo thereof);

(c) Options, if considered appropriate, to streamline the Panel's annual technology updates to the parties.

Decision XXVII/6: Potential areas of focus for the 2018 quadrennial reports of the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/6*:

1. To note with appreciation the excellent and highly useful work conducted by the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel in preparing their 2014 quadrennial assessment reports, including the 2015 synthesis report;

2. To request the three assessment panels to prepare quadrennial assessment reports in 2018, to submit them to the Secretariat by 31 December 2018 for consideration by the Open-ended Working Group and by the Thirty-First Meeting of the Parties to the Montreal Protocol in 2019 and to present a synthesis report by 30 April 2019, noting that the panels should continue to exchange information, including on all sectors, on alternatives and on the issue of high-ambient temperatures, during the process of developing their respective reports in order to provide comprehensive information to the parties to the Montreal Protocol;

3. To encourage the assessment panels to more closely involve relevant scientists from parties operating under paragraph 1 of Article 5 with a view to promoting gender and regional balance, to the best of its ability, in the work of producing the reports;

4. To encourage the assessment panels to use defined, consistent units and consistent terminology throughout for better comparability;

5. To request the assessment panels to bring to the notice of the parties any significant developments which, in their opinion, deserve such notice, in accordance with decision IV/13;

6. To request the Environmental Effects Assessment Panel, in drafting its 2018 report, to consider the most recent scientific information regarding the effects on human health and the environment of changes in the ozone layer and in ultraviolet radiation, together with future projections and scenarios for those variables, taking into account those factors stipulated in Article 3 of the Vienna Convention for the Protection of the Ozone Layer;

7. To request the Scientific Assessment Panel to undertake, in its 2018 report, a review of the scientific knowledge as dictated by the needs of the parties to the Montreal Protocol, as called for in the terms of reference for the panels, taking into account those factors stipulated in Article 3 of the Vienna Convention, including estimates of the levels of ozone-layer depletion attributed to the remaining potential emissions of ozone-depleting substances and an assessment of the level of global emissions of ozone-depleting substances below which the depletion of the ozone layer could be comparable to various other factors such as the natural variability of global ozone, its secular trend over a decadal timescale and the 1980 benchmark level;

8. To request the Technology and Economic Assessment Panel, in its 2018 report, to consider the following topics, among others:

   (a) The impact of the phase-out of ozone-depleting substances on sustainable development;

   (b) Technical progress in the production and consumption sectors in the transition to alternatives and practices that eliminate or minimize emissions to the atmosphere of ozone-depleting substances, taking into account those factors stipulated in Article 3 of the Vienna Convention;

   (c) Technically and economically feasible choices for the reduction and elimination of ozone-depleting substances in all relevant sectors, including through the use of alternatives, taking into account their performance, and technically and economically feasible alternatives to ozone-depleting substances in consumption sectors, taking into account their overall performance;

   (d) The status of banks containing ozone-depleting substances and their alternatives, including those maintained for essential and critical uses, and the options available for handling them;

   (e) Accounting for production and consumption for various applications and relevant sources of ozone-depleting substances and their alternatives.

Decision XXVII/17: Ensuring the continuation of the work of the Technology and Economic Assessment Panel, its technical options committees, the Scientific Assessment Panel and the Environmental Effects Assessment Panel

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/17*:

Noting with appreciation the excellent work conducted by the assessment panels at the request of the parties,

Noting the concerns expressed by the Technology and Economic Assessment Panel in the September 2015 addendum to its June 2015 progress report in relation to funding issues for some experts from parties not operating under paragraph 1 of Article 5,

Recalling that the members of the assessment panels and their subsidiary bodies provide their expertise and work on a voluntary basis,

Recalling also decision XVIII/5, in which the Meeting of the Parties encouraged parties, non-parties and other stakeholders to contribute financially and with other means to assist members of the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol,

Recalling further that nominations of experts to the Technology and Economic Assessment Panel and its technical options committees are made in accordance with the terms of reference of the Technology and Economic Assessment Panel,

Noting the existence of the means to receive voluntary contributions, separate from the trust funds for the Montreal Protocol on Substances that Deplete the Ozone Layer and the Vienna Convention for the Protection of the Ozone Layer but managed by the Ozone Secretariat, for providing financial support for activities additional to those covered by the Vienna Convention and the Montreal Protocol trust funds;

1. To maintain the current financial support available for members of the assessment panels and their subsidiary bodies from parties operating under paragraph 1 of Article 5;
2. To request parties not operating under paragraph 1 of Article 5 that nominate experts to the assessment panels and their subsidiary bodies through their national focal points to obtain assurances or otherwise be satisfied that the nominated experts will be able to carry out their duties, including attendance at relevant meetings;
3. To invite parties to make voluntary contributions for the purpose of providing financial support, where necessary, to members of the assessment panels and their subsidiary bodies from parties not operating under paragraph 1 of Article 5 in order to support their attendance at relevant meetings;
4. That the provision of the support referred to in the preceding paragraph does not detract from the responsibility of a nominating party not operating under paragraph 1 of Article 5 to obtain assurances or otherwise be satisfied that experts that they nominate have sufficient support to carry out their duties, including attendance at relevant meetings;
5. To request the Ozone Secretariat to reinstitute administrative and organizational support for the work of the Technology and Economic Assessment Panel in order to reduce the administrative burden on assessment panel members where possible.

Decisions on appointment of co-chairs of assessment panels

Decision XVII/45: Endorsement of new co-chairs of the technical options committees of the Technology and Economic Assessment Panel

The *Seventeenth Meeting of the Parties* decided in *decision XVII/45:*

1. To endorse the following new co-chairs of the Technical Options Committees:
   (a) Halon Technical Options Committee: David Catchpole and Dan Verdonik;
   (b) Methyl Bromide Technical Options Committee: Michelle Marcotte, Ian Porter, Mohamed Besri and Marta Pizano;
   (c) Chemicals Technical Options Committee: Ian Rae and Masaaki Yamabe;
2. To thank the following Co-Chairs who are stepping down from their positions, for their outstanding efforts on behalf of the Montreal Protocol:
   (a) Jonathan Banks (Methyl Bromide Technical Options Committee);
   (b) Nahum Marban-Mendoza (Methyl Bromide Technical Options Committee).

Decision XVIII/4: Co-Chair of the Chemicals Technical Options Committee

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/4* to confirm Mr. Biao Jiang (China) as Co-Chair of the Chemicals Technical Options Committee.

Decision XIX/29: Selection of new Co-Chairs of the Scientific Assessment Panel

The *Nineteenth Meeting of the Parties* decided in *decision XIX/29*:

1. To thank the following Co-Chairs who served as Co-Chairs of the Scientific Assessment Panel since its inception for their long and outstanding efforts on behalf of the Montreal Protocol:

(a) Mr. Daniel Albritton (United States of America);

(b) Mr. Robert Watson (United States of America);

2. To express sadness at the passing of Dr. Gérard Mégie (France) and admiration for his work as Co-Chair of the Scientific Assessment Panel, in which capacity he guided the preparation of the Panel's 1998 and 2002 assessment reports;

3. To select the following new Co-Chairs of the Scientific Assessment Panel:

(a) Mr. John Pyle (United Kingdom of Great Britain and Northern Ireland);

(b) Mr. Paul Newman (United States of America);

(c) Mr. A. R. Ravishankara (United States of America).

Decision XX/24: Endorsement of new Co-Chair of the Halons Technical Options Committee of the Technology and Economic Assessment Panel

The *Twentieth Meeting of the Parties* decided in *decision XX/24* to endorse the selection of Mr. Sergey Kopylov (Russian Federation) as the new Co-Chair of the Halons Technical Options Committee.

Decision XXI/13: Endorsement of the new Co-Chair of the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee of the Technology and Economic Assessment Panel

The *Twenty-First Meeting of the Parties* decided in *decision XXI/13* to endorse the selection of Mr. Roberto Peixoto (Brazil) as the new Co-Chair of the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee.

Decision XXII/22: Membership changes on the assessment panels

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/22*:

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. 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.

[The remainder of this decision is located above under "Decisions on establishment and organisation of assessment panels".]

Decision XXIII/21: Endorsement of a new Co-Chair of the Chemicals Technical Options Committee and a senior expert of the Technology and Economic Assessment Panel

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/21*:

1. To thank Mr. Masaaki Yamabe (Japan) for his long and outstanding efforts on behalf of the Montreal Protocol on Substances that Deplete the Ozone Layer as Co-Chair of the Chemicals Technical Options Committee;

2. To endorse Mr. Yamabe (Japan) 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;

3. To endorse Mr. Keiichi Ohnishi (Japan), a member of the Chemicals Technical Options Committee, as a new Co-Chair of the Chemicals Technical Options Committee 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.

Decision XXIV/19: Membership changes on the Technology and Economic Assessment Panel

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/19*:

1. To thank the Technology and Assessment Panel for its outstanding reports and to thank the individual members of the panel for their outstanding service and dedication;

2. To thank Mr. Stephen O. Andersen for his long and outstanding service as Co-Chair of the Technology and Economic Assessment Panel as he transitions to a role as a Senior Expert of the Panel;

3. To endorse the selection of Mr. Andersen as a Senior Expert of the Technology and Economic Assessment Panel for a term of one year in accordance with section 2.3 of the terms of reference of the Panel;

4. To endorse the selection of Ms. Bella Maranion as Co-Chair of the Technology and Economic Assessment Panel for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

5. To endorse the reappointment of Mr. Lambert J. M. Kuijpers as Co-Chair of the Technology and Economic Assessment Panel and Co-Chair of the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee for a term of two years in accordance with section 2.3 of the terms of reference of the Panel;

6. To endorse the reappointment of Mr. Daniel P. Verdonik to the Technology and Economic Assessment Panel as Co-Chair of the Halons Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

7. To endorse the reappointment of Mr. Ashley Woodcock to the Technology and Economic Assessment Panel as Co-Chair of the Medical Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

8. To endorse the reappointment of Mr. David Catchpole to the Technology and Economic Assessment Panel as Co-Chair of the Halons Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

9. To endorse the reappointment of Mr. Paul Ashford to the Technology and Economic Assessment Panel as Co-Chair of the Flexible and Rigid Foams Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel.

Decision XXIV/20: Endorsement of the new Co-Chair of the Environmental Effects Assessment Panel

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/20*:

1. To thank Ms. Tang Xiaoyan (China), who served as Co-Chair of the Environmental Effects Assessment Panel, for her long and outstanding service on behalf of the Montreal Protocol;

2. To endorse the selection of Mr. Shao Min (China) as the new Co-Chair of the Environmental Effects Assessment Panel.

Decision XXV/7: Changes in the membership of the Technology and Economic Assessment Panel

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/7*:

1. To endorse the reappointment of:

   (a) Ms. Helen Tope (Australia) to the Technology and Economic Assessment Panel as Co-Chair of the Medical Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

   (b) Mr. Ian Porter (Australia) to the Technology and Economic Assessment Panel as Co-Chair of the Methyl Bromide Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

   (c) Mr. Roberto Peixoto (Brazil) to the Technology and Economic Assessment Panel as Co-Chair of the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

   (d) Ms. Marta Pizano (Colombia) to the Technology and Economic Assessment Panel as Co-Chair of the Methyl Bromide Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

   (e) Mr. Miguel Wenceslao Quintero (Colombia) to the Technology and Economic Assessment Panel as Co-Chair of the Flexible and Rigid Foams Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

   (f) Mr. Mohamed Besri (Morocco) to the Technology and Economic Assessment Panel as Co-Chair of the Methyl Bromide Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

   (g) Mr. Sergey Kopylov (Russian Federation) to the Technology and Economic Assessment Panel as Co-Chair of the Halons Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

   (h) Mr. José Pons Pons (Bolivarian Republic of Venezuela) to the Technology and Economic Assessment Panel as Co-Chair of the Medical Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

(i) Ms. Shiqiu Zhang (China) to the Technology and Economic Assessment Panel as a senior expert member for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

2. To appoint:

(a) Mr. Jianjun Zhang (China) to the Technology and Economic Assessment Panel as Co-Chair of the Chemicals Technical Options Committee for a term of four years in accordance with section 2.3 of the terms of reference of the Panel;

(b) Mr. Marco González (Costa Rica) to the Technology and Economic Assessment Panel as a senior expert member for a term of two years in accordance with section 2.3 of the terms of reference of the Panel.

Decision XXVI/17: Membership changes in the Technology and Economic Assessment Panel

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/17*:

1. To thank Mr. Lambert J. M. Kuijpers (Netherlands) for his long and outstanding service as Co-Chair of the Technology and Economic Assessment Panel;

2. To endorse the reappointment of Mr. Kuijpers as a Co-Chair of the Refrigeration, Air Conditioning and Heat Pumps Technology Options Committee for a transitional term of one year and to endorse the appointment of Mr. Kuijpers as a Senior Expert of the Technology and Economic Assessment Panel for a subsequent period of one year in accordance with paragraph 2.3 of the terms of reference of the Panel;

3. To endorse the appointment of Mr. Ashley Woodcock (United Kingdom of Great Britain and Northern Ireland) as Co-Chair of the Technology and Economic Assessment Panel for a term of four years in accordance with paragraph 2.3 of the terms of reference of the Panel;

4. To endorse the re-appointment of Ms. Marta Pizano (Colombia) as Co-Chair of the Technology and Economic Assessment Panel for a term of four years in accordance with paragraph 2.3 of the terms of reference of the Panel;

5. To endorse the appointment of Mr. Fabio Polonara (Italy) to the Technology and Economic Assessment Panel and as a new Co-Chair of the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee for a term of four years in accordance with paragraph 2.3 of the terms of reference of the Panel.

Decision XXVII/15: Changes in the membership of the Scientific Assessment Panel

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/15*:

1. To thank the following scientific experts who have served as Co-Chairs of the Scientific Assessment Panel for their long and outstanding efforts on behalf of the Montreal Protocol:

(a) Mr. Ayite-Lo Ajavon (Togo);

(b) Mr. A.R. Ravishankara (United States of America);

2. To endorse the appointment of the following new Co-Chairs of the Scientific Assessment Panel:

(a) Mr. Bonfils Safari (Rwanda);

(b) Mr. David Fahey (United States of America).

Decision XXVII/16: Technology and Economic Assessment Panel organizational and membership changes

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/16*:

1. To thank the Technology and Economic Assessment Panel for its outstanding reports and to thank the individual members of the Panel for their outstanding service and dedication;

2. To thank Mr. Masaaki Yamabe (Japan) for his long and outstanding efforts on behalf of the Montreal Protocol on Substances that Deplete the Ozone Layer as Senior Expert of the Technology and Economic Assessment Panel;

3. To endorse the appointment of Mr. Marco Gonzalez (Costa Rica) and Ms. Suely Carvalho (Brazil) as Senior Experts for a two-year and a four-year term, respectively;

4. To thank Mr. Lambert Kuijpers (the Netherlands) for his long and outstanding efforts on behalf of the Montreal Protocol as Co-Chair of the Refrigeration, Air-Conditioning and Heat Pumps Technical Options Committee;

5. To thank Mr. Paul Ashford (United Kingdom of Great Britain and Northern Ireland) and Mr. Miguel Quintero (Colombia) for their long and outstanding efforts on behalf of the Montreal Protocol as Co-Chairs of the Flexible and Rigid Foams Technical Options Committee;

6. To thank Mr. Ashley Woodcock (United Kingdom) and Mr. Jose Pons Pons (Bolivarian Republic of Venezuela) for their long and outstanding efforts on behalf of the Montreal Protocol as Co-Chairs of the Medical Technical Options Committee;

7. To encourage the outgoing co-chairs of the relevant technical options committees to provide support to the new co-chairs to ensure a smooth transition;

8. To disband the Chemicals Technical Options Committee and the Medical Technical Options Committee and to establish a new technical options committee to be called the Medical and Chemicals Technical Options Committee;

9. To endorse the appointment of Ms. Helen Tope (Australia) as Co-Chair of the Medical and Chemicals Technical Options Committee for a term of two years;

10. To endorse the appointment of Mr. Keiichi Ohnishi (Japan) and Mr. Jianjun Zhang (China) as Co-Chairs of the Medical and Chemicals Technical Options Committee for a term of four years.

Decision XXVIII/12: Membership of the Technology and Economic Assessment Panel

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/12*:

1. To thank the Technology and Economic Assessment Panel for its outstanding reports and to thank the individual members of the Panel for their outstanding service and dedication;

2. To endorse the appointment of Mr. Rajendra Shende (India) as Senior Expert of the Technology and Economic Assessment Panel for a term of four years;

3. To endorse the appointment of Ms. Bella Maranion (United States of America) as Co-Chair of the Technology and Economic Assessment Panel for an additional four-year term;

4. To endorse the appointment of Mr. Paulo Altoé (Brazil) as Co-Chair of the Flexible and Rigid Foams Technical Options Committee for a term of four years;

5. To endorse the appointment of Mr. Daniel P. Verdonik (United States) as Co-Chair of the Halons Technical Options Committee for a term of four years;

6. To endorse the appointment of Mr. Adam Chattaway (United Kingdom of Great Britain and Northern Ireland) as Co-Chair of the Halons Technical Options Committee for a term of four years;

Decision XXIX/20: Membership of the Technology and Economic Assessment Panel

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/20*:

Recalling that the terms of reference for the Technology and Economic Assessment Panel established in decision XXIV/8 provide for a limited number of senior experts for specific expertise not covered by the Panel's co-chairs or technical options committee co-chairs;

1. To thank the Technology and Economic Assessment Panel for its outstanding reports, and also to thank the individual members of the Panel for their outstanding service and dedication;

2. Also to thank Mohamed Besri (Morocco) for his long and outstanding efforts on behalf of the Montreal Protocol on Substances that Deplete the Ozone Layer as Co-Chair of the Methyl Bromide Technical Options Committee;

3. Further to thank Ashley Woodcock (United Kingdom of Great Britain and Northern Ireland) for his outstanding efforts on behalf of the Montreal Protocol as interim Co-Chair of the Flexible and Rigid Foams Technical Options Committee;

4. To endorse the appointment of Ian Porter (Australia) and Marta Pizano (Colombia) as Co-Chairs of the Methyl Bromide Technical Options Committee for an additional term of four years;

5. Also to endorse the appointment of Helen Tope (Australia) as Co-Chair of the Medical and Chemicals Technical Options Committee for an additional term of four years;

6. Further to endorse the appointment of Roberto Peixoto (Brazil) as Co-Chair of the Refrigeration, Air-Conditioning and Heat Pumps Technical Options Committee for an additional term of four years;

7. To endorse the appointment of Sergey Kopylov (Russian Federation) as Co-Chair of the Halons Technical Options Committee for an additional term of four years;

8. Also to endorse the appointment of Helen Walter-Terrinoni (United States of America) as Co-Chair of the Flexible and Rigid Foams Technical Options Committee for a term of four years;

9. Further to endorse the appointment of Sidi Menad Si Ahmed (Algeria) as Senior Expert of the Technology and Economic Assessment Panel for a term of one year;

10. To endorse the appointment of Shiqiu Zhang (China) as Senior Expert of the Panel for a term of one year;

11. Also to endorse the appointment of Marco González (Costa Rica) as Senior Expert of the Panel for a term of one year;

12. Further to endorse the appointment of Mohamed Besri (Morocco) as Senior Expert of the Panel for a term of one year;

13. To encourage parties to consult one another on potential nominations of senior experts and to refer to the matrix of expertise needed prior to making nominations for appointments of senior experts to the Panel;

14. To request the Secretariat to add to the agenda for the fortieth meeting of the Open-ended Working Group consideration of senior expert nominations from parties;

Article 7: Reporting of data

Decisions on data-reporting formats and methodologies

Decision I/11: Report and confidentiality of data

The *First Meeting of the Parties* decided in *decision I/11* with regard to report and confidentiality of data:

(a) That each party is required to report its annual production, imports and exports of each individual controlled substance;

(b) That parties submitting data on controlled substances deemed to be confidential by that party shall, in submitting the data to the Secretariat, require a guarantee that the data will be treated with professional secrecy and maintained confidential;

(c) That the Secretariat in preparing reports on data of controlled substances shall aggregate the data from several parties in such a way as to ensure that data from parties deemed to be confidential is not disclosed. The Secretariat shall also publish total data aggregated over all parties for each individual controlled substance;

(d) That parties wishing to exercise their rights under Article 12, paragraph b of the Protocol may have access from the Secretariat to confidential data from other parties, provided that they send an application in writing guaranteeing that such data will be treated with professional secrecy and not disclosed or published in any way;

(e) That data submitted under Article 7 shall when necessary be made available on a confidential basis to resolve disputes under Article 11 of the Convention.

Decision II/9: Data reporting

The *Second Meeting of the Parties* decided in *decision II/9*:

To establish an ad hoc group of experts to consider the reasons leading to the difficulties faced by some countries in reporting data as required by Article 7 of the Protocol and to recommend possible solutions to the parties concerned and to report on its progress to the Third Meeting of the Parties; and

To confirm that any data on consumption of the controlled substances that are submitted to the Secretariat as required by Article 7 of the Protocol are not to be confidential.

Decision III/3: Implementation Committee

The *Third Meeting of the Parties* decided in *decision III/3:*

(a) To note the progress made by the Implementation Committee and to urge strongly that the parties that have not yet done so should submit without delay the data required by the Montreal Protocol;

(b) That those States, not forming part of a regional economic integration organization, which had reported data jointly in the past should submit separate data in the future, and do so, if appropriate, in the context of decision III/7(a);

(c) That the period for data reporting is 1 January to 31 December (Article 7, paragraph 2) and that the control period is 1 July to 30 June (Article 2, paragraph 1) and to request the parties to report the data for both periods;

[The remainder of this decision is located under Article 8.]

Decision III/7: Data reporting

The *Third Meeting of the Parties* decided in *decision III/7*:

(a) To note the report of the Ad Hoc Group of Experts on the Reporting of Data and the suggestions that it contains, especially the recommendation that developing countries should inform the Secretariat of any difficulties they face in reporting data, and invited any party experiencing such difficulties to inform the Secretariat, so that suitable measures can be taken to rectify the situation;

(b) Developing countries with a per capita consumption figure which the Secretariat estimates at below 0.3 kilograms should be able to meet their obligation to report 1986 data by informing the Secretariat that they accept its estimate (UNEP/OzL.Pro/WG.2/1/4, paragraph 14(e)).

Decision III/9: Formats for reporting data under the amended Protocol

The *Third Meeting of the Parties* decided in *decision III/9* to adopt the revised formats for reporting data under the amended Montreal Protocol, as contained in annex XI[14] of the report of the Third Meeting of the Parties.

Decision IV/9: Data and information reporting

The *Fourth Meeting of the Parties* decided in *decision IV/9:*

1. To note with satisfaction that all the parties that reported data met or exceeded their obligations for control measures under Article 2 of the Protocol;

2. To urge all parties that have not reported their data to the Secretariat to do so as soon as possible;

3. To encourage all parties to adhere strictly to the reporting requirement under paragraph 3 of Article 7 of the amended Protocol which provides, inter alia, that data shall be provided not later than nine months after the end of the year to which the data relate;

14 Data reporting forms are updated from time to time. For the current forms please refer to the Ozone Secretariat website www.ozone.unep.org.

4. To urge all parties to insert further subdivisions to the recommended Harmonized System subheadings so that imports and exports of each of the substances listed in the annexes of the Protocol as well as each of the mixtures containing these substances can be accurately monitored in order to facilitate reporting of data under Article 7 of the Protocol.

Decision V/5: Revised format for reporting of data under Article 7

The *Fifth Meeting of the Parties* decided in *decision V/5* to approve the revised format for reporting of data under Article 7 of the Protocol, as set out in annex I[15] to the report of the Fifth Meeting of the Parties to the Montreal Protocol.

Decision VII/20: Discrepancy between the data reported by a party to the Ozone Secretariat and the data presented by that party to the Executive Committee of the Multilateral Fund

The *Seventh Meeting of the Parties* decided in *decision VII/20* to accept the recommendations of the Implementation Committee:

(a) That the Secretariat should be entitled to seek clarification on data reported under Article 7 if there is a discrepancy with the data in the country programme of the country concerned;

(b) That it should be established through these clarifications, which are the best available and most accurate data. Should the clarification not result in an agreement, the data provided by the party to the Secretariat should be used.

Decision VIII/21: Revised formats for reporting data under Article 7 of the Protocol

The *Eighth Meeting of the Parties* decided in *decision VIII/21:*

1. To request the Secretariat to prepare a report which delineates all of the reporting mandates required by the Protocol and all of the reporting requests made in the decisions of the parties. In preparing this report, the Secretariat should seek the views of parties on which reporting provisions are essential for assessing compliance and which may no longer be necessary;

2. To request the Implementation Committee to review the report referred to above, consider which reporting provisions are essential for assessing compliance and which may no longer be necessary, and make recommendations to the Ninth Meeting of the Parties on potential ways to streamline the reporting requirements of the Montreal Protocol. In carrying out its work, the Implementation Committee should also consider proposals for streamlining that may be submitted by the parties.

Decision IX/28: Revised formats for reporting data under Article 7 of the Protocol

The *Ninth Meeting of the Parties* decided in *decision IX/28:*

1. To note with appreciation the work done by the Implementation Committee and the Secretariat on the review and redesign of the formats for reporting data under Article 7 of the Montreal Protocol;

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15 Data reporting forms are updated from time to time. For the current forms please refer to the Ozone Secretariat website www.ozone.unep.org.

2. To note that the issue of reporting data is an important one and that it is an area to which the parties may consider giving greater consideration;

3. To approve the revised forms for reporting data prepared according to the reporting mandates of the Protocol. The data forms are set out in annex VII[16] to the report of the Ninth Meeting of the Parties;

4. To recall decision IV/10 and decision IX/17, paragraph 3 (b), and request TEAP, in cooperation with the UNEP Industry and Environment Centre, to prepare a list of mixtures known to contain controlled substances and the percentage proportions of those substances. In particular, the list should provide information on refrigerant mixtures and solvents. It should report this information to the parties at the seventeenth meeting of the Open-ended Working Group, and annually thereafter;

5. To request UNEP Industry and Environment Centre to draw on its existing reports and its OzonAction Information Clearing-house (OAIC) diskette database, and, in collaboration with the other Implementing Agencies and the Secretariat of the Multilateral Fund, prepare a handbook on data-reporting which will provide information to the parties to assist all parties with data-reporting. This information should include techniques for data collection, trade names, as identified by TEAP, customs codes (where these exist), and advice on what sectors of industry may be using these products;

6. To stipulate that, for the purpose of the data-collection only, when reporting data on the consumption of methyl bromide for quarantine and pre-shipment applications, the parties shall report the amount consumed (i.e., import plus production minus export) and not actual "use";

7. To note that the revised data forms in annex VII to the report of the Ninth Meeting of the Parties, when completed, largely fulfil the reporting requirements under the Montreal Protocol, excluding those for essential-use exemptions.

Decision X/29: Inconsistencies in the timing for the reporting of data under Article 7 and for monitoring compliance with the phase-out schedule under Article 5, paragraph 8 *bis*

The *Tenth Meeting of the Parties* decided in *decision X/29:*

Noting that the compliance period for parties operating under paragraph 1 of Article 5 of the Protocol for the freeze in production and consumption extends from 1 July 1999 to 30 June 2000, from 1 July 2000 to 30 June 2001, and from 1 July 2001 to 31 December 2002 under paragraph 8 *bis* of Article 5,

Noting also that the process of collecting accurate data on anything other than a calendar year basis is very difficult,

Noting further that parties not operating under paragraph 1 of Article 5 faced similar difficulties, which were overcome when it became clear that their reductions in production and consumption were significantly below those required under the freeze obligations of Article 2A,

1. To urge the Implementation Committee to review and report on the status of the data reported by parties operating under paragraph 1 of Article 5, relative to the freeze in production and consumption using the best available data submitted;

16 Data reporting forms are updated from time to time. For the current forms please refer to the Ozone Secretariat website www.ozone.unep.org.

2. To urge the Implementation Committee to view the data from the July to June time period, or other time periods relevant to paragraph 8 *bis* of Article 5, as especially critical in cases where annual data submitted by parties operating under paragraph 1 of Article 5 demonstrates that a country is very close to its baseline freeze level.

Decision XXI/15: Reporting of methyl bromide for quarantine and pre-shipment use

The *Twenty-First Meeting of the Parties* decided in *decision XXI/15*:

Noting that quarantine and pre-shipment applications are currently not controlled under the Montreal Protocol,

Noting also that some parties may not be reporting data fully on these applications,

Noting further the difficulty of assessing non-compliance with the reporting obligations for quarantine and pre-shipment applications of methyl bromide owing to the current procedure for processing data reported under Article 7 of the Montreal Protocol,

To urge parties that have not reported data on quarantine and pre-shipment applications for previous years to do so expeditiously and to urge all parties to report such data annually as required under paragraph 3 of Article 7 of the Montreal Protocol.

Decision XXIII/30: Decimal places to be used by the Secretariat in analysing and presenting hydrochlorofluorocarbon data for 2011 and later years

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/30*:

Recognizing that for the past several years the Secretariat has been following the informal guidance set out in the report of the Eighteenth Meeting of the Parties to round its data reported to the parties to one decimal place,

Acknowledging the low ozone-depletion potential of many Annex C, group I, controlled substances (hydrochlorofluorocarbons),

Taking into consideration the small quantities of hydrochlorofluorocarbons used by a significant number of parties operating under paragraph 1 of Article 5,

Understanding that, as a result of the low ozone-depletion potential of hydrochlorofluorocarbons, rounding to one decimal place could result in the continued use of a substantial amount of those substances,

Wishing to ensure that any change in the number of decimal places used to calculate baselines, consumption and production is forward looking and does not cause changes in previously submitted data,

To direct the Secretariat to use two decimal places when presenting and analysing for compliance hydrochlorofluorocarbon baselines established after the Twenty-Third Meeting of the Parties and annual hydrochlorofluorocarbon data reported under Article 7 for 2011 and later years.

Decisions on trans-shipment of controlled substances

Decision III/13: Further adjustments to and amendments of the Montreal Protocol

The *Third Meeting of the Parties* decided in *decision III/13* regarding further adjustments to and amendments of the Montreal Protocol to request the Open-ended Working Group of the parties, to consider the following proposal which is aimed at possibly amending the Montreal Protocol and to submit a report on this proposal to the Fourth Meeting of the Parties:

(a) Article 7, paragraph 5 (of the amended Protocol): "In cases of trans-shipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import."

[The remainder of this decision is located under Article 5.]

Decision IV/14: Transshipment of controlled substances

The *Fourth Meeting of the Parties* decided in *decision IV/14* to clarify Article 7 of the amended Protocol so that it is understood to mean that, in cases of transshipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import.

Decision IX/34: Compliance with the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *decision IX/34* to remind all parties that the parties decided in their decision IV/14, adopted at the Fourth Meeting of the Parties, to clarify as follows, for purposes of Article 7, the distinction to be made between cases of transshipment of controlled substances through a third country and cases of imports and subsequent re-exports:

(a) For cases of transshipment of controlled substances through a third country, it was clarified that the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. In such cases, the responsibility for reporting data shall lie with the country of origin as the exporter and the country of final destination as the importer; and

(b) For cases of import and re-export, it was clarified that import and re-export should be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import.

Decisions on customs codes

Decision II/12: Customs Co-operation Council

The *Second Meeting of the Parties* decided in *decision II/12* to agree with the recommendations adopted by the Customs Co-operation Council that all member administrations take actions to reflect the adopted subheadings in their national statistical nomenclatures as soon as possible, and to ask the Secretariat to inform the Council that the parties, having determined that additional subheadings for individual chemicals controlled by the Montreal Protocol would be useful in their efforts to protect the ozone layer, request the assistance of the Council in this regard.

Decision IX/22: Customs codes

The *Ninth Meeting of the Parties* decided in *decision IX/22:*

1. To express appreciation to the Multilateral Fund, UNEP and the Stockholm Environmental Institute for the useful information on the problems and possibilities of using customs codes for tracking imports of ozone-depleting substances (ODS) contained in the book *Monitoring Imports of Ozone-Depleting Substances: A Guidebook;*

2. To recommend this book as a guide to parties seeking more information on this issue;

3. In order to facilitate cooperation between customs authorities and the authorities in charge of ODS control and ensure compliance with licensing requirements, to request the Executive Director of UNEP:

   (a) To request the World Customs Organization (WCO) to revise its decision of 20 June 1995, recommending one joint national code on all HCFCs under subheading 2903.49, by instead recommending separate national codes under subheading 2903.48 for the most commonly used HCFCs (e.g., HCFC-21; HCFC-22; HCFC-31; HCFC-123; HCFC-124; HCFC-133; HCFC-141b; HCFC-142b; HCFC-225; HCFC-225ca; HCFC-225cb);

   (b) To further ask the World Customs Organization to work with major ODS suppliers to develop and provide the parties to the Montreal Protocol, through UNEP, with a check-list of relevant customs codes for ODS that are commonly marketed as mixtures, for use by national customs authorities and authorities in charge of control of ODS to ensure compliance with import licensing requirements;

4. To request all parties with ODS production facilities to urge their producing companies to cooperate fully with WCO in the preparation of this check-list.

Decision X/18: Customs codes

The *Tenth Meeting of the Parties* decided in *decision X/18:*

Recalling decision IX/22 on customs codes and decision IX/28, paragraph 4, on data reporting,

Noting that the existing customs codes set out in the Harmonized System do not allow parties to easily monitor the import and export of mixtures of substances and that this will be of particular concern for monitoring consumption of HCFCs as a number of the HCFCs will only be consumed as part of refrigerant mixtures being marketed to replace CFCs for some applications,

Noting that many parties rely on the Harmonized System codes to cross-check and monitor their consumption of ozone-depleting substances and to ensure compliance with their obligations under the Montreal Protocol,

1. To request the Ozone Secretariat to continue discussions with the World Customs Organization on:

   (a) The possibility of revising the Harmonized System to allow the inclusion of appropriate codes for mixtures containing HCFCs, especially those used for refrigeration;

   (b) The confirmation of the proper classification of methyl bromide that contains 2 per cent chloropicrin as a pure substance and not as a mixture, as suggested in the illustrative list of methyl-bromide mixtures provided earlier to the parties by the Ozone Secretariat;

2. To convene a group of five interested experts to provide advice to the Ozone Secretariat out of session on possible amendments to the Harmonized System;

3. To request the Ozone Secretariat to report to the nineteenth meeting of the Open-ended Working Group on progress towards this end.

Decision XI/26: Recommendations and clarifications of the World Customs Organization concerning customs codes for ozone-depleting substances and products containing ozone-depleting substances

The *Eleventh Meeting of the Parties* decided in *decision XI/26:*

Recalling decisions IX/22 and X/18 of the parties to the Montreal Protocol dealing with customs codes for ozone-depleting substances and products containing ozone-depleting substances,

Noting that the issue of customs codes is of great importance for the prevention of the illegal traffic of ozone-depleting substances and for the purpose of data reporting in accordance with Article 7 of the Montreal Protocol,

1. To note, with appreciation, the actions undertaken so far by the World Customs Organization on the further extension of the Harmonized System customs nomenclature of ozone-depleting substances and products containing ozone-depleting substances;

2. To note the summary of the draft recommendation of the World Customs Organization concerning the insertion in national statistical nomenclatures of Harmonized System subheadings for ozone-depleting substances and products containing ozone-depleting substances and the clarification of the classification under the Harmonized System Convention of methyl bromide containing small amounts of chloropicrin provided in annex II to the report of the nineteenth meeting of the Open-ended Working Group (UNEP/OzL.Pro/WG.1/19/7);

3. To note that the group of experts convened in accordance with decision X/18 will conduct further work on recommendations relating to the Harmonized System codes for mixtures and products containing ozone-depleting substances in collaboration with the World Customs Organization.

Decision XXVI/8: Measures to facilitate the monitoring of trade in hydrochlorofluorocarbons and substituting substances

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/8:*

Recalling decisions IX/22, X/18 and XI/26 concerning customs codes for ozone-depleting substances and collaboration between the Ozone Secretariat and the World Customs Organization in that regard,

Recalling also decisions of the Meeting of the Parties aimed at the prevention of illegal trade in ozone-depleting substances, in particular decisions XIV/7, XVI/33, XVII/16, XVIII/18 and XIX/12,

Noting that, despite limitations on hydrochlorofluorocarbon (HCFC) consumption resulting from the provisions of the Montreal Protocol, more than 1 million tonnes of HCFCs are still traded globally and the illegal trade in HCFCs may disturb the process of phasing out those substances,

Noting also that in international trade HCFCs are replaced by alternative substances, which include hydrofluorocarbons (HFCs), and that the quantity of HFCs traded globally is expected to grow,

Recognizing that the existing Harmonized Commodity Description and Coding System (Harmonized System) code for HFCs is not HFC-specific and covers other non-ozone-depleting chemicals, which makes it difficult for customs authorities to recognize the illegal nature of the relevant import or export of HCFCs if declared as HFCs,

Mindful of the importance of a dedicated customs classification of goods for the prevention of illegal trade and of the positive impact in that regard of the new Harmonized System classification for HCFCs approved by the World Customs Organization, which entered into force in January 2012, and the new Harmonized System classification for mixtures containing, inter alia, HCFCs and HFCs or perfluorocarbons, which became effective at an earlier date,

Mindful also that World Customs Organization rules require that any application for amending a Harmonized System classification must be made several years in advance,

1. To request the Ozone Secretariat to liaise with the World Customs Organization to examine the possibility of designating individual Harmonized System codes for the most commonly traded fluorinated substitutes for HCFCs and chlorofluorocarbons (CFCs) classified under Harmonized System code 2903.39, explaining thereby the importance of a dedicated customs classification for those substances for the sole purpose of preventing the illegal trade in HCFCs and CFCs, and to communicate to the parties the results of those consultations as soon as possible, but not later than at the thirty-sixth meeting of the Open-ended Working Group, to be held in 2015;

2. To encourage parties that are contracting parties to the International Convention on the Harmonized Commodity Description and Coding System to undertake at their earliest convenience the necessary steps, following World Customs Organization procedures, to recommend the consideration of the customs classifications referred to in paragraph 1 of the present decision;

3. To encourage parties that are in a position to do so to consider establishing, on a voluntary basis, domestic customs codes for those substitutes referred to in paragraph 1.

Decisions on changes in baseline data

Decision XIV/27: Requests for changes in baseline data

The *Fourteenth Meeting of the Parties* decided in *decision XIV/27:*

1. To note that in accordance with decision XIII/15 of the Thirteenth Meeting of the Parties, parties that had requested changes in reported baseline data for the base years were asked to present their requests before the Implementation Committee, which would

in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval;

2. To note that the following parties have presented sufficient information to justify their requests for a change in their baseline consumption of the relevant substances:

   (a) Bulgaria to change baseline consumption data for Annex E substances in 1991 from zero to 51.78 ODP-tonnes;

   (b) Sri Lanka to change its baseline consumption data for Annex A, group I substances from 400.4 to 445.6 ODP-tonnes;

   (c) Belize to change its baseline consumption data for Annex A, group I substances from 16 to 24.4 ODP-tonnes;

   (d) Paraguay to change its baseline consumption data for Annex A, group I substances from 157.4 to 210.6 ODP-tonnes;

3. To accept these requests for changes in the respective baseline data.

Decision XV/19: Methodology for submission of requests for revision of baseline data

The *Fifteenth Meeting of the Parties* decided in *decision XV/19:*

1. To recall decisions XIII/15 (paragraph 5) and XIV/27, on parties' requests for changes in reported baseline data;

2. To recognize that parties adopt different approaches to the collection and verification of data and that there may be some special circumstances where original documentation may no longer be available, and therefore to accept the following methodology:

   (a) parties submitting requests to change baseline data are requested to provide the following information:
      (i) Identification of which of the baseline year's or years' data are considered incorrect and provision of the proposed new figure for that year or those years;
      (ii) Explanation as to why the existing baseline data is incorrect, including information on the methodology used to collect and verify that data, along with supporting documentation where available;
      (iii) Explanation as to why the requested changes should be considered correct, including information on the methodology used to collect and verify the accuracy of the proposed changes;
      (iv) Documentation substantiating collection and verification procedures and their findings, which could include:
         a. Copies of invoices (including ODS production invoices), shipping and customs documentation from either the requesting party or its trading partners (or aggregation of those with copies available upon request);
         b. Copies of surveys and survey reports;
         c. Information on country's gross domestic product, ODS consumption and production trends, business activity in the ODS sectors concerned;

   (b) Where relevant, the Implementation Committee may also request the Secretariat to consult with the Multilateral Fund Secretariat and the implementing agencies involved in both the original data collection exercises and any exercises that resulted in the baseline revision request to comment, and where considered appropriate, to endorse the explanation provided. (The parties may themselves

request the implementing agencies to provide their comments so that they can be submitted along with their requests to the Implementation Committee);

(c) Following review of an initial request submission, if the Implementation Committee requires further information from a party, the party will be invited to take advantage of clause 7 (e) of the non-compliance procedure to invite an Implementation Committee representative, or other authorized representative, to their country to identify and/or review the outstanding information.

Decision XVI/31: Requests for changes in baseline data

The *Sixteenth Meeting of the Parties* decided in *decision XVI/31:*

1. To note that, in accordance with decision XIII/15 of the Thirteenth Meeting of the Parties, parties that had requested changes in reported baseline data for the base years were asked to submit their requests to the Implementation Committee, which would in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval;

2. To note further that decision XV/19 of the Fifteenth Meeting of the Parties set out the methodology for the submission of these requests;

3. To note that the following parties have presented sufficient information, in accordance with decisions XIII/15 and XV/19, to justify their requests for a change in their baseline consumption of the relevant substances:

   (a) Lebanon, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 152.4 to 236.4 ODP-tonnes;

   (b) Philippines, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 8.0 to 10.3 ODP-tonnes;

   (c) Thailand, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 164.9 to 183.0 ODP-tonnes;

   (d) Yemen, to change its baseline consumption data for Annex A, group I, substances (CFCs) from 349.1 to 1,796.1 ODP-tonnes; for Annex A, group II, substances (halons) from 2.8 to 140.0 ODP-tonnes; and for the controlled substance in Annex E (methyl bromide) from 1.1 to 54.5 ODP-tonnes;

5. To accept these requests for changes in the respective baseline data;

6. To note that these changes in baseline data place the parties in compliance with their respective control measures for 2003.

Decision XVIII/29: Request for change in baseline data by Mexico

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/29:*

1. To note that the Mexico has presented sufficient information, in accordance with decision XV/19 of the Fifteenth Meeting of the Parties, to justify its request to change its baseline data for the year 1998 for the consumption of the controlled substance in Annex B, group II, (carbon tetrachloride) from zero ODP-tonnes to 187.517 ODP-tonnes;

2. To therefore accept the party's request to change its baseline data;

3. To note that the revised baseline data will be used to calculate the party's consumption baseline for carbon tetrachloride for the year 2005 and beyond.

Decision XIX/24: Request for change in baseline data by Turkmenistan

The *Nineteenth Meeting of the Parties* decided in *decision XIX/24*:

Noting that Turkmenistan has submitted a request to revise its consumption data for the Annex E controlled substance (methyl bromide) for the baseline year 1998 from zero to 14.3 ODP-tonnes,

Noting also that decision XV/19 of the Fifteenth Meeting of the Parties sets out the methodology for the submission and review of requests for the revision of baseline data,

Noting with appreciation the extensive efforts undertaken by Turkmenistan to fulfil the information requirements of decision XV/19, in particular its efforts to verify the accuracy of its proposed new baseline data through the inspection of methyl bromide use sites,

1. That Turkmenistan has presented sufficient information in accordance with decision XV/19 to justify its request to change its baseline data on the consumption of methyl bromide;

2. To change the baseline consumption data of Turkmenistan for methyl bromide for the year 1998 from zero to 14.3 ODP-tonnes.

Decision XX/17: Request for change in baseline data by Saudi Arabia

The *Twentieth Meeting of the Parties* decided in *decision XX/17*:

Noting that Saudi Arabia has submitted a request to revise its consumption data for the Annex E controlled substance (methyl bromide) for the baseline years 1995–1998 from 0.7 to 204.1 ODP-tonnes,

Noting also that decision XV/19 of the Fifteenth Meeting of the Parties sets out the methodology for the submission and review of requests to revise baseline data,

Noting with appreciation the extensive efforts undertaken by Saudi Arabia to fulfil the information requirements of decision XV/19, in particular its efforts to verify the accuracy of its proposed new baseline data through a national survey of methyl bromide use carried out with the assistance of the United Nations Industrial Development Organization and the United Nations Environment Programme with funding from the Multilateral Fund for the Implementation of the Montreal Protocol,

1. That Saudi Arabia has presented sufficient information, in accordance with decision XV/19, to justify its request to change its baseline consumption data for methyl bromide;

2. To change the baseline consumption data of Saudi Arabia for methyl bromide for the years 1995–1998 from 0.7 to 204.1 ODP-tonnes based on the average calculated level of consumption for the following four years: 1995 – 161.8 ODP-tonnes; 1996 – 222.5 ODP-tonnes; 1997 – 210.4 ODP-tonnes; 1998 – 221.7 ODP-tonnes.

Decision XXIII/28: Request by Tajikistan for the revision of its baseline data

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/28*:

Noting that Tajikistan has submitted a request for the revision of its consumption data for the Annex C, group I, controlled substances (hydrochlorofluorocarbons) for the baseline year 1989 from 6.0 ODP-tonnes to 18.7 ODP-tonnes,

Noting also that decision XV/19 sets out the methodology for the submission and review of requests for the revision of baseline data,

Noting with appreciation the efforts by Tajikistan to fulfil the information requirements of decision XV/19, in particular its efforts to verify the accuracy of its proposed new baseline data through a national survey of hydrochlorofluorocarbon use carried out with the assistance of the United Nations Development Programme and funding from the Global Environment Facility,

1. That Tajikistan has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its baseline consumption data for hydrochlorofluorocarbons;

2. To revise the baseline consumption data of Tajikistan for hydrochlorofluorocarbons for the year 1989 from 6.0 ODP-tonnes to 18.7 ODP-tonnes.

Decision XXIII/29: Requests for the revision of baseline data by Barbados, Bosnia and Herzegovina, Brunei Darussalam, Guyana, Lao People's Democratic Republic, Lesotho, Palau, Solomon Islands, Swaziland, Togo, Tonga, Vanuatu and Zimbabwe

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/29*:

Noting that, in accordance with decision XIII/15, by which the Thirteenth Meeting of the Parties decided that parties requesting the revision of reported baseline data should present such requests to the Implementation Committee, which in turn would work with the Secretariat and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

1. That Barbados, Bosnia and Herzegovina, Brunei Darussalam, Guyana, Lao People's Democratic Republic, Lesotho, Palau, Solomon Islands, Swaziland, Togo, Tonga, Vanuatu and Zimbabwe have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for the year 2009 for hydrochlorofluorocarbons, which is part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the year 2009 as indicated in the following table:

Party	Previous data		New data	
	Metric tonnes	ODP-tonnes	Metric tonnes	ODP-tonnes
Barbados	82.68	4.5	91.43	5.1
Bosnia and Herzegovina	82.73	6.0	77.96	5.8
Brunei Darussalam	82.2	4.5	96.69	5.3
Guyana	16.822	0.9	19.271	1.1
Lao People's Democratic Republic	22.03	1.2	39.09	2.1
Lesotho	187.0	10.3	68.271	3.8
Palau	2.04	0.1	2.56	0.1
Solomon Islands	28.28	1.6	29.09	1.6
Swaziland	99.9	9.2	103.72	9.5

Party	Previous data		New data	
	Metric tonnes	ODP-tonnes	Metric tonnes	ODP-tonnes
Togo	372.89	20.5	350	19.3
Tonga	0.01	0.0	2.43	0.1
Vanuatu	1.46	0.1	1.89	0.1
Zimbabwe	225	12.4	303.47	17.1

Decision XXIV/16: Requests for the revision of baseline data by Algeria, Ecuador, Equatorial Guinea, Eritrea, Haiti, the Niger, the former Yugoslav Republic of Macedonia and Turkey

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/16*:

Noting that, in accordance with decision XIII/15, by which the Thirteenth Meeting of the Parties decided that parties requesting the revision of reported baseline data should present such requests to the Implementation Committee, which in turn would work with the Secretariat and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

1. That Algeria, Ecuador, Equatorial Guinea, Eritrea, Haiti, the Niger, the former Yugoslav Republic of Macedonia and Turkey have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for hydrochlorofluorocarbons for 2009, 2010 or both, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the respective years as indicated in the following table:

Party	Previous HCFC data				New HCFC data			
	Metric tonnes		ODP-tonnes		Metric tonnes		ODP-tonnes	
	2009	2010	2009	2010	2009	2010	2009	2010
1. Algeria	497.75	497.75	30.2	30.2	1 061.6	1 122.5	60.35	63.88
2. Ecuador	379.89	261.8	20.7	14.3	469.01	386.45	25.74	21.24
3. Equatorial Guinea	253	–	13.9	–	113	–	6.22	–
4. Eritrea	1.8	1.9	0.1	0.1	19.1	20.31	1.05	1.12
5. Haiti	35.308	33.41	1.9	1.8	70	62	3.85	3.41
6. Niger	660	–	36.3	–	290	–	15.95	–
7. The former Yugoslav Republic of Macedonia[a]	57.332	–	4	–	41.632	–	2.29	–
8. Turkey	–	8 900.721	–	606.0	–	7 041.25	–	493.03

[a] The request for a revision of baseline data from the former Yugoslav Republic of Macedonia relates only to the exclusion of HCFCs contained in imported pre-blended polyols from its HCFC consumption.

Decision XXV/13: Requests for the revision of baseline data by the Congo, the Democratic Republic of the Congo, Guinea-Bissau and Saint Lucia

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/13*:

Noting that, in accordance with decision XIII/15, by which the Thirteenth Meeting of the Parties decided that parties requesting the revision of reported baseline data should present such requests to the Implementation Committee, which in turn would work with the Secretariat and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

1. That the Congo, the Democratic Republic of the Congo, Guinea-Bissau and Saint Lucia have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for hydrochlorofluorocarbons for 2009, 2010 or both, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the respective years as indicated in the following table.

Party	Previous hydrochlorofluorocarbon data (ODP-tonnes)		New hydrochlorofluorocarbon data (ODP-tonnes)	
	2009	2010	2009	2010
Congo	7.1	–	9.68	–
Democratic Republic of the Congo	85.7	–	55.82	–
Guinea-Bissau	0	–	2.75	–
Saint Lucia	0.4	0	1.37	0.81

Decision XXVI/14: Requests for the revision of baseline data by Libya and Mozambique

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/14*:

Noting that, in accordance with decision XIII/15, by which the Thirteenth Meeting of the Parties decided that parties requesting the revision of reported baseline data should present such requests to the Implementation Committee under the non-compliance procedure for the Montreal Protocol, which in turn would work with the Secretariat and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

1. That Libya and Mozambique have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for hydrochlorofluorocarbons for 2010 and 2009, respectively, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the respective years as indicated in the following table:

Party	Previous hydrochlorofluorocarbon data (ODP-tonnes)		New hydrochlorofluorocarbon data (ODP-tonnes)	
	2009	2010	2009	2010
Libya	–	131.91	–	139.26
Mozambique	4.3	–	8.68	–

Decision XXIX/15: Request for the revision of baseline data by Fiji

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/15*:

Noting that, in decision XIII/15, the Thirteenth Meeting of the Parties decided to advise parties requesting changes in reported baseline data for the base years to present their requests before the Implementation Committee under the non-compliance procedure for the Montreal Protocol, which in turn would work with the Secretariat and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

1. That Fiji has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its consumption data for hydrochlorofluorocarbons for the years 2009 and 2010, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the request by Fiji, and to revise its consumption data for hydrochlorofluorocarbons for the baseline years 2009 and 2010, as indicated in the following table:

Previous hydrochlorofluorocarbon data (ODP-tonnes)			New hydrochlorofluorocarbon data (ODP tonnes)		
2009	2010	Baseline[a]	2009	2010	Baseline[a]
7.6	9.2	8.4	5.00	6.46	5.73

[a] Hydrochlorofluorocarbon baselines established after the Twenty-Third Meeting of the Parties are presented using two decimal places whereas those established before are presented using one decimal place. [See decision XXIII/30.]

3. To note that the change in baseline data confirmed that Fiji was in non-compliance with the control measures under the Montreal Protocol on Substances that Deplete the Ozone Layer for 2013 and 2014, but that as at 2015 the party had returned to compliance;

4. Also to note that no further action is needed in view of the return to compliance and the party's affirmation that it has taken the new baseline into account for 2015 and 2016;

5. To monitor closely progress by Fiji with regard to the phase-out of hydrochlorofluorocarbons, and that, 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.

Decision XXIX/16: Request for the revision of baseline data by Pakistan

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/16*:

Noting that, in decision XIII/15, the Thirteenth Meeting of the Parties decided to advise parties requesting changes in reported baseline data for the base years to present their requests before the Implementation Committee under the non-compliance procedure for the Montreal Protocol, which in turn would work with the Secretariat and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

1. That Pakistan has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its consumption data for hydrochlorofluorocarbons for the years 2009 and 2010, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the request by Pakistan, and to revise its consumption data for hydrochlorofluorocarbons for the baseline years 2009 and 2010, as indicated in the following table:

Substance	Previous hydrochlorofluorocarbon data (ODP-tonnes)			New hydrochlorofluorocarbon data (ODP-tonnes)		
	2009	2010	Baseline[a]	2009	2010	Baseline[a]
HCFC-141b	134.2	142.8		134.20	142.80	
HCFC-142b	–	–		4.62	4.68	
HCFC-22	105.6	112.2		101.69	108.22	
Total	**239.8**	**255.0**	**247.4**	**240.51**	**255.70**	**248.11**

[a] Hydrochlorofluorocarbon baselines established after the Twenty-Third Meeting of the Parties are presented using two decimal places whereas those established before are presented using one decimal place. [See decision XXIII/30.]

Decision XXIX/17: Request for the revision of baseline data by the Philippines

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/17*:

Noting that, in decision XIII/15, the Thirteenth Meeting of the Parties decided to advise parties requesting changes in reported baseline data for the base years to present their requests before the Implementation Committee under the non-compliance procedure for the Montreal Protocol, which in turn would work with the Secretariat and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

1. That the Philippines has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its consumption data for hydrochlorofluorocarbons for both 2009 and 2010, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the request by the Philippines, and to revise its consumption data for hydrochlorofluorocarbons for the baseline years 2009 and 2010, as indicated in the following table:

Previous hydrochlorofluorocarbon data (ODP-tonnes)			New hydrochlorofluorocarbon data (ODP tonnes)		
2009	2010	Baseline[a]	2009	2010	Baseline[a]
194.7	222.0	208.4	162.98	160.98	161.98

[a] Hydrochlorofluorocarbon baselines established after the Twenty-Third Meeting of the Parties are presented using two decimal places whereas those established before are presented using one decimal place. [See decision XXIII/30.]

Decisions on compliance with data-reporting requirements: general

Decision V/6: Data and information reporting

The *Fifth Meeting of the Parties* decided in *decision V/6:*

1. To note with satisfaction that all the parties that reported data have met or exceeded their obligations for control measures under Article 2 of the Protocol;
2. To urge all parties that have not yet done so to report their data to the Secretariat as soon as possible;
3. To encourage all parties to adhere strictly to the reporting requirement under paragraph 3 of Article 7 of the amended Protocol which provides, inter alia, that data shall be provided not later than nine months after the end of the year to which the data relate;
4. To take note of the information provided by some parties on the implementation of Article 4 of the Protocol and to encourage further those parties that have not yet done so to provide the information to the Secretariat as soon as possible.

Decision VI/2: Implementation of Article 7 and 9 of the Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/2:*

1. To note with satisfaction the implementation of the provisions of the Protocol by the parties which have so far reported data and information under Articles 7 and 9 of the Protocol;
2. To note that the timely reporting of data and any other required information is a legal obligation for each party and to request all parties to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision VII/14: Implementation of the Protocol by the parties

The *Seventh Meeting of the Parties* decided in *decision VII/14:*

1. To note that the implementation of the Protocol by those parties that have reported data is satisfactory;
2. To note with regret that only 82 parties out of 126 that should have reported data for 1993 have reported and that only 60 parties have reported data for 1994;

3. To note that the timely reporting of data and any other required information is a legal obligation for each party and to request all parties to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision VIII/2: Data and information provided by the parties in accordance with Articles 7 and 9 of the Montreal Protocol

The *Eighth Meeting of the Parties* decided in *decision VIII/2:*

1. To note that the implementation of the Protocol by those parties that have reported data is satisfactory;
2. To note with regret that only 104 parties out of 141 that should have reported data for 1994 have reported to date and that only 61 parties have to date reported data for 1995;
3. To remind all parties of the requirement to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision IX/11: Data and information provided by the parties in accordance with Articles 7 and 9 of the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *decision IX/11:*

1. To note that the implementation of the Protocol by those parties that have reported data is satisfactory;
2. To note with regret that only 113 parties out of 152 that should have reported data for 1995 have reported to date and that only 43 parties have to date reported data for 1996;
3. To remind all parties to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision X/2: Data and information provided by the parties in accordance with Articles 7 and 9 of the Montreal Protocol

The *Tenth Meeting of the Parties* decided in *decision X/2:*

1. To note with regret that, as of 31 October 1998, only 88 of the 164 parties that should have reported data for 1997 had done so;
2. To remind all parties to comply with the provisions of Articles 7 and 9 of the Protocol.

Decision XI/23: Data reporting

The *Eleventh Meeting of the Parties* decided in *decision XI/23:*

1. To note the improvement in the timely submission of data in accordance with Article 7 of the Protocol;
2. To note that parties are to submit data by 30 September of the following year in accordance with their obligations under Article 7;
3. To urge all parties to introduce licensing systems in accordance with the provisions of decision IX/8 and Article 4B of the Protocol to facilitate accuracy in data submission under Article 7;
4. To note that data collection on ozone-depleting substances sectors is important in assisting a party to meet its obligations under the Protocol and that the parties might wish to consider the burden of collecting sector data and other data required in the context of the Montreal Protocol at a future meeting;

5. To note that, because of the significant improvement in the timely submission of data, the Implementation Committee had been able in 1999 to review the control status of parties for the previous year, 1998. In earlier years, the Implementation Committee had reviewed only the control status for two years prior. Accordingly, decide to request that the Implementation Committee begin a full review of data for the year immediately prior to the Meeting of the Parties beginning in 2000;

6. To note that many parties with economies in transition have established a phase-out plan with specific interim benchmarks in cooperation with the Global Environment Facility;

7. To urge those parties with economies in transition mentioned in paragraph 6 above to submit to the Secretariat the phase-out plans with specific interim benchmarks developed with the Global Environment Facility in accordance with requests made at the Tenth Meeting of the Parties.

Decision XII/6: Data and information provided by the parties in accordance with Articles 7 and 9 of the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *decision XII/6:*

1. To note that the implementation of the Protocol by those parties that have reported data is satisfactory;

2. To note with regret that 21 parties out of the 175 that should have reported data for 1998 have not reported to date;

3. To note further with regret that 59 parties out of the 175 that should have reported data for 1999 by 30 September 2000 have not reported to date;

4. To remind all parties to comply with the provisions of Article 7 and 9 of the Protocol as well as relevant decisions of the parties on data and information reporting.

Decision XIII/15: Data and information provided by the parties to the 13th Meeting of the Parties in accordance with Article 7 of the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *decision XIII/15:*

1. To note that the implementation of the Protocol by those parties that have reported data is satisfactory;

2. To note with regret that 16 parties out of the 170 that should have reported data for 1999 have not reported to date;

3. To strongly urge parties to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September;

4. To urge parties that have not already done so to report baseline data for 1986,1989 and 1991 or the best possible estimates of such data where actual data are not available;

5. To advise parties that request changes in reported baseline data for the base years to present their requests before the Implementation Committee which will in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval.

Decision XIV/13: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *decision XIV/13:*

1. To note that the implementation of the Protocol by those parties that have reported data is satisfactory;
2. To note with regret that 49 parties out of the 180 that should have reported data for 2001 have not reported to date;
3. To note further that lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;
4. To strongly urge parties to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September every year;
5. To remind parties operating under Article 5(1) that for the purposes of reporting data, under the provisions of Article 2A paragraph 2 and Article 5 paragraph 8 bis (a) the current control period extends from 1 July 2001 to 31 December 2002.

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

The *Fifteenth Meeting of the Parties* decided in *decision XV/14:*

1. To note that the implementation of the Protocol by those parties that have reported data is satisfactory;
2. To note with appreciation that 160 parties out of the 183 that should have reported data for 2002 have now done so, but that 23 have still not reported to date;
3. To note also that lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;
4. To urge parties strongly to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September every year.

Decision XV/15: Earlier reporting of consumption and production data

The *Fifteenth Meeting of the Parties* decided in *decision XV/15:*

Recalling that, in decision XIV/13, the Fourteenth Meeting of the Parties strongly urged parties to report consumption and production data as soon as data are available,

Noting that, in order to review the compliance of a party to the Protocol and to make useful and timely recommendations to the Meeting of the Parties, the Implementation Committee must have access to accurate and up-to-date information,

Noting in that regard the importance of timely data reporting pursuant to Article 7,

Recognizing that, in order to enable the Implementation Committee to make recommendations in good time before the Meeting of the Parties, it is desirable for data to be forwarded to the Secretariat by 30 June each year, rather than 30 September each year as currently required by paragraph 3 of Article 7 of the Protocol,

1. To encourage the parties to forward data on consumption and production to the Secretariat as soon as the figures are available, and preferably by 30 June each year, rather than 30 September each year as currently required by paragraph 3 of Article 7 of the Protocol;

2. To request the Secretariat to report to the parties on the response to the above encouragement as well as its beneficial effect on the work of the Implementation Committee, with a view to helping the parties to decide on the usefulness of an amendment to the Protocol to give legal effect to paragraph 1 of the present decision at the earliest opportunity.

Decision XVI/17: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *decision XVI/17:*

1. To note that the implementation of the Protocol by those parties that have reported data is satisfactory;

2. To note with appreciation that 175 parties out of the 184 that should have reported data for 2003 have now done so, but that the following parties have still not reported to date: Botswana, Lesotho, Liberia, Micronesia (Federated States of), Nauru, Russian Federation, Solomon Islands, Turkmenistan and Tuvalu;

3. To note further that the Federated States of Micronesia has also still not reported data for 2001 and 2002;

4. To note that this places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol and to urge them, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those parties at its next meeting;

5. To note also that lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;

6. To recall decision XV/15, which encouraged the parties to forward data on consumption and production to the Secretariat as soon as the figures were available, and preferably by 30 June each year, in order to enable the Implementation Committee to make recommendations in good time before the Meeting of the Parties;

7. To note further with appreciation that 92 parties out of the 184 that could have reported data by 30 June 2004 succeeded in meeting that deadline;

8. To note also that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund in assisting parties operating under paragraph 1 of Article 5 to comply with the control measures of the Montreal Protocol;

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

Decision XVII/20: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/20:*

1. To note with appreciation that 185 parties out of the 188 that should have reported data for 2004 have done so, and that 114 of those parties reported their data by 30 June 2005 in conformance with decision XV/15;

2. To note, however, that the following parties have still not reported 2004 data: Cook Islands, Mozambique, Nauru;

3. To note that this places the parties listed in paragraph 2 in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;

4. To urge the parties listed in paragraph 2, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those parties at its next meeting;

5. To note also that lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;

6. To note 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;

7. 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.

Decision XVIII/34: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/34:*

1. To note with appreciation that 181 parties out of the 189 that should have reported data for 2005 in accordance with Article 7 of the Montreal Protocol have done so and that 104 of those parties reported their data by 30 June 2006 in accordance with decision XV/15;

2. To note, however, that the following parties have still not reported their 2005 data: Cote d'Ivoire, Malta, Saudi Arabia, Solomon Islands, Somalia, Uzbekistan, Venezuela (Bolivarian Republic of);

3. To note that their failure to report their 2005 data in accordance with Article 7 places the parties listed in paragraph 2 in non-compliance with their data-reporting obligations under the Protocol until such time as the Secretariat receives their outstanding data;

4. To note also that lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Protocol;

5. To note 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;

6. To urge the parties listed in the present decision, as appropriate, to work closely with the implementing agencies of the Multilateral Fund to report the required data to the Secretariat as a matter of urgency;

7. To request the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol to review the situation of the parties listed in paragraph 2 at its next meeting;

8. 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.

Decision XIX/25: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Nineteenth Meeting of the Parties* decided in *decision XIX/25*:

Noting with appreciation that 130 parties out of the 190 that should have reported data for 2006 have done so and that 72 of those parties reported their data by 30 June 2007 in accordance with decision XV/15,

Noting with concern, however, that the number of parties that have reported 2006 data is lower than the number of parties that reported 2005 data by September of 2006,

Noting that a lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol,

Noting also 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,

1. To urge the parties that have yet to report their data for 2006 to report the required data to the Secretariat in accordance with the provisions of Article 7 of the Montreal Protocol, working closely with the implementing agencies where appropriate;

2. To request the Implementation Committee to review at its next meeting the situation of those parties that have not submitted their 2006 data by that time;

3. 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.

Decision XX/12: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Twentieth Meeting of the Parties* decided in *decision XX/12*:

1. To note with appreciation that 189 parties out of the 191 which should have reported data for 2007 have now done so and that 75 of those parties reported their data by 30 June 2008 in conformity with decision XV/15;

2. To note, however, that the following parties have to date not reported data for 2007: Solomon Islands and Tonga;

3. To note that their non-reporting of data places the parties named above in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;

4. To urge those parties, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency and to request the Implementation Committee to review the situation of those parties at its next meeting;

5. To note that a lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol by the Implementation Committee and the Meeting of the Parties;

6. To note further that reporting data 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 to comply with the control measures of the Montreal Protocol;

7. 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.

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

The *Twenty-First Meeting of the Parties* decided in *decision XXI/14*:

Noting with appreciation that 188 parties out of the 193 that should have reported data for 2008 have done so and that 64 of those parties reported their data by 30 June 2009 in accordance with decision XV/15,

Noting with concern, however, that the following parties have still not reported 2008 data: Angola, Democratic People's Republic of Korea, Malta, Nauru, United Arab Emirates,

Noting that their failure to report their 2008 data in accordance with Article 7 places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data,

Noting also that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol,

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,

1. To urge the parties listed in the present decision, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;

2. To request the Implementation Committee to review the situation of those parties at its next meeting;

3. 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.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/14*:

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.

Decision XXIII/22: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/22*:

Noting with appreciation that 192 parties of the 196 that should have reported data for 2010 have done so and that 92 of those parties reported their data by 30 June 2011 in accordance with decision XV/15,

Noting with concern, however, that the following parties have not reported 2010 data: Libya, Liechtenstein, Peru and Yemen,

Noting that their failure to report their 2010 data in accordance with Article 7 places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data,

Noting also that a lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol,

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,

1. To urge the parties listed in the present decision to work closely with the implementing agencies, where appropriate, and report the required data to the Secretariat as a matter of urgency;
2. To request the Implementation Committee to review the situation of those parties at its forty-eighth meeting;
3. 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.

Decision XXIV/12: Differences between data reported on imports and data reported on exports

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/12*:

Noting differences in data on imports and exports of controlled substances submitted by the parties under Article 7 of the Montreal Protocol, and recognizing that while such shipments may have plausible explanations such as shipments over the end of a calendar year or the submission of incomplete data, they may also result from illegal trade activities or from not complying with domestic legislation without criminal intent,

Noting also that in the Article 7 data reporting format, as last revised by decision XVII/16, parties exporting controlled substances are requested to submit to the Ozone Secretariat information on countries of destination, while there is no request for parties importing controlled substances with regard to the country of origin,

Noting further that the absence of a request for importing countries to submit information on source countries makes the process of clarification of differences complex and burdensome for both importing and exporting countries,

Mindful that the further improvement of data reporting systems will facilitate the prevention of the illegal trade in controlled substances,

Recalling decisions IV/14 and IX/34, which provided some clarification on how to report transhipments and imports for re-export and thereby provided an indication on what country is to be considered as country of origin,

1. To request the Ozone Secretariat to revise, before 1 January 2013, the reporting format resulting from decision XVII/16 to include in the data forms[17] an annex indicating the exporting party for the quantities reported as import, and noting that the annex is excluded from the reporting requirements under Article 7 and that the provision of the information in the annex would be done on a voluntary basis;

2. To request the Ozone Secretariat to compile every January aggregated information on controlled substances by annex and group received from the importing/re-importing party and to provide this uniquely and solely to the exporting party concerned when requested, in a manner that will maintain information deemed to be confidential in accordance with decision I/11;

3. To invite parties to enhance cooperation with the view to clarifying any differences in import and export data as provided by the Ozone Secretariat in accordance with paragraph 2 above;

4. To invite parties to consider participation in the informal Prior Informed Consent (iPIC) scheme as a means to improve information about their potential imports of controlled substances.

Decision XXIV/13: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/13*:

Noting with appreciation that 194 parties of the 196 that should have reported data for 2011 have done so, and that 99 of those parties reported their data by 30 June 2012 in accordance with decision XV/15,

Noting further that 173 of those parties reported their data by 30 September 2012 as required under Article 7 of the Montreal Protocol,

Noting with concern, however, that the following parties have not reported 2011 data: Mali, and Sao Tome and Principe,

Noting that their failure to report their 2011 data in accordance with Article 7 places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data,

Noting also that a lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol,

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

17 Data reporting forms are updated from time to time. For the current forms please refer to the Ozone Secretariat website www.ozone.unep.org.

Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures,

1. To urge the parties listed in the present decision, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;
2. To request the Implementation Committee to review the situation of those parties at its fiftieth meeting;
3. 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.

Decision XXIV/14: Reporting of zero in Article 7 data reporting forms

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/14*:

Recalling the need for consistent reporting of production, imports, exports and destruction of ozone-depleting substances in accordance with Article 7 of the Montreal Protocol,

Noting that the forms for reporting in accordance with Article 7 submitted by parties sometimes contain blank cells, in which no numbers indicating quantities of ozone-depleting substances are entered,

Noting also that such blank cells could be intended by a party in a given case to indicate zero controlled substances or, alternatively, could represent non-reporting by that party in respect of those substances,

1. To request parties, when reporting production, imports, exports or destruction, to enter a number in each cell in the data reporting forms that they submit, including zero, where appropriate, rather than leaving the cell blank;
2. To ask the Secretariat to request clarification from any party that submits a reporting form containing a blank cell.

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

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/14*:

Noting with appreciation that 194 parties of the 197 that should have reported data for 2012 have done so and that 114 of those parties reported their data by 30 June 2013 in accordance with decision XV/15,

Noting that 164 of those parties reported their data by 30 September 2013 as required under Article 7 of the Montreal Protocol,

Noting with concern, however, that the following parties have not reported their data for 2012: Eritrea, South Sudan and Yemen,

Noting that failure to report their data for 2012 in accordance with Article 7 places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data,

Noting also that a lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol,

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,

1. To urge the parties listed in the present decision, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;

2. To request the Implementation Committee to review the situation of those parties at its fifty-second meeting;

3. 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.

Decision XXVI/12: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/12*:

Noting with appreciation that 196 parties of the 197 that should have reported data for 2013 have done so and that 72 of those parties reported their data by 30 June 2014 in accordance with decision XV/15,

Noting that 158 of those parties reported their data by 30 September 2014 as required under paragraph 3 of Article 7 of the Montreal Protocol,

Noting with concern, however, that the Central African Republic has not reported 2013 data,

Noting that its failure to report its 2013 data in accordance with Article 7 places the party in non-compliance with its data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data,

Noting also that a lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol,

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,

1. To urge the Central African Republic, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;

2. To request the Implementation Committee to review the situation of the Central African Republic at its fifty-fourth meeting;

3. 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.

Decision XXVII/9: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/9*:

Noting with appreciation that 193 of the 197 parties that should have reported data for 2014 have done so and that 84 of those parties reported their data by 30 June 2015 in accordance with decision XV/15,

Noting that 140 of those parties reported their data by 30 September 2015 as required under paragraph 3 of Article 7 of the Montreal Protocol,

Noting with concern, however, that the following parties have not reported 2014 data: Democratic Republic of Congo, Dominica, Somalia and Yemen,

Noting that their failure to report their 2014 data in accordance with Article 7 places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data,

Noting also that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol,

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,

1. To urge the Democratic Republic of Congo, Dominica, Somalia and Yemen, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;

2. To request the Implementation Committee to review the situation of those parties listed in paragraph 1 above at its fifty-sixth meeting;

3. 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.

Decision XXVIII/9: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/9*:

1. To note that 195 parties of the 197 that should have reported data for 2015 have done so and that 169 of those parties reported their data by 30 September 2016 as required under paragraph 3 of Article 7 of the Montreal Protocol;

2. To note with appreciation that 119 of those parties reported their data by 30 June 2016 in accordance with decision XV/15 and 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 (Article 5 parties) to comply with the Protocol's control measures;

3. To note further that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;

4. To note with concern that two parties, namely, Iceland and Yemen, have not reported their 2015 data as required under Article 7 of the Montreal Protocol and that this places them in non-compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;

5. To urge the parties listed in the preceding paragraph to report the required data to the Secretariat as quickly as possible and to urge the one Article 5 party, namely, Yemen, where appropriate, to work closely with the implementing agencies in reporting the required data;

6. To request the Implementation Committee to review the situation of the parties listed in the preceding paragraphs at its fifty-eighth meeting;

7. 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;

Decision XXIX/13: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/13*:

1. To note with appreciation that all 197 parties that should have reported data for 2016 have done so and that 180 of those parties had reported their data by 30 September 2017 as required under paragraph 3 of Article 7 of the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note with appreciation that 130 of those parties had reported their data by 30 June 2017 in accordance with decision XV/15 and 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 control measures under the Protocol;

3. 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;

Decision XXIX/18: Reporting of zero in Article 7 data reporting forms

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/18*:

Recalling decision XXIV/14, in which the Twenty-Fourth Meeting of the Parties recalled the need for consistent reporting of production, imports, exports and destruction of ozone-depleting substances in accordance with Article 7 of the Montreal Protocol on Substances that Deplete the Ozone Layer and noted that the forms for reporting in accordance with Article 7 submitted by parties sometimes contained blank cells, in which no numbers indicating quantities of ozone-depleting substances were entered, and that such blank cells could be intended by a party in a given case to indicate zero controlled substances or, alternatively, could represent non-reporting by that party in respect of those substances;

Recalling also that, by decision XXIV/14, the Twenty-Fourth Meeting of the Parties requested the parties, when reporting production, imports, exports or destruction, to enter a number, including zero, where appropriate, in each cell in the data reporting forms that they submitted, rather than leaving the cell blank, and asked the Secretariat to request clarification from any party that submitted a form containing a blank cell,

1. To note with appreciation that the majority of parties are complying with the request made in decision XXIV/14 to enter a number, including zero, where appropriate, in each cell in the data reporting forms that they submit, rather than leaving the cell blank;

2. To note, however, that some parties are continuing to submit forms containing blank cells, which requires additional work by the Secretariat to request clarification from the parties and results in delays in compiling information and assessing parties' compliance with the control measures under the Montreal Protocol on Substances that Deplete the Ozone Layer;

3. To urge the parties, when submitting forms for reporting data in accordance with Article 7, to ensure that all cells in the forms are completed with a number, including zero, where appropriate, rather than leaving the cell blank;

4. To request the Implementation Committee under the non-compliance procedure for the Montreal Protocol to review the status of compliance by the parties with paragraph 3 of the present decision at its sixty-first meeting.

Decisions on compliance with data-reporting requirements: base-year and baseline data

Decision XIV/14: Non-compliance with data reporting requirements under Article 7 of the Montreal Protocol by parties temporarily classified as operating under Article 5 of the Protocol

The *Fourteenth Meeting of the Parties* decided in *decision XIV/14:*

1. To note that the following parties, temporarily classified as operating under Article 5, have not reported any consumption or production data to the Secretariat: Cambodia, Cape Verde, Djibouti, Liberia, Micronesia (Federated States of), Nauru, Palau, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Suriname and Vanuatu;

2. To note that this situation places these parties in non-compliance with their data reporting obligations under the Montreal Protocol;

3. To acknowledge that many of these parties have only recently ratified the Montreal Protocol but also to note that twelve of them have received assistance with data collection from the Multilateral Fund through the Implementing Agencies;

4. To urge these parties to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other Implementing Agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of these parties with respect to data reporting at its next meeting.

Decision XIV/15: Non-compliance with data reporting requirement under Article 7 paragraphs 1 and 2 of the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *decision XIV/15:*

1. To note that several parties operating under Article 5 have not reported data for one or more of the base years (1986, 1989 or 1991) for one or more groups of controlled substances, as required by Article 7 paragraphs 1 and 2 of the Montreal Protocol;

2. To note that Article 7 paragraphs (1) and (2) of the Protocol provides for parties to submit best possible estimates of the data referred to in those provisions where actual data is not available;

3. To request that the Secretariat should communicate with the parties referred to in paragraph 1 above and offer assistance in reporting such estimates in accordance with Article 7 paragraphs (1) and (2).

Decision XIV/16: Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5 paragraphs 3 and 8 *ter* (d)

The *Fourteenth Meeting of the Parties* decided in *decision XIV/16:*

1. To note that the following parties have not reported data for one or more of the years which are required for the establishment of baselines for Annex A and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):

   (a) For Annex A: Angola, Cambodia, Cape Verde, Djibouti, Haiti, Liberia, Micronesia (Federated States of), Nauru, Palau, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Suriname and Vanuatu;

   (b) For Annex E: Cape Verde, Democratic Republic of Congo, Djibouti, Micronesia (Federated States of), Haiti, Democratic People's Republic of Korea, Liberia, Maldives, Nigeria, Palau, Saint Kitts and Nevis, Sao Tome and Principe, Sierra Leone, Somalia, Vanuatu;

2. To note that this places these parties in non-compliance with their data reporting obligations under the Montreal Protocol;

3. To stress that compliance by these parties with the Montreal Protocol cannot be determined without knowledge of this data;

4. To note that 18 out of 20 of these parties are receiving assistance with data collection from the Multilateral Fund through the Implementing Agencies;

5. To urge these parties to work closely with the Agencies concerned to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of these parties with respect to data reporting at its next meeting.

Decision XV/16: Non-compliance with data reporting requirements under Article 7, paragraphs 1 and 2 of the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *decision XV/16:*

1. To recall decision XIV/15 of the Fourteenth Meeting of the Parties, on non-compliance with data reporting requirements for the purpose of reporting data for base years;

2. To note with appreciation that several parties have submitted data for their base years following the adoption of decision XIV/15;

3. To note, however, that the following parties operating under Article 5, paragraph 1, have still not reported data for one or more of the base years (1986, 1989 or 1991) for one or more groups of controlled substances, as required by Article 7, paragraphs 1 and 2 of the Montreal Protocol: Cape Verde, China, Guinea-Bissau, Haiti, Honduras, Liberia, Libyan Arab Jamahiriya, Mali, Marshall Islands, Micronesia (Federated States of), Nauru, Nigeria, São Tomé and Príncipe, Somalia and Suriname;

4. To note further that Article 7, paragraphs 1 and 2 of the Protocol provide for parties to submit best possible estimates of the data referred to in those provisions where actual data are not available;

5. To request the relevant implementing agencies of the Multilateral Fund to make available to the Secretariat any data they have obtained which may be relevant;

6. To request the Secretariat to communicate with the parties referred to in paragraph 3 above and to offer assistance in reporting such estimates in accordance with Article 7, paragraphs 1 and 2.

Decision XV/17: Non-compliance with data reporting requirements under Article 7 of the Montreal Protocol by parties temporarily classified as operating under Article 5 of the Protocol

The *Fifteenth Meeting of the Parties* decided in *decision XV/17:*

1. To note with appreciation the fact that, as requested under decision XIV/14 of the Fourteenth Meeting of the Parties, the following parties have reported data, thus bringing themselves into compliance with the provisions of Article 7 and enabling their temporary classification as Article 5 parties to be removed: Cambodia, Nauru, Rwanda, Sierra Leone and Suriname;

2. To note nevertheless that the following parties, temporarily classified as operating under Article 5, have still not reported any consumption or production data to the Secretariat: Cape Verde, Guinea-Bissau, São Tomé and Príncipe and Somalia;

3. To note that that situation places those parties in non-compliance with their data reporting obligations under the Montreal Protocol;

4. To acknowledge that many of those parties have only recently ratified the Montreal Protocol but also to note that all of them have received assistance with data collection from the Multilateral Fund through the implementing agencies;

5. To urge those parties to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of those parties with respect to data reporting at its next meeting.

Decision XV/18: Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5, paragraphs 3 and 8 *ter* (d)

The *Fifteenth Meeting of the Parties* decided in *decision XV/18:*

1. To note with appreciation the fact that, as requested under decision XIV/16 of the Fourteenth Meeting of the Parties, the following parties have reported baseline data, thus bringing themselves into compliance with the provisions of Article 5, paragraphs 3 and 8 *ter* (d): Angola, Cambodia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Haiti, Maldives, Micronesia (Federated States of), Nauru, Nigeria, Palau, Rwanda, Saint Kitts and Nevis, Sierra Leone, Suriname and Vanuatu;

2. To note nevertheless that the following parties have still not reported data for one or more of the years which are required for the establishment of baselines for Annexes A, B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):

   (a) For Annex A: Cape Verde, Djibouti, Guinea-Bissau, São Tomé and Príncipe, and Somalia;

   (b) For Annex B: Cape Verde, Djibouti, Grenada, Guinea-Bissau, Liberia, São Tomé and Príncipe, and Somalia;

(c) For Annex E: Cape Verde, Djibouti, Guinea-Bissau, India, Liberia, Mali, São Tomé and Príncipe, and Somalia;

3. To note that that places those parties in non-compliance with their data reporting obligations under the Montreal Protocol;

4. To stress that compliance by those parties with the Montreal Protocol cannot be determined without knowledge of those data;

5. To note that all those parties are receiving assistance with data collection from the Multilateral Fund through the implementing agencies;

6. To note also that some of those parties have only recently ratified various amendments to the Montreal Protocol and consequently may be in the process of collecting the required baseline data;

7. To urge those parties to work closely with the implementing agencies concerned to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those parties with respect to data reporting at its next meeting.

Decision XVI/18: Non-compliance with data-reporting requirements under Articles 5 and 7 of the Montreal Protocol by parties recently ratifying the Montreal Protocol I

The *Sixteenth Meeting of the Parties* decided in *decision XVI/18:*

1. To note that the following parties, temporarily classified as operating under paragraph 1 of Article 5, have not reported any consumption or production data to the Secretariat: Afghanistan and Cook Islands;

2. To note that that situation places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol;

3. To acknowledge that all those parties have only recently ratified the Montreal Protocol and also to note that Cook Islands has not yet received assistance with data collection from the Multilateral Fund through the implementing agencies;

4. To urge those parties to work together with the United Nations Environment Programme under the compliance assistance programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of those parties with respect to data reporting at its next meeting.

Decision XVII/21: Non-compliance with data-reporting requirements under Articles 5 and 7 of the Montreal Protocol by parties recently ratifying the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/21:*

1. To note that Eritrea, temporarily classified as operating under paragraph 1 of Article 5 of the Montreal Protocol, has not reported any consumption or production data to the Secretariat;

2. To note that that situation places that party in non-compliance with its data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data;

3. To acknowledge that Eritrea has only recently ratified the Montreal Protocol and has received approval for data collection assistance from the Multilateral Fund for the Implementation of the Montreal Protocol through the latter's implementing agencies;

4. To note with appreciation Eritrea's commitment to submit its outstanding data no later than the first quarter of 2006;

5. To urge Eritrea to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat and to request the Implementation Committee to review the situation of that party with respect to data-reporting at its next meeting.

Decision XVII/22: Non-compliance with data-reporting requirements for the purpose of establishing baselines under Article 5, paragraphs 3 and 8 *ter* (d)

The *Seventeenth Meeting of the Parties* decided in *decision XVII/22:*

1. To note that Serbia and Montenegro has not reported data for one or more of the years which are required for the establishment of baselines for Annexes B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d);

2. To note that that places Serbia and Montenegro in non-compliance with its data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data;

3. To stress that compliance by Serbia and Montenegro with the Montreal Protocol cannot be determined without knowledge of those data;

4. To acknowledge that Serbia and Montenegro has only recently ratified the amendments to the Protocol to which the data-reporting obligation relates, but also to note that its has received assistance with data collection from the Multilateral Fund for the Implementation of the Montreal Protocol through the Fund's implementing agencies;

5. To urge Serbia and Montenegro to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as a matter of urgency to the Secretariat and to request the Implementation Committee to review the situation of Serbia and Montenegro with respect to data reporting at its next meeting.

Decision XXIII/25: Non-reporting of 2009 data on hydrochlorofluorocarbons by Yemen in accordance with Article 7 of the Montreal Protocol

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/25*:

Noting with appreciation that Yemen in October 2010 reported all its data for 2009 except for data concerning the controlled substances in Annex C, group I (hydrochlorofluorocarbons),

Noting that the non-reporting of hydrochlorofluorocarbon data places Yemen in non-compliance with its reporting obligations under paragraph 3 of Article 7 of the Montreal Protocol,

Noting also the party's explanation at the time of reporting in October 2010 that it had delayed reporting its hydrochlorofluorocarbon data because survey activities for the

preparation of its hydrochlorofluorocarbon phase-out management plan were continuing and that it intended to report the data upon completion of those activities,

Noting with concern the lack of response from Yemen to subsequent communications from the Secretariat,

Noting that according to the United Nations Environment Programme, in its role as an implementing agency operating in the party, Yemen had completed the collection of data but had yet to verify it,

Recognizing the security situation and the political and social difficulties faced by Yemen in recent months,

1. To urge Yemen to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;

2. To request the Implementation Committee to review the situation of Yemen at its forty-eighth meeting.

Article 8: Non-compliance

[For decisions on non-compliance with data-reporting requirements, see Article 7.]

Decisions on non-compliance procedure

Decision I/8: Non-compliance

The *First Meeting of the Parties* decided in *decision I/8*:

(a) To establish an open-ended Ad Hoc Working Group of Legal Experts to develop and submit to the Secretariat by 1 November 1989 appropriate proposals for consideration and approval by the parties at their Second Meeting on procedures and institutional mechanisms for determining non-compliance with the provisions of the Montreal Protocol and for the treatment of parties that fail to comply with its terms;

(b) To invite parties and signatories to submit to the Secretariat by no later than 22 May 1989 any comments or proposals they wish to see reflected in the working documents of the ad hoc working group;

(c) To urge the parties to provide within the next three months on a voluntary basis, the necessary funds for the ad hoc working group's meeting.

Decision II/5: Non-compliance

The *Second Meeting of the Parties* decided in *decision II/5:*

To adopt, on an interim basis, the procedures and institutional mechanisms for determining non-compliance with the provisions of the Protocol and for treatment of parties found to be in non-compliance, as set out in annex III[18] to the report on the work of the Second Meeting of the Parties;

To extend the mandate of the open-ended Ad Hoc Working Group of Legal Experts to elaborate further procedures on non-compliance and terms of reference for the Implementation Committee and to present the results for review by the preparatory meeting to the Fourth Meeting of the Parties with a view to their consideration at the Fourth Meeting.

18 The updated non-compliance procedure is set out in annex II to the report of the Tenth Meeting of the Parties. See section 3.5 of this Handbook.

Decision III/2: Non-compliance procedure

The *Third Meeting of the Parties* decided in *decision III/2* to

(a) Request the Ad Hoc Working Group of Legal Experts on the Non-compliance Procedure with the Montreal Protocol, when elaborating further the procedures on non-compliance, to:
   (i) Identify possible situations of non-compliance with the Protocol;
   (ii) Develop an indicative list of advisory and conciliatory measures to encourage full compliance;
   (iii) Reflect the role of the Implementation Committee as an advisory and conciliatory body bearing in mind that the recommendation of the Implementation Committee on Non-compliance Procedure must always be referred to the meeting of the parties for final decision;
   (iv) Reflect the possible need for legal interpretation of the provisions of the Protocol;
   (v) Draw up an indicative list of measures that might be taken by a meeting of the parties in respect of parties that are not in compliance with the Protocol, bearing in mind the need to provide all assistance possible to countries, particularly developing countries, to enable them to comply with the Protocol;
   (vi) Endorse the conclusion of the Ad Hoc Working Group of Legal Experts that the judicial and arbitral settlement of disputes provided for in Article 11 of the Vienna Convention and the Non-compliance Procedure pursuant to Article 8 of the Montreal Protocol were two distinct and separate procedures (UNEP/OzL.Pro/WG.3/2/3);

(b) Adopt the following timetable for finalization of the draft non-compliance procedures for consideration by the Fourth Meeting of the Parties to the Protocol:

October 1991:	Meeting of the Ad Hoc Working Group of Legal Experts to complete the draft procedures for endorsement by the parties;
November 1991:	Submission of draft non-compliance procedures to the Ozone Secretariat;
December 1991:	Circulation of draft non-compliance procedures to the parties.

Decision III/17: Amendment of the Vienna Convention

The *Third Meeting of the Parties* decided in *decision III/17* with respect to the amendment procedure of the Vienna Convention, to request the Ad Hoc Working Group of Legal Experts on Non-compliance with the Montreal Protocol to consider procedures for expediting the amendment procedure under Article 9 of the Vienna Convention.

Decision IV/5: Non-compliance procedure

The *Fourth Meeting of the Parties* decided in *decision IV/5:*

1. To note with appreciation the work of the Ad Hoc Working Group of Legal Experts on Non-Compliance with the Montreal Protocol;

2. To adopt the non-compliance procedure, as set out in annex IV[19] to the report of the Fourth Meeting of the Parties;

19 The updated non-compliance procedure is set out in annex II to the report of the Tenth Meeting of the Parties. See section 3.5 of this Handbook.

3. To adopt the indicative list of measures that might be taken in respect of non-compliance, as set out in annex V to the report of the Fourth Meeting of the Parties; [see section 3.5 of this Handbook]

4. To accept the recommendation that there is no need to expedite the amendment procedure under Article 9 of the Vienna Convention for the Protection of the Ozone Layer;

5. To adopt the view that the responsibility for legal interpretation of the Protocol rests ultimately with the parties themselves.

Decision IX/35: Review of the non-compliance procedure

The *Ninth Meeting of the Parties* decided in *decision IX/35:*

Recalling the non-compliance procedure adopted by the Fourth Meeting of the Parties in its decision IV/5,

Noting that these procedures have not been reviewed since their adoption in 1992,

Aware that the effective operation of the Protocol requires that these procedures should be reviewed on a regular basis,

Also aware of the fundamental importance of ensuring compliance with the provisions of the Montreal Protocol and of assisting parties to that end,

1. To establish an Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance composed of fourteen members: seven representatives from parties operating under paragraph 1 of Article 5 and seven representatives from parties not operating under Article 5, to review the non-compliance procedure of the Montreal Protocol and to develop appropriate conclusions and recommendations, for consideration by the parties, on the need and modalities for the further elaboration and the strengthening of this procedure;

2. To select the following seven parties: Australia, Canada, European Community, Russian Federation, Slovakia, Switzerland and United Kingdom of Great Britain and Northern Ireland from those parties not operating under paragraph 1 of Article 5, and to select the following seven parties: Argentina, Botswana, China, Georgia, Morocco, Sri Lanka and St. Lucia, from those parties operating under paragraph 1 of Article 5, as members of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance;

3. To note that the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance shall select two co-chairs, one from those parties operating under paragraph 1 of Article 5 and one from parties not so operating;

4. To adopt the following timetable for the work of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance:

   (a) 1 November 1997: each of the selected parties is invited to indicate to the Secretariat the name of its representative to the Ad Hoc Working Group;

   (b) 1 January 1998: all parties are also invited to submit to the Secretariat any comments or proposals they wish to see considered in the work of the Ad Hoc Working Group;

   (c) The Ad Hoc Working Group will meet during the three days immediately prior to the seventeenth meeting of the Open-ended Working Group of the parties. It should provide a short report at the seventeenth meeting of the Open-ended Working Group of the parties on the status of its work;

(d) The Ad Hoc Working Group will meet during the three days immediately prior to the Tenth Meeting of the Parties. It should provide a status report on the outcome of its work, including any conclusions and recommendations;

(e) The Group may also consider carrying out additional work through correspondence or any other means it considers appropriate;

5. To request the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance, when reviewing the non-compliance procedure to:

(a) Consider any proposals presented by parties for strengthening the non-compliance procedure, including, inter alia, how repeated instances of major significance of non-compliance with the Protocol could trigger the adoption of measures under the indicative list of measures with a view to ensuring prompt compliance with the Protocol;

(b) Consider any proposals presented by parties for improving the effectiveness of the functioning of the Implementation Committee, including with respect to data-reporting and the conduct of its work;

6. To consider and adopt any appropriate decision at the Tenth Meeting of the Parties upon the review of the work of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance, including its conclusions and/or recommendations;

7. To note that the review of the "Indicative list of measures that might be taken by a meeting of the parties in respect of non-compliance with the Protocol" is not included in the mandate of the Ad Hoc Working Group.

Decision X/10: Review of the non-compliance procedure

The *Tenth Meeting of the Parties* decided in *decision X/10:*

Recalling decision IV/5 on a non-compliance procedure of the Montreal Protocol adopted by the Fourth Meeting of the Parties,

Recalling also decision IX/35 on review of the non-compliance procedure adopted by the Ninth Meeting of the Parties,

Noting the report of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance established by decision IX/35 (UNEP/OzL.Pro/WG.4/1/3) and, in particular, its conclusion that in general the non-compliance procedure has functioned satisfactorily but that further clarification was desirable and that some additional practices should be developed to streamline the procedure,

1. To express appreciation to the Ad Hoc Working Group for its report reviewing the non-compliance procedure;

2. To agree on the following changes in the text with a view to clarifying particular paragraphs of the non-compliance procedure:

(a) In *paragraph 2*, the following should be substituted for the last sentence:

"If the Secretariat has not received a reply from the party three months after sending it the original submission, the Secretariat shall send a reminder to the party that it has yet to provide its reply. The Secretariat shall, as soon as the reply and information from the party are available, but not later than six months after receiving the submission, transmit the submission, the reply and the information,

if any, provided by the parties to the Implementation Committee referred to in paragraph 5, which shall consider the matter as soon as practicable."

(b) In *paragraph 3*, the following should be substituted for the word "accordingly" at the end of the paragraph:

", which shall consider the matter as soon as practicable"

(c) In *paragraph 5*:

(i) The following should be inserted after the second sentence:
"Each party so elected to the Committee shall be requested to notify the Secretariat, within two months of its election, of who is to represent it and shall endeavour to ensure that such representation remains throughout the entire term of office."

(ii) The following should be inserted after the third sentence:
"A party that has completed a second consecutive two-year term as a Committee member shall be eligible for election again only after an absence of one year from the Committee."

(d) In *paragraph 7*, the following subparagraph should be inserted after subparagraph (c):

"(d) To identify the facts and possible causes relating to individual cases of non-compliance referred to the Committee, as best it can, and make appropriate recommendations to the Meeting of the Parties;"

and the subsequent subparagraphs should be renumbered accordingly;

3. To agree, consistent with the Implementation Committee's practice of reviewing all instances of non-compliance, that in situations where there has been a persistent pattern of non-compliance by a party, the Implementation Committee should report and make appropriate recommendations to the Meeting of the Parties with the view to ensuring the integrity of the Montreal Protocol, taking into account the circumstances surrounding the party's persistent pattern of non-compliance. In this connection, consideration should be given to progress made by a party towards achieving compliance and measures taken to help the non-compliant party return to compliance;

4. To draw the attention of parties to the amended non-compliance procedure as set out in annex II to the report of the Tenth Meeting of the Parties; [see section 3.5 of this Handbook]

5. To consider, unless the parties decide otherwise, the operation of the non-compliance procedure again no later than the end of 2003.

Decision XVIII/17: Treatment of stockpiled ozone-depleting substances relative to compliance

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/17:*

1. To note that the Secretariat has reported that parties which had exceeded the allowed level of production or consumption of a particular ozone-depleting substances in a given year have in some cases explained that their excess production or consumption represented one of the four following scenarios:

(a) Ozone-depleting substance production in that year which had been stockpiled for domestic destruction or export for destruction in a future year;

(b) Ozone-depleting substance production in that year which had been stockpiled for domestic feedstock use or export for that use in a future year;

(c) Ozone-depleting substance production in that year which had been stockpiled for export to meet basic domestic needs of developing countries in a future year;

(d) Ozone-depleting substances imported in that year which had been stockpiled for domestic feedstock use in a future year;

2. To recall that the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol had concluded that scenario (d) was, in any event, in conformity with the provisions of the Montreal Protocol and decisions of the Meetings of the parties;

3. To request the Secretariat to maintain a consolidated record of the cases in which the parties have explained that their situations are the consequence of scenarios (a), (b) or (c), and incorporate that record in the documentation 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;

4. To recognize that new scenarios not covered by paragraph 1 will be addressed by the Implementation Committee in accordance with the non-compliance procedure of the Protocol and the established practice thereunder;

5. To agree to revisit this issue at the Twenty-First Meeting of the Parties, in the light of the information gathered in accordance with paragraph 3 of the present decision, with a view to considering the need for further action.

Decision XXII/20: Treatment of stockpiled ozone-depleting substances

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/20*:

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.

Decisions on the Implementation Committee

Decision III/3: Implementation Committee

The *Third Meeting of the Parties* decided in *decision III/3:*

(a) To note the progress made by the Implementation Committee and to urge strongly that the parties that have not yet done so should submit without delay the data required by the Montreal Protocol;

(b) That those States, not forming part of a regional economic integration organization, which had reported data jointly in the past should submit separate data in the future, and do so, if appropriate, in the context of decision III/7(a);

(c) That the period for data reporting is 1 January to 31 December (Article 7, paragraph 2) and that the control period is 1 July to 30 June (Article 2, paragraph 1) and to request the parties to report the data for both periods;

(d) To endorse the recommendation on the categorization of the developing countries under paragraph 1 of Article 5:

"In the light of the figures contained in the report on data (UNEP/OzL.Pro/WG.2/1/3 and Add.1), the recommendation contained in paragraph 14 (e) of the report of the Ad Hoc Group of Experts on the Reporting of Data (UNEP/OzL.Pro/WG.2/1/4), the Committee determined that the following developing countries should be temporarily categorized as not operating under Article 5, paragraph 1: Bahrain, Malta, Singapore and United Arab Emirates. All other developing countries were considered to be operating under Article 5, paragraph 1.";

(e) To confirm the positions of Hungary, Japan, Norway, Trinidad and Tobago, and Uganda as members of the Implementation Committee for one further year and to select Cameroon, Chile, Thailand, U.S.A. and U.S.S.R. for a two year period.

Decision III/20: Composition of the Implementation Committee

The *Third Meeting of the Parties* decided in *decision III/20* to change paragraph 3 of Non-compliance Procedure as in annex III to the report of the Second Meeting of the Parties to the Montreal Protocol*:*

"3. An Implementation Committee is hereby established. It shall consist of ten parties elected by the Meeting of the Parties for two years, based on equitable geographical distribution. Outgoing parties may also be re-elected for one immediate consecutive term."

Decision IV/6: Implementation Committee

The *Fourth Meeting of the Parties* decided in *decision IV/6* to confirm the positions of Cameroon, Chile, Russian Federation, Thailand and the United States as members of the Implementation Committee for one further year, and to select Argentina, Austria, Bulgaria, Republic of Korea and Uganda for a two-year period.

Decision V/2: Implementation Committee

The *Fifth Meeting of the Parties* decided in *decision V/2* to confirm the positions of Argentina, Austria, Bulgaria, the Republic of Korea and Uganda as members of the Implementation Committee for one further year, and to select Burkina Faso, Chile, Jordan, the Netherlands and the Russian Federation as members of the Committee for a two-year period.

Decision VI/3: Implementation Committee

The *Sixth Meeting of the Parties* decided in *decision VI/3* to confirm the positions of Burkina Faso, Chile, Jordan, the Netherlands and the Russian Federation as members of the Implementation Committee for one further year, and to select Austria, Bulgaria, Peru, Philippines and the United Republic of Tanzania as members of the Committee for a two-year period.

Decision VII/21: Membership of the Implementation Committee

The *Seventh Meeting of the Parties* decided in *decision VII/21:*

1. To note with appreciation the work done by the Implementation Committee;
2. To confirm the positions of Austria, Bulgaria, Peru, Philippines and the United Republic of Tanzania as members of the Committee for one further year, and to select Canada, Sri Lanka, Ukraine, Uruguay and Zambia as members of the Committee for a two-year period.

Decision VIII/3: Membership of the Implementation Committee

The *Eighth Meeting of the Parties* decided in *decision VIII/3:*

1. To note with appreciation the work done by the Implementation Committee;
2. To confirm the positions of Canada, Sri Lanka, Ukraine, Uruguay and Zambia for one further year, and to select Dominican Republic, Germany, Ghana, Indonesia, and Lithuania as members of the Committee for a two-year period.

Decision IX/12: Membership of the Implementation Committee

The *Ninth Meeting of the Parties* decided in *decision IX/12:*

1. To note with appreciation the work done by the Implementation Committee;
2. To confirm the positions of the Dominican Republic, Germany, Ghana, Indonesia and Lithuania for one further year, and to select Bolivia, Kenya, Latvia, Pakistan and the United States of America as members of the Committee for a two-year period.

Decision X/3: Membership of the Implementation Committee

The *Tenth Meeting of the Parties* decided in *decision X/3:*

1. To note with appreciation the work done by the Implementation Committee;

2. To confirm the positions of Bolivia, Kenya, Latvia, Pakistan and the United States of America for one further year and to select Antigua and Barbuda, Mali, Poland, Saudi Arabia, and the United Kingdom as members of the Committee for a two-year period.

Decision XI/8: Membership of the Implementation Committee

The *Eleventh Meeting of the Parties* decided in *decision XI/8:*

1. To note with appreciation the work done by the Implementation Committee for 1999;
2. To confirm the positions of Mali, Poland, Saudi Arabia and the United Kingdom for one further year and to select Argentina, Bangladesh, Czech Republic, Ecuador, Egypt and United States of America as members of the Committee for a two-year period.

Decision XII/3: Membership of the Implementation Committee

The *Twelfth Meeting of the Parties* decided in *decision XII/3:*

1. To note with appreciation the work done by the Implementation Committee in the year 2000;
2. To confirm the positions of Argentina, Bangladesh, the Czech Republic, Ecuador, Egypt and the United States of America for one further year and to select Senegal, Slovakia, Sri Lanka and the United Kingdom of Great Britain and Northern Ireland as members of the Committee for a two-year period from 1 January 2001;
3. To note the selection of the United Kingdom of Great Britain and Northern Ireland to serve as President and of Bangladesh to serve as Vice-President and Rapporteur of the Implementation Committee for one year effective 1 January 2001.

Decision XII/13: Term of office of the Implementation Committee and its officers

The *Twelfth Meeting of the Parties* decided in *decision XII/13:*

1. To fix the term of office of the Committee and its officers as 1 January to 31 December each year;
2. To request the Committee elected each year by the Meeting of the Parties to elect its President and Vice-President during the Meeting itself in order to ensure continuity of these two offices.

Decision XIII/26: Membership of the Implementation Committee

The *Thirteenth Meeting of the Parties* decided in *decision XIII/26:*

1. To note with appreciation the work done by the Implementation Committee in the year 2001;
2. To confirm the positions of Senegal, Slovakia, Sri Lanka and the United Kingdom of Great Britain and Northern Ireland for one further year and to select Australia, Bangladesh, Bolivia, Bulgaria, Ghana and Jamaica as members of the Committee for a two-year period from 1 January 2002;
3. To note the selection of Bangladesh to serve as President and of Australia to serve as Vice-President and Rapporteur of the Implementation Committee for one year effective 1 January 2002.

Decision XIV/12: Membership of the Implementation Committee

The *Fourteenth Meeting of the Parties* decided in *decision XIV/12:*

1. To note with appreciation the work done by the Implementation Committee in the year 2002;

2. To confirm the positions of Australia, Bangladesh, Bulgaria, Ghana, and Jamaica for one further year and select Honduras, Italy, Lithuania, Maldives and Tunisia as members of the Committee for a two-year period from 1 January 2003;

3. To note the selection of Australia to serve as President and of Jamaica to serve as Vice-President and Rapporteur of the Implementation Committee for one year effective 1 January 2003.

Decision XIV/37: Interaction between the Executive Committee and the Implementation Committee

The *Fourteenth Meeting of the Parties* decided in *decision XIV/37:*

Noting that the Multilateral Fund has an important responsibility for enabling compliance, but that without national action, there can be no compliance,

Acknowledging that the Executive Committee, pursuant to the Multilateral Fund's mandate "to enable compliance" has a responsibility to consider both the current and forecasted compliance status of a country when it reviews submissions connected with funding proposals and that, therefore, the Committee should work with the party to eliminate the duration of any possible non-compliance,

Mindful of the fact that the Executive Committee's decisions to approve funding cannot be construed to condone a party's non-compliance and that each party continues to bear the responsibility to meet its obligations,

1. To request the Executive Committee to therefore make it clear that its funding decisions are always without prejudice to a party's duty to meet its obligations under the Protocol, and are also without prejudice to the operation of the mechanisms in the Protocol that exist for the treatment of parties in non-compliance. Accordingly, the Executive Committee should include language to this effect in its funding decisions where non-compliance is potentially at issue;

2. To note that while the Implementation Committee may take into account information from the Executive Committee consistent with paragraph 7(f) of the non-compliance procedure, the Executive Committee has no formal role in the crafting of Implementation Committee recommendations;

3. To further note that in no case should any Implementation Committee action be construed as directly requiring the Executive Committee to take any specific action regarding the funding of any specific project;

4. To note that the Executive Committee and Implementation Committee are independent of each other. However, pursuant to Article 10, the Multilateral Fund operates under the authority of the parties and, pursuant to the non-compliance procedure of the Montreal Protocol, the Implementation Committee reports its recommendations to the parties for possible decision.

Decision XV/13: Membership of the Implementation Committee

The *Fifteenth Meeting of the Parties* decided in *decision XV/13:*

1. To note with appreciation the work done by the Implementation Committee in 2003;
2. To confirm the positions of Honduras, Italy, Lithuania, the Maldives and Tunisia for a further one year and select Australia, Belize, Ethiopia, Jordan and the Russian Federation as members of the Committee for a two-year period from 1 January 2004;
3. To note the selection of Tunisia to serve as President and of Italy to serve as Vice-President and Rapporteur of the Implementation Committee for one year with effect from 1 January 2004.

Decision XVI/42: Membership of the Implementation Committee

The *Sixteenth Meeting of the Parties* decided in *decision XVI/42:*

1. To note with appreciation the work done by the Implementation Committee in the year 2004;
2. To confirm the positions of Australia, Belize, Ethiopia, Jordan and the Russian Federation for one further year and to select Cameroon, Georgia, Guatemala, Nepal and the Netherlands as members of the Committee for a two-year period from 1 January 2005;
3. To note the selection of the Netherlands to serve as President and of Jordan to serve as Vice-President and Rapporteur, respectively, of the Implementation Committee for one year with effect from 1 January 2005.

Decision XVII/43: Membership of the Implementation Committee

The *Seventeenth Meeting of the Parties* decided in *decision XVII/43:*

1. To note with appreciation the work done by the Implementation Committee in 2005;
2. To confirm the positions of Cameroon, Georgia, Guatemala, Nepal and the Netherlands for one further year and to select Argentina, Lebanon, New Zealand, Nigeria and Poland as members of the Committee for a two-year period from 1 January 2006;
3. To note the selection of Georgia to serve as President and of New Zealand to serve as Vice-President and Rapporteur of the Implementation Committee for one year with effect from 1 January 2006.

Decision XVIII/1: Membership of the Implementation Committee

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/1:*

1. To note with appreciation the work done by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol in the year 2006;
2. To confirm the positions of Argentina, Lebanon, New Zealand, Nigeria and Poland as members of the Committee for one further year and to select Bolivia, Georgia, India, Tunisia and the Netherlands as members of the Committee for a two-year period from 1 January 2007;
3. To note the selection of New Zealand to serve as President and of Tunisia to serve as Vice-President and Rapporteur, respectively, of the Implementation Committee for one year with effect from 1 January 2007.

Decision XIX/2: Membership of the Implementation Committee

The *Nineteenth Meeting of the Parties* decided in *decision XIX/2*:

1. To note with appreciation the work done by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol in the year 2007;
2. To confirm the positions of Bolivia, Georgia, India, Tunisia and the Netherlands for one further year and to select Jordan, Mauritius, Mexico, New Zealand and the Russian Federation as members of the Committee for a two-year period commencing 1 January 2008;
3. To note the selection of Tunisia to serve as President and of the Russian Federation to serve as Vice-President and Rapporteur, respectively, of the Implementation Committee for one year with effect from 1 January 2008.

Decision XX/21: Membership of the Implementation Committee

The *Twentieth Meeting of the Parties* decided in *decision XX/21*:

1. To note with appreciation the work done by the Implementation Committee under the Non-compliance Procedure for the Montreal Protocol in 2008;
2. To confirm the positions of Jordan, Mauritius, Mexico, New Zealand and the Russian Federation as members of the Committee for one further year and to select Armenia, Germany, Nicaragua, Niger and Sri Lanka as members of the Committee for a two-year period commencing 1 January 2009;
3. To note the selection of Ms. Robyn Washbourne (New Zealand) to serve as President and of Mr. Ghazi Faleh Odat (Jordan) to serve as Vice-President and Rapporteur of the Committee for one year commencing 1 January 2009.

Decision XXI/16: Membership of the Implementation Committee

The *Twenty-First Meeting of the Parties* decided in *decision XXI/16*:

1. To note with appreciation the work done by the Implementation Committee under the Non-compliance Procedure for the Montreal Protocol in 2009;
2. To confirm the positions of Armenia, Germany, Nicaragua, the Niger and Sri Lanka as members of the Committee for one further year and to select Egypt, Jordan, St. Lucia, Russian Federation and United States of America as members of the Committee for a two-year period beginning 1 January 2010;
3. To note the selection of Mr. Ezzat Lewis (Egypt) to serve as President and of Ms. Elisabeth Munzart (Germany) to serve as Vice-President and Rapporteur of the Committee for one year beginning on 1 January 2010.

Decision XXII/23: Membership of the Implementation Committee

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/23*:

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.

Decision XXIII/18: Membership of the Implementation Committee

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/18*:

1. To note with appreciation the work carried out by the Implementation Committee under the non-compliance procedure for the Montreal Protocol in 2011;
2. To confirm the positions of Armenia, Germany, Guinea (replacing Algeria), Nicaragua and Sri Lanka as members of the Committee for one further year and to select Lebanon, Poland, Saint Lucia, the United States of America and Zambia as members of the Committee for a two-year period beginning on 1 January 2012;
3. To note the selection of Mr. W. L. Sumathipala (Sri Lanka) to serve as President and of Mr. Janusz Kozakiewicz (Poland) to serve as Vice-President and Rapporteur of the Committee for one year beginning on 1 January 2012.

Decision XXIV/21: Membership of the Implementation Committee

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/21*:

1. To note with appreciation the work done in 2012 by the Implementation Committee under the non-compliance procedure for the Montreal Protocol;
2. To confirm the positions of Lebanon, Poland, Saint Lucia, the United States of America and Zambia as members of the Committee for one further year and to select Bangladesh, Bosnia and Herzegovina, Cuba, Italy and Morocco as members of the Committee for a two-year period beginning 1 January 2013;
3. To note the selection of Mr. Janusz Kozakiewicz (Poland) to serve as President and of Ms. Azra Rogović-Grubić (Bosnia and Herzegovina) to serve as Vice-President and Rapporteur of the Committee for one year beginning 1 January 2013.

Decision XXV/17: Membership of the Implementation Committee

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/17*:

1. To note with appreciation the work carried out by the Implementation Committee under the non-compliance procedure for the Montreal Protocol in 2012;
2. To confirm the positions of Bangladesh, Bosnia and Herzegovina, Cuba, Italy and Morocco as members of the Committee for one further year and to select Canada, the Dominican Republic, Ghana, Lebanon and Poland as members of the Committee for a two-year period beginning on 1 January 2014;
3. To note the selection of Azra Rogović-Grubić (Bosnia and Herzegovina) to serve as President and Elisabetta Scialanca (Italy) to serve as Vice-President and Rapporteur of the Committee for one year beginning on 1 January 2014.

Decision XXVI/18: Membership of the Implementation Committee

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/18*:

1. To note with appreciation the work carried out by the Implementation Committee under the non-compliance procedure for the Montreal Protocol in 2014;

2. To confirm the positions of Canada, the Dominican Republic, Ghana, Lebanon and Poland as members of the Committee for one further year and to select Bosnia and Herzegovina, Cuba, Mali, Italy and Pakistan as members of the Committee for a two-year period beginning on 1 January 2015;

3. To note the selection of Ms. Elisabetta Scialanca (Italy) to serve as President and Mr. Mazen Hussein (Lebanon) to serve as Vice-President and Rapporteur of the Committee for one year beginning on 1 January 2015.

Decision XXVII/12: Membership of the Implementation Committee

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/12*:

1. To note with appreciation the work carried out by the Implementation Committee under the non-compliance procedure for the Montreal Protocol in 2015;

2. To confirm the positions of Bosnia and Herzegovina, Cuba, Mali, Pakistan and the United Kingdom of Great Britain and Northern Ireland (replacing Italy) as members of the Committee for one further year and to select Bangladesh, Canada, Haiti, Kenya and Romania as members of the Committee for a two-year period beginning on 1 January 2016;

3. To note the selection of Mr. Iftikhar ul Hassan Shah (Pakistan) to serve as President and of Ms. Nancy Seymour (Canada) to serve as Vice-President and Rapporteur of the Committee for one year beginning on 1 January 2016.

Decision XXVIII/13: Membership of the Implementation Committee

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/13*:

1. To note with appreciation the work carried out by the Implementation Committee under the non-compliance procedure for the Montreal Protocol in 2016;

2. To confirm the positions of Bangladesh, Canada, Haiti, Kenya and Romania as members of the Committee for one further year and to select the Congo, Georgia, Jordan, Paraguay and the United Kingdom of Great Britain and Northern Ireland as members of the Committee for a two-year period beginning on 1 January 2017;

3. To note the selection of Mr. Brian Ruddie (United Kingdom of Great Britain and Northern Ireland) to serve as President and of Mr. Leonard Marindany Kirui (Kenya) to serve as Vice-President and Rapporteur of the Committee for one year beginning on 1 January 2017.

Decision XXIX/21: Membership of the Implementation Committee

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/21*:

1. To note with appreciation the work carried out by the Implementation Committee under the non-compliance procedure for the Montreal Protocol in 2017;

2. To confirm the positions of the Congo, Georgia, Jordan, Paraguay and the United Kingdom of Great Britain and Northern Ireland as members of the Committee for one further year and to select Australia, Chile, Maldives, Poland and South Africa as members of the Committee for a two-year period beginning on 1 January 2018;

3. To note the selection of Miruza Mohamed (Maldives) to serve as President and Lesley Dowling (Australia) to serve as Vice-President and Rapporteur of the Committee for one year, beginning on 1 January 2018.

Decisions on non-compliance: Albania

Decision XIV/18: Non-compliance with the Montreal Protocol by Albania

The *Fourteenth Meeting of the Parties* decided in *decision XIV/18:*

1. To note that Albania ratified the Montreal Protocol on 8 October 1999. The country is classified as a party operating under Article 5 (1) of the Protocol but has not had its country programme approved by the Executive Committee. However, the Executive Committee has approved $215,060 from the Multilateral Fund to facilitate compliance in accordance with Article 10 of the Protocol;

2. Albania's baseline for Annex A, group I substances is 41 ODP-tonnes. It reported consumption of 62 and 69 ODP-tonnes of Annex A, group I substances in 2000 and 2001 respectively, and consumption of 58 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Albania was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Albania submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Albania may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Albania with regard to the phase-out of ozone-depleting substances. To the degree that Albania 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 this regard, Albania should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Albania, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/26: Non-compliance with the Montreal Protocol by Albania

The *Fifteenth Meeting of the Parties* decided in *decision XV/26:*

1. To note that, in accordance with decision XIV/18 of the Fourteenth Meeting of the Parties, Albania was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Albania's submission of its plan of action, and to note further that, under the plan, Albania specifically commits itself:

   (a) To reducing CFC consumption from 69 ODP-tonnes in 2001 as follows:
   - (i) To 68.0 ODP-tonnes in 2003;
   - (ii) To 61.2 ODP-tonnes in 2004;
   - (iii) To 36.2 ODP-tonnes in 2005;
   - (iv) To 15.2 ODP-tonnes in 2006;

(v) To 6.2 ODP-tonnes in 2007;
(vi) To 2.2 ODP-tonnes in 2008;
(vii) To phasing out CFC consumption by 1 January 2009, as provided in the plan for reduction and phase out of CFC consumption, save for essential uses that may be authorized by the parties;

(b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

(c) To banning, by 2004, imports of ODS-using equipment;

3. To note that the measures listed in paragraph 2 above should enable Albania to return to compliance by 2006, and to urge Albania to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of Albania with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Albania 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, Albania 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Albania, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Argentina

Decision XIII/21: Compliance with the Montreal Protocol by Argentina

The *Thirteenth Meeting of the Parties* decided in *decision XIII/21:*

1. To note that Argentina ratified the Montreal Protocol on 18 September 1990, the London Amendment on 4 December 1992, the Copenhagen Amendment on 20 April 1995, and the Montreal Amendment on 15 February 2001. The country is classified as a party operating under Article 5 (1) of the Protocol and its country programme was approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved $43,287,750 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Argentina's production baseline for Annex A, group I substances is 2,745.3 ODP-tonnes. Argentina reported production of 3,101 and 3,027 ODP-tonnes of Annex A, group I substances in 1999 and 2000 respectively. Argentina responded to the Ozone Secretariat's request for data regarding the control period 1 July 1999 to 30 June 2000. Argentina reported production of 3,065 ODP-tonnes of Annex A, group I controlled substances for the production freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Argentina was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Argentina submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Argentina

may wish to consider including in its plan actions to establish production quotas that will freeze production at baseline levels and support the phase-out;

4. To closely monitor the progress of Argentina with regard to the phase-out of ozone-depleting substances. To the degree that Argentina is working towards and meeting the specific Protocol control measures, Argentina should continue to be treated in the same manner as a party in good standing. In this regard, Argentina should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Argentina, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Armenia

Decision XIII/18: Compliance with the Montreal Protocol by Armenia

The *Thirteenth Meeting of the Parties* decided in *decision XIII/18:*

1. To note that Armenia is in non-compliance with data reporting requirement under Article 7 of the Protocol, based on which compliance with the phase-out schedule is determined;

2. To note that ratification of the London Amendment is required to qualify for financial assistance from international funding agencies;

3. To recommend that, should Armenia ratify the London Amendment to the Montreal Protocol, international funding agencies should consider favourably the provision of financial assistance to Armenia for projects to phase out ozone-depleting substances in that country.

Decision XIV/31: Non-compliance with the Montreal Protocol by Armenia

The *Fourteenth Meeting of the Parties* decided in *decision XIV/31:*

1. To note that Armenia has reported data on consumption of substances in Annex A to the Montreal Protocol in 2000 above control levels as provided in Article 2 of the Protocol, and therefore that Armenia is in non-compliance with the control measures under Article 2 of the Montreal Protocol in 2000;

2. To note that, in accordance with decision XIII/18 of the Thirteenth Meeting of the Parties, Armenia was requested to ratify the London Amendment as a precondition for Global Environment Facility (GEF) funding, and that this has not occurred;

3. To further note that since Armenia has applied for reclassification as a developing country operating under Article 5 of the Montreal Protocol, the Implementation Committee should review the situation of Armenia after this matter is resolved.

Decision XV/27: Non-compliance with the Montreal Protocol by Armenia

The *Fifteenth Meeting of the Parties* decided in *decision XV/27:*

1. To note that Armenia has now been reclassified as a developing country under decision XIV/2 of the Fourteenth Meeting of the Parties;

2. To note that ratification of the London Amendment is a precondition for Multilateral Fund funding, and therefore to call upon Armenia expeditiously to complete its process of ratification of the London Amendment;

3. To note further, however, that despite the absence of financial assistance, Armenia has reported data showing it to be in compliance with the freeze on CFC consumption, and to congratulate Armenia on its achievements.

Decision XVII/25: Non-compliance with the Montreal Protocol by Armenia and request for a plan of action

The *Seventeenth Meeting of the Parties* decided in *decision XVII/25:*

1. To note that Armenia ratified the Montreal Protocol on 1 October 1999 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol, and that the Council of the Global Environment Facility has approved $2,090,000 to enable Armenia's compliance;

2. To note further that Armenia has reported annual consumption for the controlled substance in Annex E (methyl bromide) for 2004 of 1.020 ODP-tonnes, which exceeds the party's maximum allowable consumption level of zero ODP-tonnes for that controlled substance for that year, and that Armenia is therefore in non-compliance with the control measures for methyl bromide under the Protocol;

3. To request Armenia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Armenia may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Armenia with regard to the phase-out of the controlled substance in Annex E (methyl bromide). 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, Armenia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Armenia, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 the controlled substance in Annex E (methyl bromide) that is the substance that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVIII/20: Non-compliance with the Montreal Protocol by Armenia

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/20:*

1. To note that Armenia ratified the Montreal Protocol on 1 October 1999 and the London and Copenhagen Amendments to the Protocol on 26 November 2003 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol;

2. To note also that the Council of the Global Environment Facility has approved $2,090,000 to enable Armenia's compliance with the Protocol;

3. To note further that Armenia has reported annual consumption for the Annex E controlled substance (methyl bromide) for 2004 of 1.020 ODP-tonnes, which exceeds the party's maximum allowable consumption level of zero ODP-tonnes for that controlled substance for that year, and that Armenia is therefore in non-compliance with the control measures for methyl bromide under the Protocol;

4. To note with appreciation Armenia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Armenia specifically commits itself:

   (a) To maintain methyl bromide consumption at no more than zero ODP-tonnes from 2007, save for critical uses that may be authorized by the parties after 1 January 2015;

   (b) To introduce by 1 July 2007 a system for licensing the import and export of ozone-depleting substances that includes import quotas;

5. To note that Armenia has reported methyl bromide consumption for 2005 that demonstrates its return to compliance in that year and to congratulate the party on that achievement, but also to note the party's concern that, until the measures contained in subparagraph 4 (b) of the present decision come into force, the party cannot be confident of its ability to sustain its return to compliance, and therefore to urge Armenia to work with the relevant implementing agencies to implement the remainder of the plan of action to sustain its phase-out of consumption of methyl bromide;

6. To monitor closely the progress of Armenia with regard to the implementation of its plan of action and the phase-out of methyl bromide. 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, Armenia 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Armenia, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in 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 methyl bromide that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Azerbaijan

Decision X/20: Compliance with the Montreal Protocol by Azerbaijan

The *Tenth Meeting of the Parties* decided in *decision X/20:*

1. To note that Azerbaijan ratified the Montreal Protocol and the London and Copenhagen Amendments on 21 June 1996. The country is classified as a non-Article 5 party under the Protocol and, for 1996, reported positive consumption of 962 ODP-tonnes of Annex A and B substances, none of which was for essential uses exempted by the parties. As a consequence, in 1996, Azerbaijan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Azerbaijan also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the parties until such time as Azerbaijan comes into compliance;

2. To express great concern about Azerbaijan's non-compliance and to note that Azerbaijan only very recently assumed the obligations of the Montreal Protocol, having ratified it in 1996. It is with that understanding that the parties note, after reviewing the country programme and submissions of Azerbaijan (which was prepared with UNEP assistance), that Azerbaijan specifically commits:
   - To a phase-out of CFCs by 1 January 2001 (save for essential uses authorized by the parties);
   - To establish, by 1 January 1999, a system for licensing imports and exports of ODS;
   - To establish a system for licensing operators in the refrigeration-servicing sector;
   - To tax the imports of ozone-depleting substances, to enable it to ensure that it meets the year 2001 phase-out;
   - To a ban, by 1 January 2001, on all imports of halons; and
   - To consider by 1999, a ban on the import of ODS-based equipment;

3. That the measures listed in paragraph 2 above should enable Azerbaijan to achieve the virtual phase out of CFCs, and a complete phase-out of halons by 1 January 2001. In this regard, the parties urge Azerbaijan to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a system for managing banked halon for any continuing critical uses. The parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources;

4. To closely monitor the progress of Azerbaijan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the parties request that Azerbaijan submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Azerbaijan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Azerbaijan should continue to be treated in the same manner as a party in good standing. In this regard, Azerbaijan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Azerbaijan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative

list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/28: Non-compliance with the Montreal Protocol by Azerbaijan

The *Fifteenth Meeting of the Parties* decided in *decision XV/28:*

1. To note that, under decision X/20, Azerbaijan committed itself, among other things, to a complete phase-out of Annex A, group I substances, and to a ban on imports of Annex A, group II substances, by 1 January 2001, in order to ensure its return to compliance with its obligations under Articles 2A and 2B of the Montreal Protocol;

2. To note that data submitted for both 2001 and 2002 showed consumption of CFCs putting Azerbaijan in non-compliance with its obligations under Article 2A of the Montreal Protocol, and also that it has failed to report on the implementation of its ban on imports of halons;

3. To note further that Azerbaijan has undertaken to ban consumption of CFCs from January 2003;

4. To urge Azerbaijan to report its 2003 consumption data to the Secretariat as soon as they become available, along with a report on the status of its commitment to ban imports of halons, and to request the Implementation Committee to review the situation of Azerbaijan at its next meeting.

Decision XVI/21: Non-compliance with the Montreal Protocol by Azerbaijan

The *Sixteenth Meeting of the Parties* decided in *decision XVI/21:*

1. To recall that, under decision X/20, Azerbaijan committed itself, among other things, to a complete phase-out of Annex A, group I, substances (CFCs), and to a ban on imports of Annex A, group II, substances (halons), by 1 January 2001, in order to ensure its return to compliance with its obligations under Articles 2A and 2B of the Montreal Protocol;

2. To note with appreciation that Azerbaijan prohibited the import of halons in 1999, in accordance with decision X/20;

3. To note with great concern, however, that data submitted for 2001, 2002 and 2003 show consumption of CFCs that places Azerbaijan in non-compliance with its obligations under Article 2A of the Montreal Protocol;

4. To note also that Azerbaijan has not fulfilled its undertaking, contained in decision XV/28, to ban the consumption of CFCs from January 2003;

5. To note Azerbaijan's undertaking that complete phase-out of CFCs would be achieved by 1 January 2005 and to urge Azerbaijan to confirm its introduction of a ban on the import of CFCs, to support that undertaking;

6. To urge Azerbaijan to report its 2004 consumption data to the Secretariat as soon as they become available, and to request the Implementation Committee to review the situation of Azerbaijan at its thirty-fourth meeting.

Decision XVII/26: Non-compliance with the Montreal Protocol by Azerbaijan

The *Seventeenth Meeting of the Parties* decided in *decision XVII/26:*

1. To note that Azerbaijan ratified the Montreal Protocol, London and Copenhagen Amendments on 21 June 1996, and the Montreal Amendment on 28 September 2000, and is classified as a party not operating under Article 5 of the Protocol. The Council of the Global Environment Facility has approved $6.867 million to enable Azerbaijan's compliance;

2. To note with appreciation that Azerbaijan has confirmed the introduction of a ban on the import of controlled substances in Annex A group I (CFCs), in accordance with decision XVI/21, but also note with concern that the party did not achieve total phase out of these controlled substances by 1 January 2005 in accordance with that decision;

3. To further note that Azerbaijan had expressed reservations as to its ability to enforce its import ban given its lack of expertise in the tracking of ozone-depleting substances, and recall that Azerbaijan was not able to fulfil its commitments contained in decision X/20 and decision XV/28 to achieve total phase-out of Annex A, group I, controlled substances (CFCs) by 1 January 2001 and 1 January 2003, respectively;

4. To note with appreciation, however, the party's action in cooperation with UNEP to seek further assistance from the Global Environment Facility to address this situation and to request Azerbaijan to report to the Secretariat on the status of this initiative, in time for the Committee's consideration at its next meeting;

5. To agree, in the light of Azerbaijan's recurrent inability to return to compliance with the Protocol in accordance with the decisions of the Meetings of the parties and the party's reservations as to its capacity to enforce its newly introduced ban on the import of controlled substances in Annex A group I (CFCs), to request exporting parties to assist Azerbaijan implement its commitment by ceasing export of those controlled substances to that party, and to further caution Azerbaijan in accordance with item B of the indicative list of measures that, in the event that the party does not achieve total phase out of Annex A, group I, controlled substances (CFC) by 1 January 2006, the Eighteenth Meeting of the Parties shall consider implementation of item C of the indicative measures, which could include action available under Article 4 to cease supply of Annex A, group I, controlled substances (CFCs) to Azerbaijan.

Decision XXV/10: Non-compliance with the Montreal Protocol by Azerbaijan

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/10:*

Noting that Azerbaijan ratified the Montreal Protocol on Substances that Deplete the Ozone Layer, the London Amendment and the Copenhagen Amendment on 12 June 1996, the Montreal Amendment on 28 September 2000 and the Beijing Amendment on 31 August 2012, and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility approved $9,706,515 to enable Azerbaijan to achieve compliance with the Protocol,

Noting further that Azerbaijan had reported annual consumption for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), for 2011 of 7.63 ODP-tonnes, which exceeds the party's maximum allowable consumption of 3.7 ODP-tonnes for those controlled

substances for that year, and was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons,

Noting Azerbaijan's submission of a plan of action for returning to compliance with the Protocol's control measures for hydrochlorofluorocarbons,

Noting also that the party's submission of ozone-depleting-substance data for 2012 showed that Azerbaijan was in compliance with its hydrochlorofluorocarbon consumption obligations under the control measures of the Protocol,

1. That no further action is necessary in view of the party's return to compliance with the hydrochlorofluorocarbon phase-out in 2012 and its implementation of regulatory, administrative and technical measures to ensure compliance with the Protocol's control measures for hydrochlorofluorocarbons;

2. To urge Azerbaijan to work with the relevant implementing agencies to implement its plan of action for the consumption of hydrochlorofluorocarbons;

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

Decisions on non-compliance: Bahamas

Decision XIV/19: Non-compliance with the Montreal Protocol by Bahamas

The *Fourteenth Meeting of the Parties* decided in *decision XIV/19:*

1. To note that Bahamas ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 4 May 1993. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $658,487 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Bahamas' baseline for Annex A, group I substances is 65 ODP-tonnes. It reported consumption of 66 ODP-tonnes of Annex A, group I substances in 2000 and consumption of 87 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bahamas was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Bahamas submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bahamas may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Bahamas with regard to the phase-out of ozone-depleting substances. To the degree that Bahamas 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 this regard, Bahamas should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Bahamas, in accordance with item B of the indicative list of measures, that in the

event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Bangladesh

[Also see decisions XIII/16 and XVI/20, under "Decisions on non-compliance: groups of parties".]

Decision XIV/29: Non-compliance with the Montreal Protocol by Bangladesh

The *Fourteenth Meeting of the Parties* decided in *decision XIV/29:*

1. To note that, in accordance with decision XIII/16 of the Thirteenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to Bangladesh since it had reported data on CFC consumption for either the year 1999 and/or 2000 that was above its baseline, and was therefore in a state of potential non-compliance;

2. To further note that Bangladesh's baseline for Annex A, group I substances is 580 ODP-tonnes. It reported consumption of 805 ODP-tonnes of Annex A, group I substances in 2000, and consumption of 740 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bangladesh was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note, however, that the information provided to the Implementation Committee by both Bangladesh and UNDP shows that Bangladesh is expected to return to compliance in the control period 1 July 2001-31 December 2002;

4. To closely monitor the progress of Bangladesh with regard to the phase-out of ozone-depleting substances. To the degree that Bangladesh is working towards and meeting the specific Protocol control measures, Bangladesh should continue to be treated in the same manner as a party in good standing. In this regard, Bangladesh should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Bangladesh, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVII/27: Non-compliance with the Montreal Protocol by Bangladesh

The *Seventeenth Meeting of the Parties* decided in *decision XVII/27:*

1. To note that Bangladesh ratified the Montreal Protocol on 2 August 1990, the London Amendment on 18 March 1994, the Copenhagen Amendment on 27 November 2000 and the Montreal Amendment on 27 July 2001 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal

Protocol in September 1994. The Executive Committee has approved $1,852,164 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Bangladesh's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 0.8667 ODP-tonnes. As the party reported consumption of 0.892 ODP-tonnes of methyl chloroform in 2003, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

3. To note with appreciation Bangladesh's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Bangladesh specifically commits itself:

   (a) To maintain methyl chloroform consumption at no more than the 2004 level of 0.550 ODP-tonnes from 2005 until 2009, and then to reduce methyl chloroform consumption as follows:
      (i) To 0.2600 ODP-tonnes in 2010;
      (ii) To zero ODP-tonnes in 2015, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties after that date;

   (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances, which includes import quotas;

4. To note that the measures listed in paragraph 3 above have already enabled Bangladesh to return to compliance in 2004, to congratulate the country on that progress and to urge it to work with the relevant implementing agencies to implement the remainder of the plan of action and to phase out consumption of the controlled substance in Annex B, group III;

5. To monitor closely the progress of Bangladesh with regard to the implementation of its plan of action and the phase-out of methyl chloroform. 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, Bangladesh 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Bangladesh, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 methyl chloroform that is the substance that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXI/17: Non-compliance in 2007 and 2008 with the provisions of the Protocol governing consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), by Bangladesh

The *Twenty-First Meeting of the Parties* decided in *decision XXI/17*:

Noting that Bangladesh ratified the Montreal Protocol on 2 August 1990, the London Amendment on 18 March 1994, the Copenhagen Amendment on 27 November 2000 and the Montreal Amendment on 27 July 2001, and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved $6,339,765 from the Multilateral Fund to enable Bangladesh's compliance in accordance with Article 10 of the Protocol,

1. That Bangladesh reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), of 154.9 ODP-tonnes for 2007 and 158.3 ODP-tonnes for 2008, which exceeds the party's maximum allowable consumption of 87.2 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;

2. To note with appreciation Bangladesh'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, Bangladesh specifically commits itself:

   (a) To reducing chlorofluorocarbon consumption to no greater than:
      (i) 140 ODP-tonnes in 2009;
      (ii) 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, including import quotas;

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

4. To monitor closely the progress of Bangladesh 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, Bangladesh 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 a Meeting of the Parties in respect of non-compliance;

5. To caution Bangladesh, in accordance with item B of the indicative list of measures that may be taken by a 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.

Decisions on non-compliance: Belarus

[Also see decision XIV/28, under "Decisions on non-compliance: groups of parties".]

Decision VII/17: Compliance with the Montreal Protocol by Belarus

The *Seventh Meeting of the Parties* decided in *decision VII/17:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol, and the statement made by the Russian Federation on its behalf and on behalf of Belarus, Bulgaria and Ukraine at the twelfth meeting of the Open-ended Working Group;

2. To note the consultations of the Implementation Committee with the representatives of Belarus regarding possible non-fulfilment of that party's obligations under the Montreal Protocol;

3. To note that Belarus was in compliance with its obligations under the Montreal Protocol in 1995 and that there is a possibility of non-compliance in 1996 so that the Implementation Committee might have to revert to that question that year;

4. To note that Belarus agreed to submit its country programme for the phase-out of ozone-depleting substances in Belarus to the Secretariat by 31 December 1995;

5. To note that Belarus promised to provide information on the political commitment on the phase-out programme for ozone-depleting substances by Belarus and that the Implementation Committee after evaluation of the information might wish to request additional information on certain elements, such as:

   (a) The political commitment on the phase-out plan for ozone-depleting substances by Belarus;

   (b) The necessary linkages between the sectoral approach outlined by Belarus in its submission and the specific requirements for the financial, institutional and administrative arrangements towards the implementation of such measures;

   (c) The gradual achievement of the proposed phase-out plan;

   (d) The proposed measures for the enforcement of the measures – in particular the enforcement of the trade regulations;

6. To note that Belarus has agreed not to export any virgin, recycled or recovered substance controlled under the Montreal Protocol to any party operating under Article 2 of the Protocol not member of the Commonwealth of Independent States and that such parties shall not import such controlled substances from Belarus;

7. To recommend international assistance to enable compliance of Belarus with the Montreal Protocol in line with the following provisions:

   (a) Such support should be provided in consultation with the relevant Montreal Protocol Secretariats and the Implementation Committee to ensure consistency of ODS phase-out measures with relevant decisions of the parties to the Montreal Protocol and subsequent recommendations of the Implementation Committee;

   (b) Belarus shall submit annual reports on ODS phase-out progress in line with the schedule included in the country programme for the phase-out of ozone-depleting substances in Belarus;

   (c) The reports shall be submitted in due time to enable the Ozone Secretariat – together with the Implementation Committee – to review them;

   (d) In case of any questions related to the reporting requirements and the actions of Belarus, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee;

8. To note that despite the economic difficulties of the period of transition, Belarus will endeavour to settle its financial contributions to the Multilateral Fund of the Montreal Protocol in the near future.

Decision X/21: Compliance with the Montreal Protocol by Belarus

The *Tenth Meeting of the Parties* decided in *decision X/21:*

1. To note that Belarus ratified the London Amendment on 10 July 1996. The country is classified as a non-Article 5 party under the Protocol and, for 1996, reported positive consumption of 599.7 ODP-tonnes of Annex A and B substances, none of which was for essential uses exempted by the parties. As a consequence, in 1996, Belarus was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Belarus also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the parties until such time as Belarus comes into compliance;

2. To note that although Belarus submitted a list of specific projects with international financing that will reduce national consumption, it has not responded to the request of the Implementation Committee from its twentieth meeting for a phase-out plan with specific benchmarks demonstrating a schedule for coming into compliance with control obligations under Articles 2A through 2E of the Montreal Protocol. The parties also note that in a verbal presentation to the Implementation Committee on 16 November 1998, Belarus announced the recent adoption, on 13 November 1998, of a resolution by its Cabinet of Ministers committing Belarus, through regulation:

   – To a phase-out in the consumption of Annex A and B substances by 1 January 2000.

   However, Belarus noted that there may be difficulty in phasing out consumption for refrigeration associated with agriculture;

3. To closely monitor the progress of Belarus with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the parties request that Belarus submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Belarus is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Belarus should continue to be treated in the same manner as a party in good standing. In this regard, Belarus should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision the parties caution Belarus, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Belize

Decision XIII/22: Compliance with the Montreal Protocol by Belize

The *Thirteenth Meeting of the Parties* decided in *decision XIII/22:*

1. To note that Belize ratified the Montreal Protocol, London Amendment, and Copenhagen Amendment on 9 January 1998. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee

has approved $327,841 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Belize's consumption baseline for Annex A, group I substances is 16 ODP-tonnes. Belize reported consumption of 25 and 9 ODP-tonnes of Annex A, group I substances in 1999 and 2000 respectively. Belize responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Belize reported consumption of 20 ODP-tonnes of Annex A, group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Belize was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Belize submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Belize may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;

4. To closely monitor the progress of Belize with regard to the phase-out of ozone-depleting substances. To the degree that Belize is working towards and meeting the specific Protocol control measures, Belize should continue to be treated in the same manner as a party in good standing. In this regard, Belize should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Belize, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing parties are not contributing to a continuing situation of non-compliance.

Decision XIV/33: Non-compliance with the Montreal Protocol by Belize

The *Fourteenth Meeting of the Parties* decided in *decision XIV/33:*

1. To note that, in accordance with decision XIII/22 of the Thirteenth Meeting of the Parties, Belize was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. Belize's baseline for Annex A, group I substances is 24.4 ODP-tonnes, having been modified in accordance with decision XIV/27. It reported consumption of 16 ODP-tonnes in 2000 and 28 ODP-tonnes in 2001, and consumption of 40 ODP-tonnes for the control period 1 July 2000 to 30 June 2001, placing Belize clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To express concern about Belize's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the parties note, after reviewing the plan of action submitted by Belize, that Belize specifically commits itself:

   (a) To reduce CFC consumption from the current level of 28 ODP-tonnes in 2001 as follows:

(i) To 24.4 ODP-tonnes in 2003;
(ii) To 20 ODP-tonnes in 2004;
(iii) To 12.2 ODP-tonnes in 2005;
(iv) To 10 ODP-tonnes in 2006;
(v) To 3.66 ODP-tonnes in 2007; and
(vi) To phase out CFC consumption by 1 January 2008 as provided under the Montreal Protocol save for essential uses that might be authorized by the parties;

(b) To establish, by 1 January 2003, a system for licensing imports and exports of ODS;

(c) To ban, by 1 January 2004, imports of ODS-using equipment;

4. To note that the measures listed in paragraph 3 above should enable Belize to return to compliance by 2003. In this regard, the parties urge Belize to work with relevant implementing agencies to phase out consumption of ozone-depleting substances in Annex A, group I;

5. To closely monitor the progress of Belize with regard to the phase-out of ozone-depleting substances. To the degree that Belize is working towards and meeting the specific commitments noted above in paragraph 3, Belize should continue to be treated in the same manner as a party in good standing. In this regard, Belize should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Belize, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Bolivia

Decision XIV/20: Non-compliance with the Montreal Protocol by Bolivia

The *Fourteenth Meeting of the Parties* decided in *decision XIV/20:*

1. To note that Bolivia ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 3 October 1994, and the Montreal Amendment on 12 April 1999. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved $1,428,767 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Bolivia's baseline for Annex A, group I substances is 76 ODP-tonnes. It reported consumption of 79 and 77 ODP-tonnes of Annex A, group I substances in 2000 and 2001 respectively, and consumption of 78 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bolivia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Bolivia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bolivia may wish

to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Bolivia with regard to the phase-out of ozone-depleting substances. To the degree that Bolivia is working towards and meeting the specific Protocol control measures, Bolivia should continue to be treated in the same manner as a party in good standing. In this regard, Bolivia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Bolivia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/29: Non-compliance with the Montreal Protocol by Bolivia

The *Fifteenth Meeting of the Parties* decided in *decision XV/29:*

1. To note that, in accordance with decision XIV/20 of the Fourteenth Meeting of the Parties, Bolivia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Bolivia's submission of its plan of action, and to note further that under the plan, Bolivia specifically commits itself:

   (a) To reducing CFC consumption from 65.5 ODP-tonnes in 2002 as follows:
      (i) To 63.6 ODP-tonnes in 2003;
      (ii) To 47.6 ODP-tonnes in 2004;
      (iii) To 37.84 ODP-tonnes in 2005;
      (iv) To 11.35 ODP-tonnes in 2007;
      (v) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

   (b) To monitoring its system for licensing imports and exports of ODS, including quotas, introduced in 2003;

   (c) To monitoring its ban on imports of ODS-using equipment, introduced in 1997 for CFC-12 and extended to other ODS in 2003;

3. To note that the measures listed in paragraph 2 above have already enabled Bolivia to return to compliance, to congratulate Bolivia on that progress, and to urge Bolivia to work with the relevant implementing agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of Bolivia with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Bolivia 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, Bolivia 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Bolivia, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Bosnia and Herzegovina

[Also see decision XVI/20, under "Decisions on non-compliance: groups of parties".]

Decision XIV/21: Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

The *Fourteenth Meeting of the Parties* decided in *decision XIV/21:*

1. To note that Bosnia and Herzegovina ratified the Montreal Protocol on 6 March 1992. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved $1,308,472 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Bosnia and Herzegovina's baseline for Annex A, group I substances is 24 ODP-tonnes. It reported consumption of 176 and 200 ODP-tonnes of Annex A, group I substances in 2000 and 2001 respectively. As a consequence, Bosnia and Herzegovina was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Bosnia and Herzegovina submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bosnia and Herzegovina may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Bosnia and Herzegovina with regard to the phase-out of ozone-depleting substances. To the degree that Bosnia and Herzegovina is working towards and meeting the specific Protocol control measures, Bosnia and Herzegovina should continue to be treated in the same manner as a party in good standing. In this regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/30: Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

The *Fifteenth Meeting of the Parties* decided in *decision XV/30:*

1. To note that, in accordance with decision XIV/21 of the Fourteenth Meeting of the Parties, Bosnia and Herzegovina was requested to submit to the Implementation Committee a plan of action, with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Bosnia and Herzegovina's submission of its plan of action, and to note further that, under the plan, Bosnia and Herzegovina specifically commits itself:

   (a) To reducing CFC consumption from 243.6 ODP-tonnes in 2002 as follows:
   - (i) To 235.3 ODP-tonnes in 2003;
   - (ii) To 167 ODP-tonnes in 2004;
   - (iii) To 102.1 ODP-tonnes in 2005;
   - (iv) To 33 ODP-tonnes in 2006;
   - (v) To 3 ODP-tonnes in 2007;
   - (vi) To phasing out CFC consumption by 1 January 2008, as provided in the plan for reduction and phase-out of CFC consumption, save for essential uses that may be authorized by the parties;

   (b) To reducing methyl bromide consumption from 11.8 ODP-tonnes in 2002, as follows:
   - (i) To 5.61 ODP-tonnes in 2005 and in 2006;
   - (ii) To phasing out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the parties;

   (c) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

   (d) To banning, by 2006, imports of ODS-using equipment;

3. To note that the measures listed in paragraph 2 above should enable Bosnia and Herzegovina to return to compliance by 2008, and to urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I and Annex E;

4. To monitor closely the progress of Bosnia and Herzegovina with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Bosnia and Herzegovina 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, Bosnia and Herzegovina 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVII/28: Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

The *Seventeenth Meeting of the Parties* decided in *decision XVII/28:*

1. To note that Bosnia and Herzegovina ratified the Montreal Protocol on 1 September 1993 and the London, Copenhagen and Montreal amendments on 11 August 2003, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in March 1999. The Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved $2,900,771 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Bosnia and Herzegovina's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 1.548 ODP-tonnes. As the party reported consumption of 3.600 ODP-tonnes of methyl chloroform in 2003 and consumption of 2.44 ODP-tonnes of methyl chloroform in 2004, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

3. To note with appreciation Bosnia and Herzegovina's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures, and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Bosnia and Herzegovina specifically commits itself:

   (a) To reduce methyl chloroform consumption from 2.44 ODP-tonnes in 2004 as follows:
      (i) To 1.3 ODP-tonnes in 2005;
      (ii) To zero ODP-tonnes in 2006, save for essential uses that may be authorized by the parties after 1 January 2015;

   (b) To establish a system for licensing imports and exports of ozone-depleting substances, which includes import quotas, by the end of January 2006;

4. To note that the measures listed in paragraph 3 above should enable Bosnia and Herzegovina to return to compliance in 2006 and to urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement its plan of action and phase out consumption of the controlled substance in Annex B, group III;

5. To monitor closely the progress of Bosnia and Herzegovina with regard to the implementation of its plan of action and the phase-out of methyl chloroform. 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, Bosnia and Herzegovina 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 methyl chloroform that is the substance that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXI/18: Non-compliance in 2007 and 2008 with the provisions of the Protocol governing consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), by Bosnia and Herzegovina

The *Twenty-First Meeting of the Parties* decided in *decision XXI/18*:

Noting that Bosnia and Herzegovina ratified the Montreal Protocol on 30 November 1993 and the London, Copenhagen and Montreal Amendments on 11 August 2003 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved $3,421,231 from the Multilateral Fund to enable Bosnia and Herzegovina's compliance in accordance with Article 10 of the Protocol,

1. That Bosnia and Herzegovina reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), of 22.1 ODP-tonnes for 2007 and 8.8 ODP-tonnes for 2008, which exceeds the party's maximum allowable consumption of 3.6 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;

2. To note with appreciation Bosnia and Herzegovina'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, Bosnia and Herzegovina specifically commits itself:

   (a) To reducing chlorofluorocarbon consumption to no greater than:
      (i) Zero ODP-tonnes in 2009;
      (ii) 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, including import quotas;

3. To urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement its plan of action to phase out consumption of chlorofluorocarbons;

4. To monitor closely the progress of Bosnia and Herzegovina 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, Bosnia and Herzegovina 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 a Meeting of the Parties in respect of non-compliance;

5. To caution Bosnia and Herzegovina in accordance with item B of the indicative list of measures that may be taken by a 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.

Decision XXVII/10: Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/10*:

Noting that Bosnia and Herzegovina ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 1 September 1993, the London Amendment, the Copenhagen Amendment and the Montreal Amendment on 11 August 2003 and the Beijing Amendment on 11 October 2011 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved $4,154,601 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable Bosnia and Herzegovina to achieve compliance with the Protocol,

1. That Bosnia and Herzegovina reported annual consumption for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), for 2013 of 5.13 ODP-tonnes, which exceeds the party's maximum allowable consumption of 4.7 ODP-tonnes for those controlled substances for that year, and was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;
2. To note with appreciation the submission by Bosnia and Herzegovina of a plan of action to ensure its return to compliance with the Protocol's hydrochlorofluorocarbon consumption control measures in 2014 and subsequent years;
3. To note also with appreciation that the party submitted an explanation for its non-compliance, which confirmed that it had introduced a comprehensive set of measures necessary to ensure future compliance;
4. That the party's submission of ozone-depleting-substance data for 2014 showed that Bosnia and Herzegovina was in compliance with its hydrochlorofluorocarbon consumption obligations under the control measures of the Protocol;
5. That no further action is necessary in view of the party's return to compliance with the hydrochlorofluorocarbon phase-out in 2014 and its implementation of regulatory and administrative measures to ensure compliance with the Protocol's control measures for hydrochlorofluorocarbons for subsequent years;
6. To monitor closely the party's progress with regard to the implementation of its obligations under the Protocol.

Decisions on non-compliance: Botswana

Decision XV/31: Non-compliance with the Montreal Protocol by Botswana

The *Fifteenth Meeting of the Parties* decided in *decision XV/31:*

1. To note that Botswana ratified the Montreal Protocol on 4 December 1991, and the London and Copenhagen Amendments on 13 May 1997. Botswana is classified as a party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved $438,340 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Botswana's baseline for the controlled substance in Annex E is 0.1 ODP-tonnes. It reported consumption of 0.6 ODP-tonnes of the controlled substance in

Annex E in 2002. As a consequence, for 2002 Botswana was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

3. To note with appreciation Botswana's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Botswana specifically commits itself:

   (a) To reducing methyl bromide consumption from 0.6 ODP-tonnes in 2002 as follows:
      (i) To 0.4 ODP-tonnes in 2003;
      (ii) To 0.2 ODP-tonnes in 2004;
      (iii) To phasing out methyl bromide consumption by 1 January 2005, as provided by the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the parties;

   (b) To establishing a system for licensing imports and exports of methyl bromide, including quotas;

4. To note that the measures listed in paragraph 3 above should enable Botswana to return to compliance by 2005, and to urge Botswana to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;

5. To monitor closely the progress of Botswana with regard to the phase-out of methyl bromide. To the degree that Botswana 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, Botswana 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Botswana, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 methyl bromide (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Bulgaria

Decision VII/16: Compliance with the Montreal Protocol by Bulgaria

The *Seventh Meeting of the Parties* decided in *decision VII/16:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine at the eleventh meeting of the Open-ended Working Group of the parties to the Montreal Protocol regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol;

2. To note the consultations of the Implementation Committee with the representative of Bulgaria regarding possible non-fulfilment of that party's obligations under the Montreal Protocol;

3. To note that Bulgaria was in compliance with its obligations under the Montreal Protocol in 1995 and that there is a possibility of non-compliance in 1996 so that the Implementation Committee might have to revert to that question that year.

Decision XI/24: Compliance with the Montreal Protocol by Bulgaria

The *Eleventh Meeting of the Parties* decided in *decision XI/24:*

1. To note that Bulgaria acceded to the Vienna Convention and the Montreal Protocol on 20 November 1990 and acceded to the London and Copenhagen Amendments on 28 April 1999. The country is classified as a non-Article 5 party under the Protocol and, for 1997, reported positive consumption of 1.6 ODP-tonnes of Annex A, group II substances, none of which was for essential uses exempted by the parties. As a consequence, in 1997 Bulgaria was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;

2. To note with appreciation the work done by Bulgaria in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan that brought Bulgaria into compliance with the Montreal Protocol by 1 January 1998;

3. To monitor closely the progress of Bulgaria with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above and in this regard, to request that Bulgaria submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Bulgaria is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Bulgaria should continue to be treated in the same manner as a party in good standing. In this regard, Bulgaria should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the parties caution Bulgaria, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Cameroon

Decision XIII/23: Compliance with the Montreal Protocol by Cameroon

The *Thirteenth Meeting of the Parties* decided in *decision XIII/23:*

1. To note that Cameroon ratified the Montreal Protocol on 30 August 1989, the London Amendment on 8 June 1992, and the Copenhagen Amendment on 25 June 1996. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved $5,640,174 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Cameroon's baseline for Annex A, group I substances is 256.9 ODP-tonnes. Cameroon reported consumption of 362 ODP-tonnes of Annex A, group I substances in 1999.

Cameroon responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Cameroon reported consumption of 368.7 ODP-tonnes of Annex A, group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Cameroon was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Cameroon submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Cameroon may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;

4. To closely monitor the progress of Cameroon with regard to the phase-out of ozone-depleting substances. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, Cameroon should continue to be treated in the same manner as a party in good standing. In this regard, Cameroon should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing parties are not contributing to a continuing situation of non-compliance.

Decision XIV/32: Non-compliance with the Montreal Protocol by Cameroon

The *Fourteenth Meeting of the Parties* decided in *decision XIV/32:*

1. To note that, in accordance with decision XIII/23 of the Thirteenth Meeting of the Parties, Cameroon was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To further note that Cameroon's baseline for Annex A, group I substances is 257 ODP-tonnes. It reported consumption of 369 ODP-tonnes in 2000 and 364 ODP-tonnes in 2001, placing Cameroon clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note with regret that Cameroon has not fulfilled the requirements of decision XIII/23 and to request that it should provide a plan of action to the Secretariat as soon as possible, and in time for it to be considered by the Implementation Committee at its next meeting in July 2003, in order for the Committee to monitor its progress towards compliance;

4. To further request the United Nations Environment Programme to submit to the Implementation Committee a progress report on implementation of its policy and technical assistance project currently under way in Cameroon, and for the United Nations Industrial Development Organization to submit to the Implementation Committee confirmation of the completion of its two foam projects, which might have significantly reduced consumption of ozone-depleting substances in Annex A, group I;

5. To stress to the Government of Cameroon its obligations under the Montreal Protocol to phase out the consumption of ozone-depleting substances, and the accompanying need for it to establish and maintain an effective governmental policy and institutional framework for the purposes of implementing and monitoring the national phase-out strategy;

6. To closely monitor the progress of Cameroon with regard to the phase-out of ozone-depleting substances. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, Cameroon should continue to be treated in the same manner as a party in good standing. In this regard, Cameroon should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/32: Non-compliance with the Montreal Protocol by Cameroon

The *Fifteenth Meeting of the Parties* decided in *decision XV/32:*

1. To note that, in accordance with decision XIV/32 of the Fourteenth Meeting of the Parties, Cameroon was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with regard to its consumption of Annex A, group I substances;

2. To note also that Cameroon has reported data for 2002 suggesting that it may now be in compliance with the freeze on CFC consumption, but that it has still not submitted data for the control period 1 July 2001–31 December 2002;

3. To urge Cameroon, accordingly, to report data for the control period 1 July 2001–31 December 2002 as a matter of urgency;

4. To note further that Cameroon's baseline for Annex A, group II substances is 2.38 ODP-tonnes. It reported consumption of 9 ODP-tonnes for Annex A, group II substances in 2002. As a consequence, for 2002 Cameroon was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

5. To note with appreciation Cameroon's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group II substances, and to note also that, under the plan, Cameroon specifically commits itself:

   (a) To reducing halon consumption from 9 ODP-tonnes in 2002 as follows:
      (i) To 3 ODP-tonnes in 2003;
      (ii) To 2.38 ODP-tonnes in 2004;
      (iii) To phasing out halon consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

   (b) To monitoring its existing system for licensing imports and exports of ODS, including quotas introduced in 2003;

(c) To monitoring its existing ban on imports of ODS-using equipment, introduced in 1996;

6. To note that the measures listed in paragraph 5 above should enable Cameroon to return to compliance, with respect to consumption of halons, by 2005, and to urge Cameroon to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group II;

7. To note also that Cameroon's baseline for the controlled substance in Annex E is 18.09 ODP-tonnes. It reported consumption of 25.38 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Cameroon was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

8. To request Cameroon to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with respect to consumption of the controlled substance in Annex E;

9. To monitor closely the progress of Cameroon with regard to the implementation of its plan of action and the phase-out of halons and methyl bromide. To the degree that Cameroon 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, Cameroon 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 halons and methyl bromide (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Chile

Decision XVI/22: Non-compliance with the Montreal Protocol by Chile

The *Sixteenth Meeting of the Parties* decided in *decision XVI/22:*

1. To note that Chile has reported annual data for the controlled substances in Annex B, group I (other fully halogenated CFCs), Annex B, group III (methyl chloroform), and Annex E (methyl bromide) for 2003 which are above its requirements for those substances. As a consequence, for 2003, Chile was in non-compliance with its obligations under Articles 2C, 2E and 2H of the Montreal Protocol;

2. To request Chile, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Chile may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of Chile with regard to the phase-out of other CFCs, methyl chloroform and methyl bromide. To the degree that Chile is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as parties in good standing. In that regard, Chile should continue to receive international assistance to enable it to meet its commitments in accordance with

item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 other CFCs, methyl chloroform and methyl bromide (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVII/29: Non-compliance with the Montreal Protocol by Chile

The *Seventeenth Meeting of the Parties* decided in *decision XVII/29:*

1. To note that Chile ratified the Montreal Protocol on 26 March 1990, the London Amendment on 9 April 1992, the Copenhagen Amendment on 14 January 1994, the Montreal Amendment on 17 June 1998 and the Beijing Amendment on 3 May 2000, and is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1992. The Executive Committee has approved $10,388,451 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Chile's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 6.445 ODP-tonnes and its baseline for the controlled substance in Annex E (methyl bromide) is 212.510 ODP-tonnes. As the party reported consumption of 6.967 ODP-tonnes of methyl chloroform and 274.302 ODP-tonnes of methyl bromide in 2003 and consumption of 3.605 ODP-tonnes of methyl chloroform and consumption of 262.776 ODP-tonnes of methyl bromide in 2004, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol in 2003 and under Article 2H of the Montreal Protocol in 2003 and 2004;

3. To note with appreciation Chile's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform and methyl bromide control measures, and to note that under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Chile specifically commits itself:

   (a) To maintain methyl chloroform consumption at no more than 4.512 ODP-tonnes from 2005 until 2009, and then to reduce methyl chloroform consumption as follows:
      (i) To 1.934 ODP-tonnes in 2010;
      (ii) To zero ODP-tonnes by 1 January 2015, save for essential uses that may be authorized by the parties after that date;

   (b) To reduce methyl bromide consumption from 262.776 ODP-tonnes in 2004 as follows:
      (i) To 170 ODP-tonnes in 2005;
      (ii) To zero ODP-tonnes by 1 January 2015, save for critical uses that may be authorized by the parties after that date;

   (c) To introduce an enhanced ozone-depleting substances licensing and import quota system from the moment the bill is approved in Parliament and to ensure compliance in the interim period by adopting regulatory measures that the Government is entitled to apply;

4. To note that Chile has reported data for 2004 that indicate that it has already returned to compliance with the Protocol's methyl chloroform control measures, to congratulate Chile on that progress, and to urge the party to work with the relevant implementing agencies to implement the remainder of the plan of action to achieve total phase-out of methyl chloroform;

5. To note also that the measures listed in paragraph 3 above should enable Chile to return to compliance with the Protocol's methyl bromide control measures by 2005, and to urge Chile to work with the relevant implementing agencies to implement the plan of action to achieve total phase-out of methyl bromide;

6. To monitor closely the progress of Chile with regard to the implementation of its plan of action and the phase-out of methyl chloroform and methyl bromide. 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, Chile 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 methyl chloroform and methyl bromide that is the substances that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: China

Decision XVII/30: Potential non-compliance in 2004 with consumption of the controlled substances in Annex B group I (other fully halogenated chlorofluorocarbons) by China, and request for a plan of action

The *Seventeenth Meeting of the Parties* decided in *decision XVII/30:*

1. To note that China ratified the Montreal Protocol and the London Amendment on 14 June 1991 and the Copenhagen Amendment on 22 April 2003, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for Implementation of the Montreal Protocol in March 1993. The Executive Committee has approved $623,438,283 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note further that China has reported annual consumption for the controlled substances in Annex B, group I (other CFCs), for 2004 of 20.539 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 20.5336 ODP-tonnes for those controlled substances for that year, and that, in the absence of further clarification, China is presumed to be in non-compliance with the control measures of the Protocol;

3. To request China, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. China may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule;

4. To monitor closely the progress of China with regard to the phase-out of the controlled substances in Annex B, group I (other CFCs). 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, China should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions China, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 the controlled substances in Annex B, group I (other CFCs), that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Czech Republic

Decision VIII/24: Non-compliance by the Czech Republic with the halon phase-out by 1994

The *Eighth Meeting of the Parties* decided in *decision VIII/24:*

1. To note the Czech Republic's non-compliance in the year 1994 with the halon phase-out, due to the indispensable operation of special industrial cooling equipment for the chemical industry;

2. To note further that, if continued halon use was indispensable, the Czech Republic should have applied to the parties through the essential-use nomination process for allocation of a specific quantity of halon for that year;

3. To note, however, that the Czech Republic was in compliance in 1995 with the halon phase-out;

4. That no further action is necessary in view of the Czech Republic's complete phase-out of halon consumption according to the data submitted to the Secretariat pursuant to Article 7 of the Montreal Protocol for 1995.

Decision IX/32: Non-compliance by the Czech Republic with the freeze in consumption of methyl bromide in 1995

The *Ninth Meeting of the Parties* decided in *decision IX/32:*

1. To note the Czech Republic's non-compliance in 1995 with the freeze in the consumption of methyl bromide. According to the information provided by the Czech Republic, in 1995 a total of 11.16 ODP-tonnes of methyl bromide was imported, of which 7.9 ODP-tonnes was consumed in 1996, and no methyl bromide was imported in 1996;

2. To note that, consequently, although the 1995 imports of methyl bromide exceeded the freeze level of 6.0 ODP-tonnes for the Czech Republic, the average annual consumption for the two years 1995 and 1996 was below that level;

3. That no action is required on this incident of non-compliance but the Czech Republic should ensure that a similar case does not occur again.

Decision X/22: Compliance with the Montreal Protocol by the Czech Republic

The *Tenth Meeting of the Parties* decided in *decision X/22:*

1. To note that the Czech Republic ratified the London and Copenhagen Amendments on 18 December 1996. The country is classified as a non-Article 5 party under the Protocol. For 1996, the Czech Republic reported positive consumption of 49.6 ODP-tonnes of Annex A, group I, substances that are partially accounted for under the essential-use exemption by the parties for laboratory and analytical applications. However, the Czech Republic claims the remainder of the 1996 CFC consumption was for essential uses for metered-dose inhalers. But, as the Czech Republic imported ozone-depleting substances in 1996 without obtaining an essential-use authorization from the parties to the Protocol, the Czech Republic was in state of technical non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol for 1996. The Czech Republic reported to the Implementation Committee that it has the utmost interest in reliably meeting its obligations under the Montreal Protocol;

2. To take note of the Czech Republic's status regarding obligations under Articles 2A through 2E of the Montreal Protocol for 1996 and ask the Implementation Committee to continue to review annually the Czech Republic's status.

Decisions on non-compliance: Democratic People's Republic of Korea

Decision XXVI/15: Non-compliance with the Montreal Protocol by the Democratic People's Republic of Korea

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/15:*

Noting that the Democratic People's Republic of Korea ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 24 January 1995, the London and Copenhagen Amendments to the Protocol on 17 June 1999, and the Montreal and Beijing Amendments on 13 December 2001, and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved $22,905,529 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable the Democratic People's Republic of Korea to achieve compliance with the Protocol,

1. That annual consumption by the Democratic People's Republic of Korea of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 90.6 ODP-tonnes for 2013 exceeds the party's maximum allowable consumption of 78.0 ODP-tonnes for those controlled substances for that year and that the party was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;

2. That the annual production by the Democratic People's Republic of Korea of hydrochlorofluorocarbons of 31.8 ODP-tonnes in 2013 exceeds the party's maximum allowable production of 27.6 ODP-tonnes for those controlled substances for that year and that the party was therefore in non-compliance with the production control measures under the Protocol for hydrochlorofluorocarbons;

3. To note with appreciation the submission by the Democratic People's Republic of Korea of a plan of action to ensure its return to compliance with the Protocol's

hydrochlorofluorocarbon consumption control measures in 2015 and production control measures in 2016;

4. To note that under that plan of action, without prejudice to the operation of the financial mechanism of the Protocol, the Democratic People's Republic of Korea specifically commits itself:

   (a) To reducing its consumption of hydrochlorofluorocarbons from 90.6 ODP-tonnes in 2013 to no greater than:
      (i) 80.0 ODP-tonnes in 2014;
      (ii) 70.16 ODP-tonnes in 2015, 2016 and 2017;
      (iii) Levels allowed under the Montreal Protocol in 2018 and subsequent years;

   (b) To reducing its production of hydrochlorofluorocarbons from 31.8 ODP-tonnes in 2013 to no greater than:
      (i) 29.0 ODP-tonnes in 2014;
      (ii) 27.6 ODP-tonnes in 2015;
      (iii) 24.84 ODP-tonnes in 2016 and 2017;
      (iv) Levels allowed under the Montreal Protocol in 2018 and subsequent years;

   (c) To monitoring its system for licensing imports and exports of ozone-depleting substances;

5. To urge the Democratic People's Republic of Korea to work with the relevant implementing agencies to implement its plan of action to phase out consumption and production of hydrochlorofluorocarbons;

6. To closely monitor the progress of the Democratic People's Republic of Korea with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons. 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, the Democratic People's Republic of Korea 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;

7. To caution the Democratic People's Republic of Korea, 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 the Democratic People's Republic of Korea 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 hydrochlochlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Democratic Republic of the Congo

Decision XV/33: Non-compliance with the Montreal Protocol by the Democratic Republic of the Congo

The *Fifteenth Meeting of the Parties* decided in *decision XV/33:*

1. To note that the Democratic Republic of the Congo ratified the Montreal Protocol and the London and Copenhagen Amendments on 30 November 1994. The Democratic

Republic of the Congo is classified as a party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved $1,037,518 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that the baseline of the Democratic Republic of the Congo for Annex A, group II substances is 218.67 ODP-tonnes. It reported consumption of 492 ODP-tonnes of Annex A, group II substances in 2002. As a consequence, for 2002 the Democratic Republic of the Congo was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

3. To request the Democratic Republic of the Congo to submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Democratic Republic of the Congo may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of the Democratic Republic of the Congo with regard to the implementation of its plan of action and the phase-out of halons. To the degree that the Democratic Republic of the Congo 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, the Democratic Republic of the Congo 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution the Democratic Republic of the Congo, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, 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 halons (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVIII/21: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex B, group II, (carbon tetrachloride) and Annex B, group III, (methyl chloroform) by the Democratic Republic of the Congo

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/21:*

1. To note that the Democratic Republic of the Congo ratified the Montreal Protocol and the London and Copenhagen Amendments on 30 November 1994 and the Montreal and Beijing Amendments on 23 March 2005, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in March 1999. The Executive Committee has approved $2,974,819.30 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note also that the Democratic Republic of the Congo has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 16.500 ODP-tonnes, which exceeds the party's maximum allowable consumption level

of 2.288 ODP-tonnes for that controlled substance for that year, and that the party is therefore in non-compliance with the carbon tetrachloride control measures under the Protocol;

3. To note further that the Democratic Republic of the Congo has reported annual consumption for the controlled substance in Annex B, group III, (methyl chloroform) for 2005 of 4.000 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 3.330 ODP-tonnes for that controlled substance for that year, and that the Democratic Republic of the Congo is therefore in non-compliance with the methyl chloroform control measures under the Protocol;

4. To note with appreciation the Democratic Republic of the Congo's submission of a plan of action to ensure its prompt return to compliance with the Protocol's carbon tetrachloride and methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, the party specifically commits itself:

   (a) To maintain carbon tetrachloride consumption in 2006 at no more than 16.500 ODP-tonnes and then to reduce it as follows:
      (i) To 2.2 ODP-tonnes in 2007;
      (ii) To zero in 2008;

   (b) To maintain methyl chloroform consumption in 2006 at no more than 4.000 ODP-tonnes and then to reduce it as follows:
      (i) To 3.3 ODP-tonnes in 2007;
      (ii) To zero in 2008;

   (c) To monitor its system for licensing the import and export of ozone-depleting substances, which includes import quotas;

5. To note that the measures listed in paragraph 4 above should enable the Democratic Republic of the Congo to return to compliance with the Protocol in 2007 and to urge the party to work with the relevant implementing agencies to implement the plan of action to phase out consumption of carbon tetrachloride and methyl chloroform;

6. To monitor closely the progress of the Democratic Republic of the Congo with regard to the phase-out of carbon tetrachloride and methyl chloroform. 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, the party should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Democratic Republic of the Congo, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 carbon tetrachloride and methyl chloroform that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Dominica

[Also see decision XV/21, under 'Decisions on non-compliance: groups of parties'.]

Decision XVIII/22: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex A, group I, (CFCs) by Dominica

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/22:*

1. To note that Dominica ratified the Montreal Protocol and the London Amendment on 31 March 1993 and the Copenhagen, Montreal and Beijing Amendments on 7 March 2006, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in November 1998. The Executive Committee has approved $232,320 from the Multilateral Fund to enable Dominica's compliance in accordance with Article 10 of the Protocol;

2. To note further that Dominica has reported annual consumption for the Annex A, group I, controlled substances (CFCs) for 2005 of 1.388 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 0.740 ODP-tonnes for those controlled substances for that year, and that Dominica is therefore in non-compliance with the control measures for CFCs under the Protocol;

3. To note with appreciation Dominica's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Dominica specifically commits itself:

   (a) To reduce CFC consumption from 1.388 ODP-tonnes in 2005 as follows:
      (i) To 0.45 ODP-tonnes in 2006;
      (ii) To zero ODP-tonnes from 2007, save for essential uses that may be authorized by the parties after 1 January 2010;

   (b) To introduce by 31 December 2006 a system for licensing the import and export of ozone-depleting substances that includes import quotas for all ozone-depleting substances listed under the Protocol. With regard to CFCs, Dominica would set annual quotas consistent with the levels stated in paragraph 3 (a) of the present decision, except to meet the needs of any national disasters and resulting emergencies, in which case Dominica will ensure that the annual quotas do not exceed its maximum allowable levels of consumption as prescribed by Article 2A of the Protocol or such levels as may be otherwise authorized by the parties;

   (c) To monitor its ban on the import of equipment requiring the supply of ozone-depleting substances, noting that the ban excludes equipment for medical purposes;

4. To note that the measures listed in paragraph 3 above should enable Dominica to return to compliance in 2006 and to urge Dominica to work with the relevant implementing agencies to implement the plan of action to phase out consumption of CFCs;

5. To monitor closely the progress of Dominica with regard to the implementation of its plan of action and the phase-out of CFCs. 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, Dominica 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 a Meeting of the

Parties in respect of non-compliance. Through the present decision, however, the parties caution Dominica, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 CFCs that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Ecuador

[Also see decision XVI/20, under "Decisions on non-compliance: groups of parties".]

Decision XVII/31: Non-compliance with the Montreal Protocol by Ecuador

The *Seventeenth Meeting of the Parties* decided in *decision XVII/31:*

1. To note that Ecuador ratified the Montreal Protocol on 10 April 1990 and the London Amendment on 30 April 1990, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved $5,493,045 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Ecuador's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 1.997 ODP-tonnes. As the party reported consumption of 3.484 ODP-tonnes of methyl chloroform in 2003, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

3. To note with appreciation Ecuador's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Ecuador specifically commits itself:

   (a) To reduce methyl chloroform consumption from 2.50 ODP-tonnes in 2004 to 1.3979 ODP-tonnes in 2005;

   (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances, which includes import quotas;

4. To note that the measures listed in paragraph 3 above should enable Ecuador to return to compliance in 2005 and to urge Ecuador to work with the relevant implementing agencies to implement the plan of action to phase out consumption of the controlled substance in Annex B, group III (methyl chloroform);

5. To monitor closely the progress of Ecuador with regard to the implementation of its plan of action and the phase-out of methyl chloroform. 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, Ecuador 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Ecuador, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 methyl chloroform that is, the substance that is the

subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVIII/23: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substance in Annex E (methyl bromide) by Ecuador and request for a plan of action

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/23:*

1. To note that Ecuador ratified the Montreal Protocol on 10 April 1990, the London Amendment on 30 April 1990 and the Copenhagen Amendment on 24 November 1993, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved $5,737,500 from the Multilateral Fund to enable Ecuador's compliance in accordance with Article 10 of the Protocol;

2. To note further that Ecuador has reported annual consumption of the controlled substance in Annex E (methyl bromide) for 2005 of 153.000 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 52.892 ODP-tonnes for that controlled substance for that year, and that Ecuador is therefore in non-compliance with the methyl bromide control measures under the Protocol;

3. To request Ecuador, as a matter of urgency and no later than 31 March 2007, to submit to the Secretariat, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Ecuador may wish to consider including in its plan of action the establishment of policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Ecuador with regard to the phase-out of methyl bromide. 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, Ecuador should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Ecuador, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 methyl bromide that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XX/16: Non-compliance with the Montreal Protocol by Ecuador

The *Twentieth Meeting of the Parties* decided in *decision XX/16*:

Noting that Ecuador ratified the Montreal Protocol on 30 April 1990, the London Amendment on 23 February 1993, the Copenhagen Amendment on 24 November 1993 and the Montreal Amendment on 16 February 2007, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive

Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992,

Noting also that the Executive Committee has approved $6,352,995 from the Multilateral Fund to enable Ecuador's compliance with the Protocol in accordance with Article 10 of the Protocol,

Noting further that Ecuador has reported annual consumption of the controlled substances in Annex E (methyl bromide) for 2007 of 122.4 ODP-tonnes, which exceeds the party's maximum allowable consumption of 53.0 ODP-tonnes for the controlled substance for that year, and that Ecuador is therefore in non-compliance with the control measures for methyl bromide under the Protocol for methyl bromide in 2007,

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

   (a) To reducing methyl bromide consumption to no greater than:
      (i) 52.8 ODP-tonnes in 2008 and in each subsequent calendar year until 2014;
      (ii) Zero ODP-tonnes in 2015, save for critical uses that may be authorized by the parties;

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

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

3. To monitor closely the progress of Ecuador with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that the party is working toward 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, Ecuador 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 a Meeting of the Parties in respect of non-compliance;

4. To caution Ecuador in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to remain in 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 the methyl bromide that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Eritrea

Decision XVIII/24: Potential non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex A, group I, (CFCs) by Eritrea and request for a plan of action

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/24:*

1. To note that Eritrea ratified the Montreal Protocol on 10 March 2005 and the London, Copenhagen, Montreal and Beijing Amendments on 5 July 2005 and is classified as a

party operating under paragraph 1 of Article 5 of the Protocol. The Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved $106,700 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note that Eritrea has reported annual consumption for the controlled substances in Annex A, group I, (CFCs) for 2005 of 30.220 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 20.574 ODP-tonnes for those controlled substances for that year, and that in the absence of further clarification Eritrea is therefore presumed to be in non-compliance with the control measures under the Protocol;

3. To request Eritrea to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Eritrea may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of ozone-depleting-substance-using equipment and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Eritrea with regard to the phase-out of CFCs. 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, Eritrea should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Eritrea, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 CFCs that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Estonia

Decision X/23: Compliance with the Montreal Protocol by Estonia

The *Tenth Meeting of the Parties* decided in *decision X/23:*

1. To note that Estonia acceded to the Montreal Protocol on 17 October 1996. Estonia is classified as a non-Article 5 party under the Protocol and, for 1996, reported positive consumption of 36.5 ODP-tonnes of Annex A and B substances, none of which was for essential uses exempted by the parties. As a consequence, in 1996, Estonia was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Estonia also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the parties until such time as Estonia comes into compliance;

2. To note with appreciation Estonia's significant strides in coming into compliance with the Montreal Protocol. Estonia decreased its consumption steadily from an estimated 131 ODP-tonnes in 1995 to 36.5 tonnes in 1996. This significant reduction is a clear demonstration of Estonia's determination to achieve a complete phase-out according

to its schedule. In response to a request from the Ozone Secretariat, Estonia submitted interim reductions targets for the phase-out. In this phase-out plan with interim benchmarks, Estonia commits:

- To reduce consumption by 1 January 1999 to no more than 23 ODP-tonnes for Annex A and B substances;
- To completely phase out consumption of Annex B substances by 1 January 2000;
- To reduce consumption by 1 January 2000 to no more than 14 ODP-tonnes of Annex A substances;
- To reduce consumption of CFC-12 to all but 1 tonne in 2001;
- To a complete phase out of Annex A substances by 1 January 2002; and
- To establish, for 1999, a harmonized system for monitoring and controlling imports of ozone-depleting substances;

3. To urge Estonia, in order to assist it in meeting its commitments, to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a system for managing recovered refrigerants and halon for any continuing critical uses. The parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources.

4. To closely monitor the progress of Estonia with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the parties request that Estonia submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. The parties urge Estonia to ratify the London and Copenhagen Amendments. To the degree that Estonia is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Estonia should continue to be treated in the same manner as a party in good standing. In this regard, Estonia should, to the degree consistent with relevant assistance requirements, receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the parties in respect of non-compliance. However, through this decision the parties caution Estonia, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Ethiopia

Decision XIII/24: Compliance with the Montreal Protocol by Ethiopia

The *Thirteenth Meeting of the Parties* decided in *decision XIII/24:*

1. To note that Ethiopia ratified the Montreal Protocol on 11 October 1994 and has not ratified the London and Copenhagen Amendments. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $330,844 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Ethiopia's baseline for Annex A, group I substances is 33.8 ODP-tonnes. Ethiopia reported consumption of 39 and 39 ODP-tonnes of Annex A, group I substances in 1999 and 2000 respectively. Ethiopia responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Ethiopia reported consumption of 39.2 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Ethiopia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Ethiopia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Ethiopia may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;

4. To closely monitor the progress of Ethiopia with regard to the phase-out of ozone-depleting substances. To the degree that Ethiopia is working towards and meeting the specific Protocol control measures, Ethiopia should continue to be treated in the same manner as a party in good standing. In this regard, Ethiopia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Ethiopia, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing parties are not contributing to a continuing situation of non-compliance.

Decision XIV/34: Non-compliance with the Montreal Protocol by Ethiopia

The *Fourteenth Meeting of the Parties* decided in *decision XIV/34:*

1. To note that, in accordance with decision XIII/24 of the 13th Meeting of the Parties, Ethiopia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. Ethiopia's baseline for Annex A, group I substances is 34 ODP-tonnes. It reported consumption of 39 ODP-tonnes in 2000 and 35 ODP-tonnes for the control period 1 July 2000 to 30 June 2001, placing Ethiopia clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To express concern about Ethiopia's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the parties note, after reviewing the plan of action submitted by Ethiopia, that Ethiopia specifically commits itself to reduce CFC consumption from the current level of 35 ODP-tonnes in 2001 as follows:

   (a) To 34 ODP-tonnes in 2003;

   (b) To 17 ODP-tonnes in 2005;

   (c) To 5 ODP-tonnes in 2007; and

(d) To phase out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the parties;

4. To note that the measures listed in paragraph 3 above should enable Ethiopia to return to compliance by 2003. In this regard, the parties urge Ethiopia to work with relevant implementing agencies to phase out consumption of ozone-depleting substances in Annex A, group I;

5. To closely monitor the progress of Ethiopia with regard to the phase-out of ozone-depleting substances. To the degree that Ethiopia is working towards and meeting the specific commitments noted above in paragraph 3, Ethiopia should continue to be treated in the same manner as a party in good standing. In this regard, Ethiopia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Ethiopia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: European Union

Decision XXIII/26: Non-compliance with the Montreal Protocol by the European Union

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/26*:

Noting that the European Union reported the export of 16.616 metric tonnes of Annex C, group I, controlled substances (hydrochlorofluorocarbons) in 2009 to a State classified as not operating under paragraph 1 of Article 5 of the Montreal Protocol that was also a State not party to the Copenhagen Amendment to the Protocol in that year, which places the party in non-compliance with the provisions of Article 4 of the Protocol prohibiting trade with any State not party to the Protocol,

1. That no further action is necessary in view of the party's implementation of regulatory and administrative measures to ensure its compliance with the provisions of the Protocol governing trade with non-parties;

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

Decisions on non-compliance: Federated States of Micronesia

Decision XVII/32: Non-compliance with the Montreal Protocol by Federated States of Micronesia

The *Seventeenth Meeting of the Parties* decided in *decision XVII/32:*

1. To note that Federated States of Micronesia ratified the Montreal Protocol on 6 September 1995 and the London, Copenhagen, Montreal and Beijing Amendments on 27 November 2001, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in March 2002. The Executive

Committee has approved $74,680 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note further that the Federated States of Micronesia has reported annual consumption of the controlled substances in Annex A, group I (CFCs), for 2002, 2003 and 2004 of 1.876, 1.691 and 1.451 ODP-tonnes respectively, which exceed the party's maximum allowable consumption level of 1.219 ODP-tonnes for those controlled substances in each of those years, and that Federated States of Micronesia is therefore in non-compliance with the control measures under the Protocol;

3. To note with appreciation Federated States of Micronesia's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Federated States of Micronesia specifically commits itself:

   (a) To reduce consumption of the controlled substances in Annex A, group I (CFCs), from 1.451 ODP-tonnes in 2004 as follows:
      (i) To 1.351 ODP-tonnes in 2005;
      (ii) To phase out consumption of the controlled substances in Annex A, group I (CFCs), by 1 January 2006, save for essential uses that may be authorized by the parties;

   (b) To introduce a system for licensing imports and exports of ozone-depleting substances, including a quota system, by 1 January 2006;

4. To note that the measures listed in paragraph 3 above should enable Federated States of Micronesia to return to compliance in 2006, and to urge Federated States of Micronesia to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substances in Annex A, group I (CFCs);

5. To monitor closely the progress of Federated States of Micronesia with regard to the implementation of its plan of action and the phase-out of the controlled substances in Annex A, group I (CFCs). 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, Federated States of Micronesia 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Federated States of Micronesia, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 the controlled substances in Annex A, group I (CFCs), that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXI/19: Compliance with the Montreal Protocol by the Federated States of Micronesia

The *Twenty-First Meeting of the Parties* decided in *decision XXI/19*:

1. That the Federated States of Micronesia reported annual consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), of 0.5 ODP-tonnes for 2007, which exceeds the party's maximum allowable consumption of 0.2 ODP-tonnes for those

controlled substances for that year, and that the party is therefore in non-compliance with the control measures for those substances under the Protocol for that year;

2. To note, however, that in response to the request for an explanation for its excess consumption, the Federated States of Micronesia has reported that it had begun to enforce its licensing system, which took effect in November 2007;

3. To note further the Federated States of Micronesia's return to compliance in 2008 and its commitment to ban imports of chlorofluorocarbons from 2009 onward;

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

Decisions on non-compliance: Fiji

Decision XVI/23: Non-compliance with the Montreal Protocol by Fiji

The *Sixteenth Meeting of the Parties* decided in *decision XVI/23:*

1. To note that Fiji has reported annual data for the controlled substances in Annex E (methyl bromide) for 2003 that is above its requirement for that substance. As a consequence, for 2003, Fiji was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

2. To request Fiji, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Fiji may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of Fiji with regard to the phase-out of methyl bromide. To the degree that Fiji 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, Fiji should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Fiji, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 methyl bromide (that is, the subject of non–compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVII/33: Non-compliance with the Montreal Protocol by Fiji

The *Seventeenth Meeting of the Parties* decided in *decision XVII/33:*

1. To note that Fiji ratified the Montreal Protocol on 23 October 1989, the London Amendment on 9 December 1994 and the Copenhagen Amendment on 17 May 2000, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1993. The Executive Committee has approved $542,908 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Fiji's baseline for the controlled substance in Annex E (methyl bromide) is 0.6710 ODP-tonnes. As the party reported consumption of methyl bromide of 1.506 ODP-tonnes in 2003 and 1.609 ODP-tonnes in 2004, it was in non-compliance with its obligations under Article 2H of the Montreal Protocol in those years;

3. To note with appreciation Fiji's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Fiji specifically commits itself:

   (a) To reduce methyl bromide consumption from 1.609 ODP-tonnes in 2004 as follows:
      (i) To 1.5 ODP-tonnes in 2005;
      (ii) To 1.3 ODP-tonnes in 2006;
      (iii) To 1.0 ODP-tonnes in 2007;
      (iv) To 0.5 ODP-tonnes in 2008;

   (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances;

   (c) To commence implementation of a methyl bromide import quota system in 2006;

4. To note that the measures listed in paragraph 3 above should enable Fiji to return to compliance in 2008, and to urge Fiji to work with the relevant implementing agencies to implement the plan of action and phase out consumption of methyl bromide;

5. To monitor closely the progress of Fiji with regard to the implementation of its plan of action and the phase-out of methyl bromide. 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, Fiji 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Fiji, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 methyl bromide that is the substance that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance

Decisions on non-compliance: France

Decision XXV/11: Non-compliance with the Montreal Protocol by France

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/11:*

Noting that France ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 28 December 1988, the London Amendment on 12 February 1992, the Copenhagen Amendment on 3 January 1996 and the Montreal and Beijing Amendments on 25 July 2003, and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that France has reported annual production for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), for 2011 of 598.9 ODP-tonnes, which exceeds the party's maximum allowable production of 584.4 ODP-tonnes for those controlled substances for that year, and was therefore in non-compliance with the production control measures under the Protocol for hydrochlorofluorocarbons,

Noting further the submission by France of an action plan that confirms compliance with the Protocol's hydrochlorofluorocarbon production control measures for 2012 and subsequent years,

1. That no further action is necessary in view of the party's implementation of regulatory and administrative measures to ensure its compliance with the provisions of the Protocol governing production of hydrochlorofluorocarbons for subsequent years;

2. To monitor closely France's progress with regard to the phase-out of hydrochlorofluorocarbons. 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;

3. To caution France, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures, which may include the possibility of actions available under Article 4.

Decisions on non-compliance: Greece

Decision XVIII/25: Non-compliance with regard to the transfer of CFC production rights by Greece

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/25:*

1. To note that Greece ratified the Montreal Protocol on 29 December 1988, the London Amendment on 11 May 1993, the Copenhagen Amendment on 30 January 1995, the Montreal Amendment on 27 January 2006 and the Beijing Amendment on 27 January 2006 and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol;

2. To note further that Greece has reported annual production for the Annex A, group I, controlled substances (CFCs) of 2,793.000 ODP-tonnes to meet the basic domestic needs of parties operating under Article 5 of the Protocol, which exceeds the party's maximum allowable production level for those controlled substances of 1,168 ODP-tonnes;

3. To note with appreciation the explanation submitted by the party that it received a transfer of CFC production rights from the United Kingdom of Great Britain and Northern Ireland of 1,786 ODP-tonnes in 2004 such that its maximum allowable level of CFC production in that year increased to 2,954 ODP-tonnes, an amount greater than the total CFC production reported by Greece for 2004;

4. To note with concern, however, that Greece did not notify the Secretariat prior to the date of the transfer and that it is therefore in non-compliance with the provisions of Article 2 of the Protocol that prescribe the procedure for the transfer of production rights, while acknowledging the party's regret at its failure to comply with the notification requirement of Article 2 and its undertaking to ensure that any future transfers are conducted in accordance with that Article.

Decision XIX/21: Non-compliance in 2005 with the provisions of the Montreal Protocol governing production of the controlled substances in Annex A, group I, (chlorofluorocarbons) and the requirements of Article 2 of the Protocol with regard to the transfer of CFC production rights by Greece

The *Nineteenth Meeting of the Parties* decided in *decision XIX/21*:

Noting that Greece ratified the Montreal Protocol on 29 December 1988, the London Amendment on 11 May 1993, the Copenhagen Amendment on 30 January 1995, the Montreal Amendment on 27 January 2006 and the Beijing Amendment on 27 January 2006 and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that Greece has reported annual production for the Annex A, group I, controlled substances (CFCs) of 2,142.000 ODP-tonnes for 2005 to meet the basic domestic needs of parties operating under Article 5 of the Protocol, which exceeds the party's maximum allowable production level for those controlled substances of 730 ODP-tonnes,

Noting with appreciation the explanation submitted by the party that 1,374 ODP-tonnes of its excess production of CFCs is attributable to a transfer of CFC production allowances from the United Kingdom of Great Britain and Northern Ireland to Greece in 2005, but noting with concern that Greece did not notify the Secretariat prior to the date of the transfer in accordance with the requirements of Article 2 of the Protocol,

Noting also the explanation submitted by Greece that the 38 ODP-tonnes of total reported CFC production in 2005 that was not accounted for by the transfer of production allowances reflected the party's misunderstanding as to the calculation of its baseline for the production of CFCs to meet the basic domestic needs of parties operating under Article 5 of the Protocol and data reporting errors by the party for the baseline year 1995,

Noting further the information submitted by Greece in support of its request to revise the data for the year 1995 that is used to calculate the party's baseline for the production of CFCs to meet the basic domestic needs of parties operating under Article 5 of the Protocol,

Recalling recommendation 39/16 of the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol, which concluded that the information submitted by Greece did not meet the requirements of decision XV/19 of the Fifteenth Meeting of the Parties for substantiating requests for the revision of baseline data, primarily because the party could not verify the accuracy of the proposed new baseline data as required by paragraph 2 (a) (iii) of decision XV/19,

Noting with appreciation, however, that Greece ceased CFC production in January 2006, will not issue licenses to produce CFCs in the future and reported ozone-depleting substances data for 2006 that confirms its return to compliance with the Protocol's CFC production control measures in that year,

1. That Greece was in non-compliance in 2005 with the provisions of Article 2 of the Protocol that prescribe the procedure for the transfer of production rights, while acknowledging the party's regret at its failure to comply with the notification requirement of Article 2 and its undertaking to ensure that any future transfers are conducted in accordance with that Article;

2. That Greece was also in non-compliance in 2005 with the production control measures under the Montreal Protocol for the controlled substances contained in Annex A, group I, (CFCs) of the Protocol;

3. To monitor whether the party continues to refrain from producing CFCs. To the degree that the party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing;

4. To caution Greece in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to remain in compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of action available under Article 4 of the Protocol.

Decisions on non-compliance: Guatemala

[Also see decision XIV/17, under "Decisions on non-compliance: groups of parties".]

Decision XV/34: Non-compliance with the Montreal Protocol by Guatemala

The *Fifteenth Meeting of the Parties* decided in *decision XV/34:*

1. To note that Guatemala ratified the Montreal Protocol on 7 November 1989 and the London, Copenhagen, Montreal and Beijing Amendments on 21 January 2002. Guatemala is classified as a party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved $6,302,694 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Guatemala's baseline for Annex A, group I substances is 224.6 ODP-tonnes. It reported consumption of 239.6 ODP-tonnes of Annex A, group I substances in 2002. Guatemala's baseline for the controlled substance in Annex E is 400.7 ODP-tonnes. It reported consumption of 709.4 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Guatemala was in non-compliance with its obligations under Articles 2A and 2H of the Montreal Protocol;

3. To note with appreciation Guatemala's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group I and Annex E substances, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Guatemala specifically commits itself:

   (a) To reducing CFC consumption from 239.6 ODP-tonnes in 2002 as follows:
      (i) To 180.5 ODP-tonnes in 2003;
      (ii) To 120 ODP-tonnes in 2004;
      (iii) To 85 ODP-tonnes in 2005;
      (iv) To 50 ODP-tonnes in 2006;
      (v) To 20 ODP-tonnes in 2007;
      (vi) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

   (b) To reducing methyl bromide consumption from 709.4 ODP-tonnes in 2002, as follows:
      (i) To 528 ODP-tonnes in 2003;
      (ii) To 492 ODP-tonnes in 2004;
      (iii) To 360 ODP-tonnes in 2005;
      (iv) To 335 ODP-tonnes in 2006;

(v) To 310 ODP-tonnes in 2007;
(vi) To 286 ODP-tonnes in 2008;
(vii) To phasing out methyl bromide consumption by 1 January 2015, as required under the Montreal Protocol, save for critical uses that may be authorized by the parties;

(c) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

(d) To banning, by 2005, imports of ODS-using equipment;

4. To note that the measures listed in paragraph 3 above should enable Guatemala to return to compliance by 2005 (CFCs) and 2007 (methyl bromide), and to urge Guatemala to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I and Annex E;

5. To monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Guatemala 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, Guatemala 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Guatemala, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVIII/26: Revised plan of action to return Guatemala to compliance with the control measures in Article 2H of the Montreal Protocol

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/26:*

1. To note that Guatemala ratified the Montreal Protocol on 7 November 1989 and the London, Copenhagen, Montreal and Beijing Amendments on 21 January 2002. Guatemala is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1993. Since approval of the country programme, the Executive Committee has approved $6,366,065 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To recall decision XV/34, which noted that Guatemala was in non-compliance in 2002 with its obligations under Article 2H of the Protocol to freeze its consumption of the controlled substance in Annex E (methyl bromide) at its baseline level of 400.7 ODP-tonnes but also noted with appreciation the plan of action submitted by Guatemala to ensure its prompt return to compliance in 2007 with the Protocol's methyl bromide consumption control measures;

3. To note with concern, however, that Guatemala has reported consumption of methyl bromide for 2005 of 522.792 ODP-tonnes, which is inconsistent with the party's

commitment contained in decision XV/34 to reduce its methyl bromide consumption to 360 ODP-tonnes in 2005;

4. To note further the advice of Guatemala that all relevant stakeholders have committed to phase out methyl bromide in accordance with the revised time-specific consumption reduction benchmarks contained in paragraph 5 of the present decision, which provide the party with one additional year to overcome the technical, economic and political challenges that were the cause of the party's deviation from its commitments contained in decision XV/34;

5. To note also with appreciation that Guatemala has submitted a revised plan of action for methyl bromide phase-out in controlled uses and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Guatemala specifically commits itself:

   (a) To reduce methyl bromide consumption from 709.4 ODP-tonnes in 2002 as follows:
      (i) To 400.70 ODP-tonnes in 2006;
      (ii) To 361 ODP-tonnes in 2007;
      (iii) To 320.56 ODP-tonnes in 2008;
      (iv) To phase out methyl bromide consumption by 1 January 2015, as required under the Protocol, save for critical uses that may be authorized by the parties;

   (b) To monitor its system for licensing imports and exports of ozone-depleting substances, including quotas;

6. To note that the measures listed in paragraph 5 above should enable Guatemala to return to compliance with the Protocol's methyl bromide control measures in 2008 and to urge Guatemala to work with the relevant implementing agencies to implement the plan of action and phase out consumption of methyl bromide;

7. To monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Guatemala 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, Guatemala 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Guatemala, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 methyl bromide that is the subject of non-compliance is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXVI/16: Non-compliance with the Montreal Protocol by Guatemala

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/16:*

Noting that Guatemala ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 7 November 1989 and the London, Copenhagen, Montreal and Beijing Amendments to the Protocol on 21 January 2002, and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved $9,608,694 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable Guatemala to achieve compliance with the Protocol,

1. That Guatemala's annual consumption of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 11.3 ODP-tonnes for 2013 exceeds the party's maximum allowable consumption of 8.3 ODP-tonnes for those controlled substances for that year and that the party was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;

2. To note with appreciation the submission by Guatemala of a plan of action to ensure its return to compliance with the Protocol's hydrochlorofluorocarbon control measures and its decision to reduce its hydrochlorofluorocarbon consumption in 2014 below its allowable consumption by the excess amount consumed in 2013;

3. To note that under that plan of action, without prejudice to the operation of the financial mechanism of the Protocol, Guatemala specifically commits itself:

   (a) To reducing its consumption of hydrochlorofluorocarbons from 11.3 ODP-tonnes in 2013 to no greater than:
      (i) 4.35 ODP-tonnes in 2014;
      (ii) Levels allowed under the Montreal Protocol in 2015 and subsequent years;

   (b) To monitoring its system for licensing imports and exports of ozone-depleting substances;

4. To urge Guatemala to continue to work with the relevant implementing agencies to implement its plan of action to phase out consumption of hydrochlorofluorocarbons;

5. To monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons. 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, Guatemala 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;

6. To caution Guatemala, 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 Guatemala 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 hydrochlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXVIII/11: Non-compliance in 2014 by Guatemala with the provisions of the Montreal Protocol governing consumption of the controlled substances in Annex C, group I (hydrochlorofluorocarbons)

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/11*:

Noting that Guatemala ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 7 November 1989 and the London Amendment, the Copenhagen Amendment, the Montreal Amendment and the Beijing Amendment on 21 January 2002 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved $9,772,935 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable Guatemala to achieve compliance with the Protocol,

1. That the annual consumption reported by Guatemala for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 4.74 ODP-tonnes in 2014 was inconsistent with its commitment set out in decision XXVI/16 to reduce consumption of hydrochlorofluorocarbons to no greater than 4.35 ODP-tonnes in that year and that the party was therefore in non-compliance with the consumption control measures for that substance under the Protocol for that year;

2. To note with appreciation the submission by Guatemala of an explanation for its compliance situation and its correction of its hydrochlorofluorocarbon consumption to 9.84 ODP-tonnes in 2013 and 4.74 ODP-tonnes in 2014, attributing the previous incorrect data to a technical error in computing the consumption of that substance in the country for those two years;

3. To note also that despite the revision of its 2013 data the party remained in non-compliance with its hydrochlorofluorocarbon consumption obligations under the Protocol for 2013;

4. To agree that the data corrections for 2013 and 2014 will not vary any of the benchmarks already recorded and agreed in decision XXVI/16;

5. To note that Guatemala has reported data for 2015 that indicate that it has already returned to compliance with the Protocol's hydrochlorofluorocarbon control measures and to congratulate Guatemala on that progress;

6. To urge Guatemala to work with the relevant implementing agencies to implement the remainder of the plan of action in decision XXVI/16;

7. To continue to monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons. 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, Guatemala 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;

Decisions on non-compliance: Guinea-Bissau

Decision XVI/24: Non-compliance with the Montreal Protocol by Guinea-Bissau

The *Sixteenth Meeting of the Parties* decided in *decision XVI/24:*

1. To note that Guinea-Bissau ratified the Montreal Protocol and the London, Copenhagen and Beijing Amendments on 12 November 2002. Guinea-Bissau is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 2004. The Executive Committee has approved $669,593 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Guinea-Bissau's baseline for the controlled substances in Annex A, group I (CFCs), is 26.275 ODP-tonnes. It reported consumption of 29.446 ODP-tonnes of

CFCs in 2003. As a consequence, for 2003, Guinea-Bissau was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note with appreciation Guinea-Bissau's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group I (CFCs), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Guinea-Bissau specifically commits itself:

   (a) To reducing CFC consumption from 29.446 ODP-tonnes in 2003 as follows:
      (i) To 26.275 ODP-tonnes in 2004;
      (ii) To 13.137 ODP-tonnes in 2005;
      (iii) To 13.137 ODP-tonnes in 2006;
      (iv) To 3.941 ODP-tonnes in 2007;
      (v) To 3.941 ODP-tonnes in 2008;
      (vi) To 3.941 ODP-tonnes in 2009;
      (vii) To phasing out CFC consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

   (b) To introduce a system for licensing imports and exports of ozone-depleting substances, including quotas by the end of 2004;

4. To note that the measures listed in paragraph 3 above should enable Guinea-Bissau to return to compliance by 2004, and to urge Guinea-Bissau to work with the relevant implementing agencies to implement the plan of action and phase out consumption of CFCs;

5. To monitor closely the progress of Guinea-Bissau with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Guinea-Bissau 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, Guinea-Bissau 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Guinea-Bissau, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Honduras

[Also see decision XIII/16, under "Decisions on non-compliance: groups of parties".]

Decision XV/35: Non-compliance with the Montreal Protocol by Honduras

The *Fifteenth Meeting of the Parties* decided in *decision XV/35:*

1. To note that Honduras ratified the Montreal Protocol on 14 October 1993 and the London and Copenhagen Amendments on 24 January 2002. Honduras is classified as a party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $2,912,410 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Honduras's baseline for the controlled substance in Annex E is 259.43 ODP-tonnes. It reported consumption of 412.52 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Honduras was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

3. To recognize the devastation and disruption to agriculture caused by Hurricane Mitch in October 1998, which contributed to the increase in use of methyl bromide, and to applaud Honduras's efforts to recover from the situation;

4. To note with appreciation Honduras's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Honduras specifically commits itself:

   (a) To reducing methyl bromide consumption from 412.52 ODP-tonnes in 2002 as follows:
      (i) To 370.0 ODP-tonnes in 2003;
      (ii) To 306.1 ODP-tonnes in 2004;
      (iii) To 207.5 ODP-tonnes in 2005;

   (b) To monitoring its system for licensing imports and exports of ODS, including quotas, in force since May 2003;

   (c) To monitoring its ban on imports of ODS-using equipment, in force since May 2003;

5. To note that the measures listed in paragraph 4 above should enable Honduras to return to compliance by 2005, and to urge Honduras to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the ozone-depleting substance in Annex E;

6. To monitor closely the progress of Honduras with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Honduras 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, Honduras 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Honduras, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 methyl bromide (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVII/34: Revised plan of action to return Honduras to compliance with the control measures in Article 2H of the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/34:*

1. To note that Honduras ratified the Montreal Protocol on 14 October 1993 and the London and Copenhagen Amendments on 24 January 2002, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1996. Since approval of the country programme, the Executive

Committee has approved $3,342,025 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To recall decision XV/35, which noted that Honduras was in non-compliance in 2002 with its obligations under Article 2H of the Montreal Protocol to freeze its consumption of the controlled substance in Annex E (methyl bromide) at its baseline level of 259.43 ODP-tonnes, but also noted with appreciation the plan of action submitted by Honduras to ensure its prompt return to compliance in 2005;

3. To note with concern, however, that while Honduras has reported consumption of methyl bromide for 2004 of 340.80 ODP-tonnes that is less than its reported consumption for 2003, it is still inconsistent with the party's commitment contained in decision XV/35 to reduce its methyl bromide consumption to 306.1 ODP-tonnes in 2004;

4. Further to note the advice of Honduras that its stakeholders remain committed to methyl bromide phase out and that an additional two years would be required to overcome the technical difficulties that were the cause of the party's deviation from its commitments contained in decision XV/35;

5. To note with appreciation that Honduras has submitted a revised plan of action for methyl bromide phase-out in controlled uses, and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Honduras specifically commits itself:

   (a) To reduce methyl bromide consumption from 340.80 ODP-tonnes in 2004 as follows:
      (i) To 327.6000 ODP-tonnes in 2005;
      (ii) To 295.8000 ODP-tonnes in 2006;
      (iii) To 255.0000 ODP-tonnes in 2007;
      (iv) To 207.5424 ODP-tonnes in 2008;

   (b) To monitor its system for licensing imports and exports of ozone-depleting substances, including quotas, in force since May 2003;

   (c) To monitor its ban on imports of equipment using ozone-depleting substances, in force since May 2003;

6. To note that the measures listed in paragraph 5 above should enable Honduras to return to compliance with the Protocol's methyl bromide control measures in 2008 and to urge Honduras to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E (methyl bromide);

7. To monitor closely the progress of Honduras with regard to the implementation of its plan of action and the phase-out of the controlled substance in Annex E (methyl bromide). To the degree that Honduras 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, Honduras 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Honduras, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, 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 methyl bromide

that is the subject of non-compliance is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Iraq

Decision XX/15: Difficulties faced by Iraq as a new party

The *Twentieth Meeting of the Parties* decided in *decision XX/15*:

Noting with appreciation Iraq's joining the international community in its efforts to preserve the ozone layer, which came into effect with the recent accession of Iraq as a party to the Vienna Convention, the Montreal Protocol and all its amendments,

Recognizing the difficulties faced by Iraq by joining the Vienna Convention and the Montreal Protocol and all its amendments shortly before key phase-out dates,

Recognizing also the security situation and the political, economic and social difficulties faced by Iraq over the last two decades,

Understanding Iraq's commitments for phasing out ozone-depleting substances under the Montreal Protocol and its amendments within a limited time frame,

1. To urge all parties to assist Iraq, as a new party, in controlling the export of ozone-depleting substances and ozone-depleting substance-based technologies into Iraq through the control of trade as per the provisions of the Montreal Protocol and relevant decisions of the Meeting of the Parties and to encourage Iraq to participate in an informal prior informed consent process as referred to in decision XIX/12;
2. To request the Executive Committee when considering project proposals for Iraq to phase out ozone-depleting substances to take into account the special situation of this new party, which may face difficulties in the phase out of ozone-depleting substances in Annexes A and B, and to be flexible in considering the project proposals, without prejudice to the possible review of the non-compliance situation of Iraq by the parties;
3. To request the implementing agencies to provide appropriate assistance to Iraq in developing its country programme and national phase-out plans and in continuing its efforts to report to the Secretariat, as soon as possible, data on consumption of ozone-depleting substances in accordance with the Montreal Protocol requirements;
4. To request the Implementation Committee to report on the compliance situation of Iraq to the Open-ended Working Group preceding the Twenty-Third Meeting of the Parties, during which the present decision will be reconsidered.

Decision XXIII/24: Difficulties faced by Iraq as a new party

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/24*:

Noting with appreciation Iraq's efforts to comply with the requirements of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol and all its amendments,

Recognizing the continued difficulties faced by Iraq as the result of its becoming a party to the Vienna Convention and the Montreal Protocol and all its amendments shortly before key phase-out dates,

Recognizing also the security situation and the political, economic and social difficulties faced by Iraq over the past two decades,

Acknowledging Iraq's commitment to phasing out ozone-depleting substances under the Montreal Protocol and its amendments within a limited time frame,

1. To urge all exporting countries to liaise with the Government of Iraq, as feasible, prior to the export of any ozone-depleting substances to Iraq in order to support the local authorities in controlling the import of ozone-depleting substances and combating illegal trade;

2. To note the need for extra security and attention to logistical difficulties in the implementation of phase-out projects in Iraq, including resources adequate to enable implementing agency personnel to operate in the country;

3. To request the implementing agencies to continue to take into account Iraq's special situation and to provide it with appropriate assistance.

Decisions on non-compliance: Islamic Republic of Iran

[Also see decision XVI/20, under "Decisions on non-compliance: groups of parties".]

Decision XVIII/27: Potential non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substance in Annex B group II, (carbon tetrachloride) by the Islamic Republic of Iran and request for a plan of action

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/27:*

1. To note that the Islamic Republic of Iran ratified the Montreal Protocol on 3 October 1990, the London and Copenhagen Amendments on 4 August 1997 and the Montreal Amendment on 17 October 2001, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1993. The Executive Committee has approved $59,507,714 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note that the Islamic Republic of Iran has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 13.640 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 11.550 ODP-tonnes for that controlled substance for that year, and that in the absence of further clarification the Islamic Republic of Iran is therefore presumed to be in non-compliance with the control measures under the Protocol;

3. To request the Islamic Republic of Iran to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Islamic Republic of Iran may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of ozone-depleting-substance-using equipment and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of the Islamic Republic of Iran with regard to the phase-out of carbon tetrachloride. 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, the Islamic Republic of Iran should continue to receive international assistance to enable it to meet its commitments

in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Islamic Republic of Iran, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 carbon tetrachloride that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XIX/27: Compliance with the Montreal Protocol by the Islamic Republic of Iran

The *Nineteenth Meeting of the Parties* decided in *decision XIX/27*:

Noting that the Islamic Republic of Iran ratified the Montreal Protocol on 3 October 1990, the London and Copenhagen Amendments to the Protocol on 4 August 1997 and the Montreal Amendment to the Protocol on 17 October 2001, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1993,

Noting also that the Executive Committee has approved $65,323,350 from the Multilateral Fund in accordance with Article 10 of the Protocol to enable the Islamic Republic of Iran's compliance,

Noting further that decision XVII/13 of the Seventeenth Meeting of the Parties provides that the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol should defer until 2007 consideration of compliance with the Protocol's carbon tetrachloride control measures by any Article 5 party that provides evidence to the Ozone Secretariat with its annual data report that its deviation from the Protocol's annual consumption limit was due to the use of carbon tetrachloride for analytical and laboratory processes,

Congratulating the Islamic Republic of Iran on its reported data for carbon tetrachloride consumption in 2006, which shows that it was in compliance with its obligations under the control measures of the Montreal Protocol for that substance in that year,

1. That the Islamic Republic of Iran reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 13.6 ODP-tonnes, which exceeds the party's maximum allowable consumption of 11.6 ODP-tonnes for that controlled substance for that year, but that the party's excess consumption was for laboratory and analytical uses;

2. To record with appreciation the submission by the Islamic Republic of Iran of a plan of action to ensure its prompt return to compliance with the Protocol's carbon tetrachloride control measures, under which, without prejudice to the operation of the financial mechanism of the Protocol, the Islamic Republic of Iran specifically commits itself:

   (a) To reducing consumption to no greater than:
      (i) 11.6 ODP-tonnes in 2007;
      (ii) Zero ODP-tonnes in 2008, save for essential uses that may be authorized by the parties;

   (b) To monitoring its existing system for licensing imports and exports of ozone-depleting substances, including import quotas;

3. To urge the Islamic Republic of Iran to work with the relevant implementing agencies to implement its plan of action to phase out consumption of carbon tetrachloride;

4. To monitor closely the progress of the Islamic Republic of Iran with regard to the implementation of its plan of action and the phase-out of carbon tetrachloride. To the degree that the party is working toward 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, the Islamic Republic of Iran 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 a Meeting of the Parties in respect of non-compliance;

5. To caution the Islamic Republic of Iran in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 the carbon tetrachloride that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Israel

Decision XXVIII/10: Non-compliance by Israel with its data and information reporting obligations

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/10*:

Noting that Israel ratified the Montreal Protocol on Substances that Deplete the Ozone Layer and the London Amendment on 30 June 1992, the Copenhagen Amendment on 5 April 1995, the Montreal Amendment on 28 May 2003 and the Beijing Amendment on 15 April 2004 and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

1. To note with concern that Israel has not reported on its use of controlled substances as process agents in 2014 and 2015, as required by paragraph 4 (a) of decision X/14, and to note that Israel's failure to report the required information placed the party in non-compliance with its reporting obligations under that decision;

2. Also to note with concern that Israel has not yet provided the information required under paragraph 3 of decision XXII/20 on the measures that it has in place to avoid the diversion to unauthorized uses of 17.3 ODP-tonnes of excess production of bromochloromethane stockpiled in 2014;

3. To express its concern at Israel's repeated failure to respond to the requests for information recorded in recommendations 55/4, 56/5 and 56/7 of the Implementation Committee;

4. To request Israel to submit to the Secretariat as soon as possible, and no later than 31 March 2017, the outstanding information on:

   (a) Its use of controlled substances as process agents in 2014 and 2015, as required by paragraph 4 (a) of decision X/14;

   (b) The measures it has put in place to avoid the diversion to unauthorized uses of the 17.3 ODP-tonnes of excess production of bromochloromethane stockpiled in 2014, in accordance with paragraph 3 of decision XXII/20;

5. To request the Implementation Committee to review the situation of Israel at its fifty-eighth meeting.

Decisions on non-compliance: Kazakhstan

Decision XIII/19: Compliance with the Montreal Protocol by Kazakhstan

The *Thirteenth Meeting of the Parties* decided in *decision XIII/19:*

1. To note that Kazakhstan ratified the Montreal Protocol on 26 August 1998 and the London Amendment on 26 July 2001. The country is classified as a non-Article 5 party under the Protocol. The data for 1998 through 2000 in Kazakhstan's country programme that was submitted to the Implementation Committee indicate positive consumption of Annex A and B substances, none of which was for essential uses exempted by the parties. As a consequence, in 1998 through 2000, Kazakhstan is in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Kazakhstan expresses a belief that this situation will continue through at least the year 2004, necessitating annual review by the Implementation Committee and the parties until such time as Kazakhstan comes into compliance;

2. To express great concern about Kazakhstan's non-compliance and to note that Kazakhstan only very recently assumed the obligations of the Montreal Protocol, having ratified the Montreal Protocol in 1998 and the London Amendment in 2001. It is with that understanding that the parties note, after reviewing the country programme and submissions of Kazakhstan, that Kazakhstan specifically commits itself:

   (a) To reduce CFC consumption to 162 ODP-tonnes for calendar year 2002, to 54 ODP-tonnes for 2003; and to phase out CFC consumption by 1 January 2004 (save for essential uses authorized by the parties);

   (b) To establish, by 1 January 2003, a system for licensing imports and exports of ODS;

   (c) To establish, by 1 January 2003, a ban on imports of ODS-using equipment;

   (d) To reduce halon consumption to 5.08 ODP-tonnes for the calendar year 2002 and to phase out halon consumption by 1 January 2003;

   (e) To phase out carbon tetrachloride and methyl chloroform consumption by 1 January 2002;

   (f) To reduce methyl bromide consumption to 2.7 ODP-tonnes for calendar year 2002, to 0.44 ODP-tonnes for calendar year 2003, and to phase out methyl bromide consumption by 1 January 2004;

3. That the measures listed in paragraph 2 above should enable Kazakhstan to achieve the near total phase-out of all Annexes A, B and E controlled substances by 1 January 2004. In this regard, the parties urge Kazakhstan to work with relevant implementing agencies to shift current consumption to non-ozone-depleting alternatives;

4. To closely monitor the progress of Kazakhstan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the parties request that Kazakhstan should submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Kazakhstan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Kazakhstan should continue to be treated in the same manner as a party in good standing. In this regard, Kazakhstan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties

caution Kazakhstan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of Annex A and B controlled substances that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVII/35: Potential non-compliance in 2004 with the controlled substances in Annex A, group I (CFCs) by Kazakhstan, and request for a plan of action

The *Seventeenth Meeting of the Parties* decided in *decision XVII/35:*

1. To recall decision XIII/19, which noted that Kazakhstan was in non-compliance from 1998 to 2000 with its obligations under Article 2A of the Montreal Protocol to maintain total phase-out of its consumption of the controlled substances in Annex A, group I (CFCs), but also noted with appreciation the plan of action submitted by Kazakhstan to ensure its prompt return to compliance;

2. To note with concern, however, that Kazakhstan reported annual consumption for the controlled substances in Annex A, group I (CFCs), in 2004 of 11.2 ODP-tonnes, which is inconsistent with the party's commitment contained in decision XIII/19 to reduce its consumption of the controlled substances in Annex A, group I (CFCs), to zero in 2004;

3. To note further with concern that Kazakhstan has not submitted to the Implementation Committee the requested explanation for this deviation and strongly to urge the party to submit this information, along with its ozone-depleting substance data report for 2005, and to report on its commitment, also contained in decision XIII/19, to implement a ban on the import of equipment using ozone-depleting-substances, as a matter of urgency, in time for consideration by the Committee at its next meeting;

4. To remind the party of paragraph 4 of decision XIII/19, which records the agreement of the Thirteenth Meeting of the Parties to monitor the progress of Kazakhstan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments contained in decision XIII/19. In this regard, the parties requested that Kazakhstan should submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Kazakhstan is working towards and meeting the specific time-based commitments contained in decision XIII/19 and continues to report data annually demonstrating a decrease in imports and consumption, it should continue to be treated in the same manner as a party in good standing. In this regard, Kazakhstan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through decision XIII/19, however, the parties cautioned Kazakhstan, in accordance with item B of the indicative list of measures, that, in the event that the country fails to meet the commitments noted above in the times specified, the parties should consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4 designed to ensure that the supply of controlled substances in Annex A and Annex B that are the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXV/12: Non-compliance with the Montreal Protocol by Kazakhstan

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/12:*

Noting that Kazakhstan ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 26 August 1998, the London Amendment on 26 July 2001 and the Copenhagen and Montreal Amendments on 28 June 2011, and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility approved $6, 024,696 to enable Kazakhstan to achieve compliance with the Protocol,

Noting further that Kazakhstan has reported annual consumption for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), for 2011 of 90.75 ODP-tonnes, which exceeds the party's maximum allowable consumption of 9.9 ODP-tonnes for those controlled substances for that year, and was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons,

Noting that Kazakhstan has reported annual consumption for the controlled substance in Annex E (methyl bromide), for 2011 of 6.0 ODP-tonnes, which exceeds the party's maximum allowable consumption of zero ODP-tonnes for that controlled substance for that year, and was therefore in non-compliance with the consumption control measures under the Protocol for methyl bromide,

1. To request Kazakhstan to submit to the Secretariat, as a matter of urgency and no later than 31 March 2014, for consideration by the Implementation Committee at its fifty-second meeting, an explanation for its excess consumption and details of the management systems in place that had failed to prevent that excess consumption, together with a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance with its hydrochlorofluorocarbon and methyl bromide obligations under the Protocol;

2. To monitor closely Kazakhstan's progress with regard to the phase-out of hydrochlorofluorocarbons and methyl bromide. 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 and, in that regard, should continue to receive international assistance to enable it to meet its 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;

3. To caution Kazakhstan, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures, which may include the possibility of actions available under Article 4, such as ensuring that the supply of hydrochlorofluorocarbons and methyl bromide that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXVI/13: Non-compliance with the Montreal Protocol by Kazakhstan

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/13:*

Noting that Kazakhstan ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 26 August 1998, the London Amendment to the Protocol on 26 July 2001, the

Copenhagen and Montreal Amendments on 28 June 2011 and the Beijing Amendment on 19 September 2014, and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility has previously approved funding in the amount of $6,024,696 to enable Kazakhstan to achieve compliance with control measures of the Protocol other than those applicable to hydrochlorofluorocarbons and methyl bromide,

Noting with concern that a methyl bromide project submitted to the Global Environment Facility was rejected and that the Facility's consideration of a hydrochlorofluorocarbon project proposal was still at an early stage,

1. That Kazakhstan's annual consumption of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 90.75 ODP-tonnes for 2011, 21.36 ODP-tonnes for 2012 and 83.32 ODP-tonnes for 2013 exceeds the party's maximum allowable consumption of 9.9 ODP-tonnes for those controlled substances for those years and that the party was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;

2. That Kazakhstan's annual consumption of the controlled substance in Annex E (methyl bromide) of 6.0 ODP-tonnes in 2011 and 19.0 ODP-tonnes in 2013 exceeds the party's maximum allowable consumption of zero ODP-tonnes for that controlled substance for those years and that the party was therefore in non-compliance with the consumption control measures under the Protocol for methyl bromide;

3. To note with appreciation the submission by Kazakhstan of a plan of action to ensure its return to compliance with the Protocol's hydrochlorofluorocarbon and methyl bromide control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Kazakhstan specifically commits itself:

   (a) To reducing its consumption of hydrochlorofluorocarbons from 83.32 ODP-tonnes in 2013 to no greater than:
      (i) 40 ODP-tonnes in 2014;
      (ii) 9.9 ODP-tonnes in 2015;
      (iii) 3.95 ODP-tonnes in 2016, 2017, 2018 and 2019;
      (iv) Zero ODP-tonnes by 1 January 2020, save for consumption restricted to the servicing of refrigeration and air-conditioning equipment between the period 2020 and 2030 as prescribed in the Protocol;

   (b) To reducing its consumption of methyl bromide from 19.0 ODP-tonnes in 2013 to no greater than:
      (i) 6.0 ODP-tonnes in 2014;
      (ii) Zero ODP-tonnes by 1 January 2015, save for critical uses that may be authorized by the parties;

   (c) To monitoring its system for licensing imports and exports of ozone-depleting substances;

4. To invite the relevant implementing agencies to work with Kazakhstan to secure the reconsideration of the party's proposed methyl bromide project and consideration of the party's proposed hydrochlorofluorocarbon project by the Global Environment Facility;

5. To urge Kazakhstan to work with the relevant implementing agencies to implement its plan of action to phase out consumption of hydrochlorofluorocarbons and methyl bromide;

6. To monitor closely the progress of Kazakhstan with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons and methyl bromide. 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, Kazakhstan 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;

7. To caution Kazakhstan, 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 Kazakhstan 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 hydrochlochlorofluorocarbons and methyl bromide that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXIX/14: Non-compliance in 2015 and 2016 with the provisions of the Montreal Protocol governing consumption of the controlled substance in Annex C, group I (hydrochlorofluorocarbons), by Kazakhstan

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/14:*

Noting that Kazakhstan ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 26 August 1998, the London Amendment on 26 July 2001, the Copenhagen Amendment and the Montreal Amendment on 28 June 2011 and the Beijing Amendment on 19 September 2014, and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility has approved the amount of $5,688,452 to enable Kazakhstan to achieve compliance with the Protocol,

1. To recall decision XXVI/13, in which the Twenty-Sixth Meeting of the Parties noted that Kazakhstan was in non-compliance with the consumption control measures under the Montreal Protocol on Substances that Deplete the Ozone Layer for hydrochlorofluorocarbons in the years 2011, 2012 and 2013 but also noted with appreciation the plan of action submitted by Kazakhstan to ensure its prompt return to compliance with those measures by 2016;

2. To note with concern that Kazakhstan has reported annual consumption of the controlled substance in Annex C, group I (hydrochlorofluorocarbons), for 2015 of 12.1 ODP-tonnes and for 2016 of 5.0 ODP-tonnes, which is inconsistent with its commitment contained in decision XXVI/13 to reduce its consumption of hydrochlorofluorocarbons to no greater than 9.9 ODP-tonnes in 2015 and 3.95 ODP-tonnes in 2016 and with the Protocol's requirement to limit consumption to no greater than 3.95 ODP-tonnes for each of those years, and that the party was therefore in non-compliance with the consumption control measures for that substance under the Protocol for 2015 and 2016;

3. To note with appreciation the submission by Kazakhstan of an explanation for that deviation along with a revised plan of action to return to compliance with the Protocol's hydrochlorofluorocarbon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Kazakhstan specifically commits itself to reducing its consumption of hydrochlorofluorocarbons to no greater than:

(a) 7.5 ODP-tonnes in 2017, 2018 and 2019;

(b) 6.0 ODP-tonnes in 2020;

(c) 3.95 ODP-tonnes in 2021;

(d) 0.5 ODP-tonnes in 2022, 2023 and 2024;

(e) Zero ODP-tonnes by 1 January 2025, save for consumption restricted to the servicing of refrigeration and air-conditioning equipment between the period from 2020 to 2030, as prescribed in the Protocol;

4. To continue to monitor closely progress by Kazakhstan with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons, and that, 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 and, in that regard, should continue to receive international assistance to enable it to meet its 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, as set out in annex V to the report of the Fourth Meeting of the Parties;*

5. To caution Kazakhstan, under item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, should it fail to return to compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures, which allows for the suspension of specific rights and privileges under the Protocol, and that this may include the possibility of actions available under Article 4, such as ensuring that the supply of hydrochlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

** UNEP/OzL.Pro.4/15*

Decisions on non-compliance: Kenya

[Also see decision XIII/16, under "Decisions on non-compliance: groups of parties".]

Decision XVIII/28: Non-compliance with the Montreal Protocol by Kenya

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/28:*

1. To note that Kenya ratified the Montreal Protocol on 9 November 1988, the London and Copenhagen Amendments on 27 September 1994 and the Montreal Amendment on 12 July 2000, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in July 1994. The Executive Committee has approved $4,579,057 from the Multilateral Fund to enable Kenya's compliance in accordance with Article 10 of the Protocol;

2. To note also that Kenya has reported annual consumption for the controlled substances in Annex A, group I, (CFCs) for 2005 of 162.210 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 119.728 ODP-tonnes for those controlled substances for that year, and that Kenya is therefore in non-compliance with the control measures for CFCs under the Protocol;

3. To note with appreciation Kenya's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Kenya specifically commits itself:

(a) To reduce CFC consumption from 162.210 ODP-tonnes in 2005 to 60.00 ODP-tonnes in 2006;

(b) To further reduce CFC consumption from 60.00 ODP-tonnes in 2006 to 30.00 ODP-tonnes in 2007;

(c) To further reduce CFC consumption from 30.00 ODP-tonnes in 2007 to 10.00 ODP-tonnes in 2008;

(d) To further reduce CFC consumption from 10.00 ODP-tonnes in 2008 to zero (0.00) ODP-tonnes in 2009, save for essential uses that may be authorized by the parties after 1 January 2010;

(e) To monitor its system for licensing the import and export of ozone-depleting substances, which includes import quotas;

4. To urge Kenya to gazette the ozone-depleting substances regulations required to establish and implement its system for licensing the import and export of ozone-depleting substances, which includes import quotas, as soon as possible and preferably no later than 31 December 2006;

5. To note that the measures listed in paragraph 3 above should enable Kenya to return to compliance with the Protocol in 2006 and to urge Kenya to work with the relevant implementing agencies to implement the plan of action to phase out consumption of CFCs;

6. To monitor closely the progress of Kenya with regard to the implementation of its plan of action and the phase-out of CFCs. 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, Kenya 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Kenya, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 CFCs that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Kyrgyzstan

Decision XVII/36: Non-compliance with the Montreal Protocol by Kyrgyzstan

The *Seventeenth Meeting of the Parties* decided in *decision XVII/36:*

1. To note that Kyrgyzstan ratified the Montreal Protocol on 31 May 2000, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in July 2002. The Executive Committee has approved $1,206,732 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note further that Kyrgyzstan has reported annual consumption for the controlled substances in Annex A, group II (halons), for 2004 of 2.40 ODP-tonnes, which exceeds the

party's maximum allowable consumption level of zero ODP-tonnes for those controlled substances for that year, and that Kyrgyzstan is therefore in non-compliance with the control measures under the Protocol;

3. To note with appreciation Kyrgyzstan's submission of a plan of action to ensure a prompt return to compliance with the Protocol's halon control measures, and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Kyrgyzstan specifically commits itself:

   (a) To maintain consumption of the controlled substances in Annex A, group II (halons), at no more than the 2004 level of 2.40 ODP-tonnes in 2005, and then to reduce halon consumption as follows:
      (i) To 1.20 ODP-tonnes in 2006;
      (ii) To 0.60 ODP-tonnes in 2007;
      (iii) To phase out consumption of these controlled substances by 1 January 2008, save for essential uses that may be authorized by the parties;

   (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances;

   (c) To introduce a ban on the import of equipment containing halons and equipment that uses halons by 1 January 2006;

   (d) To introduce an import quota system to limit annual consumption of the controlled substances in Annex A, group II (halons), by the beginning of 2006;

4. To note that the measures listed in paragraph 3 above should enable Kyrgyzstan to return to compliance in 2008 and to urge Kyrgyzstan to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substances in Annex A, group II (halons);

5. To monitor closely the progress of Kyrgyzstan with regard to the implementation of its plan of action and the phase-out of Annex A, group II, controlled substances (halons). 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, Kyrgyzstan 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Kyrgyzstan, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 Annex A, group II, controlled substances (halons) that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Latvia

[Also see decisions XIV/28 and XV/24, under "Decisions on non-compliance: groups of parties".]

Decision VIII/22: Compliance with the Montreal Protocol by Latvia

The *Eighth Meeting of the Parties* decided in *decision VIII/22:*

1. To note that, according to the information provided by Latvia and the statement made by its representative at the fourteenth meeting of the Implementation Committee, Latvia would be in a situation of non-compliance with the Montreal Protocol in 1996;
2. To note also that there is a possibility of non-compliance by Latvia in 1997 so that the Implementation Committee might have to revert to that question that year;
3. To note also that major efforts are being made by Latvia to meet its obligations under the Protocol, even in the absence of external financial assistance for investment projects;
4. To urge Latvia to ratify the London Amendment to the Montreal Protocol and provide immediately a timetable for the ratification process;
5. To recommend that international funding agencies should consider favourably the provision of financial assistance to Latvia for projects to phase out ozone-depleting substances in the country;
6. To keep under review the situation with regard to ODS phase-out in Latvia.

Decision IX/29: Compliance with the Montreal Protocol by Latvia

The *Ninth Meeting of the Parties* decided in *decision IX/29:*

1. To note the timetable for the ratification of the London Amendment of the Montreal Protocol provided by Latvia and urge Latvia to ratify the London Amendment by October 1997 as indicated in their timetable;
2. To note that, according to the information contained in Latvia's country programme for the phase-out of ozone-depleting substances, Latvia is a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance with the Montreal Protocol in 1998, so that the Implementation Committee might have to revert to that question that year;
3. To recommend that, in light of the country's commitment reflected in the country programme, and related official communications of Latvia to the parties in line with decision VIII/22, international assistance, particularly by GEF, should be considered favourably in order to provide funding to Latvia for projects to implement the country programme for phasing out ozone-depleting substances in the country;
4. To keep under review the situation with regard to ODS phase-out in Latvia.

Decision X/24: Compliance with the Montreal Protocol by Latvia

The *Tenth Meeting of the Parties* decided in *decision X/24:*

1. To note that Latvia acceded to the Montreal Protocol on 28 April 1995 and ratified the London and Copenhagen Amendments on 2 November 1998. The country is classified as a non-Article 5 party under the Protocol and, for 1996, reported to positive consumption of 342 tonnes ODP of Annex A and B substances, none of which was for essential uses exempted by the parties. As a consequence, in 1996, Latvia was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Latvia also expresses a belief that this situation may continue through at least the year 2000,

necessitating annual review by the Implementation Committee and the parties until such time as Latvia comes into compliance;

2. To note with appreciation the fact that Latvia has made tremendous strides in coming into compliance with the Montreal Protocol. Although Latvia ratified the Protocol just three years ago, it has decreased its consumption steadily from 1986, when it was 6,558 tonnes, to 1993, when its consumption was 1,205 tonnes, to 1995, when its consumption was 711.5 tonnes to the present level of 342.8 tonnes. This significant reduction is a clear demonstration of Latvia's commitment to become a party in full compliance with the Protocol. The parties note with appreciation that Latvia has made efforts to achieve compliance through agreements with its industry, and through the application of a tax on imports of ozone-depleting substances. Latvia has also undertaken efforts to understand the disposition of halons that are currently deployed, and to stockpile halon from decommissioned uses in order to ensure availability to meet future critical uses. The parties note these important undertakings, and point out that similar undertakings could be considered by other countries who are striving to comply with the provisions of the Protocol. The parties also note that Latvia's submission and statements to the Implementation Committee indicate a commitment:
   - To observe the ban on the production and import of Annex A, group II, substances imposed on 12 December 1997;
   - To limit consumption of Annex A, group I, substances to no more than 100 metric tonnes in 1999; and
   - To ban the production and import of Annex A, group I, and all Annex B substances by 1 January 2000;

3. To note Latvia's report that a majority of its remaining use of ozone-depleting substances is in the aerosol sector, a sector with alternatives that are available at a cost savings to users. The parties further note the late time at which phase-out projects are being initiated. Accordingly, and considering the plan produced by Latvia, the parties are hopeful that Latvia will be able to achieve a total phase-out of Annex A and B substances by 1 July 2001. Achievement of these commitments and goals will necessitate the strict application of import quota restrictions on an annual basis to ensure phased reductions in consumption;

4. To closely monitor the progress of Latvia with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, to request that Latvia submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Latvia is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Latvia should continue to be treated in the same manner as a party in good standing. In this regard, Latvia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the parties in respect of non-compliance. However, through this decision, the parties caution Latvia, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in times specified, the parties shall consider measures, consistent with item C of the indicative list of measure. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Lesotho

Decision XVI/25: Non-compliance with the Montreal Protocol by Lesotho

The *Sixteenth Meeting of the Parties* decided in *decision XVI/25:*

1. To note that Lesotho ratified the Montreal Protocol on 25 March 1994. Lesotho is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1996. The Executive Committee has approved $311,332 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Lesotho's baseline for the controlled substances in Annex A, group II (halons), is 0.2 ODP-tonnes. It reported consumption of 1.8 ODP-tonnes of halons in 2002. As a consequence, for 2002, Lesotho was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

3. To note with appreciation Lesotho's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group II (halons), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Lesotho specifically commits itself:

   (a) To reducing halon consumption from 1.8 ODP-tonnes in 2002 as follows:
      (i) To 0.8 ODP-tonnes in 2004;
      (ii) To 0.2 ODP-tonnes in 2005;
      (iii) To 0.1 ODP-tonnes in 2006;
      (iv) To 0.1 ODP-tonnes in 2007;
      (v) To zero ODP-tonnes in 2008, save for essential uses that may be authorized by the parties after 1 January 2010;

   (b) To introduce a quota system for the import of halons;

   (c) To introduce a ban on the import of halon-based equipment and systems in 2005;

4. To note that the measures listed in paragraph 3 above should enable Lesotho to return to compliance by 2006, and to urge Lesotho to work with the relevant implementing agencies to implement the plan of action and phase out consumption of halons;

5. To monitor closely the progress of Lesotho with regard to the implementation of its plan of action and the phase-out of halons. To the degree that Lesotho 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, Lesotho 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Lesotho, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of 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 halons (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Libya

Decision XIV/25: Non-compliance with the Montreal Protocol by Libyan Arab Jamahiriya

The *Fourteenth* decided in.*decision XIV/25:*

1. To note that Libyan Arab Jamahiriya ratified the Montreal Protocol on 11 July 1990 and the London Amendment on 12 July 2001. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 2000. Since approval of the country programme, the Executive Committee has approved $2,794,053 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Libyan Arab Jamahiriya's baseline for Annex A, group I substances is 717 ODP-tonnes. It reported consumption of 985 ODP-tonnes in 2000 and 985 ODP-tonnes in 2001, placing Libyan Arab Jamahiriya clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Libyan Arab Jamahiriya submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Libyan Arab Jamahiriya may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Libyan Arab Jamahiriya with regard to the phase-out of ozone-depleting substances. To the degree that Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, Libyan Arab Jamahiriya should continue to be treated in the same manner as a party in good standing. In this regard, Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/36: Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya

The *Fifteenth Meeting of the Parties* decided in *decision XV/36:*

1. To note that, in accordance with decision XIV/25 of the Fourteenth Meeting of the Parties, the Libyan Arab Jamahiriya was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation the Libyan Arab Jamahiriya's submission of its plan of action, and to note also that, under the plan, the Libyan Arab Jamahiriya specifically commits itself:

   (a) To reducing CFC consumption from 985 ODP-tonnes in 2001 as follows:

(i) To 710.0 ODP-tonnes in 2003;
(ii) To 610.0 ODP-tonnes in 2004;
(iii) To 303.0 ODP-tonnes in 2005;
(iv) To 107 ODP-tonnes in 2007;
(v) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

(b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

(c) To monitoring its ban on imports of ODS-using equipment, introduced in 2003;

3. To note that the measures listed in paragraph 2 above should enable the Libyan Arab Jamahiriya to return to compliance by 2003, and to urge the Libyan Arab Jamahiriya to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that the Libyan Arab Jamahiriya 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, the Libyan Arab Jamahiriya 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVI/26: Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya

The *Sixteenth Meeting of the Parties* decided in *decision XVI/26:*

1. To note that the Libyan Arab Jamahiriya has reported annual data for the controlled substances in Annex A, group II (halons), for 2003 which is above its requirements for those substances. As a consequence, for 2003, the Libyan Arab Jamahiriya was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

2. To request the Libyan Arab Jamahiriya, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Libyan Arab Jamahiriya may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on the import of ozone-depleting-substances-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the phase-out of halons. To the degree that the Libyan Arab Jamahiriya 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, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet its commitments

in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 halons (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVII/37: Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya

The *Seventeenth Meeting of the Parties* decided in *decision XVII/37:*

1. To note that the Libyan Arab Jamahiriya ratified the Montreal Protocol on 11 July 1990, the London Amendment on 12 July 2001 and the Copenhagen Amendment on 24 September 2004, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in December 2000. The Executive Committee has approved $5,198,886 from the Multilateral Fund to enable the party's compliance in accordance with Article 10 of the Protocol;

2. To note further that the Libyan Arab Jamahiriya's baseline for Annex A, group II, controlled substances (halons) is 633.067 ODP-tonnes. It reported consumption in 2003 and 2004 of 714.500 ODP-tonnes of those substances. The Libyan Arab Jamahiriya's baseline for the controlled substance in Annex E (methyl bromide) is 94.050 ODP-tonnes. It reported consumption in 2004 of 96.000 ODP-tonnes of that substance. As a consequence, in 2003 the Libyan Arab Jamahiriya was in non-compliance with its obligations under Article 2A of the Montreal Protocol, while in 2004 it was in non-compliance with its obligations under Articles 2A and 2H of the Protocol;

3. To note with appreciation the Libyan Arab Jamahiriya's submission of a plan of action to ensure a prompt return to compliance with the Protocol's halon and methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, the Libyan Arab Jamahiriya specifically commits itself:

   (a) To maintain consumption of the controlled substances in Annex A, group II (halons), at no more than the 2004 level of 714.500 ODP-tonnes in 2005 and then to reduce halon consumption as follows:
      (i) To 653.910 ODP-tonnes in 2006;
      (ii) To 316.533 ODP-tonnes in 2007;
      (iii) To phase out halon consumption by 1 January 2008, save for essential uses that may be authorized by the parties;

   (b) To maintain consumption of the controlled substance in Annex E (methyl bromide) at no more than the 2004 level of 96.000 ODP-tonnes in 2005 and 2006 and then to reduce methyl bromide consumption as follows:
      (i) To 75.000 ODP-tonnes in 2007;
      (ii) To phase out methyl bromide consumption by 1 January 2010, save for critical uses that may be authorized by the parties;

4. To recall the commitment of the Libyan Arab Jamahiriya, contained in decision XV/36, to establish a system for licensing imports and exports of ozone-depleting substances, including quotas, and to monitor its ban on imports of equipment using ozone-depleting substances, introduced in 2003;

5. To note that the measures listed in paragraph 3 above should enable the Libyan Arab Jamahiriya to return to compliance with the Protocol's halon and methyl bromide control measures in 2007, and to urge the Libyan Arab Jamahiriya to work with the relevant implementing agencies to implement the plan of action and phase out consumption of halon and methyl bromide;

6. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the implementation of its plan of action and the phase-out of Annex A, group II, controlled substances (halons) and the controlled substance in Annex E (methyl bromide). 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, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in 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 Annex A, group II, controlled substances (halons) and the controlled substance in Annex E (methyl bromide) that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXIII/23: Potential non-compliance in 2009 with the provisions on consumption of the controlled substances in Annex A, group II (halons), by Libya and request for a plan of action

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/23*:

Noting that Libya ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 11 July 1990, the London Amendment on 12 July 2001 and the Copenhagen Amendment on 24 September 2004 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 $7,627,354 from the Multilateral Fund in accordance with Article 10 of the Protocol to enable Libya to achieve compliance with the Protocol,

Noting further that Libya has reported annual consumption for the controlled substances in Annex A, group II (halons), for 2009 of 1.8 ODP-tonnes, which exceeds the party's maximum allowable consumption of zero ODP-tonnes for that controlled substance for that year, and that in the absence of further clarification, Libya is therefore presumed to be in non-compliance with the control measures under the Protocol,

1. To request Libya to submit to the Secretariat, as a matter of urgency and no later than 31 March 2012, for consideration by the Implementation Committee at its forty-eighth meeting an explanation for its excess consumption of halons, together with a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance;

2. To monitor closely Libya's progress with regard to the phase-out of halons: 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 and, in that regard, Libya should continue to receive international assistance to enable it to meet its 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;

3. To caution Libya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures, which may include the possibility of actions available under Article 4, such as ensuring that the supply of halons that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXVII/11: Non-compliance with the Montreal Protocol by Libya

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/11*:

Noting that Libya ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 11 July 1990, the London Amendment on 12 July 2001, the Copenhagen Amendment on 24 September 2004 and the Montreal Amendment and Beijing Amendment on 15 April 2014 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved $6,502,199 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable Libya to achieve compliance with the Protocol,

1. That the annual consumption reported by Libya of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 144.0 ODP-tonnes for 2013 and 122.4 ODP-tonnes for 2014 exceeds the party's maximum allowable consumption of 118.38 ODP-tonnes for those controlled substances for those years and that the party was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons,

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

   (a) To reducing its consumption of hydrochlorofluorocarbons from 122.4 ODP-tonnes in 2014 to no greater than:
      (i) 122.3 ODP-tonnes in 2015;
      (ii) 118.4 ODP-tonnes in 2016 and 2017;
      (iii) 106.5 ODP-tonnes in 2018 and 2019;
      (iv) 76.95 ODP-tonnes in 2020 and 2021;
      (v) Levels allowed under the Montreal Protocol in 2022 and subsequent years;

   (b) To monitoring the enforcement of its system for licensing imports and exports of ozone-depleting substances;

   (c) To imposing a ban on the procurement of air-conditioning equipment containing hydrochlorofluorocarbons in the near future and to considering a ban on the import of such equipment;

3. To urge Libya to work with the relevant implementing agencies to implement its plan of action to phase out the consumption of hydrochlorofluorocarbons;

4. To monitor closely the progress of Libya with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons. 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, Libya 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;

5. To caution Libya, 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 Libya 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 hydrochlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Lithuania

Decision VIII/23: Compliance with the Montreal Protocol by Lithuania

The *Eighth Meeting of the Parties* decided in *decision VIII/23:*

1. To note that, according to the information provided by Lithuania and the statement made by its representative at the fourteenth meeting of the Implementation Committee, Lithuania would be in a situation of non-compliance with the Montreal Protocol in 1996;

2. To note also that there is a possibility of non-compliance by Lithuania in 1997 so that the Implementation Committee might have to revert to that question that year;

3. To note also that major efforts are being made by Lithuania to meet its obligations under the Protocol, even in the absence of external financial assistance for investment projects;

4. To urge Lithuania to ratify the London Amendment to the Montreal Protocol and provide immediately a timetable for the ratification process;

5. To recommend that international funding agencies should consider favourably the provision of financial assistance to Lithuania for projects to phase out ozone-depleting substances in the country;

6. To keep under review the situation with regard to ODS phase-out in Lithuania.

Decision IX/30: Compliance with the Montreal Protocol by Lithuania

The *Ninth Meeting of the Parties* decided in *decision IX/30:*

1. To note the timetable for the ratification of the London Amendment to the Montreal Protocol provided by Lithuania and urge Lithuania to ratify the London Amendment in September 1997 as indicated in their timetable;

2. To note that, according to the information contained in Lithuania's country programme for the phase-out of ozone-depleting substances, Lithuania is in a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance in 1998, so that the Implementation Committee might have to revert to that question that year;

3. To recommend that, in light of the country's commitment reflected in the country programme, and related official communications of Lithuania to the parties in line with decision VIII/23, international assistance, particularly by GEF, should be considered favourably in order to provide funding to Lithuania for projects to implement the country programme for phasing out ozone-depleting substances in the country;

4. To keep under review the situation with regard to ODS phase-out in Lithuania.

Decision X/25: Compliance with the Montreal Protocol by Lithuania

The *Tenth Meeting of the Parties* decided in *decision X/25:*

1. To note that Lithuania acceded to the Montreal Protocol on 18 January 1995, and acceded to the London and Copenhagen Amendments on 3 February 1998. The country is classified as a non-Article 5 party under the Protocol and, for 1996, reported positive consumption of 295 ODP-tonnes ODP of Annex A and B substances, none of which was for essential uses exempted by the parties. As a consequence, in 1996, Lithuania was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Lithuania also expresses a belief that this situation may continue through at least the year 2000, necessitating annual review by the Implementation Committee and the parties until such time as Lithuania comes into compliance;

2. To note with appreciation the fact that Lithuania has made tremendous strides in coming into compliance with the Montreal Protocol. Although Lithuania ratified the Protocol just three years ago, it has decreased its consumption steadily from 1986, when it was estimated at 6,089 tonnes, to 1993, when its consumption was estimated at 935 ODP-tonnes, to 1995, when its consumption was 428 tonnes, to 1996 when its consumption of Annex A and B substances is reported at 295 tonnes. Lithuania is very clear in admitting that a substantial reason for the significant reduction in consumption is due to the economic turmoil that has been taking place in its country. After review of the submissions and presentation to the Implementation Committee, it is noted that Lithuania commits:
   - To ban the import of CFC-113, carbon tetrachloride and methyl chloroform by 1 January 2000; and
   - To reduce the consumption of Annex A and B substances by 86 per cent from 1996 levels by 1 January 2000;

3. To note that achievement of these goals will necessitate a strict application of Lithuania's existing import licensing system to ensure that phased reductions and reduced reliance on ozone-depleting substances continue to take place, and indeed, the Lithuania country programme includes a commitment to make arrangements with its customs department to ensure that imports are ceased. Ensuring that requirement to cease imports is particularly important given the pending closure of CFC producers in Russian Federation, supply on which Lithuania has traditionally depended. Noting Lithuania's obvious commitment to the Montreal Protocol, it is hopeful that the country will be able to achieve a total phase-out of Annex A and B substances by 1 January 2001. In so stating, the parties noted but specifically rejected a request by Lithuania to allow for continuous imports until 2005 for servicing existing refrigeration equipment. The parties, in so doing, note that achieving a phase-out by 1 January 2001 may necessitate that Lithuania increase the recovery of existing ODS or the import of recycled material, and urge Lithuania to plan carefully for its future refrigerant-servicing needs and invite the Technology and Economic Assessment Panel to help in this endeavour. The parties will closely monitor the progress of Lithuania towards meeting the above-noted

commitments to reduce CFC-113, carbon-tetrachloride and methyl-chloroform use prior to the next Meeting of the Parties, and to put in place by June 1999 a requirement to cease imports of these substances by 1 January 2000 (save for essential uses authorized by the parties);

4. To closely monitor the progress of Lithuania with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the parties request that Lithuania submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Lithuania is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Lithuania should continue to be treated in the same manner as a party in good standing. In this regard, Lithuania should receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the parties in respect of non-compliance. However, through this decision, the parties caution Lithuania, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Maldives

Decision XIV/26: Non-compliance with the Montreal Protocol by Maldives

The *Fourteenth Meeting of the Parties* decided in *decision XIV/26:*

1. To note that Maldives ratified the Montreal Protocol on 16 May 1989, the London Amendment on 31 July 1991 and the Copenhagen Amendment and the Montreal Amendment on 27 September 2001. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved $370,516 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Maldives' baseline for Annex A, group I substances is 5 ODP-tonnes. It reported consumption of 5 ODP-tonnes in 2000 and 14 ODP-tonnes in 2001, placing Maldives clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Maldives submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Maldives may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Maldives with regard to the phase-out of ozone-depleting substances. To the degree that Maldives is working towards and meeting the specific Protocol control measures, Maldives should continue to be treated in the same manner as a party in good standing. In this regard, Maldives should continue to receive international assistance to enable it to meet these commitments in accordance with

item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Maldives, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/37: Non-compliance with the Montreal Protocol by Maldives

The *Fifteenth Meeting of the Parties* decided in *decision XV/37:*

1. To note that, in accordance with decision XIV/26 of the Fourteenth Meeting of the Parties, Maldives was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Maldives' submission of its plan of action, and to note also that, under the plan, Maldives specifically commits itself:

   (a) To reducing CFC consumption from 2.8 ODP-tonnes in 2002 as follows:
      (i) To 0 ODP-tonnes in 2003, 2004 and 2005;
      (ii) To 2.3 ODP-tonnes in 2006;
      (iii) To 0.69 ODP-tonnes in 2007;
      (iv) To 0 ODP-tonnes in 2008 and 2009;
      (v) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

   (b) To monitoring its existing system for licensing imports of ODS, including quotas, introduced in 2002;

   (c) To banning, by 2004, imports of ODS-using equipment;

3. To note that the measures listed in paragraph 2 above have already enabled Maldives to return to compliance, to congratulate Maldives on that progress and to urge Maldives to work with the relevant implementing agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of Maldives with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Maldives 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, Maldives 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Maldives, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Mexico

[Also see decision XV/22, under "Decisions on non-compliance: groups of parties".]

Decision XVIII/30: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substance in Annex B, group II, (carbon tetrachloride) by Mexico

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/30:*

1. To note that Mexico ratified the Montreal Protocol on 31 March 1988, the London Amendment on 11 October 1991 and the Copenhagen Amendment on 16 September 1994, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved $83,209,107 from the Multilateral Fund to enable Mexico's compliance in accordance with Article 10 of the Protocol;

2. To note further that Mexico has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 89.540 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 9.376 ODP-tonnes for that controlled substance for that year, and that Mexico is therefore in non-compliance with the carbon tetrachloride control measures under the Protocol;

3. To note with appreciation Mexico's submission of a plan of action to ensure a prompt return to compliance with the Protocol's carbon tetrachloride control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Mexico specifically commits itself:

   (a) To reduce carbon tetrachloride consumption from 89.540 ODP-tonnes in 2005 as follows:
      (i) To 9.376 ODP-tonnes in 2008;
      (ii) To zero ODP-tonnes in 2009;

   (b) To monitor its system for licensing the import and export of ozone-depleting substances, which includes import quotas;

4. To note that the measures listed in paragraph 3 above should enable Mexico to return to compliance with the Protocol in 2008 and to urge Mexico to work with the relevant implementing agencies to implement the plan of action to phase out consumption of carbon tetrachloride;

5. To monitor closely the progress of Mexico with regard to the phase-out of carbon tetrachloride. 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, Mexico should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Mexico, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 carbon tetrachloride that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXI/20: Non-compliance in 2008 with the provisions of the Protocol governing consumption of the controlled substance in Annex B, group II (carbon tetrachloride), by Mexico

The *Twenty-First Meeting of the Parties* decided in *decision XXI/20*:

Noting that Mexico ratified the Montreal Protocol on 31 March 1988, the London Amendment on 11 October 1991, the Copenhagen Amendment on 16 September 1994, the Montreal Amendment on 28 July 2006 and the Beijing Amendment on 12 September 2007, and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved $96,073,703 from the Multilateral Fund to enable Mexico's compliance in accordance with Article 10 of the Protocol,

1. That Mexico reported annual consumption for the controlled substances in Annex B, group II (carbon tetrachloride), of 88.0 ODP-tonnes in 2008, an amount inconsistent with its commitment contained in decision XVIII/30 to reduce carbon tetrachloride consumption to no greater than 9.376 ODP-tonnes in that year, and that the party is therefore in non-compliance with the control measures for that substance under the Protocol for that year;

2. To record with appreciation the submission by Mexico of a plan of action to ensure its prompt return to compliance with the Protocol's carbon tetrachloride consumption control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Mexico specifically commits itself:

   (a) To reducing carbon tetrachloride consumption to no greater than zero ODP-tonnes in 2009 and thereafter;

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

3. To urge Mexico to work with the relevant implementing agencies to implement its plan of action to phase out consumption of carbon tetrachloride;

4. To monitor closely the progress of Mexico with regard to the implementation of its plan of action and the phase-out of carbon tetrachloride. 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, Mexico 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 a Meeting of the Parties in respect of non-compliance;

5. To caution Mexico, in accordance with item B of the indicative list of measures that may be taken by a 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 carbon tetrachloride that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Morocco

[Also see decision XIII/16, under "Decisions on non-compliance: groups of parties".]

Decision XV/23: Potential non-compliance with consumption of the Annex C, group II, ozone-depleting substance (hydrobromofluorocarbons) by Morocco in 2002, and request for a plan of action

The *Fifteenth Meeting of the Parties* decided in *decision XV/23:*

1. To note that Morocco has reported annual data for Annex C, group II, for 2002 which are above its requirement for a 100 per cent phase-out. In the absence of further clarification, Morocco is presumed to be in non-compliance with the control measures under the Protocol;

2. To request Morocco to submit to the Implementation Committee, for consideration at its next meeting, an explanation for its excess consumption, and a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

3. To monitor closely the progress of Morocco with regard to the phase-out of hydrobromofluorocarbons. To the degree that Morocco 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, Morocco should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Morocco, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the parties will consider measures consistent with item C of the indicative list of measures.

Decisions on non-compliance: Namibia

Decision XIV/22: Non-compliance with the Montreal Protocol by Namibia

The *Fourteenth Meeting of the Parties* decided in *decision XIV/22:*

1. To note that Namibia ratified the Montreal Protocol on 20 September 1993 and the London Amendment on 6 November 1997. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved $406,147 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Namibia's baseline for Annex A group I substances is 22 ODP-tonnes. It reported consumption of 22 and 24 ODP-tonnes of Annex A, group I substances in 2000 and 2001 respectively, and consumption of 23 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Namibia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Namibia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Namibia may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Namibia with regard to the phase-out of ozone-depleting substances. To the degree that Namibia is working towards and meeting the specific Protocol control measures, Namibia should continue to be treated in the same manner as a party in good standing. In this regard, Namibia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Namibia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/38: Non-compliance with the Montreal Protocol by Namibia

The *Fifteenth Meeting of the Parties* decided in *decision XV/38:*

1. To note that, in accordance with decision XIV/22 of the Fourteenth Meeting of the Parties, Namibia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Namibia's submission of its plan of action, and to note also that, under the plan, Namibia specifically commits itself:

   (a) To reducing CFC consumption from 20 ODP-tonnes in 2002 as follows:
   - (i) To 19.0 ODP-tonnes in 2003;
   - (ii) To 14.0 ODP-tonnes in 2004;
   - (iii) To 10.0 ODP-tonnes in 2005;
   - (iv) To 9.0 ODP-tonnes in 2006;
   - (v) To 3.2 ODP-tonnes in 2007;
   - (vi) To 2.0 ODP-tonnes in 2008;
   - (vii) To 1.0 ODP-tonnes in 2009;
   - (viii) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

   (b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

   (c) To banning, by 2004, imports of ODS-using equipment;

3. To note that the measures listed in paragraph 2 above have already enabled Namibia to return to compliance, to congratulate Namibia on that progress and to urge Namibia to work with the relevant implementing agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

4. To monitor closely the progress of Namibia with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Namibia 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, Namibia 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Namibia, in accordance with item B of the indicative list of measures, that

in the event that it fails to remain in 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Nepal

Decision XIV/23: Non-compliance with the Montreal Protocol by Nepal

The *Fourteenth Meeting of the Parties* decided in *decision XIV/23:*

1. To note that Nepal ratified the Montreal Protocol and the London Amendment on 6 July 1994. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1998. Since approval of the country programme, the Executive Committee has approved $432,137 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Nepal's baseline for Annex A, group I substances is 27 ODP-tonnes. It reported consumption of 94 ODP-tonnes of Annex A, group I substances in 2000, and consumption of 94 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Nepal was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Nepal submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Nepal may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Nepal with regard to the phase-out of ozone-depleting substances. To the degree that Nepal is working towards and meeting the specific Protocol control measures, Nepal should continue to be treated in the same manner as a party in good standing. In this regard, Nepal should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Nepal, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/39: Non-compliance with the Montreal Protocol by Nepal

The *Fifteenth Meeting of the Parties* decided in *decision XV/39:*

1. To recall that in its decision XIV/23 the Fourteenth Meeting of the Parties noted that Nepal's baseline for Annex A, group I substances is 27 ODP-tonnes. Nepal reported consumption of 94 ODP-tonnes of Annex A, group I substances in 2000 and consumption

of 94 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 – June 2001 control period Nepal was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

2. To note that Nepal has subsequently reported that 74 ODP-tonnes of imports of CFCs have been detained by its customs authorities as the shipment lacked an import license, and that Nepal therefore wished to report the quantity as illegal trade under the terms of decision XIV/7;

3. To congratulate Nepal on its actions in seizing the shipment and in reporting the fact to the Secretariat;

4. To note also, however, that paragraph 7 of decision XIV/7 provides that "the illegally traded quantities should not be counted against a party's consumption provided the party does not place the said quantities on its own market";

5. To conclude, therefore, that if Nepal decides to release any of the seized quantity of CFCs into its domestic market, it would be considered to be in non-compliance with its obligations under Article 2A of the Montreal Protocol and would therefore be required to fulfil the terms of decision XIV/23, including submitting to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

6. To request the Implementation Committee to review the situation of Nepal at its next meeting.

Decision XVI/27: Compliance with the Montreal Protocol by Nepal

The *Sixteenth Meeting of the Parties* decided in *decision XVI/27:*

1. To note that Nepal ratified the Montreal Protocol and the London Amendment on 6 July 1994. Nepal is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1998. The Executive Committee has approved $453,636 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To recall that in its decision XV/39, the Fifteenth Meeting of the Parties had congratulated Nepal on seizing 74 ODP-tonnes of imports of CFCs that had been imported in 2000 without an import license, and on reporting the quantity as illegal trade under the terms of decision XIV/7;

3. To recall that, in paragraph 5 of decision XV/39, the parties had stated that, if Nepal decided to release any of the seized quantity of CFCs on to its domestic market, it would be considered to be in non-compliance with its obligations under Article 2A of the Montreal Protocol and would therefore be required to fulfil the terms of decision XIV/23, including submitting to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

4. To clarify the meaning of paragraph 5 of decision XV/39 to mean that Nepal would only be considered to be in non-compliance if the amount of CFCs released on to the market in any one year exceeded its permitted consumption level under the Protocol for that year;

5. To note further that Nepal's baseline for CFCs is 27 ODP-tonnes;

6. To note with appreciation Nepal's submission of its plan of action to manage the release of the seized CFCs, and to note further that, under the plan, Nepal specifically commits itself:

   (a) To release no more than the following amount of CFCs in each year as follows:
      (i) 27.0 ODP-tonnes in 2004;
      (ii) 13.5 ODP-tonnes in 2005;
      (iii) 13.5 ODP-tonnes in 2006;
      (iv) 4.05 ODP-tonnes in 2007;
      (v) 4.05 ODP-tonnes in 2008;
      (vi) 4.00 ODP-tonnes in 2009;
      (vii) Zero in 2010, save for essential uses that may be authorized by the parties;

   (b) To monitor its existing system for licensing imports of ozone-depleting substances, including quotas, introduced in 2001, which includes a commitment not to issue import licenses for CFCs, in order to remain in compliance with its plan of action;

   (c) To report annually on the quantity of CFCs released pursuant to paragraph 6 (a) above;

   (d) To ensure that any quantities of CFCs remaining after 2010 are not released on to its market except in compliance with Nepal's obligations under the Montreal Protocol;

7. To note that the measures listed in paragraph 6 above will enable Nepal to remain in compliance;

8. To monitor closely the progress of Nepal with regard to the implementation of its plan of action and the phase-out of CFCs.

Decisions on non-compliance: Nigeria

[Also see decisions XIII/16 and XV/22, under "Decisions on non-compliance: groups of parties".]

Decision XIV/30: Non-compliance with the Montreal Protocol by Nigeria

The *Fourteenth Meeting of the Parties* decided in *decision XIV/30:*

1. To note that, in accordance with decision XIII/16 of the Thirteenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to Nigeria since it had reported data on CFC consumption for either the year 1999 and/or 2000 that was above its baseline, and was therefore in a state of potential non-compliance;

2. Nigeria's baseline for Annex A, group I substances is 3,650 ODP-tonnes. It reported consumption of 4,095 ODP-tonnes in 2000 and 3,666 ODP-tonnes in 2001, placing Nigeria clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To express concern about Nigeria's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the parties note, after reviewing the plan of action submitted by Nigeria, that Nigeria specifically commits itself:

   (a) To reduce Annex A consumption from the current level of 3,666 ODP-tonnes in 2001 as follows:
      (i) To 3,400 ODP-tonnes in 2003;
      (ii) To 3,200 ODP-tonnes in 2004;
      (iii) To 1,800 ODP-tonnes in 2005;

(iv) To 1,100 ODP-tonnes for 2006;
(v) To 510 ODP-tonnes in 2007;
(vi) To 300 ODP-tonnes in 2008;
(vii) To 100 ODP-tonnes in 2009; and
(viii) To phase out CFC consumption by 1 January 2010 as provided under the Montreal Protocol save for essential uses that might be authorized by the parties;

(b) To report periodically on the operation of the system for licensing imports and exports of ODS as required for all parties under Article 4 B paragraph 4 of the Montreal Protocol;

(c) To ban, by 1 January 2008, imports of ODS-using equipment;

4. To note that the measures listed in paragraph 3 above should enable Nigeria to return to compliance by 2003. In this regard, the parties urge Nigeria to work with relevant implementing agencies to phase out consumption of ozone-depleting substances in Annex A, group I;

5. To closely monitor the progress of Nigeria with regard to the phase-out of ozone-depleting substances. To the degree that Nigeria is working towards and meeting the specific commitments noted above in paragraph 3, Nigeria should continue to be treated in the same manner as a party in good standing. In this regard, Nigeria should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Nigeria, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Oman

[Also see decision XIII/16, under "Decisions on non-compliance: groups of parties".]

Decision XVI/28: Non-compliance with the Montreal Protocol by Oman

The *Sixteenth Meeting of the Parties* decided in *decision XVI/28:*

1. To note that Oman has reported annual data for the controlled substance in Annex B, group III (methyl chloroform), for 2003 which are above its requirements for that substance. As a consequence, for 2003, Oman was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

2. To note that, in response to a request from the Implementation Committee for an explanation for its excess consumption and a plan of action to return it to compliance, Oman has introduced a ban on the import of methyl chloroform;

3. That no action is required on this incident of non-compliance, but that Oman should ensure that a similar case does not occur again.

Decisions on non-compliance: Pakistan

[Also see decisions XIV/17 and XV/22, under "Decisions on non-compliance: groups of parties".]

Decision XVI/29: Non-compliance with the Montreal Protocol by Pakistan

The *Sixteenth Meeting of the Parties* decided in *decision XVI/29:*

1. To note that Pakistan ratified the Montreal Protocol and the London Amendment on 18 December 1992 and the Copenhagen Amendment on 17 February 1995. Pakistan is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1996. The Executive Committee has approved $18,492,150 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note that, in accordance with decision XV/22 of the Fifteenth Meeting of the Parties, Pakistan was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

3. To note with appreciation Pakistan's submission of its plan of action, and to note also that, under the plan, Pakistan specifically commits itself:

   (a) To reducing halon consumption from 15.0 ODP-tonnes in 2003 as follows:
      (i) To 14.2 ODP-tonnes in 2004;
      (ii) To 7.1 ODP-tonnes in 2005;
      (iii) To phasing out halon consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

   (b) To monitor its enhanced system for licensing imports and exports of ozone-depleting substances, including quotas, introduced in 2004;

4. To note that the measures listed in paragraph 3 above should enable Pakistan to return to compliance by 2004, and to urge Pakistan to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group II (halons);

5. To monitor closely the progress of Pakistan with regard to the implementation of its plan of action and the phase-out of halons. To the degree that Pakistan 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, Pakistan 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Pakistan, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of 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 halon (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVIII/31: Non-compliance with the Montreal Protocol by Pakistan

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/31:*

1. To note that Pakistan ratified the Montreal Protocol and the London Amendment on 18 December 1992, the Copenhagen Amendment on 17 February 1995 and the Montreal

and Beijing Amendments on 2 September 2005, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1996. The Executive Committee has approved $20,827,626 from the Multilateral Fund to enable Pakistan's compliance in accordance with Article 10 of the Protocol;

2. To note further that Pakistan has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 148.500 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 61.930 ODP-tonnes for that controlled substance for that year, and that Pakistan is therefore in non-compliance with the control measures for carbon tetrachloride under the Protocol;

3. To note with appreciation Pakistan's submission of a plan of action to ensure a prompt return to compliance with the Protocol's carbon tetrachloride control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Pakistan specifically commits itself:

   (a) To reduce carbon tetrachloride consumption from 148.500 ODP-tonnes in 2005 to 41.800 ODP-tonnes in 2006;

   (b) To monitor its system for licensing the import and export of ozone-depleting substances, which includes import quotas;

4. To note that the measures listed in paragraph 3 above should enable Pakistan to return to compliance with the Protocol in 2006 and to urge Pakistan to work with the relevant implementing agencies to implement its plan of action to phase out consumption of carbon tetrachloride;

5. To monitor closely the progress of Pakistan with regard to the implementation of its plan of action and the phase-out of carbon tetrachloride. 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, Pakistan 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Pakistan, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in 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 carbon tetrachloride that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Papua New Guinea

[Also see decisions XIII/16 and XIV/17, under "Decisions on non-compliance: groups of parties".]

Decision XV/40: Non-compliance with the Montreal Protocol by Papua New Guinea

The *Fifteenth Meeting of the Parties* decided in *decision XV/40:*

1. To note that Papua New Guinea ratified the Montreal Protocol on 27 October 1992, the London Amendment on 4 May 1993 and the Copenhagen Amendment on 7 October 2003.

Papua New Guinea is classified as a party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $704,454 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Papua New Guinea's baseline for Annex A, group I substances is 36.3 ODP-tonnes. It reported consumption of 44.3 ODP-tonnes of Annex A, group I substances for the control period 1 July 2000 – 30 June 2001. As a consequence, for the July 2000 – June 2001 control period Papua New Guinea was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note with appreciation Papua New Guinea's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group I substances and to note further that, under the plan, Papua New Guinea specifically commits itself:

   (a) To reducing CFC consumption from 35 ODP-tonnes in 2002 as follows:
      (i) To 35 ODP-tonnes in 2003;
      (ii) To 26 ODP-tonnes in 2004;
      (iii) To 17 ODP-tonnes in 2005;
      (iv) To 8 ODP-tonnes in 2006;
      (v) To 4.5 ODP-tonnes in 2007;
      (vi) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

   (b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;

   (c) To banning, on or before 31 December 2004, imports of ODS-using equipment;

4. To note that the measures listed above in paragraph 3 should enable Papua New Guinea to return to compliance by 1 January 2004, and to urge Papua New Guinea to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;

5. To monitor closely the progress of Papua New Guinea with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Papua New Guinea 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, Papua New Guinea 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Papua New Guinea, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Paraguay

[Also see decisions XIII/16 and XV/25, under "Decisions on non-compliance: groups of parties"]

Decision XVIII/32: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex A, group I, (CFCs) and Annex B, group II, (carbon tetrachloride) by Paraguay and request for a plan of action

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/32:*

1. To note that Paraguay ratified the Montreal Protocol and its London Amendment on 3 December 1992, the Copenhagen and Montreal Amendments on 27 April 2001 and the Beijing Amendment on 18 July 2006, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1997. The Executive Committee has approved $1,768,840 from the Multilateral Fund to enable Paraguay's compliance in accordance with Article 10 of the Protocol;

2. To note further that Paraguay has reported annual consumption for the controlled substance in Annex A, group I, (CFCs) for 2005 of 250.748 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 105.280 ODP-tonnes for that controlled substance for that year, and that Paraguay is therefore in non-compliance with the CFC control measures under the Protocol;

3. To note also that Paraguay has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 6.842 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 0.090 ODP-tonnes for that controlled substance for that year, and that Paraguay is therefore in non-compliance with the carbon tetrachloride control measures under the Protocol;

4. To request Paraguay to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Paraguay may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule included in its plan of action and policy and regulatory instruments that will ensure progress in achieving phase-out;

5. To monitor closely the progress of Paraguay with regard to the phase-out of carbon tetrachloride and CFCs. 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, Paraguay should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Paraguay, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 carbon tetrachloride and CFCs that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XIX/22: Non-compliance with the Montreal Protocol by Paraguay

The *Nineteenth Meeting of the Parties* decided in *decision XIX/22*:

Noting that Paraguay ratified the Montreal Protocol and its London Amendment on 3 December 1992, the Copenhagen and Montreal Amendments on 27 April 2001 and the Beijing Amendment on 18 July 2006, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in February 1997,

Noting also that the Executive Committee has approved $1,787,030 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable Paraguay's compliance,

1. That Paraguay has reported annual consumption for the controlled substances in Annex A, group I, (CFCs) for 2005 of 250.7 ODP-tonnes, which exceeds the party's maximum allowable consumption of 105.3 ODP-tonnes for those controlled substances for that year, and was therefore in non-compliance with the consumption control measures under the Montreal Protocol for CFCs in 2005;

2. That Paraguay has reported annual consumption of the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 0.7 ODP-tonnes, which exceeds its maximum allowable consumption of 0.1 ODP-tonnes for that controlled substance for that year, and was therefore in non-compliance with the consumption control measures under the Montreal Protocol for carbon tetrachloride in 2005;

3. To record with appreciation the submission by Paraguay of a plan of action to ensure its prompt return to compliance with the Protocol's CFC and carbon tetrachloride control measures, under which, without prejudice to the operation of the financial mechanism of the Protocol, Paraguay specifically commits itself:

   (a) To reducing CFC consumption to no greater than:
      (i) 31.6 ODP-tonnes in 2007, 2008 and 2009;
      (ii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the parties;

   (b) To reducing carbon tetrachloride consumption to no greater than:
      (i) 0.1 ODP-tonnes in 2007, 2008 and 2009;
      (ii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the parties;

   (c) To monitoring its import licensing and quota system for ozone-depleting substances and to extending that system to carbon tetrachloride;

   (d) To monitoring the implementation of its ban on the export of all ozone-depleting substances and the import of refrigeration and air-conditioning equipment, whether new or used, which use CFC-11 or CFC-12;

4. To urge Paraguay to work with the relevant implementing agencies to implement its plan of action to phase out consumption of CFCs and carbon tetrachloride;

5. To monitor closely the progress of Paraguay with regard to the implementation of its plan of action and the phase-out of CFCs and carbon tetrachloride. To the degree that the party is working toward 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,

Paraguay 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 a Meeting of the Parties in respect of non-compliance;

6. To caution Paraguay in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to remain in 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 the CFCs and carbon tetrachloride that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Peru

Decision XIII/25: Compliance with the Montreal Protocol by Peru

The *Thirteenth Meeting of the Parties* decided in *decision XIII/25:*

1. To note that Peru ratified the Montreal Protocol and the London Amendment on 31 March 1993 and the Copenhagen Amendment on 7 June 1999. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved $4,670,309 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Peru's baseline for Annex A group I substances is 289.5 ODP-tonnes. Peru reported consumption of 296 ODP-tonnes of Annex A group I substances in 1999. Peru responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Peru reported consumption of 297.6 ODP-tonnes of Annex A group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Peru was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Peru submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Peru may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;

4. To closely monitor the progress of Peru with regard to the phase-out of ozone-depleting substances. To the degree that Peru is working towards and meeting the specific Protocol control measures, Peru should continue to be treated in the same manner as a party in good standing. In this regard, Peru should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Peru, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Poland

Decision VII/15: Compliance with the Montreal Protocol by Poland

The *Seventh Meeting of the Parties* decided in *decision VII/15:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine at the eleventh meeting of the Open-ended Working Group of the parties to the Montreal Protocol regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol;

2. To note the consultations of the Implementation Committee with the representatives of Poland regarding possible non-fulfilment of that party's obligations under the Montreal Protocol;

3. To accept the assurance given by the representatives of Poland that their country is in compliance with its obligations under the Montreal Protocol for the year 1995 and is likely to be in compliance with its obligations under the Montreal Protocol in 1996, even though there are still some doubts concerning the availability of substitutes;

4. To note that, should Poland have doubts about its compliance with its obligations under the Montreal Protocol in the year 1996, it should submit the information to the Secretariat as soon as possible so that the necessary action can be initiated.

Decisions on non-compliance: Qatar

Decision XV/41: Non-compliance with the Montreal Protocol by Qatar

The *Fifteenth Meeting of the Parties* decided in *decision XV/41:*

1. To note that Qatar ratified the Montreal Protocol and the London and Copenhagen Amendments on 22 January 1996. Qatar is classified as a party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved $698,849 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Qatar has failed to report data for consumption of Annex A, group I substances for the control period from 1 July 2001 to 31 December 2002 and has reported annual data for 2002 which is above its requirement for a freeze in consumption. In the absence of further clarification, Qatar is presumed to be in non-compliance with the control measures under the Protocol;

3. To urge Qatar, accordingly, to report data for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency;

4. To note further that Qatar's baseline for Annex A, group II substances is 10.65 ODP-tonnes. It reported consumption of 13.6 ODP-tonnes of Annex A, group II substances in 2002. As a consequence, for 2002 Qatar was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

5. To request Qatar to submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Qatar may wish to consider including in that plan of action

the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

6. To monitor closely the progress of Qatar with regard to the phase-out of CFCs and halons. To the degree that Qatar 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, Qatar 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Qatar, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 CFCs and halons (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Republic of Korea

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/16*:

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.

Decisions on non-compliance: Russian Federation

Decision VII/18: Compliance with the Montreal Protocol by the Russian Federation

The *Seventh Meeting of the Parties* decided in *decision VII/18:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission

under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol, and the statement made by the Russian Federation on its behalf and on behalf of Belarus, Bulgaria and Ukraine at the twelfth meeting of the Open-ended Working Group, as well as the official message of the Chairman of the Government of the Russian Federation dated 26 May 1995;

2. To note the consultations of the Implementation Committee with the representatives of the Russian Federation regarding possible non-fulfilment of that party's obligations under the Montreal Protocol;

3. To note that the Russian Federation was in compliance with its obligations under the Montreal Protocol in 1995 and that it is expected that there will be a situation of non-compliance in the Russian Federation in 1996 so that the Implementation Committee will have to revert to that question that year;

4. To acknowledge the major efforts of the Russian Federation to provide data in response to the request by the Implementation Committee;

5. To underline the urgency of further action to phase out ozone-depleting substances in production and consumption;

6. To note that the Russian Federation has promised to provide additional information on:

   (a) The political commitment on the phase-out plan for ozone-depleting substances by the Russian Federation;

   (b) The necessary linkages between the sectoral approach outlined by the Russian Federation in its submission and the specific requirements for the financial, institutional and administrative arrangements towards the implementation of such measures;

   (c) The gradual achievement of the proposed phase-out plan;

   (d) The proposed measures for the enforcement of the measures – in particular the enforcement of the trade regulations;

7. To note that the Russian Federation will submit more detailed information to the Ozone Secretariat by the end of January 1996 for consideration of the Implementation Committee at an inter-sessional meeting in the first quarter of 1996;

8. To allow, in order to take into account the economic and social problems in countries with economies in transition, the Russian Federation to export substances controlled under the Montreal Protocol to parties operating under Article 2 of the Protocol that are members of the Commonwealth of Independent States, including Belarus and Ukraine. In doing so, the Russian Federation will undertake the necessary action to secure that no re-exports will be made from the Commonwealth of Independent States, including Belarus and Ukraine, to any party to the Montreal Protocol;

9. To recommend that international assistance to enable compliance of the Russian Federation with the Montreal Protocol in line with the following provisions should be considered:

   (a) Such support should be provided in consultation with the relevant Montreal Protocol Secretariats and the Implementation Committee to ensure consistency of ODS phase-out measures with relevant decisions of the parties to the Montreal Protocol and subsequent recommendations of the Implementation Committee. The Secretariat of the Multilateral Fund will periodically inform the Executive

Committee on any progress made in relation to such international assistance to enable compliance given to the Russian Federation;

(b) The Russian Federation shall submit annual reports on progress in phasing out ODS in line with the schedule included in the submission of the Russian Federation to the parties;

(c) The reports should include – in addition to the data to be reported under Articles 7 and 4 of the Montreal Protocol and on recovering and recycling facilities – updated information on the elements mentioned in paragraph 6 of the present decision, including information on trade in substances controlled under the Montreal Protocol with parties members of the Commonwealth of Independent States and parties operating under paragraph 1 of Article 5, to monitor whether the levels of production allowed under the Montreal Protocol to satisfy the basic domestic needs of parties operating under paragraph 1 of Article 5 are not exceeded;

(d) The reports should be submitted in due time to enable the Ozone Secretariat – together with the Implementation Committee – to review them;

(e) In case of any questions related to the reporting requirements and the actions of the Russian Federation, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee.

Decision VIII/25: Compliance with the Montreal Protocol by the Russian Federation

The *Eighth Meeting of the Parties* decided in *decision VIII/25:*

1. To recall decision VII/18 of the Seventh Meeting of the Parties by which the Russian Federation was, inter alia, requested to provide to the Implementation Committee, in 1996, additional information relative to the implementation of the Montreal Protocol;

2. To note that, according to its written submissions and the statements of the representative of the Russian Federation at the thirteenth, fourteenth, fifteenth and sixteenth meetings of the Implementation Committee, the Russian Federation was in a situation of non-compliance with the Montreal Protocol in 1996;

3. To note also the considerable progress made by the Russian Federation in addressing non-compliance issues raised by the Seventh Meeting of the Parties;

4. That the situation regarding the phase-out of ozone-depleting substances should be kept under review, specifically with regard to the additional information requested from the Russian Federation in paragraph 9 (c) of decision VII/18 of the Seventh Meeting of the Parties and, in particular, the detailed information on trade in ozone-depleting substances;

5. That the disbursement of financial assistance for ODS-phase-out in the Russian Federation should continue to be contingent on further developments with regard to non-compliance and the settlement with the Implementation Committee of any problems related to the reporting requirements and the actions of the Russian Federation;

6. That the Russian Federation should maximize the use of its recycling facilities to meet its internal needs and therefore diminish the production of new CFCs accordingly;

7. To note that the Russian Federation has undertaken to report detailed information, including quantities, on imports and exports of ODS and products containing such substances; data on the type of ODS (freshly produced, recovered, recycled, reclaimed, re-used, used in feedstock); and details of the supplier, recipient and conditions of delivery of the substances for 1996 not later than February 1997;

8. To keep under review the situation regarding the phase-out of ozone-depleting substances in the Russian Federation.

Decision IX/31: Compliance with the Montreal Protocol by the Russian Federation

The *Ninth Meeting of the Parties* decided in *decision IX/31:*

1. To note the detailed information reported by the Russian Federation in response to decision VIII/25 of the Eighth Meeting of the Parties on quantities of imports and exports of ODS and products containing such substances; data on the type of ODS (new, recovered, recycled, reclaimed, reused, used as feedstock); details of suppliers, recipient countries and conditions of delivery of the substances for 1996;

2. To note with appreciation the clarifications on details of imports and/or exports of ODS from the Russian Federation in 1996, provided by some parties mentioned in the Russian Federation's submission to the Implementation Committee;

3. To note the information reported by the Russian Federation in response to the Implementation Committee's request at its seventeenth meeting regarding information on ways in which the Russian Federation was maximizing the use of its recycling facilities to meet internal needs and to diminish production of new CFCs;

4. That the Russian Federation was in a situation of non-compliance with the Protocol in 1996 as noted in decision VIII/25 and there is an expectation of non-compliance in 1997 so that the Implementation Committee might have to revert to this question at the appropriate time;

5. To note also that the Russian Federation had exported both new and reclaimed substances to some parties operating under Article 5 and those parties not operating under that Article and those parties had imported small quantities of ODS from the Russian Federation in 1996;

6. To note further that the Russian Federation had started implementation of its exports control of ozone-depleting substances from July 1996 by not exporting any ODS including used, new, recycled or reclaimed substances, to any party with the exception of parties operating under Article 5 and of parties that are members of the Commonwealth of Independent States, including Belarus and Ukraine, as per decision VII/18;

7. In the light of the information on the recovery and recycling in the Russian Federation provided by the representative of that country, international assistance, particularly by the Global Environment Facility, should continue to be considered favourably in order to provide funding for the Russian Federation for projects to implement the programme for the phase-out of the production and consumption of ozone-depleting substances in the country;

8. To keep under review the situation regarding the phase-out of ozone-depleting substances in the Russian Federation.

Decision X/26: Compliance with the Montreal Protocol by the Russian Federation

The *Tenth Meeting of the Parties* decided in *decision X/26:*

1. To note that the Russian Federation ratified the London Amendment on 13 January 1992. The country is classified as a non-Article 5 party under the Protocol and, for 1996, reported positive consumption of 13,955 ODP-tonnes, none of which was for essential uses exempted by the parties. As a consequence, in 1996, the Russian Federation was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. The Russian Federation also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the parties until such time as the Russian Federation comes into compliance;

2. To note with appreciation that the Russian Federation is making significant progress in coming into compliance with the Montreal Protocol. Data reported for 1996 indicates that the Russian Federation reduced consumption of CFCs from 20,990 ODP-tonnes in 1995, to a level of 12,345 ODP-tonnes. The Russian Federation submitted a country programme in October 1995 (revised in November 1995) that contains specific benchmarks and a phase-out schedule. In 1996, production of Annex A, group I, substances was 16,770 ODP-tonnes, well below the benchmark of 28,000 ODP-tonnes contained in the country programme. Further steps were taken to bring the Russian Federation into compliance with its obligations under Articles 2A through 2E of the Montreal Protocol when, in October 1998, the "Special Initiative for ODS Production Closure in the Russian Federation" (Special Initiative) was signed. The parties note that, in the country programme and the Special Initiative, the Russian Federation commits:
   - To reduce consumption of Annex A, group I, substances to no more than 6,280 ODP-tonnes in 1999;
   - To reduce consumption of Annex A, group II, substances to no more than 960 ODP-tonnes in 1999;
   - To reduce consumption of Annex B, group I, substances to no more than 18 ODP-tonnes in 1999;
   - To phase out the production of Annex A substances by 1 June 2000; and
   - To phase out the consumption of Annex A and B substances by 1 June 2000;

3. To closely monitor the progress of the Russian Federation with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments in the 1995 country programme and the Special Initiative noted above. In this regard, the parties request that the Russian Federation submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that the Russian Federation is working towards and meeting the specific time-based commitments in the country programme and the Special Initiative and continues to report data annually demonstrating a decrease in imports and consumption, the Russian Federation should continue to be treated in the same manner as a party in good standing. In this regard, the Russian Federation should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the parties in respect of non-compliance. However, through this decision, the parties caution the Russian Federation, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted in prior decisions as well as in the above documents in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include

the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XIII/17: Compliance with the Montreal Protocol by the Russian Federation

The *Thirteenth Meeting of the Parties* decided in *decision XIII/17:*

Having considered the report of the Secretariat on data compliance issues in documents UNEP/OzL.Pro.13/3 and UNEP/OzL.Pro.13/3/Add.1, including Analysis of Data on Production and Consumption by Groups of Substances, and having followed up on the recommendations of the previous meetings of the Implementation Committee,

1. To note that the Russian Federation is operating under an agreed phase-out plan "List of urgent measures to the phase-out of production and consumption of ozone-depleting substances in the Russian Federation over the period 1999–2000" of 30 December 1999;
2. To note that the Russian Federation was in non-compliance with the phase-out benchmarks for 1999 and 2000 for the production and consumption of the ozone-depleting substances covered by Annex A;
3. To note the contribution of the "Special initiative for the phase-out of ozone-depleting production in the Russian Federation" to assist in the phase-out of production of ozone-depleting substances in Annex A and Annex B in the Russian Federation;
4. To note with appreciation the fact that the Russian Federation closed CFC production as from 20 December 2000 and stopped Annex A and B ODS import and export operations as from 1 March 2000, as was confirmed in the letter of the Prime Minister of the Russian Federation of 9 December 2000 and of the First Deputy Minister of Natural Resources of the Russian Federation of 9 October 2000;
5. To recommend that the Russian Federation should, with the assistance of international funding agencies, proceed with the agreed phase-out benchmarks of production and consumption of the Annex A and B ODS to be in full compliance with its obligations under the Montreal Protocol and the London Amendment;
6. To welcome the action taken by the Russian Federation to examine the possibility of ratifying the Copenhagen, Montreal and Beijing Amendments to the Montreal protocol, as was stated by the Prime Minister in his letter of 9 December 2000.

Decision XIV/35: Compliance with the Montreal Protocol by the Russian Federation

The *Fourteenth Meeting of the Parties* decided in *decision XIV/35:*

1. To note that the Russian Federation was in non-compliance with the phase-out benchmarks for 1999 and 2000 for the production and consumption of ozone-depleting substances in Annex A to the Montreal Protocol;
2. To note with appreciation that the data reported by the Russian Federation for 2001 confirms the complete phase-out of production and consumption of ozone-depleting substances in Annexes A and B, as noted by the Thirteenth Meeting of the Parties in decision XIII/17;
3. To commend the efforts made by the Russian Federation to comply with the control measures of the Montreal Protocol;

4. To recognise the support and assistance rendered by the parties to the Montreal Protocol to enable compliance by the Russian Federation.

Decision XXIII/27: Non-compliance with the Montreal Protocol by the Russian Federation

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/27*:

Noting that the Russian Federation reported the export of 70.2 metric tonnes of Annex C, group I, controlled substances (hydrochlorofluorocarbons) in 2009 to a State classified as not operating under paragraph 1 of Article 5 of the Montreal Protocol that was also a State not party to the Copenhagen Amendment or the Beijing Amendment to the Protocol in that year, which places the Russian Federation in non-compliance with the provisions of Article 4 of the Protocol prohibiting trade with any State not party to the Protocol,

1. That no further action is necessary in view of the party's implementation of regulatory and administrative measures to ensure its compliance with the provisions of the Protocol governing trade with non-parties;

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

Decisions on non-compliance: Saint Vincent and the Grenadines

Decision XIV/24: Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines

The *Fourteenth Meeting of the Parties* decided in *decision XIV/24:*

1. To note that Saint Vincent and the Grenadines ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 2 December 1996. The country is classified as a party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1998. Since approval of the country programme, the Executive Committee has approved $152,889 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Saint Vincent and the Grenadines' baseline for Annex A, group I substances is 2 ODP-tonnes. It reported consumption of 6 and 7 ODP-tonnes of Annex A, group I substances in 2000 and 2001 respectively, and consumption of 9 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Saint Vincent and the Grenadines was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Saint Vincent and the Grenadines submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Saint Vincent and the Grenadines may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To closely monitor the progress of Saint Vincent and the Grenadines with regard to the phase-out of ozone-depleting substances. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, Saint

Vincent and the Grenadines should continue to be treated in the same manner as a party in good standing. In this regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/42: Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines

The *Fifteenth Meeting of the Parties* decided in *decision XV/42:*

1. To note that, in accordance with decision XIV/24 of the Fourteenth Meeting of the Parties, Saint Vincent and the Grenadines was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note also that the baseline of Saint Vincent and the Grenadines for Annex A, group I substances is 1.77 ODP-tonnes. It reported consumption of 6.04, 6.86 and 6.02 ODP-tonnes of Annex A, group I substances in 2000, 2001 and 2002 respectively, and consumption of 9 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. It has failed to report data for CFC consumption for the control period of 1 July 2001 to 31 December 2002. As a consequence, for the period 2000–2002, Saint Vincent and the Grenadines was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note with regret that Saint Vincent and the Grenadines has not fulfilled the requirements of decision XIV/24 and to request that it should submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, a plan of action with time-specific benchmarks in order for the Committee to monitor its progress towards compliance;

4. To stress to the Government of Saint Vincent and the Grenadines its obligations under the Montreal Protocol to phase out the consumption of ozone-depleting substances, and the accompanying need for it to establish and maintain an effective governmental policy and institutional framework for the purposes of implementing and monitoring the national phase-out strategy;

5. To monitor closely the progress of Saint Vincent and the Grenadines with regard to the phase-out of CFCs. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, Saint Vincent and the Grenadines should continue to be treated in the same manner as a party in good standing. In that regard, Saint Vincent and the Grenadines 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVI/30: Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines

The *Sixteenth Meeting of the Parties* decided in *decision XVI/30:*

1. To note that Saint Vincent and the Grenadines ratified the Montreal Protocol and the London and Copenhagen Amendments on 2 December 1996. Saint Vincent and the Grenadines is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1998. The Executive Committee has approved $166,019 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note that, in accordance with decision XV/42 of the Fifteenth Meeting of the Parties, Saint Vincent and the Grenadines was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

3. To note with appreciation the submission by Saint Vincent and the Grenadines of its plan of action, and to note also that, under the plan, Saint Vincent and the Grenadines specifically commits itself:

   (a) To reducing CFC consumption from 3.07 ODP-tonnes in 2003 as follows:
      (i) To 2.15 ODP-tonnes in 2004;
      (ii) To 1.39 ODP-tonnes in 2005;
      (iii) To 0.83 ODP-tonnes in 2006;
      (iv) To 0.45 ODP-tonnes in 2007;
      (v) To 0.22 ODP-tonnes in 2008;
      (vi) To 0.1 ODP-tonnes in 2009;
      (vii) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the parties;

   (b) To monitoring its existing system for licensing imports of ozone-depleting substances and its ban on imports of ozone-depleting-substances-using equipment, introduced in 2003;

   (c) To introducing an ozone-depleting substances quota system by the last quarter of 2004, which will become effective from 1 January 2005;

4. To note that the measures listed in paragraph 3 above should enable Saint Vincent and the Grenadines to return to compliance by 2008, and to urge Saint Vincent and the Grenadines to work with the relevant implementing agencies to implement the plan of action and phase-out of consumption of ozone-depleting substances in Annex A, group I (CFCs);

5. To monitor closely the progress of Saint Vincent and the Grenadines with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Saint Vincent and the Grenadines 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, Saint Vincent and the Grenadines 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Saudi Arabia

Decision XIX/23: Potential non-compliance in 2005 with the provisions of the Montreal Protocol governing consumption of the controlled substance in Annex E (methyl bromide) by Saudi Arabia and request for a plan of action

The *Nineteenth Meeting of the Parties* decided in *decision XIX/23*:

Noting that Saudi Arabia ratified the Montreal Protocol and its 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 $65,000 from the Fund in accordance with Article 10 of the Protocol to enable Saudi Arabia's compliance,

1. That Saudi Arabia reported annual consumption for the controlled substance in Annex E (methyl bromide) for 2005 of 27.6 ODP-tonnes, which exceeds its maximum allowable consumption level of 0.5 ODP-tonnes for that controlled substance for that year, and is therefore presumed in the absence of further clarification to be in non-compliance in 2005 with the control measures under the Montreal Protocol for methyl bromide;

2. To request Saudi Arabia to submit to the Secretariat, as a matter of urgency and no later than 29 February 2008, for consideration by the Implementation Committee at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance. Saudi Arabia may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of Saudi Arabia with regard to the phase-out of methyl bromide. To the degree that the party is working toward 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 its commitments in accordance with item A of the indicative list of measures that may be taken by a 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 a Meeting of the Parties in respect of non-compliance that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 the methyl bromide that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXI/21: Non-compliance in 2007 with the provisions of the Protocol governing consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), by Saudi Arabia and request for a plan of action

The *Twenty-First Meeting of the Parties* decided in *decision XXI/21*:

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 has approved $2,378,485 from the Multilateral Fund to enable Saudi Arabia's compliance in accordance with Article 10 of the Protocol,

1. That Saudi Arabia has reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 657.8 ODP-tonnes, which exceeds the party's maximum allowable consumption of 269.8 ODP-tonnes for those controlled substances for that year, and that the party is therefore in non-compliance with the control measures for those substances under the Protocol for that year;

2. To request Saudi Arabia to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, for consideration by the Implementation Committee at its next meeting, a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance;

3. To monitor closely the progress of Saudi Arabia with regard to 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 its commitments in accordance with item A of the indicative list of measures that may be taken by a 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 in the event that it fails to return to compliance in a timely manner the Meeting of 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 the chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/15*:

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.

Decisions on non-compliance: Serbia

Decision XVIII/33: Non-compliance with data-reporting requirements for the purpose of establishing baselines under paragraphs 3 and 8 *ter* (d) of Article 5 by Serbia

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/33:*

1. To note that Serbia has not reported the data required for the establishment of baselines for the controlled substances in Annex B (other CFCs, carbon tetrachloride and methyl

chloroform) for the years 1998 and 1999, as provided for by paragraphs 3 and 8 ter (d) of Article 5 of the Montreal Protocol;

2. To note that the failure to report such data places Serbia in non-compliance with its data-reporting obligations under the Protocol until such time as the Secretariat receives the outstanding data;

3. To stress that compliance by Serbia with the Protocol cannot be evaluated without the outstanding data;

4. To acknowledge that Serbia has only recently ratified the amendments to the Protocol that require it to report data on the controlled substances indicated in paragraph 1 of the present decision and also that Serbia has recently experienced a considerable change in its national circumstances in connection with which it has undertaken to continue the legal personality of the former Serbia and Montenegro in respect of the Protocol for the territory under its control effective 3 June 2006, but also to note that the party has received assistance with data collection from the Multilateral Fund for the Implementation of the Montreal Protocol through the Fund's implementing agencies;

5. To urge Serbia to work together with the United Nations Environment Programme under that agency's Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report the data, as a matter of urgency, to the Secretariat;

6. To request the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol to review the situation of Serbia with respect to data reporting at its next meeting.

Decisions on non-compliance: Sierra Leone

[Also see decision XV/21, under "Decisions on non-compliance: groups of parties".]

Decision XVII/38: Non-compliance with the Montreal Protocol by Sierra Leone, and request for a plan of action

The *Seventeenth Meeting of the Parties* decided in *decision XVII/38:*

1. To note that Sierra Leone ratified the Montreal Protocol and all its amendments on 29 August 2001, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in December 2003. The Executive Committee has approved $660,021 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note further that Sierra Leone has reported annual consumption of the controlled substances in Annex A, group II (halons), for 2004 of 18.45 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 16.00 ODP-tonnes for those controlled substances for that year, and that Sierra Leone is therefore in non-compliance with the control measures under the Protocol;

3. To request Sierra Leone, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Sierra Leone may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of equipment using ozone-depleting substances, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Sierra Leone with regard to the phase-out of the controlled substances in Annex A, group II (halons). 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, Sierra Leone should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Sierra Leone, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 the controlled substances in Annex A, group II (halons), that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Singapore

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/13*:

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.

Decisions on non-compliance: Solomon Islands

[Also see decision XIII/16, under "Decisions on non-compliance: groups of parties".]

Decision XX/18: Potential non-compliance in 2006 with the provisions of the Montreal Protocol in respect of consumption of the controlled substances in Annex A, group I, (chlorofluorocarbons) by Solomon Islands and request for a plan of action and data for the year 2007

The *Twentieth Meeting of the Parties* decided in *decision XX/18*:

Noting that Solomon Islands ratified the Montreal Protocol on 17 June 1993, the London Amendment on 17 August 1999 and the Copenhagen Amendment on 17 August 1999, is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in March 2002,

Noting also that the Executive Committee has approved $119,233 from the Multilateral Fund to enable Solomon Islands' compliance in accordance with Article 10 of the Protocol,

Noting further that Solomon Islands has reported annual consumption for the controlled substance in Annex A, group I (chlorofluorocarbons), for 2006 of 1.4 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 1.1 ODP-tonnes for that

controlled substance for that year and that in the absence of further clarification Solomon Islands is therefore presumed to be in non-compliance with the control measures under the Protocol,

Noting that Solomon Islands has still not reported its ozone-depleting substances data for 2007 in accordance with Article 7 of the Protocol, thereby placing the party in non-compliance with its data-reporting obligations under the Montreal Protocol,

1. To request Solomon Islands to submit to the Secretariat, as a matter of urgency and no later than 31 March 2009, for consideration by the Implementation Committee at its next meeting, an explanation for its excess consumption in 2006, together with a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance;

2. To request Solomon Islands further to report the outstanding data for 2007 as a matter of urgency, and preferably no later than 31 March 2009, in time for consideration by the Implementation Committee at its forty-second meeting;

3. To monitor closely the progress of Solomon Islands with regard to the phase-out of chlorofluorocarbons. To the degree that the party is working toward 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, Solomon Islands should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;

4. To caution Solomon Islands, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of 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 the chlorofluorocarbons that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXI/22: Compliance with the Montreal Protocol by Solomon Islands

The *Twenty-First Meeting of the Parties* decided in *decision XXI/22*:

1. That Solomon Islands reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), of 1.4 ODP-tonnes for 2006, which exceeds the party's maximum allowable consumption of 1.1 ODP-tonnes for those controlled substances for that year, and that the party is therefore in non-compliance with the control measures for those substances under the Protocol for that year;

2. To note, however, that in response to the request for an explanation for its excess consumption contained in decision XX/18 of the Twentieth Meeting of the Parties, Solomon Islands reported that its Custom and Excise Act had been amended in 2007 to include restrictions on imports of chlorofluorocarbons, which therefore had not applied formally prior to that year;

3. To note further Solomon Islands' return to compliance in 2007 and its commitment to restrict imports of chlorofluorocarbons, which had taken effect from 2008;

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

Decisions on non-compliance: Somalia

Decision XVI/19: Potential non-compliance with consumption of Annex A, group II, ozone-depleting substances (halons) by Somalia in 2002 and 2003, and request for a plan of action

The *Sixteenth Meeting of the Parties* decided in *decision XVI/19:*

1. To note that Somalia has reported annual data for Annex A, group II, ozone-depleting substances (halons) for both 2002 and 2003 which are above its requirement for a freeze in consumption;

2. To note further that, in the absence of further clarification, Somalia is presumed to be in non-compliance with the control measures under the Protocol;

3. To request Somalia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting explanations for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Somalia may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ozone-depleting-substances-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Somalia with regard to the phase-out of halons. To the degree that Somalia 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, Somalia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Somalia, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of 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 halons (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XX/19: Non-compliance with the provisions of the Montreal Protocol in respect of consumption of the controlled substances in Annex A, groups I (chlorofluorocarbons) and II (halons) by Somalia

The *Twentieth Meeting of the Parties* decided in *decision XX/19*:

Noting that Somalia ratified the Montreal Protocol and its London, Copenhagen, Montreal and Beijing Amendments on 1 August 2001 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that Somalia has no country programme that has been approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol,

Acknowledging the serious challenges faced by Somalia in implementing its obligations under the Montreal Protocol and also acknowledging the progress made by the party in spite of those challenges,

Noting that Somalia has reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for the year 2007 of 79.5 ODP-tonnes, which exceeds the party's maximum allowable consumption level of 36.2 ODP-tonnes for those controlled substances for that year, and that in the absence of further clarification Somalia is therefore presumed to be in non-compliance with the control measures under the Protocol,

Noting also that Somalia reported annual consumption for the controlled substances in Annex A, group-II (halons), for 2006 of 18.8 ODP-tonnes and 13.2 ODP-tonnes for 2007, which exceeds the party's maximum allowable consumption of 8.8 ODP-tonnes for those controlled substances for those years and that Somalia was therefore in non-compliance with the control measures for halons under the Protocol,

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

   (a) To reducing halon consumption to no greater than:
      (i) 9.4 ODP-tonnes in 2008;
      (ii) 9.4 ODP-tonnes in 2009;
      (iii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the parties;

   (b) To introducing a system for licensing the imports and exports of ozone-depleting substances, including import quotas, by the end of December 2009;

2. To request Somalia to submit to the Secretariat, as a matter of urgency and no later than 31 March 2009, for consideration by the Implementation Committee at its next meeting, a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance with its consumption of chlorofluorocarbons;

3. To urge Somalia to work with the relevant implementing agencies to implement its plan of action to phase out consumption of halons and implementation of its licensing system and to participate in regional network activities;

4. To request the Executive Committee, without prejudice to the operation of the financial mechanism, to consider innovative ways of assisting the party, through the implementing agencies of the Multilateral Fund, to implement its plan of action to phase out halons and to implement its licensing system, including, but not limited to, awareness-raising, institutional strengthening and technical assistance;

5. To monitor closely the progress of Somalia with regard to the implementation of its plan of action to phase-out halons and the implementation of its licensing system;

6. To the degree that the party is working toward 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, Somalia 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 a Meeting of the Parties in respect of non-compliance;

7. To caution Somalia in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to remain in 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 halons that are the

subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXI/23: Non-compliance with the Montreal Protocol by Somalia

The *Twenty-First Meeting of the Parties* decided in *decision XXI/23*:

Noting that Somalia ratified the Montreal Protocol and its London, Copenhagen, Montreal and Beijing Amendments on 1 August 2001 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that, while Somalia has not yet had a country programme approved by the Executive Committee of the Multilateral Fund, a country programme has been submitted to the Committee for consideration at its fifty-ninth meeting and is recommended for approval,

1. That Somalia reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 79.5 ODP-tonnes, which exceeds the party's maximum allowable consumption of 36.2 ODP-tonnes for those controlled substances for that year and that Somalia was therefore in non-compliance with the control measures for those substances under the Protocol for that year;

2. To note, however, that Somalia's reported chlorofluorocarbon consumption for 2008 was in compliance with its obligations under the chlorofluorocarbon control measures of the Montreal Protocol for that year;

3. To note with appreciation Somalia's introduction, as called for in decision XX/19, of a system for licensing the imports and exports of ozone-depleting substances, including import quotas, which had taken effect from October 2009;

4. To note also with appreciation Somalia'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, Somalia 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, including import quotas;

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

6. To monitor closely the progress of Somalia 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, Somalia 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 a Meeting of the Parties in respect of non-compliance;

7. To caution Somalia in accordance with item B of the indicative list of measures that may be taken by a 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.

Decisions on non-compliance: Tajikistan

Decision XIII/20: Compliance with the Montreal Protocol by Tajikistan

The *Thirteenth Meeting of the Parties* decided in *decision XIII/20:*

1. To note that Tajikistan ratified the Montreal Protocol and the London Amendment on 7 January 1998. The country is classified as a non-Article 5 party under the Protocol and, for 1999, reported positive consumption of 50.8 ODP-tonnes of Annex A and B substances, none of which was for essential uses exempted by the parties. As a consequence, in 1999 Tajikistan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Tajikistan also expresses a belief that this situation will continue through at least the year 2004, necessitating annual review by the Implementation Committee and the parties until such time as Tajikistan comes into compliance;

2. To express great concern about Tajikistan's non-compliance and to note that Tajikistan only very recently assumed the obligations of the Montreal Protocol, having ratified the Montreal Protocol and the London Amendment in 1998. It is with that understanding that the parties note, after reviewing the country programme and submissions of Tajikistan, that Tajikistan specifically commits itself:

   (a) To reduce CFC consumption to 14.08 ODP-tonnes for the calendar year 2002, to 4.69 ODP-tonnes for 2003 and to phase out CFC consumption by 1 January 2004 (save for essential uses authorized by the parties);

   (b) To phase out consumption of all other Annex A and B controlled substances by 1 January 2002;

   (c) To establish, in 2002, a system for licensing imports and exports of ODS;

   (d) To reduce methyl bromide consumption to 0.56 ODP-tonnes for calendar year 2002, to 0.28 ODP-tonnes for calendar year 2003, and to phase out methyl bromide consumption by 1 January 2005;

3. That the measures listed in paragraph 2 above should enable Tajikistan to achieve the near total phase-out of all Annex B substances by 1 January 2002, all Annex A substances by 1 January 2004 and the Annex E substance by 1 January 2005. In this regard, the parties urge Tajikistan to work with relevant implementing agencies to shift current consumption to non-ozone-depleting alternatives;

4. To closely monitor the progress of Tajikistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the parties request that Tajikistan submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Tajikistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Tajikistan should continue to be treated in the same manner as a party in good standing. In this regard, Tajikistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties

caution Tajikistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of Annex A and B controlled substances that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Timor-Leste

Decision XXI/24: Difficulties faced by Timor-Leste as a new party

The *Twenty-First Meeting of the Parties* decided in *decision XXI/24*:

Notes with appreciation Timor-Leste's joining the international community in its efforts to protect the ozone layer, with its accession to the Vienna Convention, the Montreal Protocol and all its amendments, making the Vienna Convention and the Montreal Protocol the first international treaties deposited with the United Nations Secretary General to have universal participation,

Notes also that the ozone treaties will enter into force for Timor-Leste on 16 December 2009,

Recognizing the difficulties faced by Timor-Leste by joining the Vienna Convention and the Montreal Protocol and all its amendments shortly before key phase-out dates,

Understanding Timor-Leste's commitments for phasing out ozone-depleting substances under the Montreal Protocol and its amendments within a limited time frame,

1. To urge all parties to assist Timor-Leste, as a new party, in controlling the export of ozone-depleting substances and ozone-depleting substance-based technologies into Timor-Leste through the control of trade as per the provisions of the Montreal Protocol and relevant decisions of the Meeting of the Parties and to encourage Timor-Leste to participate in an informal prior informed consent process as referred to in decision XIX/12;

2. To request the Executive Committee when considering project proposals for Timor-Leste to phase out ozone-depleting substances to take into account the special situation of this new party, which may face difficulties in the phase out of ozone-depleting substances in Annexes A, B and E, and to be flexible in considering the project proposals, without prejudice to the possible review of the non-compliance situation of Timor-Leste by the parties;

3. To request the implementing agencies to provide appropriate assistance to Timor-Leste in institutional strengthening, capacity building, data collection, development of its country programme and national phase-out plans and in continuing its efforts to report to the Secretariat next year, data on consumption of ozone-depleting substances in accordance with the Montreal Protocol requirements;

4. To request the Implementation Committee to consider difficulties faced by Timor-Leste when addressing any possible non-compliance situations faced by Timor-Leste after the date on which the Protocol and its Amendments enter into force for Timor-Leste and report on the compliance situation of Timor-Leste to the Open-ended Working Group preceding the Twenty-Fourth Meeting of the Parties, during which the present decision will be reconsidered.

Decisions on non-compliance: Turkmenistan

Decision XI/25: Compliance with the Montreal Protocol by Turkmenistan

The *Eleventh Meeting of the Parties* decided in *decision XI/25:*

1. To note that Turkmenistan acceded to the Vienna Convention and the Montreal Protocol on 18 November 1993 and acceded to the London Amendment on 15 March 1994. The country is classified as a non-Article 5 party under the Protocol and, for 1996, reported positive consumption of 29.6 ODP-tonnes of Annex A and B substances, none of which was for essential uses exempted by the parties. As a consequence, in 1996 Turkmenistan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;

2. To note with appreciation the work done by Turkmenistan in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan to bring Turkmenistan into compliance with the Montreal Protocol in 2003;

3. To note that Turkmenistan, in cooperation with the Global Environment Facility, had delineated the following draft benchmarks that could serve to measure progress in the phase-out process until 2003:

   (a) 1999: Import of CFCs should not exceed 22 ODP-tonnes;

   (b) 1 January 2000: Import/export licensing system in place; bans on import of equipment using and containing ODS; import quota for CFCs in 2000 not exceeding 15 ODP-tonnes (roughly 50 per cent compared to 1996)

   (c) 1 January 2000: Ban on the import of all Annex A and B substances except CFCs listed in Annex A (1);

   (d) 1 January 2000: Import quota for CFCs in 2001 not exceeding 10 ODP-tonnes (-66 per cent compared to 1996); effective system for monitoring and controlling ODS trade in place and working;

   (e) 1 July 2001: recovery and recycling and training projects completed;

   (f) 1 January 2002: Import quota for CFCs in 2002 not to exceed 6 ODP-tonnes (-80 per cent compared to 1996);

   (g) 1 January 2003: Total prohibition of imports of Annex A and B substances/zero quota; completion of Global Environment Facility project.

4. To monitor closely the progress of Turkmenistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above and, in this regard, to request that Turkmenistan submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Turkmenistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Turkmenistan should continue to be treated in the same manner as a party in good standing. In this regard, Turkmenistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the parties caution Turkmenistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the

commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXI/25: Non-compliance in 2007 with the provisions of the Protocol governing consumption of the controlled substance in Annex B, group II (carbon tetrachloride), by Turkmenistan and request for a plan of action

The *Twenty-First Meeting of the Parties* decided in *decision XXI/25*:

Noting that Turkmenistan ratified the Montreal Protocol on 18 November 1993, and the London Amendment on 15 March 1994, and the Copenhagen, Montreal and Beijing Amendments on 28 March 2008, and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved $336,973 from the Multilateral Fund to enable Turkmenistan's compliance in accordance with Article 10 of the Protocol,

1. That Turkmenistan has reported annual consumption for the controlled substance in Annex B, group II (carbon tetrachloride), for 2008 of 0.3 ODP-tonnes, which exceeds the party's maximum allowable consumption of zero ODP-tonnes for that controlled substance for that year, and that the party is therefore in non-compliance with the control measures for that substance under the Protocol for that year;

2. To request Turkmenistan to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, for consideration by the Implementation Committee at its next meeting, a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance;

3. To monitor closely the progress of Turkmenistan with regard to the phase-out of carbon tetrachloride. 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, Turkmenistan should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;

4. To caution Turkmenistan in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of 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 the carbon tetrachloride that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Uganda

Decision XV/43: Non-compliance with the Montreal Protocol by Uganda

The *Fifteenth Meeting of the Parties* decided in *decision XV/43:*

1. To note that Uganda ratified the Montreal Protocol on 15 September 1988, the London Amendment on 20 January 1994, the Copenhagen Amendment on 22 November 1999

and the Montreal Amendment on 23 November 1999. Uganda is classified as a party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved $547,896 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Uganda's baseline for Annex A, group I substances is 12.8 ODP-tonnes. It has failed to report data for either of the control periods 1 July 2000 – 30 June 2001 and 1 July 2001 – 31 December 2002, and has reported annual data for 2001 which is above its baseline. In the absence of further clarification, Uganda is presumed to be in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To urge Uganda, accordingly, to report data for the control periods from 1 July 2000 to 30 June 2001 and 1 July 2001 to 31 December 2002, as a matter of urgency;

4. To note further that Uganda has presented sufficient information to justify its request for a change in its baseline consumption of the controlled substance in Annex E from 1.9 ODP-tonnes to 6.3 ODP-tonnes, and that that change is therefore approved;

5. To note that Uganda presented its request for a baseline change before the Implementation Committee had been able to recommend a standard methodology for the presentation of requests for such changes, and that all future requests should follow the methodology described in decision XV/19;

6. To note, however, that Uganda reported consumption of 30 ODP-tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002, even after the revision in its baseline, Uganda was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

7. To note with appreciation Uganda's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Uganda specifically commits itself:

   (a) To reducing methyl bromide consumption from 30 ODP-tonnes in 2002 as follows:
      (i) To 24 ODP-tonnes in 2003 and in 2004;
      (ii) To 6 ODP-tonnes in 2005;
      (iii) To 4.8 ODP-tonnes in 2006;
      (iv) To phasing out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the parties;

   (b) To monitoring its system for licensing imports and exports of ODS introduced in 1998, which will be modified by the inclusion of quotas in the first quarter of 2004;

   (c) To introducing a ban on imports of ODS-using equipment in the first quarter of 2004;

8. To note that the measures listed in paragraph 7 above should enable Uganda to return to compliance by 2007, and to urge Uganda to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;

9. To monitor closely the progress of Uganda with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Uganda 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, Uganda 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Uganda, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Ukraine

Decision VII/19: Compliance with the Montreal Protocol by Ukraine

The *Seventh Meeting of the Parties* decided in *decision VII/19:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation, and Ukraine regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol, and the statement made by the Russian Federation on its behalf and on behalf of Belarus, Bulgaria and Ukraine at the twelfth meeting of the Open-ended Working Group;

2. To note the consultations of the Implementation Committee with the representatives of Ukraine regarding possible non-fulfilment of that party's obligations under the Montreal Protocol;

3. To note that Ukraine was in compliance with its obligations under the Montreal Protocol in 1995 and that there is a possibility of non-compliance in 1996 so that the Implementation Committee might have to revert to that question that year;

4. To note that Ukraine submitted its draft country programme for the phase-out of ozone-depleting substances in Ukraine to the Implementation Committee;

5. To note that Ukraine promised to provide additional information on the political commitment on the phase-out programme for ozone-depleting substances by Ukraine and that the Implementation Committee after evaluation of the information provided might wish to request additional information on certain elements, such as:

   (a) The political commitment on the phase-out plan for ozone-depleting substances by Ukraine;

   (b) The necessary linkages between the sectoral approach outlined by Ukraine in its submission and the specific requirements for the financial, institutional and administrative arrangements towards the implementation of such measures;

   (c) The gradual achievement of the proposed phase-out plan;

   (d) The proposed measures for the enforcement of the measures – in particular the enforcement of the trade regulations;

6. To note that Ukraine has agreed not to export any virgin, recycled or recovered substance controlled under the Montreal Protocol to any party operating under Article 2 of the Protocol not member of the Commonwealth of Independent States and that such parties shall not import such controlled substances from Ukraine;

7. To recommend international assistance to enable compliance of Ukraine with the Montreal Protocol in line with the following provisions:

   (a) Such support should be provided in consultation with the relevant Montreal Protocol Secretariats and the Implementation Committee to ensure consistency of ODS phase-out measures with relevant decisions of the parties to the Montreal Protocol and subsequent recommendations of the Implementation Committee;

   (b) Ukraine shall submit annual reports on ODS phase-out progress in line with the schedule included in the country programme for the phase-out of ozone-depleting substances in Ukraine;

   (c) The reports shall be submitted in due time to enable the Ozone Secretariat – together with the Implementation Committee – to review them;

   (d) In case of any questions related to the reporting requirements and the actions of Ukraine, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee.

Decision X/27: Compliance with the Montreal Protocol by Ukraine

The *Tenth Meeting of the Parties* decided in *decision X/27:*

1. To note that Ukraine ratified the London Amendment on 6 February 1997. The country is classified as a non-Article 5 party under the Protocol and, for 1996, reported positive consumption of 1,470 ODP-tonnes of Annex A and B controlled substances, none of which was for essential uses exempted by the parties. As a consequence, in 1996, Ukraine was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Ukraine also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the parties until such time as Ukraine comes into compliance;

2. To express great concern about the non-compliance of Ukraine, as well as the significant increase in consumption of ozone-depleting substances in Ukraine from 1995 to 1996, when total consumption doubled from 767 to 1,470 ODP-tonnes. The parties note the commendable actions taken by Ukraine in working with customs and industry to monitor imports and improve the accuracy of the data reported to the Ozone Secretariat. After reviewing Ukraine's submission to the Implementation Committee, the parties note that the Ukraine, through its acceptance of this decision, specifically commits:

   – To a phase-out of the consumption of Annex A and B substances by 1 January 2002 (save for essential uses authorized by the parties);
   – Ukraine notes, however, that there may be difficulty in phasing out consumption in the domestic refrigeration sector;

3. To urge Ukraine to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a plan for managing existing supplies of CFCs as well as training in the refrigeration sector to encourage recovery and recycling. The parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources. Noting Ukraine's obvious commitment to the Montreal Protocol, it is hopeful that the country will be able to achieve a total phase-out of Annex A and B substances by 1 January 2002. In so stating, the parties noted but specifically rejected a request by Ukraine to allow for continuous imports

until 2010 for servicing existing refrigeration equipment. The parties, in so doing, note that achieving a phase-out by 1 January 2002 may necessitate that Ukraine increase the recovery of existing ozone-depleting substances or the import of recycled material, and urge Ukraine to plan carefully for its future refrigerant servicing needs and invite the Technology and Economic Assessment Panel to help in this endeavour;

4. To closely monitor the progress of Ukraine with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the parties request that Ukraine submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Ukraine is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Ukraine should continue to be treated in the same manner as a party in good standing. In this regard, Ukraine should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the parties in respect of non-compliance. However, through this decision, the parties caution Ukraine, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XXIV/18: Non-compliance with the Montreal Protocol by Ukraine

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/18:*

Noting that Ukraine ratified the Montreal Protocol on 20 September 1988, the London Amendment on 6 February 1997, the Copenhagen Amendment on 4 April 2002 and the Montreal and Beijing Amendments on 4 May 2007 and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility has approved funding in the amount of $26,777,501 to facilitate Ukraine's compliance with its Montreal Protocol obligations,

Noting further the consultations between the Implementation Committee and representatives of Ukraine regarding that party's non-compliance with its Protocol obligations,

Acknowledging with appreciation Ukraine's significant efforts to return to compliance with the Montreal Protocol,

1. That Ukraine's reported annual consumption for the controlled substances in Annex C, group I (hydrochlorofluorocarbons, or HCFCs) of 86.9 ODP-tonnes for 2010 and 93.3 for 2011 exceeds the party's maximum allowable consumption of 41.1 ODP-tonnes for those controlled substances for those years and that the party was therefore in non-compliance with the consumption control measures under the Montreal Protocol for HCFCs in 2010 and 2011;

2. To record with appreciation the submission by Ukraine of a plan of action to ensure its prompt return to compliance with the Protocol's HCFC control measures, under which, without prejudice to the operation of the Global Environment Facility, Ukraine specifically commits itself:

(a) To reducing its HCFC consumption to no greater than:
  (i) 86.90 ODP-tonnes in 2013;
  (ii) 51.30 ODP-tonnes in 2014;
  (iii) 16.42 ODP-tonnes in 2015, 2016, 2017, 2018 and 2019;
  (iv) Zero by 1 January 2020, save for consumption restricted to the servicing of refrigeration and air-conditioning equipment between the period 2020 and 2030 as prescribed in the Protocol;

(b) To implementing its system for licensing imports and exports of ozone-depleting substances and a quota system for such imports and exports, and to making it operational;

(c) To introducing as soon as possible a gradual ban on imports of equipment containing or relying on ozone-depleting substances and to monitoring its operation once introduced;

(d) To pursuing the passage of new legislation to more closely control ozone-depleting substances;

3. To note that the measures listed in paragraph 2 above should enable Ukraine to return to compliance with the Protocol's HCFC control measures in 2015, and to urge the party to work with the relevant implementing agencies to implement its plan of action to phase out its consumption of HCFCs;

4. To monitor closely the progress of Ukraine with regard to the implementation of each of the parts of its plan of action to phase out HCFCs, as outlined in paragraph 2 above. To the degree that the party is working toward 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, Ukraine 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 a Meeting of the Parties in respect of non-compliance;

5. To caution Ukraine in accordance with item B of the indicative list of measures that may be taken by a 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 the HCFCs that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Uruguay

Decision XV/44: Non-compliance with the Montreal Protocol by Uruguay

The *Fifteenth Meeting of the Parties* decided in *decision XV/44:*

1. To note that Uruguay ratified the Montreal Protocol on 8 January 1991, the London Amendment on 16 November 1993, the Copenhagen Amendment on 3 July 1997, the Montreal Amendment on 16 February 2000 and the Beijing Amendment on 9 September 2003. The country is classified as a party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved $4,856,042 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Uruguay's baseline for the controlled substance in Annex E is 11.2 ODP-tonnes. It reported consumption of 17.7 ODP-tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002 Uruguay was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

3. To note with appreciation Uruguay's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Uruguay specifically commits itself:

   (a) To reducing methyl bromide consumption from 17.7 ODP-tonnes in 2002 as follows:
      (i) To 12 ODP-tonnes in 2003;
      (ii) To 4 ODP-tonnes in 2004;
      (iii) To phasing out methyl bromide consumption by 1 January 2005, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the parties;

   (b) To monitoring its system for licensing imports and exports of ODS, including quotas;

4. To note that the measures listed in paragraph 3 above should enable Uruguay to return to compliance by 2004, and to urge Uruguay to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;

5. To monitor closely the progress of Uruguay with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Uruguay 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, Uruguay 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Uruguay, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner 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 methyl bromide (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVII/39: Revised plan of action for the early phase-out of methyl bromide in Uruguay

The *Seventeenth Meeting of the Parties* decided in *decision XVII/39:*

1. To note that Uruguay ratified the Montreal Protocol on 8 January 1991, the London Amendment on 16 November 1993, the Copenhagen Amendment on 3 July 1997, the Montreal Amendment on 16 February 2000 and the Beijing Amendment on 9 September 2003. The country is classified as a party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1993. Since approval of the country programme, the Executive Committee has approved $5,457,124 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To recall that Uruguay's baseline for the controlled substance in Annex E (methyl bromide) is 11.2 ODP-tonnes. It reported consumption of 17.7 ODP-tonnes of methyl bromide in 2002. As a consequence, for 2002 Uruguay was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

3. To recall further that Uruguay had submitted a plan of action to ensure a prompt return to compliance with the Protocol's methyl bromide control measures, which was contained in decision XV/44 of the Fifteenth Meeting of the Parties;

4. To note that Uruguay reported consumption of 11.1 ODP-tonnes of methyl bromide in 2004. This level of consumption, while consistent with the requirement that parties operating under Article 5 of the Protocol freeze their methyl bromide consumption in 2004 at their baseline level, was inconsistent with the party's commitment contained in decision XV/44 to reduce its methyl bromide consumption to a level no greater that 4 ODP-tonnes in 2004;

5. To note with appreciation, however, that Uruguay submitted a revised plan of action for methyl bromide early phase-out in controlled uses, and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Uruguay specifically commits itself:

   (a) To reduce methyl bromide consumption from 11.1 ODP-tonnes in 2004 as follows:
      (i) To 8.9 ODP-tonnes in 2005;
      (ii) To 8.9 ODP-tonnes in 2006;
      (iii) To 8.9 ODP-tonnes in 2009;
      (iv) To 6.0 ODP-tonnes in 2010;
      (v) To 6.0 ODP-tonnes in 2011;
      (vi) To 6.0 ODP-tonnes in 2012;
      (vii) To phase out methyl bromide consumption by 1 January 2013, save for critical uses that may be authorized by the parties;

   (b) To monitor its system for licensing imports and exports of ozone-depleting substances, including quotas;

6. To note that the measures listed in paragraph 5 above should enable Uruguay to maintain compliance and to urge Uruguay to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E (methyl bromide);

7. To monitor closely the progress of Uruguay with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Uruguay 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, Uruguay 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Uruguay, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, 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 methyl bromide that is the substance that is the subject of non-compliance is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Uzbekistan

Decision X/28: Compliance with the Montreal Protocol by Uzbekistan

The *Tenth Meeting of the Parties* decided in *decision X/28:*

1. To note that Uzbekistan ratified the Montreal Protocol on 18 May 1993, and ratified the London and Copenhagen Amendments on 10 June 1998. The country is classified as a non-Article 5 party under the Protocol and, for 1996, reported positive consumption of 272 ODP-tonnes of Annex A and Annex B substances, none of which was for essential uses exempted by the parties. As a consequence, in 1996, Uzbekistan was in non-compliance with its obligations under Articles 2A through 2E of the Montreal Protocol. Uzbekistan also expresses a belief that this situation may continue through at least the year 2001, necessitating annual review by the Implementation Committee and the parties until such time as Uzbekistan comes into compliance;

2. To note with appreciation the fact that Uzbekistan has made significant strides in coming into compliance with the Montreal Protocol, decreasing consumption steadily from an estimated 1,300 tonnes in 1992 to 275 tonnes in 1996. Its country programme shows its determination and commitment to phase out of Annex A and B substances by 2002. Specifically, the parties note that the Uzbekistan country programme includes a commitment:
   - To reduce consumption of CFCs by 40% by 2000, by 80% by 2001, and completely by 2002;
   - To reduce consumption of carbon tetrachloride by 35% by 2000, by 67% by 2001, and completely by 2002;
   - To reduce consumption of methyl chloroform by 40% in 2000, by 82% in 2001, and completely in 2002;
   - To put in place in 1999, import quotas in order to freeze the imports at the current level and to support the phase-out schedule noted above;
   - To put in place by 1999, bans on imports of ODS and equipment using and containing ODS;
   - To put in place policy instruments and regulatory requirements to ensure progress in achieving the phase-out;

3. To note that, given the fact that virtually all of its remaining use is in the refrigeration-servicing sector, Uzbekistan will have to work very hard in the coming years to ensure that it maintains a downward momentum in consumption in order to ensure that it meets its commitment for a phase-out in Annex A and B substances by the year 2002. In this regard, the Tenth Meeting of the Parties is happy to see that Uzbekistan intends to focus its efforts towards training in the refrigeration sector, and refrigerant recovery and recycling. The parties also note that it is critical that Uzbekistan put in place its licensing and quota system to control the import of ozone-depleting substances no later than September 1999 to meet its reduction commitment;

4. To closely monitor the progress of Uzbekistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the parties request that Uzbekistan submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Uzbekistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Uzbekistan should continue to be treated in the same manner as a party in good standing. In this regard, Uzbekistan should continue to receive international assistance to enable it to meet these commitments in accordance

with item A of the indicative list of measures that might be taken by a meeting of the parties in respect of non-compliance. However, through this decision, the parties caution Uzbekistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: Vanuatu

Decision XXI/26: Non-compliance in 2007 and 2008 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex A, group I (CFCs), by Vanuatu and request for a plan of action

The *Twenty-First Meeting of the Parties* decided in *decision XXI/26*:

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 has approved $88,020 from the Multilateral Fund to enable Vanuatu's compliance in accordance with Article 10 of the Protocol,

1. That Vanuatu has reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 0.3 ODP-tonnes and for 2008 of 0.7 ODP-tonnes, which exceeds 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;

2. To request Vanuatu to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, for consideration by the Implementation Committee at its next meeting, a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance;

3. To monitor closely the progress of Vanuatu with regard to 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 its commitments in accordance with item A of the indicative list of measures that may be taken by a 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 in the event that it fails to return to compliance in a timely manner the Meeting of 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 the chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/18*:

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.

Decisions on non-compliance: Viet Nam

Decision XV/45: Non-compliance with the Montreal Protocol by Viet Nam

The *Fifteenth Meeting of the Parties* decided in *decision XV/45:*

1. To note that Viet Nam ratified the Montreal Protocol and the London and Copenhagen Amendments on 26 January 1994. Viet Nam is classified as a party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved $3,150,436 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Viet Nam's baseline for Annex A, group II substances is 37.07 ODP-tonnes. It reported consumption of 97.60 ODP-tonnes for Annex A, group II substances in 2002. As a consequence, for 2002 Viet Nam was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

3. To request Viet Nam to submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Viet Nam may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To note that Viet Nam may also wish to draw upon the ongoing assistance provided by the United Nations Environment Programme Compliance Assistance Programme and the halon phase-out assistance previously provided by the United Nations Industrial Development Organization, and to consult with the Halons Technical Options Committee of the Technology and Economic Assessment Panel, to identify and introduce alternatives to the use of halon-2402 on oil vessels and platforms;

5. To monitor closely the progress of Viet Nam with regard to the phase-out of halons. To the degree that Viet Nam 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, Viet Nam 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 a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution Viet Nam, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, 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 halons (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decisions on non-compliance: groups of parties

Decision XIII/16: Potential non-compliance with the freeze on CFC consumption in Article 5 parties in the control period 1999–2000

The *Thirteenth Meeting of the Parties* decided in *decision XIII/16:*

1. To note that, in accordance with decision X/29 of the 10th Meeting of the Parties, the Implementation Committee requested the Secretariat to write to the following Article 5

parties, Bangladesh, Chad, Comoros, Dominican Republic, Honduras, Kenya, Mongolia, Morocco, Niger, Nigeria, Oman, Papua New Guinea, Paraguay, Samoa and Solomon Islands, that had reported data on CFC consumption for either the year 1999 and/or 2000 that was above their individual baselines;

2. That since none of the above parties has responded to the request from the Secretariat for data for the control period from 1 July 1999 to 30 June 2000, all are presumed to be in non-compliance with the control measures under the Protocol in the absence of further clarification;

3. To closely monitor the progress of these parties with regard to the phase-out of ozone-depleting substances. To the degree that these parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as parties in good standing. In this regard, these parties should continue to receive international assistance to enable them to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution these parties, in accordance with item B of the indicative list of measures, that in the event that any country fails to return to compliance in a timely manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing parties are not contributing to a continuing situation of non-compliance.

Decision XIV/17: Potential non-compliance with the freeze on CFC consumption by parties operating under Article 5 for the control period July 2000 to June 2001

The *Fourteenth Meeting of the Parties* decided in *decision XIV/17:*

1. To note that, pursuant to decision X/29 of the Tenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to those parties operating under Article 5 that had reported data on CFC consumption for either the year 2000 and/or 2001 that was above their individual baselines;

2. To note that Guatemala, Malta, Pakistan and Papua New Guinea have failed to report data for the control period from 1 July 2000 to 30 June 2001, and have reported annual data for either 2000 or 2001 which is above their baseline. In the absence of further clarification, these parties are presumed to be in non-compliance with the control measures under the Protocol;

3. To urge these parties to report data for the control period from 1 July 2000 to 30 June 2001 as a matter of urgency;

4. To closely monitor the progress of these parties with regard to the phase-out of ozone-depleting substances. To the degree that these parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as parties in good standing. In this regard, these parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the parties caution these parties, in accordance with item B of the indicative list of measures, that in the event that any party fails to return to compliance in a timely

manner, the parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XIV/28: Non-compliance with consumption phase-out by parties not operating under Article 5 in 2000

The *Fourteenth Meeting of the Parties* decided in *decision XIV/28:*

1. To note that Belarus and Latvia have reported data on consumption of substances in Annex A or B to the Montreal Protocol in 2000 that places them in non-compliance with the national plans negotiated with the parties and stated in decisions X/21 and X/24 respectively;

2. To strongly request these parties to provide the Implementation Committee, through the Secretariat, with explanations for their non-compliance, based on the data reported under Article 7 of the Protocol, as a matter of urgency;

3. To request the Implementation Committee to review the situation with regard to the phase-out of ozone-depleting substances in these parties at its next meeting, and report to the Fifteenth Meeting of the Parties.

Decision XV/21: Potential non-compliance with consumption of Annex A, group I, ozone-depleting substances (CFCs) by Article 5 parties for the control period 1 July 2001 – 31 December 2002, and requests for plans of action

The *Fifteenth Meeting of the Parties* decided in *decision XV/21:*

1. To note that the following Article 5 parties have failed to report data for consumption of Annex A, group I, substances for the control period from 1 July 2001 to 31 December 2002, and have reported annual data for 2001 and/or 2002 which are above their requirement for a freeze in consumption: Dominica, Haiti, Saint Kitts and Nevis, and Sierra Leone. In the absence of further clarification, those parties are presumed to be in non-compliance with the control measures under the Protocol;

2. To urge those parties to report data for Annex A, group I, substances for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency and, in addition, for consideration at the next meeting of the Implementation Committee, explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To note also, however, the special situation of Haiti, which has only recently ratified the Montreal Protocol and begun to implement its refrigerant management plan;

4. To monitor closely the progress of those parties with regard to the phase-out of CFCs. To the degree that those parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as parties in good standing. In that regard, those parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of

the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution those parties, in accordance with item B of the indicative list of measures, that in the event that any party fails to return to compliance in a timely manner, 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/22: Potential non-compliance with consumption of Annex A, group II, ozone-depleting substances (halons) by Article 5 parties in 2002, and requests for plans of action

The *Fifteenth Meeting of the Parties* decided in *decision XV/22:*

1. To note that the following Article 5 parties have reported annual data for Annex A, group II substances for 2002 which are above their requirement for a freeze in consumption: Malaysia, Mexico, Nigeria and Pakistan. In the absence of further clarification, those parties are presumed to be in non-compliance with the control measures under the Protocol;

2. To request those parties to submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule; policy and regulatory instruments that will ensure progress in achieving the phase-out; and work with implementing agencies to identify alternatives to Annex A, group II, substances;

3. To monitor closely the progress of those parties with regard to the phase-out of halons. To the degree that those parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as parties in good standing. In that regard, those parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the parties caution those parties, in accordance with item B of the indicative list of measures, that in the event that any party fails to return to compliance in a timely manner 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 halons (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/24: Potential non-compliance with consumption of the controlled substance in Annex E (methyl bromide) by non-Article 5 parties in 2002, and requests for plans of action

The *Fifteenth Meeting of the Parties* decided in *decision XV/24:*

1. To note that Latvia has reported annual data for 2001 which are above its requirement for a 50 per cent reduction in consumption of the controlled substance in Annex E, therefore placing Latvia in non-compliance with its obligations under Article 2H of the Montreal Protocol for 2001;

2. To note also, however, that Latvia had provided an explanation for its non-compliance and has subsequently reported Annex E data for 2002 that indicate its return to compliance;

3. To note that Israel has reported annual data for 2002 which are above its requirement for a 50 per cent reduction in consumption of the controlled substance in Annex E. In the absence of further clarification, Israel is presumed to be in non-compliance with the control measures under the Protocol;

4. To request Israel to submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Israel may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

5. To monitor closely the progress of Israel with regard to the phase-out of methyl bromide. To the degree that Israel 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. Through the present decision, however, the parties caution Israel, in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance, that in the event that it fails to return to compliance in a timely manner 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 methyl bromide (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/25: Potential non-compliance with consumption of the ozone-depleting substance in Annex E (methyl bromide) by Article 5 parties in 2002, and requests for plans of action

The *Fifteenth Meeting of the Parties* decided in *decision XV/25:*

1. To note that the following Article 5 parties have reported annual data for the controlled substance in Annex E for 2002 which are above their requirement for a freeze in consumption: Barbados, Egypt, Paraguay, Philippines, Saint Kitts and Nevis, and Thailand. In the absence of further clarification, those parties are presumed to be in non-compliance with the control measures under the Protocol;

2. To request those parties to submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of those parties with regard to the phase-out of methyl bromide. To the degree that those parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as parties in good standing. In that regard, those parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the

Parties in respect of non-compliance. Through the present decision, however, the parties caution those parties, in accordance with item B of the indicative list of measures, that in the event that any party fails to return to compliance in a timely manner 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 methyl bromide (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XVI/20: Potential non-compliance in 2003 with consumption of the controlled substance in Annex B, group III (methyl chloroform) by parties operating under paragraph 1 of Article 5, and requests for plans of action

The *Sixteenth Meeting of the Parties* decided in *decision XVI/20:*

1. To note that the following parties operating under paragraph 1 of Article 5 of the Montreal Protocol have reported annual data for the controlled substance in Annex B, group III (methyl chloroform), for 2003 which is above their requirement for a freeze in consumption: Bangladesh, Bosnia and Herzegovina, Ecuador and the Islamic Republic of Iran. In the absence of further clarification, those parties are presumed to be in non-compliance with the control measures under the Protocol. To note, however, that the Islamic Republic of Iran has submitted a request for a change in its baseline data for methyl chloroform that will be considered by the Implementation Committee at its next meeting;

2. To request those parties, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of those parties with regard to the phase-out of methyl chloroform. To the degree that those parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as parties in good standing. In that regard, those parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions those parties, in accordance with item B of the indicative list of measures, that, in the event that any party fails to return to compliance in a timely manner, the Meeting of 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 methyl chloroform (that is, the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Special situations

Decision XXII/12: Situation of Haiti

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/12*:

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.

Decision XXIX/19: Special considerations for the Caribbean islands affected by hurricanes

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/19*:

Noting with appreciation the successful efforts and sustained commitment of the Governments of Antigua and Barbuda, the Bahamas, Cuba, Dominica and the Dominican Republic to maintain compliance with their obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer,

Recognizing the extraordinary difficulties now faced by the above-mentioned countries as a result of the category 5 hurricanes that occurred in September and October 2017, which had devastating effects on the physical, economic and social welfare of the people of those islands,

Appreciating the commitment of the above-mentioned countries to meeting their obligations in respect of phasing out ozone-depleting substances under the Montreal Protocol and the amendments thereto,

1. To encourage all parties to assist Antigua and Barbuda, the Bahamas, Cuba, Dominica and the Dominican Republic by controlling the export of products, equipment, and technologies that rely on ozone-depleting substances through the control of trade, as appropriate, in accordance with decision X/9 and decision XXVII/8;

2. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, when considering project proposals over the coming year for the above-mentioned countries, to take into account their exceptional situation and the special difficulties that that situation may pose with regard to the implementation of activities to comply with their obligations in the coming year;

3. To request the implementing agencies to consider providing appropriate assistance to the above-mentioned countries in the areas of institutional strengthening, capacity-building, data collection and monitoring and control of trade of controlled substances to support continued reporting to the Secretariat on the consumption of controlled substances;

4. That the Implementation Committee under the non-compliance procedure for the Montreal Protocol should, in its deliberations in 2018, take into consideration the difficulties faced by the above-mentioned countries as a result of the hurricanes experienced in 2017, in the event of cases of non-compliance by those countries;

5. To recognize that the exceptional situation of the above-mentioned countries may extend beyond one year, and to request the relevant parties to provide an update on the situation at the Thirtieth Meeting of the Parties.

Article 9: Research, development, public awareness and exchange of information

[Also see Article 7, "Decisions on compliance with data-reporting requirements: general" for references to reporting requirements under Article 9.]

Decision I/4: Workplans required by Articles 9 and 10 of the Protocol

The *First Meeting of the Parties* decided in *decision I/4* to consider the following elements as the first components for the workplans required by Articles 9 and 10 [this refers to the original Article 10 of the Protocol, on technical assistance] of the Protocol:

(a) Dissemination of the reports of the panels for scientific, environmental, technical, and economic assessments, as well as the synthesis report, and their follow-up;

(b) Regular updating of the panel reports, taking into account in particular the developments in the fields of production of environmentally sound substitutes or alternative technological solutions to the use of CFCs or halons;

(c) Development of a programme, which will include workshops, demonstration projects, training courses, the exchange of experts and the provision of consultants on control options, taking into account the special needs of developing countries, for the consideration by the parties at their second meeting;

(d) Preparation of a study of retrofit technologies applicable to existing manufacturing facilities that produce controlled substances or products made with or containing such substances, to be presented to the parties for their consideration at their Second Meeting;

(e) Facilitation of the production and wide dissemination of material for public information;

(f) Exploration of specific ways of promoting exchange and transfer of environmentally sound substitutes and alternative technologies;

(g) Initiatives to support activities in programmes of international organizations and financing agencies that could contribute towards implementing the provisions of the Protocol, and defining means by which the Secretariat can initiate concrete contacts with the appropriate international organizations, programmes and financing agencies for this purpose.

Decision II/14: Workplans required by Articles 9 and 10 of the Protocol

The *Second Meeting of the Parties* decided in *decision II/14* to request the Executive Committee under the Financial Mechanism and the Secretariat to take into account in their work the recommendations on workplans required by Article 9 and Article 10 [this refers to the original Article 10 of the Protocol, on technical assistance] of the Protocol, as adopted by the third session of the first meeting of the Open-ended Working Group of the parties to the Protocol.

Decision XVII/24: Reports of the parties submitted under Article 9 of the Montreal Protocol on research, development, public awareness and exchange of information

The *Seventeenth Meeting of the Parties* decided in. *decision XVII/24:*

1. To note with appreciation the reports submitted by the following 28 parties in accordance with Article 9 of the Montreal Protocol: Argentina, Belarus, Brazil, Brunei Darussalam, Bulgaria, Czech Republic, Dominican Republic, Guyana, Hungary, Iceland, Jordan, Latvia, Mauritius, Malaysia, Monaco, Norway, Oman, Pakistan, Poland, Romania, Somalia, Spain, Sri Lanka, Sweden, Thailand, Togo, Trinidad and Tobago, Turkmenistan;

2. To recall that paragraph 3 of Article 9 states that, every two years, each party shall submit to the Secretariat a summary of activities it has conducted pursuant to that Article, and that relevant activities include promotion of research and development, information exchange on technologies for reducing emissions of ozone-depleting substances, alternatives to the use of controlled substances and the costs and benefits of relevant control strategies, awareness-raising on the environmental effects of controlled substances emissions and other substances that deplete the ozone layer;

3. To recognize that information relevant to the reporting obligation contained in paragraph 3 of Article 9 may be generated through cooperative efforts undertaken in the context of regional ozone networks, ozone research managers activities under Article 3 of the Vienna Convention, participation by parties in the assessment work of both the Technology and Economic Assessment Panel and the Scientific Assessment Panel under Article 6 of the Montreal Protocol, and national public awareness-raising initiatives;

4. To note that the reporting under Article 9, paragraph 3, could be undertaken through electronic means, and to note also that the information contained in these reports could be shared through the Ozone Secretariat's website;

5. To note that such activities continue to play an important role in global efforts to protect the ozone layer and that dissemination of information on such activities, through Article 9, also contributes to these efforts;

6. To therefore urge all parties to submit information in accordance with paragraph 3 of Article 9.

Decision XX/13: Reports of parties submitted under Article 9 of the Montreal Protocol

The *Twentieth Meeting of the Parties* decided in *decision XX/13*:

1. To note with appreciation the reports submitted in 2007 and 2008 by the following 18 parties in accordance with Article 9 of the Montreal Protocol: Argentina, Belize, Bosnia and Herzegovina, Costa Rica, Cyprus, Latvia, Lebanon, Lithuania, Mexico, Namibia, Norway, Oman, Spain, Sri Lanka, Sweden, Thailand, Uganda and Zambia;

2. To recall that paragraph 3 of Article 9 states that, every two years after entry into force of the Montreal Protocol, which entered into force in 1989, each party shall submit to the Secretariat a summary of activities that it has conducted pursuant to that Article and that relevant activities include promotion of research and development, information exchange on technologies for reducing emissions of ozone-depleting substances, alternatives to the use of controlled substances and the costs and benefits of relevant control strategies and raising awareness of the environmental effects of emissions of controlled and other substances that deplete the ozone layer;

3. To recognize that information relevant to the reporting obligation under paragraph 3 of Article 9 may be generated through cooperative efforts undertaken in the context of regional ozone networks, activities by ozone research managers under Article 3 of the Vienna Convention for the Protection of the Ozone Layer, participation by parties in the assessment work of both the Technology and Economic Assessment Panel and the Scientific Assessment Panel under Article 6 of the Montreal Protocol and national public awareness-raising initiatives;

4. To note that the reporting under paragraph 3 of Article 9 of the Protocol can be undertaken through electronic means;

5. To request the Secretariat to share the information reported under paragraph 3 of Article 9 of the Protocol with other parties through the Secretariat's website.

Article 10: Financial mechanism

Decisions on establishment of interim financial mechanism

Decision I/13: Assistance to developing countries

The *First Meeting of the Parties* decided in *decision I/13* with regard to assistance to developing countries:

(a) To recognize the urgent need to establish international financial and other mechanisms to implement Article 5, paragraphs 2 and 3, in conjunction with Articles 9 and 10 of the Montreal Protocol and to enable developing countries to meet the requirements of the present and a future strengthened Protocol, thereby addressing the ozone depletion and related problems;

(b) To establish an open-ended working group of the Contracting parties to develop modalities for such mechanisms, including adequate international funding mechanisms which do not exclude the possibility of an international Fund and to report the results of their deliberations to the Conference of the Parties at its Second Meeting in 1990.

Decision II/8: Financial mechanism

The *Second Meeting of the Parties* decided in *decision II/8* to establish for the three-year period from 1 January 1991 to 31 December 1993 or until such time as the Financial Mechanism is established, an Interim Financial Mechanism according to the following:

1. The Interim Financial Mechanism is established for the purposes of providing financial and technical co-operation, including the transfer of technologies, to parties operating under paragraph 1 of Article 5 of the Montreal Protocol to enable their compliance with the control measures set out in Articles 2A to 2E of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to parties operating under that paragraph, shall meet all agreed incremental costs of such parties, in order to enable their compliance with the control measures of the Protocol.

2. The Mechanism established under paragraph 1 shall include a Multilateral Fund. It may also include other means of multilateral, regional and bilateral co-operation.

3. The Multilateral Fund shall:

   (a) Meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the parties, the agreed incremental costs;

   (b) Finance clearing-house functions to:
      (i) Assist parties operating under paragraph 1 of Article 5, through country-specific studies and other technical co-operation to identify their needs for co-operation;
      (ii) Facilitate technical co-operation to meet these identified needs;
      (iii) Distribute, as provided for in Article 9 of the Protocol, information and relevant materials, and hold workshops, training sessions and other related activities for the benefit of parties that are developing countries;
      (iv) Facilitate and monitor other multilateral, regional and bilateral co-operation available to parties that are developing countries; and

   (c) Finance the secretarial services of the Multilateral Fund and related support costs.

4. The Multilateral Fund shall operate under the authority of the parties who shall decide on its overall policies.

5. The President of the Second Meeting of the Parties shall ensure that the Executive Committee establishes, with effect from 1 January 1991, an "Interim Multilateral Fund for the Implementation of the Montreal Protocol" and draws up the financial regulations and rules of the Fund.

6. The parties hereby establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources for the purpose of achieving the objectives of the Multilateral Fund. It is established for a three-year period. Before the end of that three-year period, the terms of reference of the Executive Committee shall be reviewed by the meeting of the parties. The Executive Committee shall discharge its tasks and responsibilities specified in its terms of reference as agreed by the parties, with the co-operation and assistance of the International Bank for Reconstruction and

Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme, or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the parties operating under paragraph 1 of Article 5 and of the parties not so operating shall be endorsed by the parties. The terms of reference of the Executive Committee are attached as appendix II to this decision.

7. The Multilateral Fund shall be financed by contributions from parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and/or in national currency, on the basis of the United Nations scale of assessments. Contributions by other parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the parties, regional co-operation may, up to twenty per cent and consistent with any criteria specified by decision of the parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation as a minimum:

   (a) Strictly relates to compliance with the provisions of the Protocol;

   (b) Provides additional resources; and

   (c) Meets agreed incremental costs.

8. The parties shall decide upon the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual parties thereto.

9. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary party.

10. Decisions by the parties under this decision shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the parties present and voting, representing at least a majority of the parties operating under paragraph 1 of Article 5 present and voting and at least a majority of the parties not so operating present and voting.

11. The Financial Mechanism set out in this decision is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

12. References to dollars ($) in this decision are to United States dollars.

Decision II/8A: Budget for the Fund Secretariat

The *Second Meeting of the Parties* decided in *decision II/8A* to adopt the provisional budget for the Fund Secretariat as attached in annex V of the report on the work of the Second Meeting of the Parties and to request the Executive Committee of the parties to present to the Third Meeting of the Parties a revised version of the budget in the light of the experience gained during its implementation.

Decision II/8B: Acceptance of the offer of Canada

The *Second Meeting of the Parties* decided in *decision II/8B* to accept the offer of Canada:

(a) To host the Executive Committee meetings as necessary during the interim period;

(b) To support participation of developing countries in those meetings; and

(c) To assume the administrative costs of those initiatives.

Decision III/19: Financial mechanism

The *Third Meeting of the Parties* decided in *decision III/19* with regard to financial mechanism to request the Open-ended Working Group of the parties to review the indicative list of the categories of incremental costs adopted by the parties in decision II/8 and, taking into account the experience gained by the Executive Committee, to develop an indicative list of categories of incremental costs required by paragraph 1 of Article 10 of the Montreal Protocol as amended by the Second Meeting of the Parties. The list so developed should be submitted for consideration by the Fourth Meeting of the Parties.

Decisions on establishment of financial mechanism

Decision IV/18: Financial mechanism

The *Fourth Meeting of the Parties* decided in *decision IV/18:*

I

1. To establish the Financial Mechanism, including the Multilateral Fund provided for in Article 10 of the Montreal Protocol as amended at the Second Meeting of the Parties;
2. To make the Multilateral Fund operative from 1 January 1993 and to transfer to it any resources remaining in the Interim Multilateral Fund on that date;
3. To set the total contributions to the Fund for 1993 at $US 113.34 million and to commit to a replenishment of the Fund in order to meet on grant or concessional terms the requirements of parties operating under paragraph 1 of Article 5 of the Protocol, in respect of agreed incremental costs as indicated by the figures $US 340–500 million for 1994–1996. The total contribution to the Fund for 1994 will not be less than the commitments for 1993;
4. To establish the Executive Committee;
5. To adopt the terms of reference for the Multilateral Fund and for the Executive Committee, as set out in annex IX and annex X[20], respectively, to the report of the Fourth Meeting of the Parties; [see section 3.6 of this Handbook]
6. To endorse the recommendations of the Executive Committee contained in paragraph 108 of UNEP/OzL.Pro/ExCom/8/29 and to approve the indicative list of the categories of incremental costs, as set out in annex VIII to the report of the Fourth Meeting of the Parties, in accordance with paragraph 1 of Article 10 of the amended Protocol; [see section 3.6 of this Handbook]
7. To call on the Executive Committee to continue to operate under the agreements, procedures and guidelines applicable to the Interim Multilateral Fund;
8. To accept with appreciation the offer of Canada to host the Secretariat of the Multilateral Fund on the same terms as they hosted the Secretariat of the Interim Multilateral Fund and to locate the Secretariat at Montreal, Canada;

II

1. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, in the light of its terms of reference, and drawing on the various reports and assessments it has at its disposal, and with the cooperation and assistance of the implementing agencies, and independent advice as appropriate or

20 The terms of reference for the Executive Committee in annex X was replaced by annex V to the Ninth Meeting of the Parties, which was then modified by later decisions. See section 3.6 of this Handbook for the updated terms of reference.

necessary, to submit to the Open-ended Working Group of the parties at its next meeting a report comprising:

(a) A report on the operation of the Financial Mechanism since 1 January 1991;

(b) Its three-year plan and budget (as required by paragraph 10 (b) of its terms of reference) based on:
  (i) The needs of parties operating under paragraph 1 of Article 5 of the Protocol;
  (ii) The capacity and performance of the implementing agencies; and
  (iii) The strategies and projects to be implemented by parties operating under paragraph 1 of Article 5 of the Protocol;

2. To request the Open-ended Working Group to assess the report of the Executive Committee and to make recommendations, as appropriate, to the Fifth Meeting of the Parties;

3. To request the Open-ended Working Group to make a recommendation to the Fifth Meeting of the Parties on the level of replenishment for the Multilateral Fund for the period 1994–1996, in the light of:

(a) Decisions made by the Fourth Meeting of the Parties on this issue;

(b) The report prepared by the Executive Committee;

(c) Other assessments on the level of resources needed for the period 1994–1996 available to the Open-ended Working Group;

(d) The status of commitments and disbursements of the Financial Mechanism;

4. To evaluate and review, by 1995, the Financial Mechanism established by Article 10 of the Protocol and section I of the present decision, with a view to ensuring its continued effectiveness, taking into account chapters 9, 33 and 34, and all other relevant chapters, of Agenda 21 as adopted by the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992.

Decision VI/16: Juridical personality, privileges and immunities of the Multilateral Fund

The *Sixth Meeting of the Parties* decided in *decision VI/16, recalling* decision IV/18 of the Fourth Meeting of the Parties, which established the Financial Mechanism, including the Multilateral Fund for the Implementation of the Montreal Protocol, provided for in Article 10 of the Montreal Protocol, as amended in London on 29 June 1990, to clarify the nature and legal status of the Fund as a body under international law as follows:

(a) *Juridical personality:* The Multilateral Fund shall enjoy such legal capacity as is necessary for the exercise of its functions and the protection of its interests, in particular the capacity to enter into contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings in defence of its interests;

(b) *Privileges and immunities*:
  (i) The Fund shall, in accordance with arrangements to be determined with the Government of Canada, enjoy in the territory of the host country, such privileges and immunities as are necessary for the fulfilment of its purposes;
  (ii) The officials of the Fund Secretariat shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Multilateral Fund.

Decisions on replenishments of the Multilateral Fund, budgets and contributions

Decision III/22: Executive Committee of the Multilateral Fund

The *Third Meeting of the Parties* decided in *decision III/22* with respect to the Executive Committee of the Multilateral Fund:

(a) To adopt the revised 1991 budget for the Fund Secretariat as contained in annex VII to the report of the Third Meeting of the Parties;

(c) To adopt the budget for 1992, included in the three-year budget for the Fund Secretariat as contained in annex VIII to the report of the Third Meeting of the Parties;

(d) To endorse the proposal to raise the total amount of the Interim Multilateral Fund by US$40 million to US$200 million over the three-year period 1991–1993;

(e) To adopt a revised scale of contributions set out in annex X to the report of the Third Meeting of the Parties.

[The remainder of this decision is located below under "Decisions on the Executive Committee".]

Decision IV/20: Executive Committee of the Multilateral Fund

The *Fourth Meeting of the Parties* decided in *decision IV/20:*

1. To adopt the revised budgets for 1992 and 1993, and the budget for 1994 for the Fund Secretariat, as set out in annex XIII to the report of the Fourth Meeting of the Parties;

2. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in annex XIV to the report of the Fourth Meeting of the Parties;

3. To adopt the scale of contributions for the Multilateral Fund as set out in annex XIV to the report of the Fourth Meeting of the Parties;

[The remainder of this decision is located below under "Decisions on the Executive Committee".]

Decision IV/21: Temporary difficulties encountered by Hungary, Bulgaria and Poland

The *Fourth Meeting of the Parties* decided in *decision IV/21:*

1. To note the formal request that Hungary, Bulgaria and Poland have made for guidance because of the temporary difficulties they may face in making 1991, 1992 and 1993 contributions in convertible currency to the Multilateral Fund;

2. To encourage such parties, with the assistance of the Executive Committee and the Fund Secretariat, urgently to make every effort to explore and identify possible ways and means of making contributions in kind;

3. To encourage those parties, and other parties not operating under paragraph 1 of Article 5 of the Protocol to consider possibilities for addressing the situation in case it is not possible for such contributions to be made in kind;

4. To request the Executive Committee to report on this matter to the Fifth Meeting of the Parties.

Decision V/9: Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *decision V/9:*

1. To adopt the budget for 1994–1996 of US$510,000,000 for the Multilateral Fund for the Implementation of the Montreal Protocol with the understanding that US$55,000,000 of that sum will be provided by funds unallocated during the 1991–1993 period;
2. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in annex II to the report of the Fifth Meeting of the Parties;
3. To adopt the scale of contributions for the Multilateral Fund based on the replenishment of US$455,000,000 as set out in annex II in the report of the Fifth Meeting of the Parties; US$151,666,666 for 1994, US$151,666,667 for 1995 and US$151,666,667 for 1996.

[The remainder of this decision is located below under "Decisions on the Executive Committee".]

Decision V/10: Temporary difficulties encountered by Hungary, Bulgaria, Poland and other countries with economies in transition

The *Fifth Meeting of the Parties* decided in *decision V/10* to note the recommendations of the Executive Committee with respect to the countries encountering temporary difficulties and to request the Executive Committee to continue to make its best efforts to consider various possibilities for addressing the situation by obtaining contributions in kind wherever possible and to report on this matter to the Sixth Meeting of the Parties.

Decision VII/24: 1997–1999 replenishment of the Multilateral Fund

The *Seventh Meeting of the Parties* decided in *decision VII/24* to request the Technology and Economic Assessment Panel to prepare a report for submission to the Eighth Meeting of the Parties, and present it through the Thirteenth Meeting of the Open-ended Working Group, to enable the parties to take a decision on the appropriate level of the 1997–1999 replenishment, taking into account amongst other things:

(a) All control measures agreed by the parties to the Montreal Protocol;

(b) The Report on the Review under paragraph 8 of Article 5 of the Montreal Protocol;

(c) Historical experience, including limitations and successes, of the phase-out of ozone-depleting substances achieved with resources already allocated, as well as the performance of the Multilateral Fund and its Implementing Agencies;

(d) Special circumstances of low-volume-ODS-consuming countries and small and medium-size enterprises;

(e) Projections included in the 1996 business plan for the Multilateral Fund;

(f) Calculating annual requirements with and without assuming a constant, flat rate of demand (for example, increased demand in some years);

(g) The November 1995 report of the Technology and Economic Assessment Panel on the economic and financial implications of possible methyl bromide and hydrochloro-fluorocarbon control scenarios for parties operating under Article 5;

(h) Relevant decisions of the Seventh Meeting of parties;

(i) Approved country programmes;

In undertaking this task, the Technology and Economic Assessment Panel should consult with the Executive Committee of the Multilateral Fund and other relevant sources of information.

Decision VIII/4: Replenishment of the Multilateral Fund and three-year rolling business plan for 1997–1999

The *Eighth Meeting of the Parties* decided in *decision VIII/4:*

1. To note with appreciation the report of the Executive Committee on the three-year rolling business plan and the report of the TEAP on replenishment;
2. To adopt a budget for 1997–1999 of US$540,000,000 with the understanding that US$74,000,000 of that sum will be provided by funds unallocated during 1994–1996: this US$74,000,000 figure does not include sums listed as disputed in document UNEP/OzL.Pro.8/L.2, which appears as annex VIII to the report of the Eighth Meeting of the Parties;
3. The agreed budget figure includes a sum of US$10 million to enable parties operating under Article 5 to apply the measures contained in paragraph 2 of decision VII/8 of the Seventh Meeting of the Parties and to assist those parties to start the implementation of any recommendations that might arise from the Ninth Meeting of the Parties on this matter;
4. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of US$466,000,000 as set out in annex I to the report of the Eighth Meeting of the Parties of US$155,333,333 for 1997, US$155,333,333 for 1998 and US$155,333,333 for 1999;
5. That the Executive Committee should take action to ensure as far as possible that the whole of the budget for 1997–1999 is committed by the end of 1999, and that parties not operating under Article 5 should accordingly make timely payments;
6. That the Executive Committee should, over the next three years, work toward the goal of reducing agency support costs from their current level of 13 per cent to an average of below 10 per cent to make more funds available for other activities. The Executive Committee should report to the parties annually on their progress, and the parties may adjust the goal accordingly;
7. To agree that adjustments to the United Nations scale of assessment should not affect the rates of contributions of individual parties during a replenishment period;
8. To agree that contributions of parties not operating under Article 5 which ratify the London Amendment during a replenishment cycle should be calculated on a pro-rata basis for the balance of the replenishment cycle, starting with the date on which the London Amendment entered into force for it. Contributions of such countries should be considered as additional resources during the replenishment cycle; such parties should be formally added to the list of contributors and taken into account in the distribution of assessments during the next replenishment.

Decision VIII/6: Contributions to the Multilateral Fund

The *Eighth Meeting of the Parties* decided in *decision VIII/6* that, with effect from 1997, contributions to the Multilateral Fund concern only parties not operating under Article 5 that are parties to the London Amendment to the Montreal Protocol.

Decision IX/38: Outstanding contributions to the Multilateral Fund from parties not operating under Article 5 that had not ratified the London Amendment

The *Ninth Meeting of the Parties* decided in *decision IX/38:*

1. To agree to waive the outstanding contributions to the Multilateral Fund specified in annex X of the report of the Ninth Meeting of the Parties as a one-time measure;

2. To agree that the issue of waiving outstanding contributions to the Multilateral Fund assessed before ratification of the London Amendment by any party will neither be raised nor will this decision be cited as a precedent in future.

Decision IX/39: Refund of contributions by Cyprus to the Multilateral Fund

The *Ninth Meeting of the Parties* decided in *decision IX/39* that the amount already paid by Cyprus to the Multilateral Fund should not be refunded.

Decision X/13: Terms of reference for a study on the 2000–2002 replenishment of the Multilateral Fund

The *Tenth Meeting of the Parties* decided in *decision X/13:*

1. To request the Technology and Economic Assessment Panel to prepare a report for submission to the Eleventh Meeting of the Parties, and present it through the Open-ended Working Group at its nineteenth meeting, to enable the Eleventh Meeting of the Parties to take a decision on the appropriate level of the 2000–2002 replenishment of the Multilateral Fund. In preparing its report, the Panel should take into account, inter alia:

   (a) All control measures, and relevant decisions, agreed by the parties to the Montreal Protocol, including decisions agreed by the Tenth Meeting of the Parties, in so far as these will necessitate expenditure by the Multilateral Fund during the period 2000–2002;

   (b) The need to allocate resources to enable all Article 5 parties to maintain compliance with the Montreal Protocol;

   (c) Agreed rules and guidelines for determining eligibility for funding of investment projects (including the production sector) and non-investment projects;

   (d) Approved country programmes;

   (e) Financial commitments in 2000–2002 relating to sectoral phase-out projects agreed by the Executive Committee;

   (f) Experience to date, including limitations and successes of the phase-out of ozone-depleting substances achieved with the resources already allocated, as well as the performance of the Multilateral Fund and its Implementing Agencies;

   (g) The impact that the controls and country activities are likely to have on the supply and demand for ozone-depleting substances, and the effect that this will have on the cost of ozone-depleting substances and the resulting incremental cost of investment projects during the period under examination;

   (h) Administrative costs of the Implementing Agencies, taking into account paragraph 6 of decision VIII/4, and the cost of financing the secretariat services of the Multilateral Fund, including holding meetings;

2. That, in undertaking this task, the Technology and Economic Assessment Panel should consult widely with relevant persons and institutions and other relevant sources of information deemed useful;

3. That the Panel shall strive to complete its work in time to enable its report to be distributed to all parties two months before the nineteenth meeting of the Open-ended Working Group.

Decision XI/7: Replenishment of the Multilateral Fund for the period 2000–2002

The *Eleventh Meeting of the Parties* decided in *decision XI/7:*

1. To adopt a budget for 2000–2002 of 475,700,000 United States dollars on the understanding that 35,700,000 United States dollars of that sum will be provided by funds not allocated during 1997–1999. The parties noted that outstanding contributions from some parties with economies in transition in the period 1997–1999 stood at 34,703,856 United States dollars;

2. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of 440,000,000 United States dollars, of 146,666,666 United States dollars for 2000, 146,666,666 United States dollars for 2001, and 146,666,666 United States dollars for 2002, as it appears in annex VI to the report of the Eleventh Meeting of the Parties;

3. That the Executive Committee should take action to ensure as far as possible that the whole of the budget for 2000–2002 is committed by the end of 2002, and that parties not operating under Article 5 should make timely payments in accordance with paragraph 7 of decision XI/6.

Decision XIII/1: Terms of reference for the study on the 2003–2005 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *decision XIII/1*:

1. To request the Technology and Economic Assessment Panel to prepare a report for submission to the 14th Meeting of the Parties, and present it through the Open-ended Working Group at its 22nd meeting, to enable the 14th Meeting of the Parties to take a decision on the appropriate level of the 2003–2005 replenishment of the Multilateral Fund. In preparing its report, the Panel should take into account, inter alia:

   (a) All control measures, and relevant decisions, agreed by the parties to the Montreal Protocol and the Executive Committee including decisions agreed by the 13th Meeting of the Parties and the 35th Meeting of the Executive Committee, in so far as these will necessitate expenditure by the Multilateral Fund during the period 2003–2005;

   (b) The need to allocate resources to enable all Article 5 parties to maintain compliance with the Montreal Protocol;

   (c) Agreed rules and guidelines for determining eligibility for funding of investment projects (including those in the production sector) and non-investment projects;

   (d) Approved country programmes;

   (e) Financial commitments in 2003–2005 relating to sectoral phase-out projects agreed by the Executive Committee;

(f) Experience to date, including limitations and successes of the phase-out of ozone-depleting substances achieved with the resources already allocated, as well as the performance of the Multilateral Fund and its implementing agencies;

(g) The impact that the controls and country activities are likely to have on the supply and demand for ozone-depleting substances, and the effect that this will have on the cost of ozone-depleting substances and the resulting incremental cost of investment projects during the period under examination;

(h) Administrative costs of the implementing agencies, taking into account paragraph 6 of decision VIII/4, and the cost of financing the secretariat services of the Multilateral Fund, including the holding of meetings;

2. That, in undertaking this task, the Technology and Economic Assessment Panel should consult widely with relevant persons and institutions and other relevant sources of information deemed useful;

3. That the Panel shall strive to complete its work in time to enable its report to be distributed to all parties two months before the 22nd Meeting of the Open-ended Working Group.

Decision XIII/2: Ad Hoc Working Group on the 2003–2005 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *decision XIII/2:*

Noting that an ad hoc working group was set up by the 10th Meeting of the Parties to work closely with the Technology and Economic Assessment Panel to review the study on the 2000–2002 replenishment,

Noting further that the involvement of the Ad Hoc Working Group in the course of the study enhanced its outcome,

To set up an ad hoc working group on the 2003–2005 replenishment with membership comprising the following parties operating under Article 5: Argentina, Brazil (Co-Chair), China, Colombia, India, Islamic Republic of Iran, Nigeria, Tanzania and Zimbabwe; and the following parties not operating under Article 5: Australia, Finland (Co-Chair), France, Germany, Italy, Japan, Poland, United Kingdom of Great Britain and Northern Ireland and United States of America. The Ad Hoc Working Group will meet following the 22nd Meeting of the Open-ended Working Group to provide initial feedback to the Technology and Economic Assessment Panel and advice on sensitivity analyses.

Decision XIV/39: The 2003–2005 replenishment of the Multilateral Fund

The *Fourteenth Meeting of the Parties* decided in *decision XIV/39:*

1. To adopt a budget for 2003–2005 of $573,000,000 on the understanding that $76,000,000 of that sum will be provided by funds not allocated during 2000–2002, and that $23,000,000 of the same sum will be provided from interest accruing to the Fund and other sources during the 2003–2005 triennium. The parties noted that outstanding contributions from some parties with economies in transition in the period 2000–2002 stood at $10,585,046;

2. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of $474,000,000, of $158,000,000 for 2003, $158,000,000 for 2004, and $158,000,000 for 2005 as it appears in annex II to the report of the Fourteenth Meeting of the Parties;

3. That the Executive Committee should take action to ensure, as far as possible, that the whole of the budget for 2003–2005 is committed by the end of 2005, and that parties not operating under Article 5 should make timely payments in accordance with paragraph 7 of decision XI/6.

Decision XVI/35: Terms of reference for the study on the 2006–2008 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *decision XVI/35:*

Recalling decisions VII/24, X/13 and XIII/1 on previous terms of reference for a study on the replenishment of the Multilateral Fund,

Recalling also decisions VIII/4, XI/7 and XIV/39 on previous replenishments of the Multilateral Fund,

1. To request the Technology and Economic Assessment Panel to prepare a report for submission to the Seventeenth Meeting of the Parties, and to present it through the Open-ended Working Group at its twenty-fifth meeting, to enable the Seventeenth Meeting of the Parties to take a decision on the appropriate level of the 2006–2008 replenishment of the Multilateral Fund. In preparing its report, the Panel should take into account, among other things:

   (a) All control measures, and relevant decisions, agreed by the parties to the Montreal Protocol and the Executive Committee including decisions agreed by the Sixteenth Meeting of the Parties and the Executive Committee at its forty-fifth meeting, in so far as the decisions will necessitate expenditure by the Multilateral Fund during the period 2006–2008; in addition, the Technology and Economic Assessment Panel report should include a scenario which indicates costs associated with implementation by parties operating under paragraph 1 of Article 5 of the adjustment relating to methyl bromide proposed by the European Community;

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

   (c) Agreed rules and guidelines for determining eligibility for funding of investment projects (including those in the production sector), non-investment projects and sectoral or national phase-out plans;

   (d) Approved country programmes;

   (e) Financial commitments in 2006–2008 relating to national or sectoral phase-out plans agreed by the Executive Committee;

   (f) The provision of funds for accelerating phase-out and maintaining momentum, taking into account the time lag in project implementation;

   (g) Experience to date, including limitations and successes of the phase-out of ozone-depleting substances achieved with the resources already allocated, as well as the performance of the Multilateral Fund and its implementing agencies;

   (h) The current trends in the cost of ozone-depleting substances and the resulting incremental costs of investment projects during the period under review;

   (i) Administrative costs of the implementing agencies and the cost of financing the secretariat services of the Multilateral Fund, including the holding of meetings;

2. That, in undertaking this task, the Technology and Economic Assessment Panel should give due consideration to the evaluation and review of the financial mechanism of the Montreal Protocol to be undertaken by the parties in 2004, pursuant to decision XIII/3;

3. That, in undertaking this task, the Panel should consult widely with all relevant persons and institutions and other relevant sources of information deemed useful;

4. That the Panel shall strive to complete its work in time to enable its report to be distributed to all parties two months before the twenty-fifth Meeting of the Open-ended Working Group.

Decision XVI/37: Outstanding contributions to the Multilateral Fund

The *Sixteenth Meeting of the Parties* decided in *decision XVI/37:*

Aware of the forthcoming negotiations on the replenishment of the Multilateral Fund for the next triennium,

Noting that some parties not operating under paragraph 1 of Article 5 have never paid their contributions to the Multilateral Fund or have done so in an amount inferior to one annual contribution,

Recalling paragraph (c) of decision 39/5 of the Executive Committee, which urged those parties to pay their contributions for the 2003–2005 triennium to enable parties operating under paragraph 1 of Article 5 to comply with the 2005–2007 control measures of the Montreal Protocol and to avoid shortfalls arising from the non-payment or delayed payment of pledged contributions during the compliance period for parties operating under paragraph 1 of Article 5,

To urge those parties to pay their outstanding contributions to the Multilateral Fund as soon as possible, in view of the current compliance needs of parties operating under Article 5 of the Montreal Protocol.

Decision XVII/40: The 2006–2008 replenishment of the Multilateral Fund

The *Seventeenth Meeting of the Parties* decided in *decision XVII/40:*

1. To adopt a budget for the Multilateral Fund for the Implementation of the Montreal Protocol for 2006–2008 of $470,000,000 on the understanding that $59,600,000 of that budget will be provided from anticipated contributions due to the Multilateral Fund and other sources for the 2003–2005 triennium, and that $10,000,000 will be provided from interest accruing to the Fund during the 2006–2008 triennium. The parties note that outstanding contributions from some parties with economies in transition in the period 2003–2005 stand at $7,511,984;

2. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of $133,466,667 for 2006, $133,466,667 for 2007, and $133,466,666 for 2008 as it appears in annex III to the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

3. That the Executive Committee should take action to ensure, as far as possible, that the whole of the budget for 2006–2008 is committed by the end of 2008, and that parties not operating under paragraph 1 of Article 5 should make timely payments in accordance with paragraph 7 of decision XI/6.

Decision XIX/10: Terms of reference for the study on the 2009–2011 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Nineteenth Meeting of the Parties* decided in *decision XIX/10*:

Recalling decisions VII/24, X/13, XIII/1 and XVI/35 on previous terms of reference for studies on the replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol,

Recalling also decisions VIII/4, XI/7, XIV/39, and XVII/40 on previous replenishments of the Multilateral Fund,

1. To request the Technology and Economic Assessment Panel to prepare a report for submission to the Twentieth Meeting of the Parties, and to present it through the Open-ended Working Group at its twenty-eighth meeting, to enable the Twentieth Meeting of the Parties to take a decision on the appropriate level of the 2009–2011 replenishment of the Multilateral Fund. In preparing its report, the Panel should take into account, among other things:

   (a) All control measures and relevant decisions agreed by the parties to the Montreal Protocol and the Executive Committee, including decisions agreed by the Nineteenth Meeting of the Parties and the Executive Committee at its fifty-third and fifty-fourth meetings insofar as those decisions will necessitate expenditure by the Multilateral Fund during the period 2009–2011, including scenarios which indicate eligible incremental costs and cost-efficiencies associated with implementation by parties operating under paragraph 1 of Article 5 of the adjustments and decisions relating to HCFCs, and, in addition, the Panel should provide indicative figures for the periods 2012–2014 and 2015–2017 in order to provide information to support a stable level of funding that would be updated prior to figures for those periods being finalized;

   (b) The need to allocate resources to enable all parties operating under paragraph 1 of Article 5 to maintain compliance with Articles 2A–2I of the Montreal Protocol and possible new agreed compliance measures relevant to the period 2009–2011 under the Montreal Protocol;

   (c) Rules and guidelines agreed by the Executive Committee, up to and including its fifty-fourth meeting, for determining eligibility for funding of investment projects (including those in the production sector), non-investment projects and sectoral or national phase-out plans;

   (d) Approved country programmes;

   (e) Financial commitments in 2009–2011 relating to national or sectoral phase-out plans agreed by the Executive Committee;

   (f) The provision of funds for accelerating phase-out and maintaining momentum, taking into account the time lag in project implementation;

   (g) Experience to date, including limitations and successes of the phase-out of ozone-depleting substances achieved with the resources already allocated, as well as the performance of the Multilateral Fund and its implementing agencies;

   (h) 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;

(i) Administrative costs of the implementing agencies and the cost of financing the secretariat services of the Multilateral Fund, including the holding of meetings;

2. That, in undertaking this task, the Panel should consult widely with all relevant persons and institutions and other relevant sources of information deemed useful;

3. To request the Panel to provide additional information on the levels of funding required for replenishment in each of the years 2012, 2013 and 2014 and to study the financial and other implications of a possible longer replenishment period, in particular whether such a measure would provide for more stable levels of contributions;

4. That the Panel shall strive to complete its work in time to enable its report to be distributed to all parties two months before the twenty-eighth Meeting of the Open-ended Working Group;

5. To request the Panel to take into account the conclusions resulting from the study conducted by the Executive Committee pursuant to paragraph 2 of decision XVIII/9 in the event that proposals for control measures related to the subject of that study are submitted to the Ozone Secretariat.

Decision XX/10: 2009–2011 replenishment of the Multilateral Fund

The *Twentieth Meeting of the Parties* decided in *decision XX/10*:

1. To adopt a budget for the Multilateral Fund for the Implementation of the Montreal Protocol for 2009–2011 of $490,000,000 on the understanding that $73,900,000 of that budget will be provided from anticipated contributions due to the Multilateral Fund and other sources for the 2006–2008 triennium, and that $16,100,000 will be provided from interest accruing to the Fund during the 2009–2011 triennium. The parties note that outstanding contributions from some parties with economies in transition in the period 2006–2008 stand at $5,604,438;

2. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of $133,333,334 for 2009, $133,333,333 for 2010, and $133,333,333 for 2011 as it appears in annex III to the report of the eighth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Twentieth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

3. That the Executive Committee should take action to ensure, as far as possible, that the whole of the budget for 2009–2011 is committed by the end of 2011, and that parties not operating under paragraph 1 of Article 5 should make timely payments in accordance with paragraph 7 of decision XI/6.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/3*:

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.

Decision XXIII/15: 2012–2014 replenishment of the Multilateral Fund

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/15*:

1. To adopt a budget for the Multilateral Fund for the Implementation of the Montreal Protocol for 2012–2014 of $450,000,000 on the understanding that $34,900,000 of that budget will be provided from anticipated contributions due to the Multilateral Fund and other sources for the 2009–2011 triennium, and that $15,100,000 will be provided from interest accruing to the Fund during the 2012–2014 triennium. The parties note that outstanding contributions from some parties with economies in transition in the period 2009–2011 stand at $5,924,635;

2. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of $133,333,334 for 2012, $133,333,333 for 2013, and $133,333,333 for 2014 as it appears in annex III to the report of the ninth meeting of the Conference of the Parties to the Vienna Convention and the Twenty-Third Meeting of the Parties to the Montreal Protocol;

3. That the Executive Committee should take action to ensure, as far as possible, that the whole of the budget for 2012–2014 is committed by the end of 2014, and that parties not operating under paragraph 1 of Article 5 should make timely payments in accordance with paragraph 7 of decision XI/6.

Decision XXV/8: Terms of reference for the study on the 2015–2017 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/8*:

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-Sixth Meeting of the Parties, and to submit it through the Open-ended Working Group at its thirty-fourth meeting, to enable the Twenty-Sixth Meeting of the Parties to take a decision on the appropriate level of the 2015–2017 replenishment of the Multilateral Fund;

2. That, in preparing the report referred to in paragraph 1 of the present decision, 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 pertaining to the special needs of low-volume- and very-low-volume-consuming countries, in addition to small and medium-sized enterprises, and the decisions of the Twenty-Fifth Meeting of the Parties and the Executive Committee at its seventieth and seventy-first meetings insofar as those decisions will necessitate expenditure by the Multilateral Fund during the period 2015–2017;

   (b) The need to allocate resources to enable all parties operating under paragraph 1 of Article 5 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 maintain or meet 2013, 2015 and 2020 compliance obligations in respect of Articles 2F and 2H of the Protocol, taking into account the extended commitment

provided by parties operating under paragraph 1 of Article 5 under approved hydrochlorofluorocarbon phase-out management plans;

(d) Dividing the funding relating to the 2020 target applicable to hydrochlorofluorocarbon consumption and production in an appropriate manner, including, but not limited to, one scenario that divides the funding relating to the 2020 target applicable to hydrochlorofluorocarbon consumption equally between the 2015–2017 and 2018–2020 replenishments;

(e) Rules and guidelines agreed upon by the Executive Committee at all its meetings, up to and including its seventy-first meeting, for determining eligibility for the funding of investment projects and non-investment projects, including, but not limited to, institutional strengthening;

(f) The need to allocate sufficient resources to the activities in the servicing sector in stage II of hydrochlorofluorocarbon phase-out management plans through technical assistance such as recovery, training and other necessary activities;

3. That, as a separate element to the funding requirement estimated in paragraph 2 of the present decision, the Panel should provide indicative figures for additional resources that would be needed to enable parties operating under paragraph 1 of Article 5 to gradually avoid high-global-warming-potential alternatives to ozone-depleting substances, taking into account the availability of safe, environmentally friendly, technically proven and economically viable technologies;

4. That, in preparing the said report, the Panel should consult widely all relevant persons and institutions and other relevant sources of information deemed useful;

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

6. That the Panel should provide indicative figures for the periods 2018–2020 and 2021–2023 to support a stable and sufficient level of funding, on the understanding that those figures will be updated in subsequent replenishment studies.

Decision XXVI/10: 2015–2017 Replenishment of the Multilateral Fund

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/10*:

1. To adopt a budget for the Multilateral Fund for the Implementation of the Montreal Protocol for 2015–2017 of $507,500,000 on the understanding that $64,000,000 of that budget will be provided from anticipated contributions due to the Multilateral Fund and other sources for the 2012–2014 triennium, and that $6,000,000 will be provided from interest accruing to the Fund during the 2015–2017 triennium. The parties note that outstanding contributions from some parties with economies in transition in the period 2012–2014 stands at $8,237,606;

2. To adopt the scale of contributions for the Multilateral Fund based on a replenishment of $145,833,333 for 2015, $145,833,333 for 2016, and $145,833,333 for 2017 as it appears in annex III to the report of the tenth meeting of the Conference of the Parties to the Vienna Convention and the Twenty-Sixth Meeting of the Parties to the Montreal Protocol;

3. That the Executive Committee should take action to ensure, as far as possible, that the whole of the budget for 2015–2017 is committed by the end of 2017, and that parties not

operating under paragraph 1 of Article 5 should make timely payments in accordance with paragraph 7 of decision XI/6.

Decision XXVIII/5: Terms of reference for the study on the 2018–2020 replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/5*:

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-Ninth Meeting of the Parties, and to submit it through the Open-ended Working Group at its thirty-ninth meeting, to enable the Twenty-Ninth Meeting of the Parties to adopt a decision on the appropriate level of the 2018–2020 replenishment of the Multilateral Fund;

2. That, in preparing the report referred to in paragraph 1 of the present decision, 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 of the Multilateral Fund, in particular those pertaining to the special needs of low-volume- and very-low-volume-consuming countries, in addition to small and medium-sized enterprises, and the decisions of the Twenty-Eighth Meeting of the Parties and the Executive Committee at its meetings, up to and including its seventy-eighth meeting, insofar as those decisions will necessitate expenditure by the Multilateral Fund during the period 2018–2020;

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

   (c) The need to allocate resources to enable all Article 5 parties to meet compliance obligations relevant in the replenishment period 2018–2020 in respect of Article 2F of the Protocol, providing support for a transition to low-global-warming-potential (GWP) or zero-GWP alternatives in hydrochlorofluorocarbon (HCFC) phase-out, taking into account decision XIX/6 of the Meeting of the Parties and the extended commitments made by Article 5 parties under approved HCFC phase-out management plans;

   (d) Rules and guidelines agreed upon by the Executive Committee at all its meetings, up to and including its seventy-eighth meeting, for determining eligibility for the funding of investment projects and non-investment projects, including, but not limited to, institutional strengthening;

3. That the Technology and Economic Assessment Panel should provide indicative figures of the resources within the estimated funding required for phasing out HCFCs that could be associated with enabling Article 5 parties to encourage the use of low-GWP or zero-GWP alternatives and indicative figures for any additional resources that would be needed to further encourage the use of low-GWP or zero-GWP alternatives;

4. The need for additional resources to enable Article 5 parties to carry out initial activities related to the phase-down of HFCs listed under Annex F and controlled under Article 2J;

5. That in preparing the report the Panel should consult widely, including all relevant persons and institutions and other relevant sources of information deemed useful;

6. That the Panel should strive to complete the report in good time to enable it to be distributed to all parties two months before the thirty-ninth meeting of the Open-ended Working Group;

7. That the Panel should provide indicative figures for the periods 2021–2023 and 2024–2026 to support a stable and sufficient level of funding, on the understanding that those figures will be updated in subsequent replenishment studies;

Decision XXIX/1: Replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol for the triennium 2018–2020

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/1*

1. To adopt a budget for the Multilateral Fund for the Implementation of the Montreal Protocol for the triennium 2018–2020 of $540,000,000, on the understanding that $34,000,000 of that budget will be provided from anticipated contributions due to the Multilateral Fund and other sources for the triennium 2015–2017, and that $6,000,000 will be provided from interest accruing to the Fund during the triennium 2018–2020. The parties note that outstanding contributions from parties with economies in transition in the period 2015–2017 amount to $10,452,429;

2. Also to adopt the scale of contributions for the Multilateral Fund based on a replenishment of $166,666,667 for 2018, $166,666,667 for 2019 and $166,666,666 for 2020, as it appears in annex III to the report of the combined eleventh meeting of the Conference of the Parties to the Vienna Convention and the Twenty-Ninth Meeting of the Parties to the Montreal Protocol;

3. That the Executive Committee should take action to ensure, to the extent possible, that the entire budget for the triennium 2018–2020 is committed by the end of 2020 and that parties not operating under paragraph 1 of Article 5 should make timely payments in accordance with paragraph 7 of decision XI/6.

Decisions on the fixed-exchange-rate mechanism

Decision X/32: Proposal to study a fixed currency exchange rate mechanism for the replenishment of the Multilateral Fund

The *Tenth Meeting of the Parties* decided in *decision X/32:*

Noting that some donor countries make payments to the Multilateral Fund in their national currencies, and that minor discrepancies often arise from the different exchange rates used to issue and encash their payments,

Further noting that some financial procedures have been utilized by other multilateral funding mechanisms to simplify the administration of these contributions and limit these discrepancies,

1. To request the Treasurer of the Multilateral Fund to prepare, in consultation with relevant institutions and parties and in time for the nineteenth meeting of the Open-ended Working Group, a discussion paper which describes how a mechanism

using fixed currency exchange rates could be implemented for the replenishment of the Multilateral Fund for the triennium 2000–2002. The paper should examine the administrative framework, the potential impact and any risks for the operation of the Fund that are associated with the adoption of such a mechanism. The paper should also include criteria for determining if a particular currency's fluctuations had been of such a magnitude that a fixed exchange rate mechanism would not be practical, in which case that country would continue to make its commitments and payments in United States dollars;

2. To request the Treasurer of the Multilateral Fund to monitor exchange rates of donor country currencies, including the Euro, between 1 March 1999 and 30 September 1999, and to submit in time for the Eleventh Meeting of the Parties a table showing the average exchange rate for each donor country currency with the United States dollar and Special Drawing Rights (SDRs) for this period.

Decision XI/6: Fixed-exchange-rate mechanism for the replenishment of the Multilateral Fund

The *Eleventh Meeting of the Parties* decided in *decision XI/6:*

Having considered the analysis of the impact on the Multilateral Fund of implementing a fixed exchange-rate mechanism,

Having also considered the recommendations of its technical segment,

1. To urge parties to pay their contributions to the Multilateral Fund promptly and in full;
2. That the purpose and objective of introducing the new mechanism is to ease some of the contributing parties' administrative difficulties due to commitments in other than their national currencies, to promote the timely payment of contributions, and to ensure that there is no adverse impact on the level of available resources of the Multilateral Fund;
3. To direct the Treasurer to proceed with the implementation of the fixed exchange-rate mechanism on a trial basis for the replenishment (2000–2002), so that payments by contributing parties to the Fund for the triennium commencing in 2000, can be made in accordance with this mechanism;
4. That only parties with inflation rate fluctuations of less than 10 per cent, as per the published figures of the International Monetary Fund, for the preceding triennium will be eligible to utilize the mechanism;
5. That parties choosing to pay in national currencies will calculate their contributions based on an average United Nations exchange rate for the six months preceding the replenishment period. parties not choosing to pay in national currencies may continue to pay in United States dollars;
6. That the Meeting of the Parties should review the implementation of the mechanism at the end of 2001 for consideration at the technical segment of the Meeting of the Parties to determine the impact of the mechanism on the operations of the Multilateral Fund and its impact on the funding of the phase-out of ozone-depleting substances in Article 5 countries during this triennium so that the ozone-depleting substances phase-out process is not adversely affected;
7. That, in order to ensure the efficient and effective operation of the Multilateral Fund, parties should strive to pay their contributions as early in the calendar year as possible and no later than 1 June of each year. parties unable to make their contributions by

1 June should notify the Treasurer as to when during the calendar or fiscal year their payment will be made, but contributing parties should strive to pay their contributions no later than 1 November of that year.

Decision XIII/4: Review of the implementation of the fixed-exchange-rate mechanism and determination of the impact of the mechanism on the operations of the Multilateral Fund for the Implementation of the Montreal Protocol and on the funding of the phase-out of ozone-depleting substances in Article 5 parties for the triennium 2000–2002

The *Thirteenth Meeting of the Parties* decided in *decision XIII/4:*

Noting the interim report jointly prepared by the Treasurer and the Secretariat of the Multilateral Fund on the implementation of the fixed-exchange-rate mechanism in response to decision XI/6,

Noting that due to lack of time the report lacks information on a number of areas which the delegates raised at the 21st Meeting of the Open-ended Working Group, in particular the reviewing of the impact of purchasing power and the experience gained with fixed-exchange-rate mechanisms in other similar institutions,

With the view that the possible impact of the fixed-exchange-rate mechanism should be balanced,

1. To request the Treasurer and the Secretariat of the Multilateral Fund to finalize the review, as per decision XI/6, and give a final report to the parties at the 22nd Meeting of the Open-ended Working Group; and

2. That in so doing, the Secretariat should:

   (a) Consult, as appropriate, other relevant multilateral funding institutions that use a fixed-exchange-rate mechanism, or similar mechanisms;

   (b) Identify options on how a fixed-exchange-rate mechanism could be implemented so that the process of phasing out ozone-depleting substances is not adversely affected, and hire consultants for that purpose, as appropriate.

Decision XIV/40: Fixed-exchange-rate mechanism for the replenishment of the Multilateral Fund

The *Fourteenth Meeting of the Parties* decided in *decision XIV/40:*

Having considered the final report by the Treasurer and the Secretariat of the Multilateral Fund on the implementation of the fixed-exchange-rate mechanism and its impact on the operations of the Fund prepared in response to decision XIII/4,

Reaffirming the purpose and objective of the fixed-exchange-rate mechanism as set out in paragraph 2, decision XI/6 to promote the timely payment of contributions, and to ensure that there is no adverse impact on the level of available resources of the Multilateral Fund,

Mindful of the conclusions contained in the revised report prepared at the request of the twenty-second Meeting of the Open-ended Working Group,

Recalling that decision XI/6 established the fixed-exchange-rate mechanism on a trial basis for the 2000–2002 replenishment period,

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism for a further trial period of three years;

2. That parties choosing to pay in national currencies will calculate their contributions based on an average United Nations exchange rate for the twelve-months preceding the replenishment period. This average will be based on the twelve-month period immediately preceding the first day of the meeting of the parties during which the replenishment level will be decided. Subject to paragraph 3 below, parties not choosing to pay in national currencies, pursuant to the fixed-exchange-rate mechanism, will continue to pay in United States dollars;

3. That no party should change the currency selected for its contribution in the course of the triennium period;

4. That only parties with inflation rate fluctuations of less than 10 per cent, as per published figures of the International Monetary Fund, for the preceding triennium will be eligible to utilize the mechanism;

5. To urge parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of decision XI/6;

6. To agree, if the fixed-exchange-rate mechanism is to be used for the next replenishment period, that parties choosing to pay in national currencies will calculate their contributions based on an average United Nations exchange rate for the six-month period commencing 1 July 2004.

Decision XVII/41: Fixed-exchange-rate mechanism for the replenishment of the Multilateral Fund

The *Seventeenth Meeting of the Parties* decided in *decision XVII/41:*

Mindful of the conclusions contained in the revised final report by the Treasurer and the Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on the implementation of the fixed-exchange-rate mechanism and its impact on the operations of the Fund, prepared in response to decision XIII/4 and subsequently revised at the request of the Open-ended Working Group at its twenty-second meeting,

Reaffirming the purpose and objective of the fixed-exchange-rate mechanism as set out in paragraph 2 of decision XI/6 to promote the timely payment of contributions and to ensure that there is no adverse impact on the level of available resources of the Multilateral Fund,

Recalling that decision XI/6 established the fixed-exchange-rate mechanism on a trial basis for the 2000–2002 replenishment period and that decision XIV/40 extended the trial period for a further three years,

Noting that the latest report by the Treasurer on the status of the Fund as at 31 May 2005 shows that there has been an overall gain due to the fixed-exchange-rate mechanism of $4,644,136,

Mindful that decision XIV/40 included an agreement that, if the fixed-exchange-rate mechanism was to be used for the next replenishment period, parties choosing to pay in national currencies would calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 July 2004,

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism for a further trial period of three years;

2. That parties choosing to pay in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 July 2004. Subject to paragraph 3 below, parties not choosing to pay in

national currencies pursuant to the fixed-exchange-rate mechanism will continue to pay in United States dollars;

3. That no party should change currency selected for its contribution in the course of the triennium period;

4. That only parties with inflation rate fluctuations of less than 10 per cent, as per published figures of the International Monetary Fund, for the preceding triennium will be eligible to utilize the mechanism;

5. To urge parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of decision XI/6;

6. To agree if the fixed-exchange-rate mechanism is to be used for the next replenishment period, that parties choosing to pay in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2008.

Decision XX/11: Extension of the fixed-exchange-rate mechanism to the 2009–2011 replenishment of the Multilateral Fund

The *Twentieth Meeting of the Parties* decided in *decision XX/11*:

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism to the period 2009–2011;

2. That parties choosing to pay their contributions to the Multilateral Fund for the Implementation of the Montreal Protocol in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2008;

3. That, subject to paragraph 4 below, parties not choosing to pay in national currencies pursuant to the fixed-exchange-rate mechanism will continue to pay in United States dollars;

4. That no party should change the currency selected for its contribution in the course of the triennium 2009–2011;

5. That only parties with inflation rate fluctuations of less than 10 per cent, as per published figures of the International Monetary Fund, for the preceding triennium will be eligible to use the fixed-exchange-rate mechanism;

6. To urge parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of decision XI/6;

7. To agree that if the fixed-exchange-rate mechanism is to be used for the replenishment period 2012–2014 parties choosing to pay their contributions in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2011.

Decision XXIII/16: Extension of the fixed-exchange-rate mechanism to the 2012–2014 replenishment of the Multilateral Fund

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/16*:

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism to the period 2012–2014;

2. That parties choosing to pay their contributions to the Multilateral Fund for the Implementation of the Montreal Protocol in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2011;

3. That, subject to paragraph 4 below, parties not choosing to pay in national currencies pursuant to the fixed-exchange-rate mechanism will continue to pay in United States dollars;

4. That no party should change the currency selected for its contribution in the course of the triennium 2012–2014;

5. That only parties with inflation rate fluctuations of less than 10 per cent, as per published figures of the International Monetary Fund, for the preceding triennium will be eligible to use the fixed-exchange-rate mechanism;

6. To urge parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of decision XI/6;

7. To agree that if the fixed-exchange-rate mechanism is to be used for the replenishment period 2015–2017 parties choosing to pay their contributions in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2014.

Decision XXVI/11: Extension of the fixed-exchange-rate mechanism to the 2015–2017 replenishment of the Multilateral Fund

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/11*:

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism to the period 2015–2017;

2. That parties choosing to pay their contributions to the Multilateral Fund for the Implementation of the Montreal Protocol in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2014;

3. That, subject to paragraph 4 below, parties not choosing to pay in national currencies pursuant to the fixed-exchange-rate mechanism will continue to pay in United States dollars;

4. That no party should change the currency selected for its contribution in the course of the triennium 2015–2017;

5. That only parties with inflation rate fluctuations of less than 10 per cent, pursuant to published figures of the International Monetary Fund, for the preceding triennium will be eligible to use the fixed-exchange-rate mechanism;

6. To urge parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of decision XI/6;

7. To agree that if the fixed-exchange-rate mechanism is to be used for the replenishment period 2018–2020, parties choosing to pay their contributions in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2017.

Decision XXIX/2: Extension of the fixed-exchange-rate mechanism to the 2018–2020 replenishment of the Multilateral Fund

The *Twenty-Ninth Meeting* of the Parties decided in *decision XXIX/2*:

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism to the period 2018–2020;
2. That parties choosing to pay their contributions to the Multilateral Fund for the Implementation of the Montreal Protocol in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2017;
3. That, subject to paragraph 4 below, parties not choosing to pay in national currencies pursuant to the fixed-exchange-rate mechanism will continue to pay in United States dollars;
4. That no party should change the currency selected for its contribution in the course of the triennium 2018–2020;
5. That only parties with inflation rate fluctuations of less than 10 per cent for the preceding triennium, pursuant to published figures of the International Monetary Fund, will be eligible to use the fixed-exchange-rate mechanism;
6. To urge parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of decision XI/6;
7. To agree that, if the fixed-exchange-rate mechanism is to be used for the replenishment period 2021–2023, parties choosing to pay their contributions in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2020.

Decisions on the Executive Committee: membership

Decision III/22: Executive Committee of the Multilateral Fund

The *Third Meeting of the Parties* decided in *decision III/22* with respect to the Executive Committee of the Multilateral Fund:

(f) To endorse the selection of Mexico to act as Chairman and of the United States of America to act as Vice-Chairman for the second year of the Executive Committee.

[The remainder of this decision is located above under "Decisions on replenishments, budgets and contributions" and below under "Decisions on Executive Committee: organisation".]

Decision IV/20: Executive Committee of the Multilateral Fund

The *Fourth Meeting of the Parties* decided in *decision IV/20:*

4. To endorse the selection of Canada, France, Japan, Netherlands, Norway, Russian Federation and 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 Brazil, Egypt, Ghana, Jordan, Malaysia, Mauritius and Venezuela as members representing parties operating under paragraph 1 of Article 5, for one year;
5. To endorse the selection of the United States of America to act as Chairman and of Malaysia to act as Vice-Chairman of the Executive Committee for one year.

[The remainder of this decision is located above under "Decisions on replenishments, budgets and contributions".]

Decision V/9: Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *decision V/9:*

4. To endorse the selection of Australia, Denmark, France, Japan, Norway, Poland 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 Algeria, Argentina, Brazil, Cameroon, India, Malaysia, Venezuela as members representing parties operating under paragraph 1 of Article 5, for one year;

5. To endorse the selection of Malaysia to act as Chair and of Australia to act as Vice-Chair of the Executive Committee for one year.

[The remainder of this decision is located above under "Decisions on replenishments, budgets and contributions".]

Decision VI/7: Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/7:*

1. To endorse the selection of Australia, Austria, Denmark, Japan, Poland, United Kingdom, 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 Algeria, Argentina, China, Colombia, Iran (Islamic Republic of), Cameroon, Thailand as members representing parties operating under paragraph 1 of Article 5, for one year;

2. To endorse the selection of Mr. John Whitelaw of Australia to act as Chair and of Algeria to act as Vice-Chair of the Executive Committee for one year.

Decision VII/27: Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *decision VII/27:*

1. To endorse the selection of Australia, Austria, Denmark, Japan, the Russian Federation, the United Kingdom, 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 Chile, Colombia, India, Egypt, Kenya, the Philippines, and Senegal as members representing parties operating under paragraph 1 of Article 5, for one year;

2. To endorse the selection of Kenya to act as Chair and of the United Kingdom to act as Vice-Chair of the Executive Committee for one year.

Decision VIII/8: Membership of the Executive Committee of the Multilateral Fund

The *Eighth Meeting of the Parties* decided in *decision VIII/8:*

1. To endorse the selection of Australia, Belgium, Bulgaria, Japan, Switzerland, United Kingdom and United States of America as members of the Executive Committee representing parties not operating under Article 5 of the Protocol, and the selection of Antigua and Barbuda, China, Costa Rica, India, Peru, Senegal and Zimbabwe as members representing parties operating under Article 5, for one year;

2. To endorse the selection of the United Kingdom to act as Chair and of Costa Rica to act as Vice-Chair of the Executive Committee for one year.

Decision IX/13: Membership of the Executive Committee of the Multilateral Fund

The *Ninth Meeting of the Parties* decided in *decision IX/13:*

1. To endorse the selection of Belgium, Bulgaria, Canada, Italy, 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 Burkina Faso, China, Costa Rica, India, Jordan, Peru, and Zimbabwe, as members representing parties operating under paragraph 1 of Article 5, for one year;

2. To endorse the selection of Costa Rica to act as Chair and of United States of America to act as Vice-Chair of the Executive Committee for one year.

Decision X/4: Membership of the Executive Committee of the Multilateral Fund

The *Tenth Meeting of the Parties* decided in *decision X/4:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 1998;

2. To endorse the selection of Belgium, Canada, Italy, Japan, Slovakia, Sweden, 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 Algeria, Bahamas, Brazil, Burkina Faso, China, India and Uganda, as members representing parties operating under paragraph 1 of Article 5, for one year effective 1 January 1999;

3. To endorse the selection of the United the States of America to act as Chair and of India to act as Vice-Chair of the Executive Committee for one year effective 1 January 1999.

Decision XI/9: Membership of the Executive Committee of the Multilateral Fund

The *Eleventh Meeting of the Parties* decided in *decision XI/9:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 1999;

2. To endorse the selection of Australia, Germany, Japan, the Netherlands, Slovakia, Sweden and 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 Bahamas, Brazil, China, Dominican Republic, India, Tunisia and Uganda as members representing parties operating under paragraph 1 of Article 5, for one year effective from 1 January 2000;

3. To note the selection of India to act as Chair of the Executive Committee for one year effective from 1 January 2000.

Decision XII/4: Membership of the Executive Committee of the Multilateral Fund

The *Twelfth Meeting of the Parties* decided in *decision XII/4:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 2000;

2. To endorse the selection of Australia, Finland, Germany, Japan, the Netherlands, Poland 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 Colombia, Dominican Republic, India, Jordan, Malaysia, Nigeria and Tunisia as members representing parties operating under paragraph 1 of Article 5, for one year effective 1 January 2001;

3. To note the selection of Mr. Heinrich Kraus (Germany) to serve as Chair and Mr. Hannachi Hassen (Tunisia) to serve as Vice-Chair of the Executive Committee for one year effective 1 January 2001.

Decision XIII/27: Membership of the Executive Committee of the Multilateral Fund

The *Thirteenth Meeting of the Parties* decided in *decision XIII/27:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 2001;

2. To endorse the selection of Canada, Finland, France, Japan, Netherlands, Poland and United States of America as members of the Executive Committee representing non-Article 5 parties to the Protocol and the selection of Burundi, China, Colombia, El Salvador, Nigeria, Syria and Tanzania as members representing Article 5 parties, for one year effective 1 January 2002;

3. To note the selection of Engineer Bakare D. Usman (Nigeria) to serve as Chair and Professor Tadanori Inomata (Japan) to serve as Vice-Chair of the Executive Committee for one year effective 1 January 2002.

Decision XIV/38: Membership of the Executive Committee of the Multilateral Fund

The *Fourteenth Meeting of the Parties* decided in *decision XIV/38:*

1. To note with appreciation the work done by the Executive Committee with the assistance of the Fund Secretariat, in the year 2002;

2. To endorse the selection of Austria, Belgium, Canada, France, Hungary, Japan and the United States of America as members of the Executive Committee representing non-Article 5 parties to the Protocol and the selection of Bolivia, Burundi, El Salvador, India, Jordan, Mauritius and Saint Lucia as members representing Article 5 parties, for one year effective 1 January 2003;

3. To note the selection of Mr. Tadanori Inomata (Japan) to serve as Chair and Mr. Roberto Rivas (El Salvador) to serve as Vice-Chair of the Executive Committee for one year effective 1 January 2003.

Decision XV/46: Membership of the Executive Committee of the Multilateral Fund

The *Fifteenth Meeting of the Parties* decided in *decision XV/46:*

1. To note with appreciation the work done by the Executive Committee, with the assistance of the Fund Secretariat, in the year 2003;

2. To endorse the selection of Austria, Belgium, Canada, Hungary, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Executive Committee representing non-Article 5 parties to the Protocol, and the selection of Argentina, Bangladesh, China, Cuba, the Islamic Republic of Iran,

Mauritius and Niger as members representing Article 5 parties, for one year with effect from 1 January 2004;

3. To note the selection of Argentina to serve as Chair and Austria to serve as Vice-Chair of the Executive Committee for one year with effect from 1 January 2004.

Decision XVI/43: Membership of the Executive Committee of the Multilateral Fund

The *Sixteenth Meeting of the Parties* decided in *decision XVI/43:*

1. To note with appreciation the work done by the Executive Committee with the assistance of the Fund Secretariat in the year 2004;

2. To endorse the selection of Austria, Belgium, Canada, the Czech Republic, Japan, the United Kingdom of Great Britain and Northern Ireland 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 Brazil, Cuba, the Niger, the Syrian Arab Republic, Thailand, Zambia and the former Yugoslav Republic of Macedonia as members representing parties operating under that paragraph, for one year effective from 1 January 2005;

3. To note the selection of Mr. Paul Krajnik (Austria) to serve as Chair and Mr. Khaled Klaly (Syrian Arab Republic) to serve as Vice-Chair of the Executive Committee for one year with effect from 1 January 2005.

Decision XVII/44: Membership of the Executive Committee of the Multilateral Fund

The *Seventeenth Meeting of the Parties* decided in *decision XVII/44:*

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 2005;

2. To endorse the selection of Australia, Belgium, Czech Republic, Italy, Japan, Sweden and 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 Brazil, Burundi, Guinea, India, Mexico, Syrian Arab Republic and Zambia as members representing parties operating under that paragraph, for one year with effect from 1 January 2006;

3. To note the selection of Mr. Khaled Klaly (Syrian Arab Republic) to serve as Chair and Ms. Lesley Dowling (Australia) to serve as Vice-Chair of the Executive Committee for one year with effect from 1 January 2006.

Decision XVIII/2: Membership of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/2:*

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 the year 2006;

2. To endorse the selection of Canada, Sweden, Czech Republic, Japan, United States of America, Belgium and Italy as members of the Executive Committee representing

parties not operating under paragraph 1 of Article 5 of the Protocol and the selection of Sudan, Guinea, Mexico, Saint Lucia, Uruguay, Jordan and China as members representing parties operating under that paragraph, for one year with effect from 1 January 2007;

3. To note the selection of Mr. Phillipe Chemouny (Canada) to serve as Chair and Mr. Nimaga Mamadou (Guinea) to serve as Vice-Chair of the Executive Committee for one year with effect from 1 January 2007.

Decision XIX/3: Membership of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Nineteenth Meeting of the Parties* decided in *decision XIX/3*:

1. To note with appreciation the work done by the Executive Committee with the assistance of the Fund Secretariat in the year 2007;

2. To endorse the selection of Belgium, Australia, Romania, Germany, Japan, Sweden, 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 Gabon, Sudan, China, India, Lebanon, the Dominican Republic and Uruguay as members representing parties operating under that paragraph, for one year effective from 1 January 2008;

3. To note the selection of Gabon to serve as Chair and Mr. Husamuddin Ahmadzai (Sweden) to serve as Vice-Chair of the Executive Committee for one year with effect from 1 January 2008.

Decision XX/22: Membership of the Executive Committee of the Multilateral Fund

The *Twentieth Meeting of the Parties* decided in *decision XX/22*:

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 2008;

2. To endorse the selection of Australia, Belgium, Germany, Japan, Romania, Sweden 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 Bolivia, China, Dominican Republic, Gabon, Georgia, Namibia and Yemen as members representing parties operating under that paragraph, for one year commencing 1 January 2009;

3. To note the selection of Mr. Husamuddin Ahmadzai (Sweden) to serve as Chair and Mr. Juan Tomas Filpo (Dominican Republic) to serve as Vice-Chair of the Executive Committee for one year commencing 1 January 2009.

Decision XXI/27: Membership of the Executive Committee of the Multilateral Fund

The *Twenty-First Meeting of the Parties* decided in *decision XXI/27*:

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 2009;

2. To endorse the selection of Belgium, France, Canada, Japan, Switzerland, Ukraine and 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 Colombia, Grenada, Morocco, Namibia, India, Saudi Arabia and Senegal as members representing parties operating under that paragraph, for one year beginning 1 January 2010;

3. To note the selection of Mr. Javier Camago (Colombia) to serve as Chair and Mr. Philippe Chemouny (Canada) to serve as Vice-Chair of the Executive Committee for one year beginning 1 January 2010.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/24*:

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.

Decision XXIII/19: Membership of the Executive Committee of the Multilateral Fund

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/19*:

1. To note with appreciation the work carried out by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol with the assistance of the Fund Secretariat in 2011;

2. To endorse the selection of Belgium, Canada, Finland, Japan, Romania, United Kingdom of Great Britain and Northern Ireland and 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, India, Kenya, Jordan and Mali as members representing parties operating under that paragraph, for one year beginning 1 January 2012;

3. To note the selection of Mr. Xiao Xuezhi (China) to serve as Chair and Ms. Fiona Walters (United Kingdom) to serve as Vice-Chair of the Executive Committee for one year beginning 1 January 2012.

Decision XXIV/22: Membership of the Executive Committee of the Multilateral Fund

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/22*:

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 2012;

2. To endorse the selection of Belgium, Bulgaria, Canada, Finland, Japan, the United Kingdom of Great Britain and Northern Ireland 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 India, Kuwait, Mali, Nicaragua, Serbia, Uganda and Uruguay as members representing parties operating under that paragraph, for one year beginning 1 January 2013;

3. To note the selection of Ms. Fiona Walters (United Kingdom) to serve as Chair and Mr. Vladan Zdravkovic (Serbia) to serve as Vice-Chair of the Executive Committee for one year beginning 1 January 2013.

Decision XXV/18: Membership of the Executive Committee of the Multilateral Fund

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/18*:

1. To note with appreciation the work carried out by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, with the assistance of the Fund Secretariat, in 2013;

2. To endorse the selection of Australia, Belgium, Italy, Japan, the Russian Federation, Sweden 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 China, the Comoros, Grenada, Mauritius, Nicaragua, Saudi Arabia and Uruguay as members of the Executive Committee, representing parties operating thereunder, for one year beginning on 1 January 2014;

3. To note the selection of Premhans Jhugroo (Mauritius) to serve as Chair and John Thompson (United States of America) to serve as Vice-Chair of the Executive Committee for one year beginning on 1 January 2014.

Decision XXVI/19: Membership of the Executive Committee of the Multilateral Fund

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/19*:

1. To note with appreciation the work carried out by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol with the assistance of the Fund Secretariat in 2014;

2. To endorse the selection of Bahrain, Brazil, the Comoros, Egypt, Grenada, India and the United Republic of Tanzania as members of the Executive Committee representing parties operating under paragraph 1 of Article 5 of the Protocol and the selection of Australia, Belgium, Italy, Japan, Sweden, the Russian Federation and the United States of America as members representing parties not so operating, for one year beginning on 1 January 2015;

3. To note the selection of Mr. John Thompson (United States of America) to serve as Chair and Mr. Leslie Smith (Grenada) to serve as Vice-Chair of the Executive Committee for one year beginning on 1 January 2015.

Decision XXVII/13: Membership of the Executive Committee of the Multilateral Fund

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/13*:

1. To note with appreciation the work carried out by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol with the assistance of the Fund Secretariat in 2015;

2. To endorse the selection of Austria, Belgium, Canada, Germany, Japan, the Russian Federation 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, Cameroon, China, Egypt, India, Jordan and Mexico as members representing parties operating under that paragraph for one year beginning 1 January 2016;

3. To note the selection of Mr. Agustin Sanchez (Mexico) to serve as Chair and Mr. Paul Krajnik (Austria) to serve as Vice-Chair of the Executive Committee for one year beginning 1 January 2016.

Decision XXVIII/14: Membership of the Executive Committee of the Multilateral Fund

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/14*:

1. To note with appreciation the work carried out by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol with the assistance of the Fund Secretariat in 2016;

2. To endorse the selection of Australia, Austria, Belgium, Germany, Japan, Slovakia 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, Bosnia and Herzegovina, Cameroon, China, Lebanon, Mexico and Nigeria as members representing parties operating under that paragraph, for one year beginning 1 January 2017;

3. To note the selection of Mr. Paul Krajnik (Austria) to serve as Chair and Mr. Mazen Hussein (Lebanon) to serve as Vice-Chair of the Executive Committee for one year beginning 1 January 2017.

Decision XXIX/22: Membership of the Executive Committee of the Multilateral Fund

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/22*:

1. To note with appreciation the work carried out by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol with the assistance of the Fund Secretariat in 2017;

2. To endorse the selection of Argentina, Benin, the Dominican Republic, Grenada, India, Lebanon and Nigeria as members of the Executive Committee, representing parties operating under paragraph 1 of Article 5 of the Protocol, and the selection of Belgium, Canada, France, Japan, Norway, Slovakia and the United States of America as members representing parties not so operating, for one year beginning 1 January 2018;

3. To note the selection of Mazen Hussein (Lebanon) to serve as Chair and Philippe Chemouny (Canada) to serve as Vice-Chair of the Executive Committee for one year beginning 1 January 2018.

Decisions on the Executive Committee: organisation

Decision III/22: Executive Committee of the Multilateral Fund

The *Third Meeting of the Parties* decided in *decision III/22* with respect to the Executive Committee of the Multilateral Fund:

(b) To endorse the Rules of Procedure as contained in annex VI to the Report of the Third Meeting of the Parties; [see section 3.6 of this Handbook]

(f) To endorse the selection of Mexico to act as Chairman and of the United States of America to act as Vice-Chairman for the second year of the Executive Committee.

[The remainder of this decision is located above under "Decisions on replenishments, budgets and contributions".]

Decision IX/16: Terms of reference of the Executive Committee

The *Ninth Meeting of the Parties* decided in *decision IX/16* to modify the terms of reference of the Executive Committee[21]:

(a) By inserting at the end of paragraph 2 of annex X to the report of the Fourth Meeting of the Parties, the following paragraph:

"2 *bis*. The members of the Executive Committee whose selection was endorsed by the Eighth Meeting of the Parties shall remain in office until 31 December 1997. Thereafter, the term of office of the members of the Committee shall be the calendar year commencing on 1 January of the calendar year after the date of their endorsement by the Meeting of the Parties;" and

(b) By substituting the following for paragraph 8:

"The Executive Committee shall hold three meetings a year while retaining the flexibility to take advantage of the opportunity provided by other Montreal Protocol meetings to convene additional meetings where special circumstances make this desirable."

Decision XIV/37: Interaction between the Executive Committee and the Implementation Committee

The *Fourteenth Meeting of the Parties* decided in *decision XIV/37:*

Noting that the Multilateral Fund has an important responsibility for enabling compliance, but that without national action, there can be no compliance,

Acknowledging that the Executive Committee, pursuant to the Multilateral Fund's mandate "to enable compliance" has a responsibility to consider both the current and forecasted compliance status of a country when it reviews submissions connected with funding proposals and that, therefore, the Committee should work with the party to eliminate the duration of any possible non-compliance,

Mindful of the fact that the Executive Committee's decisions to approve funding cannot be construed to condone a party's non-compliance and that each party continues to bear the responsibility to meet its obligations,

1. To request the Executive Committee to therefore make it clear that its funding decisions are always without prejudice to a party's duty to meet its obligations under the Protocol, and are also without prejudice to the operation of the mechanisms in the Protocol

21 The terms of reference of the Executive Committee as modified by the present decision are set out in section 3.6 of this Handbook.

that exist for the treatment of parties in non-compliance. Accordingly, the Executive Committee should include language to this effect in its funding decisions where non-compliance is potentially at issue;

2. To note that while the Implementation Committee may take into account information from the Executive Committee consistent with paragraph 7(f) of the non-compliance procedure, the Executive Committee has no formal role in the crafting of Implementation Committee recommendations;

3. To further note that in no case should any Implementation Committee action be construed as directly requiring the Executive Committee to take any specific action regarding the funding of any specific project;

4. To note that the Executive Committee and Implementation Committee are independent of each other. However, pursuant to Article 10, the Multilateral Fund operates under the authority of the parties and, pursuant to the non-compliance procedure of the Montreal Protocol, the Implementation Committee reports its recommendations to the parties for possible decision.

Decision XV/48: Decision on the report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *decision XV/48:*

Recalling the terms of reference of the Executive Committee as modified by the Ninth Meeting of the Parties in its decision IX/16,

Aware of the need to improve the selection process for the Chief Officer,

1. To take note with appreciation of the presentation by the Chairman of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol and of the report of the Executive Committee contained in document UNEP/OzL.Pro.15/8;

2. To consider amending, at the Sixteenth Meeting of the Parties, the relevant provision of the terms of reference of the Executive Committee relating to the nomination and appointment of the Chief Officer, taking into account the proposals of the Chair of the Executive Committee given in the annex to the present decision, and also those made by other parties;

3. To request the Executive Committee to enter into consultations with the United Nations Secretariat and the Executive Director of the United Nations Environment Programme on that matter and to report thereon to the Sixteenth Meeting of the Parties.

Annex

Add the following understanding on paragraph 10 (k) of the terms of reference of the Executive Committee:

"The Executive Committee should prepare a short list of the eligible candidates, together with its recommendation, from which the Secretary-General would make a final selection."

Decision XVI/38: Need to ensure equitable geographical representation in the Executive Committee of the Multilateral Fund

The *Sixteenth Meeting of the Parties* decided in *decision XVI/38:*

Recognizing the necessity to ensure equal geographical representation in the Executive Committee,

Noting that, for historical reasons, no seat has been allocated in the Executive Committee for the countries of Eastern Europe and Central Asia operating under paragraph 1 of Article 5 of the Protocol,

1. To amend paragraph 2 of the terms of reference of the Executive Committee[22], as modified by the Ninth Meeting of the Parties in decision IX/16, to read:

   "2. The Executive Committee shall consist of seven parties from the group of parties operating under paragraph 1 of Article 5 of the Protocol and seven parties from the group of parties not so operating. Each group shall select its Executive Committee members. Seven seats allocated to the group of parties operating under paragraph 1 of Article 5 shall be allocated as follows: two seats to parties of the African region, two seats to parties of the region of Asia and the Pacific, two seats to parties of the region of Latin America and the Caribbean, and one rotating seat among the regions referred, including the region of Eastern Europe and Central Asia. The members of the Executive Committee shall be endorsed by the Meeting of the Parties";

2. That the issue of seats for parties operating under paragraph 1 of Article 5 of the Montreal Protocol and parties not so operating shall be added to the agenda of the twenty-fifth meeting of the Open-ended Working Group.

Decision XIX/11: Revision of the terms of reference of the Executive Committee

The *Nineteenth Meeting of the Parties* decided in *decision XIX/11* to amend paragraph 8 of the terms of reference of the Executive Committee[23] of the Multilateral Fund for the Implementation of the Montreal Protocol, as modified by the Ninth Meeting of the Parties in decision IX/16 and the Sixteenth Meeting of the Parties in decision XVI/38, to read:

"8. The Executive Committee shall have the flexibility to hold two or three meetings annually, if it so decides, and shall report at each Meeting of the Parties on any decision taken there. The Executive Committee should consider meeting, when appropriate, in conjunction with other Montreal Protocol meetings."

Decisions on reviews and evaluations of the operation of the financial mechanism

Decision V/7: Review of the functioning of the Financial Mechanism since 1 January 1991

The *Fifth Meeting of the Parties* decided in *decision V/7:*

1. To note the report on the operation of the Financial Mechanism since 1 January 1991;

2. To note with satisfaction that the operation of the Fund has markedly improved since the commencement of its activities and to congratulate the Executive Committee and the Fund Secretariat on its excellent work;

3. To request the Executive Committee to continue to make its best efforts to ensure, in accordance with national priorities and procedures and in conformity with the terms of reference of the Multilateral Fund for the Implementation of the Montreal Protocol, that:

22 The terms of reference of the Executive Committee as amended by the present decision are set out in section 3.6 of this Handbook.

23 See note 22.

(a) Continued improvements are made to the implementation processes for country programmes, work plans and projects with the aim of ensuring their speedy implementation and, in particular, the disbursement of funds;

(b) The Fund Secretariat, implementing agencies and the parties concerned develop implementation processes to avoid duplication of effort, working within their respective areas of expertise;

4. Also to request the Executive Committee to ensure that its annual reports cover the achievements of the operation of the Fund in accordance with its terms of reference, paying particular attention to priorities set, actions taken and progress made.

Decision V/12: Review under section II, paragraph 4, of decision IV/18 of the Fourth Meeting of the Parties to the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *decision V/12* to request the Open-ended Working Group of the parties at its tenth meeting to prepare the terms of reference and modalities for a report to meet the requirements of section II, paragraph 4, of decision IV/18 of the Fourth Meeting of the Parties to the Montreal Protocol.

Decision VI/6: Reviews under paragraph 8 of Article 5 of the Protocol and under section II, paragraph 4, of decision IV/18 of the Fourth Meeting of the Parties to the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/6:*

1. To take note of the ongoing reviews under paragraph 8 of Article 5 of the Montreal Protocol and under section II, paragraph 4, of decision IV/18 of the Fourth Meeting of the Parties to the Montreal Protocol;

2. (a) To approve the loan of US$450,000 from the Multilateral Fund to the Secretariat as a one-time measure to facilitate the review of the Financial Mechanism;

(b) To repay the loan to the Multilateral Fund through necessary additional contributions to the Trust Fund for the Montreal Protocol as proposed in the revised budgets for 1994 and 1995;

3. To request the Open-ended Working Group to consider the report of the review undertaken under decision IV/18 and to make recommendations, as appropriate, to the Seventh Meeting of the Parties.

Decision VI/18: Modification of the indicative list of categories of incremental costs under the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/18* to request the Open-ended Working Group to examine the proposal to amend the indicative list of categories of incremental costs under the Montreal Protocol, as proposed by India and Malaysia and any other related specific proposals brought by the parties to the eleventh meeting of the Open-ended Working Group.

Decision VII/22: Review of the Financial Mechanism

The *Seventh Meeting of the Parties* decided in *decision VII/22:*

1. To request the Executive Committee to consider innovative mobilization of existing and additional resources in support of Protocol objectives and any further action by the end of 1996 and to report thereon to the Eighth Meeting of the Parties;

2. That the actions set out in annex V to the report of the Seventh Meeting of the Parties should be taken to improve the functioning of the Financial Mechanism. [Reproduced below]

Annex V

[Source: Annex V of the report of the Seventh Meeting of the Parties]

Actions to improve the financial mechanism for the implementation of the Montreal Protocol

Action 1

(a) Completion of the development by the Executive Committee of (i) a systematic approach to policy development, (ii) monitoring and evaluation guidelines, bearing in mind that operational responsibility remains with Governments, financial intermediaries or the Implementing Agencies, (iii) project templates for all sectors, with a view to having a project evaluation system in place by the end of 1995.

(b) The Executive Committee to examine the integration of Agencies' and Secretariat's project review activities no later than six months after it has concluded that the preconditions for increased delegation set out in the recommendations in paragraphs 90 and 91 have been met.

(c) Further delegation by the Executive Committee in due course, with a view to achieving appropriate delegation on over time.

(d) Evaluation of the Small Project Approval Process (SPAP) by the Executive Committee on completion of the current project group.

Action 2

(a) The Executive Committee to develop and take decisions on policy issues already identified, so that a satisfactory number of such issues have been clearly addressed by late 1996. New policy issues are likely to continue to emerge, but would be dealt with more expeditiously with refined administrative processes.

(b) A list of foreseeable policy issues to be drafted by the Executive Committee with the help of the Implementing Agencies and the Fund Secretariat over the next two meetings.

(c) The Fund Secretariat and designated consortia of Implementing Agencies to produce consensus options for consideration by the Executive Committee.

(d) Decisions proposed for the consideration of the Executive Committee should clearly indicate the implications for project proposals if the decisions were to be adopted.

Action 3

The Committee members should normally refrain from speaking on projects in which they have a direct interest. However, this should not apply to projects which present policy issues, on which the Chair may invite all members to speak, in order to expedite consideration of such projects. It should be evident from records of Meetings of the Executive Committee that all projects are given equal treatment by the Committee.

Action 4

The Executive Committee should oversee the completion by the Implementing Agencies and the Secretariat, jointly, by the end of 1995 of a comprehensive, integrated database common to all agencies and the Secretariat, in conjunction with the completion of standard project outlines (templates), with a view to achieving a decrease in the number of projects undergoing substantial revision or reduction in proposed project costs due to the project review process and review the database in mid-1996.

Action 5

(a) The Executive Committee should examine the effectiveness of its policy dissemination procedures in early 1996. The procedures should include the provision of practical examples of the application of policy decisions, with a view to reducing the extent of project revision during the review process, and also examine the degree to which national ozone protection units and consultants consider they have sufficient information to guide project development.

(b) The Executive Committee should develop operational guidelines for agencies and their consultants.

(c) The Executive Committee should consider a report on incremental costs for the production of CFC-substitutes and establish firm compensation policies with a view to completing incremental cost guidelines for the production of CFC-substitutes by mid-1996.

Action 6

The Executive Committee should evaluate the regime adopted for 1995, taking into account the study's recommendations, including the recommendation that: "Cost-effectiveness norms should be prepared based on model projects of different capacities under standard conditions. Thereafter, projects should be assessed on their own merits." Nonetheless, all eligible projects shall continue to be funded overtime irrespective of their relative cost-effectiveness. In case of delayed funding, however, lump-sum payments could be considered.

Action 7

(a) Relevant Implementing Agencies should review institutional strengthening experiences and present a combined paper to the Executive Committee, which will include guidelines on the possible proportionate commitment of Article 5 countries in such areas as financial, organizational and human resource support, with a view to enhancing the effectiveness of ODS phase-out strategies.

(b) Institutional strengthening could include, at the request of Article 5 countries, assistance to meet their country programme goals relative to laws and regulations.

Action 8

The Executive Committee should select a lead Agency to prepare the framework for a policy dialogue with Article 5 countries by the end of 1996, with a view to enhancing regulatory support to ODS phase-out in Article 5 countries.

Action 9

The Executive Committee should request a lead Implementing Agency, with the other Agencies and the Secretariat, to further develop, as appropriate, the guidelines for country programmes, taking into account these recommendations, with a view to the adoption by the Executive Committee of revised guidelines. The Executive Committee will consider these guidelines in the light of its experience to date taking into account, as appropriate, the sectoral approach to technology transfer. However, approval of eligible projects should not be made contingent upon revision of country programmes. Any revision of the country programme would be at the request of the party concerned.

Action 10

The study by the World Bank on the establishment of a concessional loan mechanism, requested by the Executive Committee at its Sixteenth Meeting, should be completed as soon as possible, and analysed and discussed by the Executive Committee at its Nineteenth Meeting, and a decision on suitable future steps be taken by the Executive Committee by

its Twentieth Meeting or by the Meeting of the Parties in 1996, as appropriate, with a view to starting the use of concessional loans by the end of 1996, to the extent that the need and demand exist.

Action 11
The Executive Committee should examine the issue of industrial consolidation, taking into account national industrial strategies of Article 5 countries, with a view to achieving more effective approaches to ODS phase-out.

Action 12
Noting that the Executive Committee approved funding for Latin American and African Networks, the Executive Committee should review the existing similar networks and establish new networks, as appropriate.

Action 13
The Implementing Agencies should report to the Executive Committee on measures to include ODS phase-out issues into their ongoing dialogue on development programming and on measures they could take to mobilize non-Fund resources in support of Montreal Protocol objectives, with a view to achieving an increase in the number of ozone-protection projects.

Action 14
The Executive Committee should consider the need for new Implementing Agencies for loan programmes in the light of emerging sectoral strategy policies and for methyl bromide after the Seventh Meeting of the Parties.

Action 15
The Executive Committee should urge the Article 5 countries concerned to select Implementing Agencies and mode of implementation keeping in mind the need to implement projects without delay.

Action 16
The World Bank should report on the training and incentive structure and, at its Nineteenth Meeting, the Executive Committee should consider this report and the relationship of the costs of training to total overhead costs, in order to ensure that the Executive Committee is fully informed about the role, resourcing and effectiveness of Financial Intermediaries.

Action 17
The Executive Committee should request each Implementing Agency to report, as and when the issue arises, on legal and institutional impediments to project implementation and measures taken to address them as soon as possible.

Action 18
(a) The World Bank and all other institutions associated with the Financial Mechanism should propose measures to assist UNEP in collecting contributions in arrears.

(b) The World Bank should review with UNEP the processes for acceptance of promissory notes.

Action 19
The Executive Committee should monitor the extent to which the available bilateral component is utilized.

Action 20
The Executive Committee should pay attention to training directly related to investment projects and consider training of technical experts from Article 5 countries, especially

when addressing the needs of small-ODS users. Where the Fund supports eligible projects of research to adapt technology to local circumstances, it should encourage the involvement of Article 5 country technical experts in the discussions of technical options, and the effective involvement of local experts in field missions.

Action 21

(a) The Executive Committee should prepare an itemized progress report on measures taken so far, in the context of Article 10 of the Protocol, to establish a mechanism specifically for the transfer of technology and the technical know-how at fair and most favourable conditions necessary to phase out ozone-depleting substances; and at the same time.

(b) The Executive Committee should request UNEP to intensify its efforts to collect information from relevant sources, and to prepare an inventory and assessment of environmentally sound and economically viable technologies and know-how conducive to phase out of ozone-depleting substances. This inventory should also include an elaboration of terms under which transfers of such technologies and know-how could take place.

(c) The Executive Committee should consider what steps can practicably be taken to eliminate any impediments in the international flow of technology.

(d) The Executive Committee should further elaborate the issue of the eligible incremental costs of technology transfer, including costs of patents and designs and the incremental costs of royalties as negotiated by the recipient enterprises.

The actions in subparagraphs (a), (b) and (c) should be completed by its Nineteenth Meeting and updated periodically, and the action in subparagraph (d) should be taken immediately.

Decision VIII/5: Actions to improve the functioning of the Financial Mechanism

The *Eighth Meeting of the Parties* decided in *decision VIII/5* to request the Executive Committee to move forward as expeditiously as possible on decision VII/22, and in particular Actions 5, 6, 10, 11, 14 and 21, and to report back to the Ninth Meeting of the Parties.

Decision VIII/7: Measures taken to improve the Financial Mechanism and technology transfer

The *Eighth Meeting of the Parties* decided in *decision VIII/7:*

1. To note with appreciation the measures taken by the Executive Committee to improve the Financial Mechanism;

2. To request the Executive Committee to continue with further actions to implement decision VII/22 to improve the Financial Mechanism and report to the Meetings of the parties annually.

[The remainder of this decision is located under Article 10A.]

Decision IX/14: Measures taken to improve the Financial Mechanism and technology transfer

The *Ninth Meeting of the Parties* decided in *decision IX/14:*

1. To note with appreciation the measures taken by the Executive Committee to improve the Financial Mechanism and the work of the Informal Group on Technology Transfer established under decision VIII/7;

2. To request the Executive Committee to continue with further actions to implement decision VII/22 to improve the Financial Mechanism and to include in its annual report to the Meeting of the Parties an annex updating information on each action that has not been previously completed, as well as a list of actions that have been completed;

3. To note the status of work undertaken to date pursuant to action 21 under decision VII/22;

4. To request the Executive Committee, with the assistance of the Informal Group, to expeditiously identify steps that can practically be taken to eliminate potential impediments to the transfer of ozone-friendly technologies to parties operating under Article 5 under fair and most favourable conditions;

5. To review this matter at the Tenth Meeting of the Parties.

Decision X/31: Measures taken to improve the Financial Mechanism and technology transfer

The *Tenth Meeting of the Parties* decided in *decision X/31:*

1. To note with appreciation the work and the report of the Executive Committee on the measures taken to improve the Financial Mechanism and technology transfer and on its excellent functioning in 1998;

2. To request the Executive Committee to report annually to the Meetings of the parties on the operation of the Financial Mechanism and the measures taken to improve the operation.

Decision XIII/3: Evaluation study on the managing and implementing bodies of the financial mechanism of the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *decision XIII/3:*

1. To evaluate and review, by 2004, the financial mechanism established by Article 10 of the Montreal Protocol with a view to ensuring its consistent, effective functioning in meeting the needs of Article 5 parties and non-Article 5 parties in accordance with Article 10 of the Protocol, and to launch a process for an external, independent study in that regard which shall be made available to the 16th Meeting of the Parties;

2. That the study shall focus on the management of the financial mechanism of the Montreal Protocol;

3. That the terms of reference and modalities of the study shall be submitted to the 15th Meeting of the Parties;

4. To consider the necessity to launch such an evaluation on a periodic basis;

5. To request the existing evaluation mechanism in place within the United Nations system to provide the Meeting of the Parties, for its consideration, with any relevant findings on the management of the financial mechanism of the Montreal Protocol at any time such findings are available.

Decision XV/47: Terms of reference for a study on the management of the financial mechanism of the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *decision XV/47:*

1. To approve the terms of reference of the study on the management of the financial mechanism of the Montreal Protocol, contained in annex V to the report of the Fifteenth Meeting of the Parties;

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

3. To select the following six members to serve as the steering panel from among the parties to the Montreal Protocol: Algeria, Colombia, France, Japan, Syrian Arab Republic and the United States of America. The appointed panel has equal representation of individuals selected by parties operating under 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 consultant or consultants. On the basis of submitted proposals, the Secretariat shall prepare a short list of qualified bidders and facilitate 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 ozone meetings, thereby reducing the related costs;

6. To approve the provision of up to $500,000 in the 2004 budget of the Trust Fund for the Montreal Protocol to fund the study;

7. To ensure that the final report and recommendations are made available to parties for consideration at the Sixteenth Meeting of the Parties.

Decision XVI/36: Evaluation and review of the financial mechanism of the Montreal Protocol (decision XV/47)

The *Sixteenth Meeting of the Parties* decided in *decision XVI/36:*

Taking note with appreciation of the 2004 evaluation and review of the financial mechanism of the Montreal Protocol,

Noting also that the Multilateral Fund is an essential instrument for enabling compliance with the Montreal Protocol by parties operating under paragraph 1 of Article 5 of the Protocol and therefore one of the pillars of the success of the regime for the protection of the ozone layer,

1. To request the Executive Committee of the Multilateral Fund, within its mandate, to consider the report on the 2004 evaluation and review of the financial mechanism of the Montreal Protocol, with a view to adopting its recommendations, whenever appropriate, in the process of continuous improvement of the management of the Multilateral Fund, and having in mind the need to contribute to the assessment by the Technology and Economic Assessment Panel of the 2006–2008 replenishment of the Multilateral Fund;

2. To request the Executive Committee regularly to report back to and seek guidance from the parties on the subject. To this effect, the Executive Committee shall submit a preliminary assessment to the Open-ended Working Group at its twenty-fifth meeting and include a component in its annual report to the Meeting of the Parties, on progress made and issues encountered in its consideration of the recommended actions contained in the executive summary of the evaluation report.

Decision XXI/28: Evaluation of the financial mechanism of the Montreal Protocol

The *Twenty-First Meeting of the Parties* decided in *decision XXI/28* to start discussing the terms of reference for an evaluation of the financial mechanism of the Montreal Protocol during the thirtieth meeting of the Open-ended Working Group, in 2010, and to finalize them during the Twenty-Third Meeting of the Parties, in 2011, at the latest.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/2*:

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

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

Decision XXIV/11: Evaluation of the financial mechanism

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/11*:

Noting that the Multilateral Fund for the Implementation of the Montreal Protocol is an efficient and effective instrument for enabling compliance with the Protocol by parties operating under paragraph 1 of its Article 5,

Recognizing that parties consider periodic evaluations of the financial mechanism of the Montreal Protocol an important means of ensuring the continued efficiency and effectiveness of the Multilateral Fund,

Recognizing also the role of the Multilateral Fund as a cornerstone of the Montreal Protocol and as a key mechanism for the success of the ozone layer regime,

1. To note with appreciation the report on the 2012 evaluation of the financial mechanism of the Montreal Protocol;

2. To request the Executive Committee of the Multilateral Fund, within its mandate, to consider the report on the 2012 evaluation of the financial mechanism of the Montreal Protocol, as appropriate, in the process of continuously improving the management of the Multilateral Fund.

Other decisions on the operation of the financial mechanism

Decision V/23: Funding of methyl bromide projects by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *decision V/23:*

1. To authorize the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to provide funding for a limited number of methyl bromide projects for data collection, information exchange within the scope of country programmes, in line with paragraphs 1 (b) and (c) of decision IV/23 of the Fourth Meeting of the Parties, as well as for a limited number of methyl bromide alternative demonstration projects, which should be selected with the assistance of the Technology and Economic Assessment Panel;
2. To request the implementing agencies to cooperate according to their specific expertise to assist in implementing the present decision;
3. To encourage parties to provide bilateral support for other methyl bromide studies and projects in developing countries (over and above contributions to the Fund).

Decision VII/4: Provision of financial support and technology transfer

The *Seventh Meeting of the Parties* decided in *decision VII/4:*

1. To emphasize the importance of the effective implementation of financial cooperation, including provision of adequate funding under Article 10 and technology transfer under Article 10 A of the Montreal Protocol, in assisting parties operating under paragraph 1 of Article 5 in complying with the existing control measures under the Protocol;
2. To stress that the adoption of any new control measures by the Seventh Meeting of the Parties for parties operating under paragraph 1 of Article 5 will require additional funding which will need to be reflected in the replenishment of the Multilateral Fund in 1996 and beyond and in the implementation of technology transfer;
3. To underline that the implementation of control measures by parties operating under paragraph 1 of Article 5 will, as provided in Article 5, paragraph 5, depend upon the effective implementation of the financial cooperation as provided by Article 10 and the transfer of technology as provided by Article 10A;
4. To urge parties when taking decisions on the replenishment of the Multilateral Fund in 1996 and beyond, to allocate the necessary funds in order to ensure that countries operating under paragraph 1 of Article 5 can comply with their agreed control measure commitments.

Decision VII/23: Financial planning in the Multilateral Fund

The *Seventh Meeting of the Parties* decided in *decision VII/23:*

1. To note with appreciation the report and the outline and framework for a three-year rolling business plan prepared by the Executive Committee;
2. To request the Executive Committee to provide to the parties at their Eighth Meeting a full three-year rolling business plan based on the outline and framework approved by the parties at their Seventh Meeting;

3. To note that the three-year rolling business plan must reflect the purpose of the Multilateral Fund, which is to enable parties operating under paragraph 1 of Article 5 to meet their Protocol obligations. The plan would be based on the level of replenishment decided by the parties and should be used as a basis for projecting beyond the period of the current replenishment. The plan should be based on, inter alia, the intersectoral priorities and strategies contained in the country programmes and should be consistent with agreed commitments under the Montreal Protocol.

Decision VII/25: Provision by the Executive Committee of the Multilateral Fund of specific financial support for projects in low-volume-ODS-consuming countries (LVCs)

The *Seventh Meeting of the Parties* decided in *decision VII/25* to request the Executive Committee of the Multilateral Fund to provide specific support to low-volume-ODS-consuming countries (LVCs) by:

(a) Allocating sufficient funds for projects in low-volume-ODS-consuming countries to further strengthen and expand awareness and training programmes, especially in the area of refrigerant management;

(b) Supporting specialized assistance such as a workshop to establish regulatory and legislative measures required to facilitate the phase-out of ozone-depleting substances;

(c) Allowing financing of eligible retrofitting projects, in sectors vital to LVC economies on a case-by-case basis where this can be shown to be the best approach;

(d) Requesting the United Nations Environment Programme, due to its extensive experience with low-volume-ODS-consuming countries (LVCs), to take the lead in preparing an overall approach in addressing these needs;

(e) Providing funds to low-volume-ODS-consuming countries, on a regional basis, to organize training workshops for their customs and other officers on the harmonized system and other systems to control and monitor consumption of ozone-depleting substances;

Approval of projects in low-volume-ODS-consuming countries and very low-volume-ODS-consuming countries should be based upon a more appropriate project-appraisal approach reflecting the particular circumstances encountered by the countries referred to above.

Decision IX/15: Production sector

The *Ninth Meeting of the Parties* decided in *decision IX/15:*

Noting the progress in the preparation of the guidelines for funding the production sector indicated in the report of the Executive Committee to the Ninth Meeting of the Parties,

Recognizing the importance of timely phase-out of ozone-depleting substances in the countries operating under Article 5,

Recognizing the equal importance of funding both the closure of facilities and the production of substitutes for ozone-depleting substances,

Recognizing the importance of technology transfer for the effective implementation of the activities in the production sector,

To request the Executive Committee to accelerate the formulation of the guidelines for funding the production sector and the subsequent approval of relevant projects in this sector.

Decision X/17: Production sector

The *Tenth Meeting of the Parties* decided in *decision X/17:*

Noting the recent estimation by the Technology and Economic Assessment Panel of high atmospheric emissions of carbon tetrachloride (almost 41,000 tonnes in 1996), out of which about 70 per cent was contributed by use of carbon tetrachloride as a feedstock to produce CFCs,

Noting the assessment of the Technology and Economic Assessment Panel that closure of CFC-manufacturing facilities in Article 5 parties and parties with economies in transition with accelerated introduction of alternatives could lead to a reduction in carbon tetrachloride emissions to the environment,

Noting that the Ninth Meeting of the Parties requested the Executive Committee to accelerate the formulation of guidelines for funding the phase-out in the production sector and subsequent approval of relevant projects in this sector,

1. To request the Executive Committee to complete the task of formulation of guidelines for funding the production sector on a priority basis and expeditiously;
2. To further request the Executive Committee to facilitate the formulation of projects for funding the CFC-production sector and their subsequent approval on a priority basis.

Decision XI/27: Refrigerant management plans

The *Eleventh Meeting of the Parties* decided in *decision XI/27* to request the Multilateral Fund Executive Committee to finalize the formulation of guidelines for refrigerant management plans for high volume ozone-depleting-substance-consuming countries as soon as possible and subsequently approve funding in accordance with the guidelines for such projects in the pipeline.

Decision XII/16: Organization of Ozone Secretariat and Multilateral Fund meetings

The *Twelfth Meeting of the Parties* decided in *decision XII/16* that when meetings organized by the Ozone Secretariat and the Multilateral Fund Secretariat are organized back-to-back, the two secretariats should coordinate arrangements to the greatest extent possible and, where possible and advantageous to the parties, should seek to negotiate joint agreements with the hosting venue.

Decision XVI/8: Request for technical and financial support relating to methyl bromide alternatives

The *Sixteenth Meeting of the Parties* decided in *decision XVI/8:*

Considering the Copenhagen Amendment calling for the total elimination of methyl bromide,

Considering the number and size of requests for critical-use exemptions,

Considering the significant quantities of methyl bromide used for pre-shipment and quarantine purposes,

Considering the conclusions of the regional workshop on experiences in using alternatives to methyl bromide, held in Dakar, Senegal, from 8 to 11 March 2004,

Considering the fact that the Multilateral Fund has provided some support to countries that use little or no methyl bromide to enable them to put in place bans on imports and to phase out remaining methyl bromide uses,

1. To reinforce the fact that parties operating under paragraph 1 of Article 5 of the Montreal Protocol that use little or no methyl bromide need technical and financial assistance from the Multilateral Fund to enable them to identify environmentally safe strategies and plans effectively to implement the methyl bromide provisions of the Montreal Protocol;

2. To request the Ozone Secretariat to translate into the official United Nations languages and to publish in those languages a summary of the alternatives-related components of the reports prepared by the Methyl Bromide Technical Options Committee.

Decision XXI/29: Institutional strengthening

The *Twenty-First Meeting of the Parties* decided in *decision XXI/29*:

Taking into account that the parties to the Montreal Protocol have assumed a firm commitment to recover and protect the ozone layer,

Acknowledging that institutional strengthening support from the Multilateral Fund has played a paramount role in acquiring and enhancing the capacity of national ozone units to allow Article 5 parties to comply with their commitments to ODS phase-out,

Recognizing the heavy workload and future challenges that Article 5 parties still have to face looking towards the consolidation of CFC, halon and carbon tetrachloride phase-out, the phase-out of methyl bromide and the accelerated HCFC phase-out,

Acknowledging that decision 57/36 of the Executive Committee of the Multilateral Fund limits fund requests for the renewal of institutional strengthening projects up to the end of December 2010 at current levels,

Recognizing that such a decision could have an impact on Article 5 parties' capacity to handle the complexity involved in ozone-depleting substance phase-out,

1. To urge the Executive Committee to extend financial support for institutional strengthening funding for Article 5 parties beyond 2010;

2. To urge the Executive Committee to finalize its consideration of funding of institutional strengthening projects as expeditiously as possible, taking into account current and emerging challenges;

3. To recommend that the Executive Committee does not require that institutional strengthening funding be incorporated within funding for HCFC phase-out management plans only, but allows flexibility for an Article 5 party to do so if it so chooses.

Article 10A: Transfer of technology

Decision I/4: Workplans required by Articles 9 and 10 of the Protocol

The *First Meeting of the Parties* decided in *decision I/4* to consider the following elements as the first components for the workplans required by Articles 9 and 10 [this refers to the original Article 10 of the Protocol, on technical assistance] of the Protocol:

(a) Dissemination of the reports of the panels for scientific, environmental, technical, and economic assessments, as well as the synthesis report, and their follow-up;

(b) Regular updating of the panel reports, taking into account in particular the developments in the fields of production of environmentally sound substitutes or alternative technological solutions to the use of CFCs or halons;

(c) Development of a programme, which will include workshops, demonstration projects, training courses, the exchange of experts and the provision of consultants on control options, taking into account the special needs of developing countries, for the consideration by the parties at their second meeting;

(d) Preparation of a study of retrofit technologies applicable to existing manufacturing facilities that produce controlled substances or products made with or containing such substances, to be presented to the parties for their consideration at their Second Meeting;

(e) Facilitation of the production and wide dissemination of material for public information;

(f) Exploration of specific ways of promoting exchange and transfer of environmentally sound substitutes and alternative technologies;

(g) Initiatives to support activities in programmes of international organizations and financing agencies that could contribute towards implementing the provisions of the Protocol, and defining means by which the Secretariat can initiate concrete contacts with the appropriate international organizations, programmes and financing agencies for this purpose.

Decision II/14: Workplans required by Articles 9 and 10 of the Protocol

The *Second Meeting of the Parties* decided in *decision II/14* to request the Executive Committee under the Financial Mechanism and the Secretariat to take into account in their work the recommendations on workplans required by Article 9 and Article 10 [this refers to the original Article 10 of the Protocol, on technical assistance] of the Protocol, as adopted by the third session of the first meeting of the Open-ended Working Group of the parties to the Protocol.

Decision VII/4: Provision of financial support and technology transfer

The *Seventh Meeting of the Parties* decided in *decision VII/4:*

1. To emphasize the importance of the effective implementation of financial cooperation, including provision of adequate funding under Article 10 and technology transfer under Article 10 A of the Montreal Protocol, in assisting parties operating under paragraph 1 of Article 5 in complying with the existing control measures under the Protocol;

2. To stress that the adoption of any new control measures by the Seventh Meeting of the Parties for parties operating under paragraph 1 of Article 5 will require additional funding which will need to be reflected in the replenishment of the Multilateral Fund in 1996 and beyond and in the implementation of technology transfer;

3. To underline that the implementation of control measures by parties operating under paragraph 1 of Article 5 will, as provided in Article 5, paragraph 5, depend upon the effective implementation of the financial cooperation as provided by Article 10 and the transfer of technology as provided by Article 10A;

4. To urge parties when taking decisions on the replenishment of the Multilateral Fund in 1996 and beyond, to allocate the necessary funds in order to ensure that countries operating under paragraph 1 of Article 5 can comply with their agreed control measure commitments.

Decision VII/26: Technology transfer

The *Seventh Meeting of the Parties* decided in *decision VII/26:*

1. To recognize the role of technology transfer in enabling parties to meet their obligations under the Protocol;

2. To note with appreciation the interim report of the Executive Committee of the Multilateral Fund (UNEP/OzL.Pro.7/10) on measures taken so far in the context of Article 10 of the Protocol, to establish a mechanism specifically for the transfer of technology and the technical know-how at fair and most favourable conditions necessary to phase-out ozone-depleting substances;

3. To request the Executive Committee to re-examine its interim conclusions contained in paragraphs 11 and 13 of that report in the light of issues raised in paragraph 45 of the report of the Eighteenth Meeting of the Executive Committee (UNEP/OzL.Pro/ExCom.18/75), the Report on the Review under paragraph 8 of Article 5, and the Study on the Financial Mechanism of the Montreal Protocol, and other issues including equity, limited resources, conditions attached to project approvals and payment of technology transfer fees as negotiated by enterprises in parties operating under Article 5;

4. To request the Executive Committee to provide a final report on this issue to the Eighth Meeting of the Parties. In particular, in preparing its report to the Eighth Meeting of the Parties, the Executive Committee is requested to seek input from Article 5 parties on their experience with impediments to technology transfer and to identify solutions to overcome such impediments. The Executive Committee is authorized to provide appropriate funding, if necessary, for this purpose.

Decision VIII/7: Measures taken to improve the Financial Mechanism and technology transfer

The *Eighth Meeting of the Parties* decided in *decision VIII/7:*

3. To note the status of preparation of the report on transfer of technology required by Action 21 of decision VII/22;

4. To set up an Informal Group consisting of four representatives of parties not operating under Article 5 (1) (Australia, Italy, Netherlands, United States of America) and four representatives of parties operating under Article 5 (1) (China, Colombia, Ghana, India) to assist the Executive Committee in identifying what steps can practically be taken to eliminate potential impediments to the transfer of ozone-friendly technologies to parties operating under Article 5 under fair and most favourable conditions;

5. The Group may meet as necessary and shall submit its reports, if any, to the Executive Committee;

6. To review this matter at its Ninth Meeting.

[The remainder of this decision is located under Article 10.]

Decision IX/14: Measures taken to improve the Financial Mechanism and technology transfer

The *Ninth Meeting of the Parties* decided in *decision IX/14:*

1. To note with appreciation the measures taken by the Executive Committee to improve the Financial Mechanism and the work of the Informal Group on Technology Transfer established under decision VIII/7;

2. To request the Executive Committee to continue with further actions to implement decision VII/22 to improve the Financial Mechanism and to include in its annual report to the Meeting of the Parties an annex updating information on each action that has not been previously completed, as well as a list of actions that have been completed;

3. To note the status of work undertaken to date pursuant to action 21 under decision VII/22;
4. To request the Executive Committee, with the assistance of the Informal Group, to expeditiously identify steps that can practically be taken to eliminate potential impediments to the transfer of ozone-friendly technologies to parties operating under Article 5 under fair and most favourable conditions;
5. To review this matter at the Tenth Meeting of the Parties.

Decision X/31: Measures taken to improve the Financial Mechanism and technology transfer

The *Tenth Meeting of the Parties* decided in *decision X/31:*

1. To note with appreciation the work and the report of the Executive Committee on the measures taken to improve the Financial Mechanism and technology transfer and on its excellent functioning in 1998;
2. To request the Executive Committee to report annually to the Meetings of the parties on the operation of the Financial Mechanism and the measures taken to improve the operation.

Article 11: Meetings of the Parties

Decisions on Meetings of the Parties

Decision II/20: Third Meeting of the Parties

The *Second Meeting of the Parties* decided in *decision II/20* to convene the Third Meeting of the Parties from 19 to 21 June 1991 in conjuction with and at the same venue as the second meeting of the Conference of the Parties to the Vienna Convention.

Decision III/18: Fourth Meeting of the Parties to the Montreal Protocol

The *Third Meeting of the Parties* decided in *decision III/18* to convene the Fourth Meeting of the Parties to the Montreal Protocol in September or October 1992 in Denmark.

Decision IV/31: Fifth Meeting of the Parties to the Montreal Protocol

The *Fourth Meeting of the Parties* decided in *decision IV/31* to convene the Fifth Meeting of the Parties to the Montreal Protocol in October/November 1993.

Decision V/27: Sixth Meeting of the Parties to the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *decision V/27* to convene the Sixth Meeting of the Parties to the Montreal Protocol in September/November 1994 in Nairobi.

Decision V/28: Seventh Meeting of the Parties to the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *decision V/28* to express its gratitude to the Government of Austria for its generous offer to host the Seventh Meeting of the Parties to the Montreal Protocol in Vienna in 1995, to mark the tenth anniversary of the adoption of the Vienna Convention for the Protection of the Ozone Layer.

Decision VI/20: Seventh Meeting of the Parties to the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/20*:

1. To reaffirm decision V/28 of the Fifth Meeting of the Parties, by which the parties expressed their gratitude to the Government of Austria for its generous offer to host the Seventh Meeting of the Parties to the Montreal Protocol in Vienna in 1995, to mark the tenth anniversary of the Vienna Convention for the Protection of the Ozone Layer;
2. To convene the Seventh Meeting of the Parties to the Montreal Protocol in Vienna from 28 November to 7 December 1995.

Decision VII/38: Eighth, Ninth and Tenth Meetings of the Parties to the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *decision VII/38:*

1. That the Eighth Meeting of the Parties to the Montreal Protocol will be held in Costa Rica in 1996;
2. That the Ninth Meeting of the Parties to the Montreal Protocol will be held in Montreal, Canada in 1997;
3. That the Tenth Meeting of the Parties to the Montreal Protocol will be held in Egypt in 1998.

Decision VIII/30: Ninth Meeting of the Parties to the Montreal Protocol

The *Eighth Meeting of the Parties* decided in *decision VIII/30:*

1. To reaffirm decision VII/38 of the Seventh Meeting of the Parties, by which the parties decided to hold the Ninth Meeting of the Parties in Montreal, Canada, in September 1997;
2. To convene the Ninth Meeting of the Parties to the Montreal Protocol in Montreal in September 1997.

Decision IX/40: Tenth Meeting of the Parties to the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *decision IX/40:*

1. To reaffirm decision VII/38 of the Seventh Meeting of the Parties, by which the parties decided to hold the Tenth Meeting of the Parties in Egypt in 1998;
2. To convene the Tenth Meeting of the Parties to the Montreal Protocol in Cairo, in November 1998.

Decision X/34: Eleventh Meeting of the Parties to the Montreal Protocol

The *Tenth Meeting of the Parties* decided in *decision X/34* to convene the Eleventh Meeting of the Parties to the Montreal Protocol in China, in November 1999.

Decision XI/29: Twelfth Meeting of the Parties to the Montreal Protocol

The *Eleventh Meeting of the Parties* decided in *decision XI/29* to convene the Twelfth Meeting of the Parties to the Montreal Protocol in Burkina Faso, in October 2000.

Decision XII/18: Thirteenth Meeting of the Parties to the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *decision XII/18* to convene the Thirteenth Meeting of the Parties to the Montreal Protocol in Colombo, Sri Lanka, from 15 to 19 October 2001.

Decision XIII/33: Fourteenth Meeting of the Parties to the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *decision XIII/33* to convene the 14th Meeting of the Parties to the Montreal Protocol at the seat of the Secretariat, in Nairobi, during the week of 25 to 29 November 2002 unless other appropriate arrangements are made by the Secretariat in consultation with the parties.

Decision XIV/43: Fifteenth Meeting of the Parties to the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *decision XIV/43* to convene the Fifteenth Meeting of the Parties to the Montreal Protocol at the seat of the Secretariat, in Nairobi, and at a date to be decided by the parties unless other appropriate arrangements are made by the Secretariat in consultation with the parties.

Decision XV/56: Extraordinary Meeting of the Parties

The *Fifteenth Meeting of the Parties* decided in *decision XV/56:*

Recognizing that the Fifteenth Meeting of the Parties has been unable to complete consideration of the items on its agenda,

Recalling Article 11, paragraph 2, of the Protocol,

Having regard to paragraph 3 of rule 4 and to rule 13 of the rules of procedure,

1. To deem necessary an extraordinary Meeting of the Parties, to be funded from the Trust Fund of the Montreal Protocol;
2. That the extraordinary Meeting of the Parties shall be held from 24 to 26 March 2004;
3. That the provisional agenda of the extraordinary Meeting of the Parties is set out in the annex to the present decision;
4. To make a financial provision of $596,000 from the Trust Fund of the Montreal Protocol for the 2004 budget, for the expenses of the extraordinary Meeting of the Parties, including funds for the attendance of the members and experts of the Methyl Bromide Technical Options Committee at its special meeting;

Annex

Provisional agenda for the extraordinary Meeting of the Parties

1. Opening of the Meeting.
2. Organizational matters:
   (a) Adoption of the agenda;
   (b) Organization of work.
3. Discussion on the issues and on draft decisions:
   (a) Adjustment of the Montreal Protocol regarding further specific interim reductions of methyl bromide for the period beyond 2005, applicable to Article 5 parties;
   (b) Nominations for critical use exemptions for methyl bromide;
   (c) Conditions for granting and reporting critical use exemptions for methyl bromide;

(d) Consideration of the working procedures of the Methyl Bromide Technical Options Committee as they relate to the evaluation of nominations for critical use exemptions;

4. Adoption of the report of the extraordinary Meeting of the Parties;

5. Closure of the Meeting.

Decision XV/57: Sixteenth Meeting of the Parties to the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *decision XV/57* to convene the Sixteenth Meeting of the Parties to the Montreal Protocol in Prague from 22 to 26 November 2004.

Decision XVI/46: Extraordinary Meeting of the Parties

The *Sixteenth Meeting of the Parties* decided in *decision XVI/46:*

Recognizing that the Sixteenth Meeting of the Parties has been unable to complete consideration of the items on its agenda,

Recalling Article 11, paragraph 2, of the Protocol,

Having regard to paragraph 3 of rule 4 and to rule 13 of the rules of procedure,

1. To deem necessary an extraordinary Meeting of the Parties, on the understanding that this will not give rise to any further financial implication;

2. That the extraordinary Meeting of the Parties shall be held in conjunction with the twenty-fifth meeting of the Open-Ended Working Group of the parties to the Montreal Protocol;

3. That the provisional agenda of the Extraordinary Meeting of the Parties is as set out below:

Annex

Provisional agenda for the Extraordinary Meeting of the Parties

1. Opening of the Meeting.

2. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of work.

3. Review of the critical-use nominations for methyl bromide for 2006.

4. Adoption of the report of the Extraordinary Meeting of the Parties.

5. Closure of the Meeting.

Decision XVI/47: Seventeenth Meeting of the Parties to the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *decision XVI/47* to convene the Seventeenth Meeting of the Parties to the Montreal Protocol in Dakar, Senegal, in 2005.

Decision XVII/47: Dates of future Montreal Protocol meetings

The *Seventeenth Meeting of the Parties* decided in *decision XVII/47:*

Noting with appreciation the work undertaken by the Ozone Secretariat and the Technology and Economic Assessment Panel in organizing and servicing the Meetings of the parties, meetings of the Open-ended Working Group, and meetings of the Technology and Economic Assessment Panel and its technical options committees,

Recognizing that certain legal requirements of the Montreal Protocol and actions of the parties depend on sufficient time being available for parties to consider information supplied by the Technology and Economic Assessment Panel related to possible amendments and adjustments of the Protocol, and the requirement under Article 9 of the Vienna Convention for a party to submit such information six months prior to the Meeting of the Parties,

1. To request the Ozone Secretariat to:

   (a) Post on its website by 31 January each year the indicative dates for the next two meetings of the Open-ended Working Group and Meetings of the parties, ensuring to the extent possible that the Open-ended Working Groups are held back-to-back with the meetings of the Executive Committee and that the scheduling of the Meeting of the Parties is done in consultation with the host Government;

   (b) If, subsequent to such posting, circumstances arise that necessitate a change to such indicative meeting dates, to revise the posting on its website and to notify the parties within one week of such change;

2. To request the Technology and Economic Assessment Panel to:

   (a) Post on its website by 20 January in the year in which the meetings take place, the dates in the coming year for its meetings and meetings of its technical options committees;

   (b) Make best endeavours to provide annual reports of the Technology and Economic Assessment Panel and its technical options committees and any task force reports approximately seven months before the Meeting of the Parties in order to allow sufficient time for the parties to take into account information in the reports related to possible amendments and adjustments;

   (c) If, subsequent to such posting, circumstances arise that necessitate a change in a meeting date, to revise the posting on its website and notify the Secretariat within one week of such change.

Decision XVII/48: Eighteenth Meeting of the Parties to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/48* to convene the Eighteenth Meeting of the Parties to the Montreal Protocol in India with a firm date to be announced as soon as possible.

Decision XVIII/37: Nineteenth Meeting of the Parties to the Montreal Protocol

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/37* to convene the Nineteenth Meeting of the Parties to the Montreal Protocol in Montreal, Canada, from 17 to 21 September 2007.

Decision XIX/30: Twentieth Meeting of the Parties to the Montreal Protocol

The *Nineteenth Meeting of the Parties* decided in *decision XIX/30* to convene the Twentieth Meeting of the Parties to the Montreal Protocol in Doha, Qatar, in 2008.

Decision XX/25: Twenty-First Meeting of the Parties to the Montreal Protocol

The *Twentieth Meeting of the Parties* decided in *decision XX/25* to convene the Twenty-First Meeting of the Parties to the Montreal Protocol in Sharm el-Sheikh, Egypt, and to announce a firm date for the meeting as soon as possible.

Decision XXI/30: Twenty-Second Meeting of the Parties to the Montreal Protocol

The *Twenty-First Meeting of the Parties* decided in *decision XXI/30* to convene the Twenty-Second Meeting of the Parties to the Montreal Protocol at the seat of the Secretariat, in Nairobi, during October 2010, unless other appropriate arrangements are made by the Secretariat in consultation with the Bureau.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/26* 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.

Decision XXIII/32: Twenty-Fourth Meeting of the Parties to the Montreal Protocol

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/32* to convene the Twenty-Fourth Meeting of the Parties to the Montreal Protocol in Geneva, Switzerland, from 12 to 16 November 2012 unless other appropriate arrangements are made by the Secretariat in consultation with the Bureau;

Decision XXIII/33: Twenty-Sixth Meeting of the Parties to the Montreal Protocol

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/33* to convene the Twenty-Sixth Meeting of the Parties to the Montreal Protocol back to back with the tenth meeting of the Conference of the Parties to the Vienna Convention.

Decision XXIV/25: Twenty-Fifth Meeting of the Parties to the Montreal Protocol

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/25* to convene the Twenty-Fifth Meeting of the Parties to the Montreal Protocol in Kyiv, Ukraine, in October 2013.

Decision XXV/21: Twenty-Sixth Meeting of the Parties to the Montreal Protocol

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/21* to convene the Twenty-Sixth Meeting of the Parties to the Montreal Protocol at the seat of the Secretariat, in Nairobi, or at any other United Nations venue, in November 2014.

Decision XXVI/22: Twenty-Seventh and Twenty-Eighth Meetings of the Parties to the Montreal Protocol

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/22:*

1. To convene the Twenty-Seventh Meeting of the Parties to the Montreal Protocol in Dubai, United Arab Emirates, in November 2015;
2. To convene the Twenty-Eighth Meeting of the Parties to the Montreal Protocol in Kigali, Rwanda, in November 2016.

Decision XXVIII/17: Dates and venue of the Twenty-Ninth Meeting of the Parties to the Montreal Protocol

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/17* to convene the Twenty-Ninth Meeting of the Parties to the Montreal Protocol in Montreal, Canada, and to announce a firm date for the meeting as soon as possible.

Decision XXIX/25: Thirtieth Meeting of the Parties to the Montreal Protocol

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/25* to convene the Thirtieth Meeting of the Parties to the Montreal Protocol in Ecuador, in November 2018.

Decisions on declarations

Decision I/15: Helsinki Declaration

The *First Meeting of the Parties* decided in *decision I/15* to take note of the Helsinki Declaration on the Protection of the Ozone Layer adopted by all countries both Contracting and non-Contracting parties present in Helsinki on the occasion of the First Meeting of the Parties to the Vienna Convention and the Montreal Protocol as it appears in appendix I to the Report of the First Meeting of the Parties. [See section 3.8 of this Handbook.]

Decision XI/1: Beijing Declaration on Renewed Commitment to the Protection of the Ozone Layer

The *Eleventh Meeting of the Parties* decided in *decision XI/1* to adopt the Beijing Declaration on Renewed Commitment to the Protection of the Ozone Layer, as contained in annex I to the report of the Eleventh Meeting of the Parties. [See section 3.8 of this Handbook.]

Decision XII/17: Ouagadougou Declaration at the Twelfth Meeting of the Parties to the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *decision XII/17* to adopt the Ouagadougou Declaration at the Twelfth Meeting of the Parties to the Montreal Protocol, as contained in annex IV to the report of the Twelfth Meeting of the Parties. [See section 3.8 of this Handbook.]

Decision XIII/32: Colombo Declaration

The *Thirteenth Meeting of the Parties* decided in *decision XIII/32* to adopt the Colombo Declaration, on Renewed Commitment to the Protection of the Ozone Layer to Mark the Forthcoming World Summit on Sustainable Development, in 2002, the 15th Anniversary of the Montreal Protocol and the 10th Anniversary of the Establishment of the Multilateral Fund, as contained in annex V to the report of the 13th Meeting of the Parties to the Montreal Protocol. [See section 3.8 of this Handbook.]

Decision XVI/45: Declaration of 2007 as "International Year of the Ozone Layer"

The *Sixteenth Meeting of the Parties* decided in *decision XVI/45:*

Recalling that the Montreal Protocol on Substances that Deplete the Ozone Layer, which constitutes the primary legal instrument for saving the ozone layer, was signed in the city of Montreal, Canada, on 16 September 1987,

Recognizing that, to ensure the success of the Montreal Protocol, the parties to the Protocol have demonstrated commitment and decisive action by reducing the consumption of ozone-depleting substances since 1986 by 90 per cent,

Considering that entry into force of the Montreal Protocol has resulted in:

(a) A decline in the level of ozone-depleting substances in the atmosphere;

(b) The expectation that the ozone layer will recover by about 2050 if there is full compliance with the provisions of the Montreal Protocol;

(c) The avoidance of further significant increases in ultraviolet radiation reaching the Earth's surface;

and, thereby, improved the expectations of human health and reduced environmental risks for life on Earth,

Gratified by the transcendent success of the Montreal Protocol,

Declares 2007 "International Year of the Ozone Layer".

Decision XIX/31: Montreal Declaration

The *Nineteenth Meeting of the Parties* decided in *decision XIX/31* to adopt the Montreal Declaration set out in annex IV to the report of the Nineteenth Meeting of the Parties.

Decision XX/26: Adoption of the Doha Declaration

The *Twentieth Meeting of the Parties* decided in *decision XX/26* to adopt the Doha Declaration, as set out in annex VI to the report of the eighth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Twentieth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer.

Decisions on rules of procedure

Decision I/1: Rules of procedure for Meetings of the Parties

The *First Meeting of the Parties* decided in *decision I/1* to adopt the Rules of Procedure for Meetings of the parties to the Montreal Protocol, as they appear in annex I to the report of the First Meeting of the Parties. [See section 4 of this Handbook.]

Decision II/19: Rules of procedure for Meetings of the Parties

The *Second Meeting of the Parties* decided in *decision II/19* to amend paragraph 1 of rule 21 of the rules of procedure, adopted at the First Meeting of the Parties, to include the following additional sentences:

"In electing its officers, the Meeting of the Parties shall have due regard to the principle of equitable geographical representation. The offices of President and Rapporteur of the Meeting of the Parties shall normally be subject to rotation among the five groups of

States referred to in section I, paragraph 1, of General Assembly resolution 2997 (XXVII) of 15 December 1972, by which the United Nations Environment Programme was established."

Decision III/14: Amendment of the Rules of Procedure

The *Third Meeting of the Parties* decided in *decision III/14* to amend the Rules of Procedure as follows:

(a) Rule 23 – delete paragraph 2;

(b) Rule 24 – delete the words "other than the President", and substitute the words "of the Bureau."

Decisions on the Open-ended Working Group

Decision I/5: Establishment of Open-ended Working Group

The *First Meeting of the Parties* decided in *decision I/5* to establish an open-ended working group to:

(a) Review the report of the four panels referred in decision I/3, and integrate them into one synthesis report;

(b) Based on (a) above, and taking into account the views expressed at the First Meeting of the Parties to the Montreal Protocol, prepare draft proposals for any amendments to the Protocol which would be needed. Such proposals are to be circulated to the parties in accordance with Article 9 of the Vienna Convention for the Protection of the Ozone Layer;

(c) To develop the workplans referred to in decision I/4; and

(d) To work out the modalities required by decision I/13.

Decision I/6: Meetings of Open-ended Working Group

The *First Meeting of the Parties* decided in *decision I/6* to authorize the Secretariat to convene meetings of the working group referred to in decision I/6.

Decision I/7: Participation by non-parties

The *First Meeting of the Parties* decided in *decision I/7* to authorize the Secretariat to invite non-parties to participate in the deliberations of the meetings of the working groups established by the parties.

Decision II/15: Extension of the mandate of the Open-ended Working Group of the parties

The *Second Meeting of the Parties* decided in *decision II/15* to continue the work of the Open-ended Working Group of the parties and to extend its mandate to consider, if necessary and in particular, the following topics:

(a) Further elaboration of any remaining details of the various components of the Financial Mechanism;

(b) Identification of the most appropriate modalities for the transfer of technologies designed for the protection of the ozone layer;

(c) Co-operation with parties that are developing countries for the implementation of the Protocol; and

(d) Problems arising under the trade provisions of the Protocol, in respect of both trade between parties and trade with non-parties including issues related to free-trade zones; and to make recommendations to the Third Meeting of the Parties.

Decision II/18: Meetings of the Open-ended Working Group

The *Second Meeting of the Parties* decided in *decision II/18* to authorize the Secretariat to convene, if necessary, up to six meetings of the Open-ended Working Group of the parties prior to the Third Meeting of the Parties and to invite non-parties to participate in the deliberations of these meetings.

Decision III/11: Open-ended Working Group of the parties

The *Third Meeting of the Parties* decided in *decision III/11:*

(a) To recall Article 5, paragraphs 5 and 6 of the Amendment to the Montreal Protocol adopted by decision II/2 of the parties at its Second Meeting and reiterate the mandate of the Open-ended Working Group of the parties in accordance with decision II/15 and request that this work be intensified;

(b) Should the results obtained by the assessment panels suggest the need to adjust or amend the Protocol, the Working Group would make recommendations in time for consideration by the next meeting of the parties;

(c) To endorse the selection of Mexico and the United Kingdom as co-Chairmen of the Open-ended Working Group.

Decision VI/15: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/15* to endorse the selection of Mr. John Carstensen of Denmark and Mr. N. R. Krishnan of India as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol for 1995.

Decision VII/36: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *decision VII/36* to endorse the selection of Mr. S. Seebaluck (Mauritius) and Ms. C. Fearnley (New Zealand) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol for 1996.

Decision VIII/27: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Eighth Meeting of the Parties* decided in *decision VIII/27* to endorse the selection of Ms. Catalina Mosler-Garcia (Mexico) and Ms. Claire Fearnley (New Zealand) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol for 1997.

Decision IX/36: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Ninth Meeting of the Parties* decided in *decision IX/36* to endorse the selection of Mr. V. Anand (India) and Mr. Jukka Uosukainen (Finland) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol for 1998.

Decision X/5: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Tenth Meeting of the Parties* decided in *decision X/5* to endorse the selection of Mr. Ibrahim Abdel Gelil (Egypt) and Mr. Jukka Uosukainen (Finland) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol for 1999.

Decision XI/10: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Eleventh Meeting of the Parties* decided in *decision XI/10* to endorse the selection of Mr. John Ashe (Antigua and Barbuda) and Mr. Milton Catelin (Australia) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol for 2000.

Decision XII/5: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Twelfth Meeting of the Parties* decided in *decision XII/5* to endorse the selection of Mr. Milton Catelin (Australia) and Mr. P.V. Jayakrishnan (India) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol for 2001.

Decision XIII/28: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Thirteenth Meeting of the Parties* decided in *decision XIII/28* to endorse the selection of Mr. Milton Catelin (Australia) and Mr. Aloysius M. Kamperewera (Malawi) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2002.

Decision XIV/42: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Fourteenth Meeting of the Parties* decided in *decision XIV/42* to endorse the selection of Khaled Klaly (Syrian Arab Republic) and Maria Nolan (United Kingdom of Great Britain and Northern Ireland) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2003.

Decision XV/55: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Fifteenth Meeting of the Parties* decided in *decision XV/55* to endorse the selection of Mr. Jorge Leiva of Chile and Mr. Janusz Kozakiewicz of Poland as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2004.

Decision XVI/41: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Sixteenth Meeting of the Parties* decided in *decision XVI/41* to endorse the selection of Mr. David Okioga (Kenya) and Mr. Tom Land (United States of America) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2005.

Decision XVII/46: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/46* to endorse the selection of Mr. Tom Land (United States of America) and Mr. Nadzri Yahaya (Malaysia) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2006.

Decision XVIII/3: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/3* to endorse the selection of Ms. Marcia Levaggi (Argentina) and Mr. Mikkel Aaman Sorensen (Denmark) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol for 2007.

Decision XIX/4: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Nineteenth Meeting of the Parties* decided in *decision XIX/4* to endorse the selection of Mr. Mikkel Aaman Sorensen (Denmark) and Ms. Judy Francis Beaumont (South Africa) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol for 2008.

Decision XX/23: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Twentieth Meeting of the Parties* decided in *decision XX/23* to endorse the selection of Mr. Martin Sirois (Canada) and Mr. Muhammad Maqsood Akhtar (Pakistan) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2009.

Decision XXI/31: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Twenty-First Meeting of the Parties* decided in *decision XXI/31* to endorse the selection of Mr. Martin Sirois (Canada) and Mr. Fresnel Araujo (Bolivarian Republic of Venezuela) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2010.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/25* 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.

Decision XXIII/20: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/20* to endorse the selection of Mr. Ghazi Odat (Jordan) and Ms. Gudi Alkemade (Netherlands) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2012.

Decision XXIV/23: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The Twenty-Fourth Meeting of the Parties decided in *decision XXIV/23* to endorse the selection of Mr. Patrick McInerney (Australia) and Mr. Javier Camargo (Colombia) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2013.

Decision XXV/19: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The Twenty-Fifth Meeting of the Parties decided in *decision XXV/19* to endorse the selection of Richard Mwendandu (Kenya) and Patrick McInerney (Australia) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2014.

Decision XXVI/20: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The Twenty-Sixth Meeting of the Parties decided in *decision XXVI/20* to endorse the selection of Mr. Paul Krajnik (Austria) and Ms. Emma Rachmawaty (Indonesia) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2015.

Decision XXVII/14: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The Twenty-Seventh Meeting of the Parties decided in *decision XXVII/14* to endorse the selection of Mr. Paul Krajnik (Austria) and Mr. Leslie Smith (Grenada) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2016.

Decision XXVIII/15: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/15* to endorse the selection of Mr. Cheikh Ndiaye Sylla (Senegal) and Ms. Cynthia Newberg (United States of America) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2017.

Decision XXIX/23: Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/23* to endorse the selection of Yaqoub Almatouq (Kuwait) and Cynthia Newberg (United States of America) as Co-Chairs of the Open-ended Working Group of the parties to the Montreal Protocol in 2018.

Decisions on the Bureau

Decision I/2: Establishment of Bureau

The *First Meeting of the Parties* decided in *decision I/2* to establish its Bureau to be composed of the President, three Vice-Presidents and Rapporteur elected by each meeting of the parties.

The Bureau shall meet at least once between meetings of the parties to review the work of any working groups established by the parties during their meetings, to consider other topics on the Agenda of the next meeting of the parties and to review the documents prepared by the Secretariat for meetings of the parties to facilitate the work of these meetings.

Decision IV/22: Bureau of the Montreal Protocol

The *Fourth Meeting of the Parties* decided in *decision IV/22* to take note of the reports of the first and second meetings of the Bureau of the Third Meeting of the Parties to the Montreal Protocol, contained in documents UNEP/OzL.Pro.3/Bur/1/3 and UNEP/OzL.Pro.3/Bur/2/3.

Decision V/22: Bureau of the Fourth Meeting of the Parties to the Montreal Protocol

The *Fifth Meeting of the Parties* decided in *decision V/22* to take note of the report of the first meeting of the Bureau of the Fourth Meeting of the Parties to the Montreal Protocol.

Article 12: Secretariat

Decision II/7: Montreal Protocol Handbook

The *Second Meeting of the Parties* decided in *decision II/7* to invite the Executive Director to prepare as soon as possible a *Montreal Protocol Handbook* setting out the Protocol as adjusted, the Protocol as adjusted and amended and the decisions of the parties that relate to its interpretation and other material relevant to its operation, and to update the *Handbook*, as necessary, after each meeting of the parties.

Decision III/4: Montreal Protocol Handbook

The *Third Meeting of the Parties* decided in *decision III/4* to welcome the efforts of the Secretariat in completing the Montreal Protocol Handbook, which was prepared by the Secretariat in accordance with decision II/7 of the Second Meeting of the Parties, and to request the Secretariat after further editing, taking into account the comments made in paragraph 18 of the Report of the Preparatory Meeting for the Third Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.3/Prep/2), to distribute the Handbook to all the parties to the Protocol and the Convention in the official languages of the United Nations as soon as possible.

Decision XII/16: Organization of Ozone Secretariat and Multilateral Fund meetings

The *Twelfth Meeting of the Parties* decided in *decision XII/16* that when meetings organized by the Ozone Secretariat and the Multilateral Fund Secretariat are organized back-to-back, the two secretariats should coordinate arrangements to the greatest extent possible and, where possible and advantageous to the parties, should seek to negotiate joint agreements with the hosting venue.

Decision XIII/31: Appointment of the Executive Secretary of the Ozone Secretariat

The *Thirteenth Meeting of the Parties* decided in *decision XIII/31* to request the United Nations Environment Programme and United Nations Headquarters to complete the process for the earliest possible appointment of the Executive Secretary of the Ozone Secretariat.

Article 13: Financial provisions

Decision I/14: Financial arrangements

The *First Meeting of the Parties* decided in *decision I/14* with regard to financial arrangements:

A. (a) To establish a United Nations Trust Fund in accordance with the Financial Regulations and Rules of the United Nations and in accordance with the General Procedures governing operations of the Fund of the United Nations Environment Programme;

(b) The Protocol Trust Fund shall be administered by the Executive Director of UNEP and shall finance expenditures approved by the parties and shall receive the contributions of parties to the Protocol;

(c) To that end the Meeting requests the Executive Director to secure the necessary consents of the Secretary General of the United Nations and the Governing Council of UNEP;

(d) To adopt the terms of reference of the Trust Fund in annex II of the report of the First Meeting of the Parties; [see section 3.7 of this Handbook]

(e) The contributions of the parties shall be in the form of voluntary contributions according to the formula in annex III of the report of the First Meeting of the Parties;

(f) The Meeting calls on all parties to pay their contributions to the Trust Fund in advance of the period to which they relate;

(g) To approve a total budget of US$1,580,000 for the biennium 1990–1991, the details of the approved budget are presented in annex IV to the report of the First Meeting of the Parties;

B. The States non-parties and the non-Contributing parties to the Trust Fund are encouraged to make voluntary contributions to the Trust Fund.

Decision II/17: Budget

The *Second Meeting of the Parties* decided in *decision II/17* with regard to the budget to adopt the system of rolling biennial budgets, and to approve a total revised budget of $3,400,000 for 1990, a total revised budget for 1991 of $2,423,000 and a total budget for 1992 of $2,225,000. The details of the approved budgets are presented in annex VI to the report on the work of the Second Meeting of the Parties.

Decision III/21: Budgets and financial matters

The *Third Meeting of the Parties* decided in *decision III/21* regarding budgets and financial matters:

(a) To request the Secretariat to submit as soon as possible to all parties certified and audited accounts of the Montreal Protocol Trust Fund for the expenditures under the Fund for 1990 financial year;

(b) To request the Secretariat to submit to the parties the certified and audited accounts for 1989 of the Interim Ozone Secretariat;

(c) To request the Secretariat to submit certified and audited accounts for subsequent years prior to regular meetings of the parties;

(d) To emphasize that expenditures incurred due to recommendations by the Bureau should only be met either within the budget adopted by the parties for that year or by other additional contributions made towards these expenditures;

(e) To emphasize that it is essential to avoid increases in already adopted budgets in the years which they relate;

(f) To urge all parties to pay their outstanding contributions promptly and to also pay their future contributions promptly and in full in accordance with the terms of reference and the formula for contributions as attached to annex II to the report of the Third Meeting of the Parties;

(g) To adopt the final budget for 1992 of US$2,278,645, and for 1993 of US$2,398,990, as set out in annex I to the report of the Third Meeting of the Parties.

Decision IV/19: Budgets and financial matters

The *Fourth Meeting of the Parties* decided in *decision IV/19:*

1. To note the financial reports on the Trust Fund for the Montreal Protocol for 1990 and 1991, and on the Secretariat for the Vienna Convention and the Montreal Protocol;
2. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in annex XI to the report of the Fourth Meeting of the Parties;
3. To adopt the revised budgets for 1992 of US$2,862,855 and for 1993 of US$2,702,390, and the proposed budget for 1994 of US$3,369,090, as set out in annex XII to the report of the Fourth Meeting of the Parties;
4. To extend the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer from 31 March 1993 to 31 March 1995.

Decision V/21: Budgets and financial matters

The *Fifth Meeting of the Parties* decided in *decision V/21:*

1. To note the financial reports on the Trust Fund for the Montreal Protocol and the Secretariat for the Vienna Convention and the Montreal Protocol for 1992;
2. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in annex III to the report of the Fifth Meeting of the Parties;
3. To adopt the proposed budgets for the Trust Fund for the Montreal Protocol of US$2,822,735 for 1994 and of US$3,416,550 for 1995, as set out in annex IV to the report of the Fifth Meeting of the Parties;
4. To urge the Secretariat to furnish the parties with an estimation of the current year's needs and in the same format the actual expenditures of the previous year so that the parties will have a good understanding of the Secretariat's budgetary requirements.

Decision VI/17: Budgets and financial matters

The *Sixth Meeting of the Parties* decided in *decision VI/17:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1993;
2. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions as set out in annex III to the report of the Sixth Meeting of the Parties;
3. To approve the revised budgets for the Trust Fund for the Montreal Protocol of US$3,048,735 for 1994 and of US$3,699,050 for 1995 and to adopt the proposed budget of US$2,818,215 for 1996, as set out in annex IV to the report of the Sixth Meeting of the Parties.

Decision VII/37: Financial matters: financial report and budgets

The *Seventh Meeting of the Parties* decided in *decision VII/37:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for biennium 1994–1995 and expenditures for 1994 (UNEP/OzL.Pro.7/4);

2. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by parties as set out in annex VII to the report of the Seventh Meeting of the Parties;

3. To confirm the budget for the Trust Fund for the Montreal Protocol of $2,818,215 for 1996 as approved by the Sixth Meeting of the Parties and to approve the budget of $3,301,290 for 1997, as set out in annex VIII to the report of the Seventh Meeting of the Parties;

4. (a) To approve the adoption of the new United Nations scale of assessments, which came into effect through the General Assembly resolution 49/19 B of 3 March 1995 for Members of the United Nations and through administrative circular ST/ADM/SER.B/451 of 4 January 1995 for non-Members of the United Nations, as the basis for calculating individual parties' levels of contributions to the Montreal Protocol and the Multilateral Fund trust funds in 1996 and beyond;

   (b) To authorize the Treasurer to recalculate the future individual parties' levels of contributions to the Montreal Protocol and the Multilateral Fund trust funds, using the scale of assessments as updated and adopted within the United Nations system;

5. To encourage parties not operating under Article 5 to continue offering financial assistance to their members in the Assessment Panels for their continued participation in the assessment activities under the Protocol;

6. To request additional voluntary contributions from parties in support of:

   (a) Increased participation of Assessment Panel members from developing countries in Assessment Panels and Technical Options Committees;

   (b) Information materials for the celebration of the International Day for the Preservation of the Ozone Layer;

7. To request:

   (a) Countries having Junior Programme Officer (JPO) programmes to consider funding the post of Programme Officer (Information Systems) (post 1105) through their JPO programmes;

   (b) The United Nations Environment Programme to fund the post of Programme Officer (Information Systems) from the programme support costs given to it by the Montreal Protocol Trust Fund.

Decision VIII/28: Financial matters: financial report and budgets

The *Eighth Meeting of the Parties* decided in *decision VIII/28:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1995 as contained in document UNEP/OzL.Pro.8/4;

2. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by parties as set out in annex VI to the report of the Eighth Meeting of the Parties;

3. To approve the revised budgets for the Trust Fund for the Montreal Protocol of US$2,818,215 for 1996 and US$3,542,263 for 1997 and the proposed budget of US$3,679,704 for 1998, as set out in annex VII to the report of the Eighth Meeting of the Parties;

4. To encourage parties not operating under Article 5 to continue offering financial assistance to their members in the Assessment Panels for their continued participation in the assessment activities under the Protocol;

5. To request additional voluntary contributions from parties in support of:

   (a) Increased participation of Assessment Panel members from developing countries and countries with economies in transition in Assessment Panels and Technical Options Committees;

   (b) Information materials for the celebration of the International Day for the Preservation of the Ozone Layer;

6. To request the Secretariat to report to the Ninth Meeting of the Parties on the utilizition of the funds for the participation of experts from developing countries and countries with economies in transition in the meetings of the Assessment Panels and the Technical Options Committees;

7. Request the Executive Dirctor of UNEP to ensure that the 13 per cent programme support costs charged to the Trust Fund for the Montreal Protocol are used fully in support of the Protocol and its Secretariat, and to report to the next Meeting of the Parties on the ways in which the 13 per cent has been used for the benefit of the Convention and its Secretariat;

8. To request the Executive Director if UNEP to extend the duration of the Trust Fund for the Montreal Protocol until 31 December 2000, subject to the approval of the UNEP Governing Council.

Decision IX/37: Financial matters: financial report and budgets

The *Ninth Meeting of the Parties* decided in *decision IX/37:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1996 as contained in document UNEP/OzL.Pro.9/5;

2. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by parties as set out in annex VIII to the report of the Ninth Meeting of the Parties;

3. To approve the proposed budget of US$3,679,704 for 1998 and US$3,615,740 for 1999, as set out in annex IX to the report of the Ninth Meeting of the Parties;

4. To encourage parties not operating under Article 5 to continue offering financial assistance to their members in the three Assessment Panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

5. Having in mind the terms of reference agreed to in annex V to the report of the Eighth Meeting of the Parties [see section 3.3 of this Handbook] and approved in decision VIII/19, in particular regarding the size and balance of the Assessment Panels and their subsidiary bodies:

   (a) To express its desire to move towards a situation when all experts of assessment panels and their subsidiary bodies from developing countries and CEIT could be supported to take part in their meetings;

   (b) To note that the budget for 1998 and 1999 provides a reasonable expectation that no request from any developing country and CEIT expert in these bodies will be denied;

6. To request the Secretariat to report to the Tenth Meeting of the Parties on the utilization of the funds for the participation of experts from developing countries and countries with economies in transition in the meetings of the Assessment Panels and their subsidiary bodies;

7. To take note of the report of UNEP on the ways in which the 13 per cent programme support costs has been used; to request the Executive Director of UNEP to ensure that this charge to the Trust Fund for the Montreal Protocol is used fully in support of the Protocol and its Secretariat; and to submit a final report to the Tenth Meeting of the Parties.

Decision X/30: Financial matters: financial report and budgets

The *Tenth Meeting of the Parties* decided in *decision X/30:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1997, as contained in document UNEP/OzL.Pro.10/5;

2. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by parties, as set out in annex VIII to the report of the Ninth Meeting of the Parties (document UNEP/OzL.Pro.9/12), for the year 1999, and for the year 2000 in annex IV to the report of the Tenth Meeting of the Parties;

3. To approve the budget of $3,615,740 for 1999 and proposed budget of $3,679,704 for 2000, as set out in annex III to the report of the Tenth Meeting of the Parties;

4. To encourage parties not operating under Article 5 to continue offering financial assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol.

Decision XI/21: Financial matters: financial report and budgets

The *Eleventh Meeting of the Parties* decided in *decision XI/21:*

1. To note with appreciation the exemplary financial management by the Secretariat over many years;

2. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1998, as contained in document UNEP/OzL.Pro.11/4;

3. To approve the budget of 3,679,679 United States dollars for 2000, and the proposed budget of 3,679,679 United States dollars for 2001, as set out in annex VIII to the report of the Eleventh Meeting of the Parties;

4. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by parties, as set out in annex IV to the report of the Tenth Meeting of the Parties (UNEP/OzL.Pro.10/9), for the year 2000, and for the year 2001 as set out in annex IX to the report of the Eleventh Meeting;

5. To draw down an amount of 675,000 United States dollars from the unspent balance for the purpose of reducing it, thereby ensuring that the contributions to be paid by the parties amount to 3,004,679 United States dollars for 2001;

6. To request the Executive Secretary, when making budget proposals for 2002, 2003 and 2004, to draw down the amount specified in paragraph 5 above from the unspent balances for those years;

7. To encourage parties not operating under Article 5 to continue offering financial assistance to their members in the three Assessment Panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

8. To review the status of reserves at the Meeting of the Parties in the year 2003.

Decision XII/15: Financial matters: financial report and budgets

The *Twelfth Meeting of the Parties* decided in *decision XII/15:*

1. To take note of the financial report on the Trust Fund for the Montreal Protocol for 1999, as contained in document UNEP/OzL.Pro.12/6;

2. To approve the revised budget of $4,099,385 for 2001, as contained in annex II to the report of the Twelfth Meeting of the Parties, recalling paragraph 5 of decision XI/21 of the Eleventh Meeting of the Parties to the Montreal Protocol aimed at ensuring that contributions to be paid by the parties should amount to $3,004,679 for the year 2001;

3. To take note of the proposed budget of $4,406,276 for 2002, as contained in annex II to the report of the Twelfth Meeting of the Parties, taking into account paragraph 6 of decision XI/21, which calls for the drawdown of $675,000 from the unspent balance for the years 2001, 2002 and 2003;

4. To urge all parties with outstanding contributions for prior years to make every effort to pay them promptly and fully;

5. To urge all parties to pay their annual contributions promptly and in full, ahead of the time at which the contributions are needed, in accordance with the formula for contributions by parties for the years 2001 and 2002 as set out in annex III to the report of the Twelfth Meeting of the Parties;

6. To encourage parties not operating under Article 5 to continue offering assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

7. To note the provision of assistance for the participation of Article 5 experts in the assessment panels and their subsidiary bodies;

8. To note that, in future, the establishment and classification of posts in the Ozone Secretariat shall be presented to the parties in advance for consideration and approval before they are submitted for processing according to United Nations recruitment and promotion procedures.

Decision XIII/30: Financial matters: financial reports and budgets

The *Thirteenth Meeting of the Parties* decided in *decision XIII/30:*

1. To welcome the continuing excellent management by the Secretariat of the finances of the Montreal Protocol Trust Fund;

2. To take note of the financial report of the Trust Fund for 2000, as contained in document UNEP/OzL.Pro.13/4;

3. To approve the budget for the Trust Fund in the amount of $3,907,646 for 2002 and take note of the proposed budget of $3,763,034 for 2003, as set out in annex III of the report of the 13th Meeting of the Parties;

4. To draw down an amount of $675,000 in years 2002 and 2003 from the Fund balance for the purpose of reducing that balance in accordance with decision XI/21, paragraphs 5 and 6;

5. To draw down, further, from the unspent balance for the year 2000, an amount of $740,000 in 2002 and $250,869 in 2003;

6. To ensure, as a consequence of the draw-downs referred to in paragraphs 4 and 5 above, that the contributions to be paid by the parties amount to $2,492,646 for 2002 and $2,837,165 for 2003, as set out in annex IV of the report of the 13th Meeting of the Parties. The contributions of the individual parties shall be as listed in annex IV;

7. To urge all parties to pay their contributions promptly and in full;

8. To encourage non-Article 5 parties to continue offering assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

9. To note the provision of assistance for the participation of Article 5 experts in the assessment panels and their subsidiary bodies;

10. To review, at its 14th Meeting, on the basis of a working document prepared by the Secretariat, the continuing growth in the operating surplus and interest being accumulated by the Trust Fund with a view to identifying the optimal way in which to balance the Protocol's operational funds.

Decision XIV/41: Financial matters: financial reports and budgets

The *Fourteenth Meeting of the Parties* decided in *decision XIV/41:*

1. To welcome the continuing excellent management by the Secretariat of the finances of the Montreal Protocol Trust Fund and the very good quality documentation on it furnished to the meeting;

2. To take note with appreciation of the financial statements of the Trust Fund for the biennium 2000–2001 and the report on the actual expenditures for 2001 as compared to the approvals for that year, as contained in document UNEP/OzL.Pro.14/4;

3. To approve the budget for the Trust Fund in the amount of $3,855,220 for 2003 and take note of the proposed budget of $3,921,664 for 2004, as set out in annex III of the report of the Fourteenth Meeting of the Parties;

4. To firstly draw down an amount of $675,000 in years 2003 and 2004 from the Fund balance for the purpose of reducing that balance in accordance with decision XI/21, paragraphs 5 and 6;

5. To secondly draw down further from the unspent balance from year 2000, an amount of $250,869 in 2003;

6. To thirdly draw down further from the unspent balance from year 2001, an amount of $400,000 in 2003; $686,000 in 2004 and $100,869 in year 2005;

7. To fourthly draw down further from the annually accruing interest income, an amount of $250,000 in 2003 and another $250,000 in 2004;

8. To ensure, as a consequence of the draw-downs referred to in paragraphs 4 and 5 above, that the contributions to be paid by the parties amount to $2,279,351 for 2003 and

$2,310,664 for 2004, as set out in annex III of the report of the Fourteenth Meeting of the Parties. The contributions of the individual parties shall be as listed in annex IV;

9. To urge all parties to pay their outstanding contributions, as well as their future contributions promptly and in full;

10. To encourage non-Article 5 parties to continue offering assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

11. To note the provision of assistance for the participation of Article 5 experts in the assessment panels and the subsidiary bodies;

12. To amend paragraph 4 of the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer by substituting 25 per cent by 22 per cent in accordance with the United Nations General Assembly resolution through its decision A/RES/55/5 B-F of 23 December 2000;

13. To request the Executive Director to extend the Montreal Protocol Trust Fund until 31 December 2010; and

14. To invite the parties to provide comments to the document UNEP/OzL.Pro/14/INF.3 and ask the Secretariat to keep the information current.

Decision XV/52: Financial matters: financial reports and budgets

The *Fifteenth Meeting of the Parties* decided in *decision XV/52:*

1. To welcome the continuing excellent management by the Secretariat of the Montreal Protocol Trust Fund;

2. To take note of the financial report of the Trust Fund for the Montreal Protocol for 2002 as contained in document UNEP/OzL.Pro.15/5;

3. To approve the budget for the Trust Fund of the Montreal Protocol in the amount of $5,185,353 for 2004, which includes the following:

   (a) A provision in the amount of $500,000 to enable the Ozone Secretariat to facilitate the review of the financial mechanism as provided in decision XIII/3 and decision XV/47;

   (b) A provision of $596,000 for the extraordinary Meeting of the Parties, including funds for the attendance of members and experts of the Methyl Bromide Technical Options Committee to its special meeting as called for in decision XV/56;

4. To draw down from the Trust Fund balance the amount of $2,906,002 in 2004, which consists of the following:

   (a) $675,000 in accordance with decision XI/21, paragraphs 5 and 6;

   (b) $686,000 in accordance with decision XIV/41, paragraph 6;

   (c) $250,000 in accordance with decision XIV/41, paragraph 7;

   (d) $1,295,002 to ensure that the contributions of the parties in 2004 are maintained at the 2003 levels;

5. To note that the amount of $1,295,002 under paragraph 4 (d) above, which includes the $500,000 mentioned in paragraph 3 (a) and the $596,000 mentioned in paragraph 3 (b) above, will be drawn down in view of the non-recurrent nature of the expenditure

approved in 2004 for the review of the financial mechanism and the expenses of the extraordinary Meeting of the Parties in order to avoid an additional contribution by the parties corresponding to that amount in 2004;

6. To establish the understanding that the amount of $500,000 mentioned in paragraph 3 (a) above is an indicative cost approved as a contingency provision in the budget for 2004 which will be committed once the Steering Panel on the study on the management of the financial mechanism of the Montreal Protocol has determined an actual cost estimate upon the proposals of the Secretariat;

7. To request the Secretariat to approach appropriate United Nations authorities in order to seek a reduction of the standard rate of programme support costs to be charged to the provision of $500,000 for the study of the financial mechanism;

8. To take note of the proposed budget of $3,746,861 for 2005 as set forth in annex VI to the report of the Fifteenth Meeting of the Parties;

9. To further draw down from the Trust Fund balance for the purpose of reducing that balance in 2005 in accordance with decision XIV/41, paragraph 6;

10. To continue to draw down the amount of $250,000 from the interest income accruing to the Fund, to be applied in 2005;

11. To draw down from the Trust Fund balance the amount of $800,000, to be applied in 2005;

12. To ensure that, as a consequence of the draw-downs referred to in paragraphs 4, 5 and 9 to 11 above, the contributions to be paid by the parties in 2004 amount to $2,279,351 and $2,595,992 for 2005, as set forth in annex VI to the report of the Fifteenth Meeting of the Parties. The contributions of the individual parties shall be as listed in annex VII to the report of the Fifteenth Meeting of the Parties;

13. To urge all parties to pay their outstanding contributions promptly and also to pay their future contributions promptly and in full, in accordance with the formula for contributions by the parties;

14. To encourage non-Article 5 parties to continue offering assistance to their members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

15. To note the provision of assistance for the participation of Article 5 experts in the assessment panels and the subsidiary bodies.

Decision XVI/44: Financial matters: financial reports and budgets

The *Sixteenth Meeting of the Parties* decided in *decision XVI/44:*

Recalling decision XV/52 on financial matters,

Noting the financial report on the Trust Fund for the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer for the biennium 2002–2003,

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

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

Noting that the presence of a surplus and agreement by the Sixteenth Meeting of the Parties to draw down further from the fund balance has permitted the Secretariat to present a balanced budget for the year 2004,

Determined that, in the future, the budgets and the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substance that Deplete the Ozone Layer should be fully respected,

1. To approve the revised 2004 budget in the amount of $5,424,913 and the proposed 2005 budget for the Trust Fund in the amount of $4,514,917 and to take note of the proposed budget of $4,580,403 for 2006, as set out in annex III to the report of the Sixteenth Meeting of the Parties;

2. To authorize the Secretariat to use the additional amount not exceeding $239,560 in the year 2004 from the fund balance of the Montreal Protocol Trust Fund to cover costs arising from additional activities in 2004 as decided by the extraordinary Meeting of the Parties in March 2004;

3. Also to authorize the Secretariat to use an amount not exceeding $1,017,263 in the year 2005 from the fund balance of the Montreal Protocol Trust Fund;

4. To approve, as a consequence of the draw-downs referred to in paragraphs 2 and 3 above, total contributions to be paid by the parties at $2,279,351 for 2004 and $3,497,654 for 2005, as set out in annex IV to the report of the Sixteenth Meeting of the Parties;

5. Also to approve that the contributions of individual parties shall be listed in annex IV to the report of the Sixteenth Meeting of the Parties;

6. To authorize the Secretariat to maintain a constant operating cash reserve of the estimated annual planned expenditures that will be used to meet the final expenditures under the trust fund. In 2005, parties shall be asked to contribute 7.5 per cent of the approved budget for 2005 and, in 2006, the operating cash reserve will increase to 15 per cent;

7. To express its concern over delays in payment of the agreed contributions by parties, contrary to the provisions of the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer, as contained in paragraphs 3 and 4 of those terms of reference;

8. To urge all parties to pay their contributions promptly and in full and further to urge parties that have not done so to pay their contributions for prior years as soon as possible;

9. To encourage parties, non-parties, and other stakeholders to contribute financially and with other means to assist members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

10. Also to encourage parties, non-parties, and other stakeholders to contribute financially and with other means to assist in the provision of financial assistance to the Methyl Bromide Technical Options Committee;

11. To invite parties to notify the Secretariat of the Montreal Protocol of all contributions made to the Montreal Protocol Trust Fund at the time such payments are made;

12. In accordance with rule 14 of the rules of procedure, to request the Executive Secretary to provide parties with an indication of the financial implications of draft decisions which cannot be met from existing resources within the budget of the Montreal Protocol Trust Fund;

13. To request that the Secretariat of the Montreal Protocol ensure the implementation of the decisions adopted by the Meeting of the Parties as approved, within the budgets and the availability of financial resources in the Trust Fund;

14. Further to request the Secretariat to inform the Open-ended Working Group on all sources of income received, including the reserve and fund balance and interest, as well as actual and projected expenditures and commitments, and to request the Executive Secretary to provide an indicative report on all expenditures against the agreed budget lines;

15. Also to request the Open-ended Working Group to keep under review the financial information provided by the Secretariat, including the timeliness and transparency of that information.

Decision XVII/42: Financial matters: financial reports and budgets

The *Seventeenth Meeting of the Parties* decided in *decision XVII/42:*

Recalling decision XVI/44 on financial matters,

Noting the financial report on the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer for the biennium 2004–2005 ended 31 December 2004,

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

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

1. To approve the 2006 budget for the Trust Fund in the amount of $4,678,532 and to take note of the proposed budget of $4,690,667 for 2007, as set out in annex IV to the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To authorize the Secretariat to draw down $586,668 in 2006;

3. To approve, as a consequence of the draw-downs referred to in paragraph 2 above, total contributions to be paid by the parties of $4,091,864 for 2006 and note the contributions of $4,690,667 for 2007, as set out in annex V to the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

4. Also to approve that the contributions of individual parties shall be listed in annex V to the report of the seventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Seventeenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

5. To authorize the Secretariat to maintain a constant operating cash reserve of the estimated annual planned expenditures that will be used to meet the final expenditures under the Trust Fund. In 2005, parties contributed 7.5 per cent of the approved budget for 2005; in 2006, the operating cash reserve will increase to 8.3 per cent, and in 2007 it will increase to 15 per cent;

6. To express its concern over delays in payment of the agreed contributions by parties, contrary to the provisions in paragraphs 3 and 4 of the terms of reference for the

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

7. To urge all parties to pay their contributions promptly and in full and further to urge parties that have not done so to pay their contributions for prior years as soon as possible;

8. To encourage parties, non-parties, and other stakeholders to contribute financially and with other means to assist members of the three assessment panels and their subsidiary bodies with their continued participation in the assessment activities under the Protocol;

9. Also to encourage parties, non-parties and other stakeholders to contribute financially and with other means to assist in the provision of financial assistance to the Methyl Bromide Technical Options Committee;

10. To invite parties to notify the Secretariat of the Montreal Protocol of all contributions made to the Montreal Protocol Trust Fund at the time such payments are made;

11. In accordance with rule 14 of the rules of procedure, to request the Executive Secretary to provide parties with an indication of the financial implications of draft decisions which cannot be met from existing resources within the budget of the Montreal Protocol Trust Fund;

12. To request that the Secretariat of the Montreal Protocol ensure the implementation of the decisions adopted by the Meeting of the Parties as approved, within the budgets and the availability of financial resources in the Trust Fund;

13. To allow the Secretariat to make transfers up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines;

14. To request the Secretariat to inform the Open-ended Working Group on all sources of income received, including the reserve and fund balance and interest, as well as actual and projected expenditures and commitments, and to request the Executive Secretary to provide an indicative report on all expenditures against budget lines;

15. Also to request the Open-ended Working Group to keep under review the financial information provided by the Secretariat, including the timeliness and transparency of that information.

Decision XVIII/5: Financial matters: financial reports and budgets

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/5:*

Recalling decision XVII/42 on financial matters,

Noting the financial report on the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer for the biennium 2004–2005 ended 31 December 2005,

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

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

1. To approve the 2007 budget for the Trust Fund in the amount of $4,671,933 and to take note of the proposed 2008 budget of $4,542,563, as set out in annex I to the report of the Eighteenth Meeting of the Parties;

2. To authorize the Secretariat to draw down $395,000 in 2007;

3. To approve, as a consequence of the draw-down referred to in paragraph 2 above, total contributions to be paid by the parties at $4,276,933 for 2007 and note the contribution of $4,542,563 for 2008, as set out in annex I to the report of the Eighteenth Meeting of the Parties to the Montreal Protocol;

4. Also to approve that the contributions of individual parties shall be listed in annex II to the report of the Eighteenth Meeting of the Parties;

5. To authorize the Secretariat to maintain a constant operating cash reserve of the estimated annual planned expenditures that will be used to meet the final expenditures under the trust fund. In 2006, the parties agree to maintain the approved budget for the operating cash reserve for 2007 at 8.3 per cent and contribute 3 per cent of the budget for the cash operating reserve in 2008, after which time the parties will strive to achieve and maintain an operating cash reserve of 15 per cent;

6. To express its concern over delays in payment of the agreed contributions by parties, contrary to the provisions of the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer, as contained in paragraphs 3 and 4 of those terms of reference;

7. To urge all parties to pay their contributions promptly and in full and further to urge parties that have not done so to pay their contributions for prior years as soon as possible;

8. To encourage parties, non-parties, and other stakeholders to contribute financially and with other means to assist members in the three assessment panels and their subsidiary bodies for their continued participation in the assessment activities under the Protocol;

9. To invite parties to notify the Secretariat of the Montreal Protocol of all contributions made to the Montreal Protocol Trust Fund at the time such payments are made;

10. In accordance with rule 14 of the rules of procedure, to request the Executive Secretary to provide parties with an indication of the financial implications of draft decisions which cannot be met from existing resources within the budget of the Montreal Protocol Trust Fund;

11. To request that the Secretariat of the Montreal Protocol ensure its implementation of secretariat-related decisions adopted by the Meeting of the Parties as approved, within the budgets and the availability of financial resources in the Trust Fund;

12. In recognition of the likely increased expenses during 2007 related to activities surrounding the celebration of the twentieth anniversary of the Montreal Protocol, to allow the Secretariat to have full flexibility, in 2007 only, to make transfers between budget lines that it believes are necessary to fund celebration-related activities, including lines 5200 (reporting), 5304 (International Ozone Day, twentieth anniversary activities) 5401 (hospitality) and 3300 (support for participation). After 2007, the normal allowance to transfer funds of up to 20 per cent from one main appropriation line of the approved budget to other main appropriation lines will apply. In addition, the Secretariat is authorized to fund the above-noted lines with any unspent participation funds which have accrued or may accrue as a result of travel cancellations by participants;

13. To request the Secretariat to inform the Open-ended Working Group on all sources of income received, including the reserve and fund balance and interest, as well as actual and projected expenditures and commitments and to request the Executive Secretary to provide an indicative report on all expenditures against budget lines;

14. Also to request the Open-ended Working Group to keep under review the financial information provided by the Secretariat, including the timeliness and transparency of that information.

Decision XIX/5: Financial matters: financial reports and budgets

The *Nineteenth Meeting of the Parties* decided in *decision XIX/5*:

1. To approve the 2008 budget for the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer in the amount of $4,618,880 and to take note of the proposed 2009 budget of $4,887,129, as set out in annex I to the report of the Nineteenth Meeting of the Parties;

2. To authorize the Ozone Secretariat to draw down $341,947 in 2008;

3. To approve, as a consequence of the draw-down referred to in paragraph 2 above, total contributions to be paid by the parties of $4,276,933 for 2008;

4. That the contributions of individual parties shall be listed in annex II to the report of the Nineteenth Meeting of the Parties;

5. To authorize the Ozone Secretariat to maintain a constant operating cash reserve of the estimated annual planned expenditures that will be used to meet the final expenditures under the trust fund. The parties agree to increase the approved budget for the operating cash reserve for 2008 to 11.3 per cent and to contribute 3.7 per cent of the budget for the cash operating reserve in 2009, after which time the parties will strive to maintain an operating cash reserve of 15 per cent;

6. To express its concern over delays in payment of agreed contributions by parties, contrary to the provisions in paragraphs 3 and 4 of the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer;

7. To urge all parties to pay their contributions promptly and in full and also to urge parties that have not done so to pay their contributions for prior years as soon as possible;

8. To encourage parties, non-parties and other stakeholders to contribute financially and with other means to assist members of the three assessment panels and their subsidiary bodies with their continued participation in the assessment activities under the Protocol;

9. To invite parties to notify the Ozone Secretariat of all contributions made to the Montreal Protocol Trust Fund at the time such payments are made;

10. To request the Executive Secretary, in accordance with rule 14 of the rules of procedure, to provide parties with an indication of the financial implications of draft decisions whose implementation cannot be funded from existing resources within the budget of the Montreal Protocol Trust Fund;

11. To request the Ozone Secretariat to ensure its implementation of secretariat-related decisions adopted by the Meeting of the Parties as approved and within the budget and the availability of financial resources in the Trust Fund;

12. To request the Ozone Secretariat to inform the Open-ended Working Group on all sources of income received, including the reserve and fund balance and interest as well as actual and projected expenditures and commitments, and to request the Executive Secretary to provide an indicative report on all expenditures against budget lines;

13. To request the Open-ended Working Group to keep under review the financial information provided by the Ozone Secretariat, including the timeliness and transparency of that information.

Decision XX/20: Montreal Protocol financial matters: financial reports and budgets

The *Twentieth Meeting of the Parties* decided in *decision XX/20*:

Recalling decision XIX/5 on financial matters,

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

Welcoming the continued excellent management by the Secretariat of the finances of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer,

1. To take note with appreciation of the financial statement of the Trust Fund for the biennium 2006–2007 ended 31 December 2007 and the report by the Secretariat on the actual expenditures for 2007 as compared to the approvals for that year;

2. To approve the revised 2008 budget for the Trust Fund in the amount of $4,679,658, and the 2009 budget in the amount of $5,258,828 and to take note of the proposed budget of $4,843,983 for 2010, as set out in annex IV to the report of the eighth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Twentieth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

3. To authorize the Secretariat to draw down $981,895 in 2009 and note the proposed drawdown of $567,050 in 2010;

4. To approve, as a consequence of the draw-downs referred to in paragraph 3 above, total contributions to be paid by the parties of $4,276,933 for 2009 and to note the contributions of $4,276,933 for 2010, as set out in annex V to the report of the eighth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Twentieth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

5. Also to approve that the contributions of individual parties for 2009 shall be listed in annex V to the report of the eighth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Twentieth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

6. To authorize the Secretariat to maintain a constant operating cash reserve at 15 per cent of the estimated annual planned expenditures that will be used to meet the final expenditures under the Trust Fund;

7. To express its concern over delays in payment of agreed contributions by parties, contrary to the provisions in paragraphs 3 and 4 of the terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer;

8. To urge all parties to pay their contributions promptly and in full and further to urge parties that have not done so to pay their contributions for prior years as soon as possible;

9. To encourage parties, non-parties, and other stakeholders to contribute financially and with other means to assist members of the three assessment panels and their

subsidiary bodies with their continued participation in the assessment activities under the Protocol;

10. To invite parties to notify the Secretariat of the Montreal Protocol of all contributions made to the Trust Fund at the time such payments are made;

11. To request the Executive Secretary, in accordance with rule 14 of the rules of procedure, to provide parties with an indication of the financial implications of draft decisions which cannot be met from existing resources within the budget of the Trust Fund;

12. To request the Secretariat of the Montreal Protocol to ensure the implementation of Secretariat-related decisions adopted by the Meeting of the Parties as approved, within the budgets and the availability of financial resources in the Trust Fund;

13. To request the Secretariat to inform the Open-ended Working Group of the parties to the Montreal Protocol on all sources of income received, including the reserve and fund balance and interest, as well as actual and projected expenditures and commitments, and to request the Executive Secretary to provide an indicative report on all expenditures against budget lines;

14. To request the Open-ended Working Group to keep under review the financial information provided by the Secretariat, including the timeliness and transparency of that information;

15. To request the Executive Director of the United Nations Environment Programme to extend the Trust Fund until 31 December 2015.

Decision XXI/32: Financial matters: financial reports and budgets

The *Twenty-First Meeting of the Parties* decided in *decision XXI/32*:

Recalling decision XX/20 on financial matters,

Noting 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 2008,

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

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

1. To approve the revised 2009 budget in the amount of $5,329,104, and the 2010 budget in the amount of $5,400,398 and to take note of the proposed budget of $4,935,639 for 2011, as set out in annex I to the report of the Twenty-First Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To authorize the Secretariat to draw down $1,123,465 in 2010 and note the proposed drawdown of $658,706 in 2011;

3. To approve, as a consequence of the draw-downs referred to in paragraph 2 above, total contributions to be paid by the parties of $4,276,933 for 2010 and note the contributions of $4,276,933 for 2011, as set out in annex II to the report of the Twenty-First Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

4. Also to approve that the contributions of individual parties for 2010 shall be listed in annex II to the report of the Twenty-First Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;

5. To authorize the Secretariat to maintain the operating cash reserve at 15 per cent of the 2010 budget to be used to meet the final expenditures under the Trust Fund;

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

7. To request the Ozone Secretariat, in cases where the Open-ended Working Group and the Multilateral Fund Executive Committee meetings are held back to back, to consult with the Multilateral Fund Secretariat, with a view to selecting the meeting location which is the most cost effective, taking into account the budgets of both secretariats.

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

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/21*:

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;

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.

Decision XXIII/17: Administrative and financial matters: financial reports and budgets

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/17*:

Recalling decision XXII/21 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 2010–2011, ended 31 December 2010,

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 2012 budget in the amount of $4,949,012 United States dollars and to take note of the proposed budget of $4,896,659 for 2013, as set out in annex IV to the report of the ninth meeting of the Conference of the Parties to the Vienna Convention and the Twenty-Third Meeting of the Parties to the Montreal Protocol;

2. To authorize the Secretariat to draw down $672,079 in 2012 and to note the proposed drawdown of $619,726 in 2013;

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 2012 and to note the contributions of $4,276,933 for 2013, as set out in annex V to the report of the ninth meeting of the Conference of the Parties to the Vienna Convention and the Twenty-Third Meeting of the Parties to the Montreal Protocol;

4. That the contributions of individual parties for 2012 shall be listed in annex IV to the report of the ninth meeting of the Conference of the Parties to the Vienna Convention and the Twenty-Third Meeting of the Parties;

5. To authorize the Secretariat to maintain the operating cash reserve at 15 per cent of the 2012 budget to be used to meet the final expenditures under the Trust Fund;

6. To encourage parties, non-parties and other stakeholders to contribute financially and with other means to assist members of the three assessment panels and their subsidiary bodies with their continued participation in the assessment activities under the Protocol;

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

Decision XXIV/24: Financial reports of the trust funds and budgets for the Montreal Protocol

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/24*:

Recalling decision XXIII/17 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 2010–2011, ended 31 December 2011,

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 revision of the 2012 budget in the amount of $4,920,762 United States dollars and the budget of $4,927,420 for 2013, as set out in annex I to the report of the Twenty-Fourth Meeting of the Parties to the Montreal Protocol;

2. To authorize the Secretariat to draw down $643,829 in 2012 and $650,487 in 2013, and to note the proposed drawdown of $493,049 in 2014;

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 2012 and 2013, and to note the contributions of $4,276,933 for 2014, as set out in annex II to the report of the Twenty-Fourth Meeting of the Parties to the Montreal Protocol;

4. That the contributions of individual parties for 2012 and 2013 shall be listed in annex II to the report of the Twenty-Fourth Meeting of the Parties;

5. To reaffirm an operating cash reserve at a level of 15 per cent of the annual budget to be used to meet the final expenditures under the Trust Fund;

6. To request the Secretariat to indicate, in future financial reports of the trust funds for the Vienna Convention on the Protection of the Ozone Layer and the Montreal Protocol, the amounts under "Total reserves and fund balances" which are associated with contributions that have not yet been received;

7. To encourage parties, non-parties and other stakeholders to contribute financially and with other means to assist members of the three assessment panels and their subsidiary bodies with their continued participation in the assessment activities under the Protocol;

8. To note with concern that a number of parties have not paid their contribution for 2011 and prior years, and to urge those parties to pay both their outstanding contributions and their future contributions promptly and in full;

9. To authorize the Executive Secretary to enter into discussions with any party whose contributions are outstanding for two or more years with a view to finding a way forward, and to request that the Executive Secretary report to the Twenty-Fifth Meeting of the Parties on the outcome of the discussions;

10. To reaffirm the importance of the full participation of non-Article 5 parties and Article 5 parties in the activities of the Meeting of the Parties;

11. To encourage parties that are still receiving hard copies of meeting documents to access such documentation through the Ozone Secretariat website instead.

Decision XXV/20: Financial reports of the trust funds and budgets for the Montreal Protocol

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/20*:

Recalling decision XXIV/24 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 first year of the biennium 2012–2013, ended 31 December 2012,

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 revision of the 2013 budget in the amount of 4,744,796 United States dollars and the budget of $5,065,460 for 2014, as set out in annex I to the report of the Twenty-Fifth Meeting of the Parties to the Montreal Protocol;

2. To authorize the Secretariat to draw down $467,863 in 2013 and $788,527 in 2014, and to note the proposed drawdown of $703,302 in 2015;

3. To approve, as a consequence of the drawdowns referred to in paragraph 2 of the present decision, total contributions to be paid by the parties of $4,276,933 for 2013 and 2014, and to note the contributions of $4,276,933 for 2015, as set out in annex II to the report of the Twenty-Fifth Meeting of the Parties to the Montreal Protocol;

4. That the contributions of individual parties for 2014 and indicative contributions for 2015 shall be listed in annex II to the report of the Twenty-Fifth Meeting of the Parties;

5. To reaffirm an operating cash reserve at a level of 15 per cent of the annual budget to be used to meet the final expenditures under the Trust Fund;

6. To request the Secretariat to indicate, in future financial reports of the trust funds for the Vienna Convention on the Protection of the Ozone Layer and the Montreal Protocol, the amounts of cash in hand in the "Total reserves and fund balances" section, in addition to contributions that have not yet been received;

7. To encourage parties, non-parties and other stakeholders to contribute financially and with other means to assist members of the three assessment panels and their subsidiary bodies with their continued participation in the assessment activities under the Protocol;

8. To note with concern that a number of parties have not paid their contribution for 2013 and prior years, and to urge those parties to pay both their outstanding contributions and their future contributions promptly and in full;

9. To authorize the Executive Secretary to enter into discussions with any party whose contributions are outstanding for two or more years with a view to finding a way forward, and to request that the Executive Secretary report to the Twenty-Sixth Meeting of the Parties on the outcome of the discussions;

10. To reaffirm the importance of the full participation of parties not operating under paragraph 1 of Article 5 and of parties so operating in the activities of the Meeting of the Parties;

11. To encourage parties that are continuing to receive hard copies of meeting documents to inform the Ozone Secretariat if they are accessing such documentation through its website.

Decision XXVI/21: Financial reports and budgets for the Montreal Protocol

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/21*:

Recalling decision XXV/20 on financial reports of the trust funds and budgets for the Montreal Protocol,

Taking note of the financial report on the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer for the biennium 2012–2013, ended 31 December 2013,

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

1. To take note with appreciation of the financial statement of the Trust Fund for the biennium 2012–2013, ended 31 December 2013, and the report on the actual expenditures for 2012 and 2013 as compared with the approvals for those years;

2. To approve the revised budget for 2014 in the amount of $5,065,460 and the budget for 2015 in the amount of $5,922,857, and to note the budget for 2016 in the amount of $5,033,230, as set out in annex IV to the report of the tenth meeting of the Conference of the Parties to the Vienna Convention and the Twenty-Sixth Meeting of the Parties to the Montreal Protocol;

3. To authorize the Secretariat to draw down the amounts of $788,527 in 2014 and $1,645,924 in 2015, and to note the proposed drawdown of $756,297 in 2016;

4. To approve, as a consequence of the drawdowns referred to in paragraph 3 of the present decision, that the contributions to be paid by the parties amount to $4,276,933 for 2014 and 2015, and to note the contributions of $4,276,933 for 2016, as set out in annex V to the report of the tenth meeting of the Conference of the Parties to the Vienna Convention and the Twenty-Sixth Meeting of the Parties to the Montreal Protocol;

5. That no funds shall be spent to cover the travel costs to meetings of members of the Assessment Panels from parties not operating under paragraph 1 of Article 5 of the Protocol;

6. To reaffirm a working capital reserve at a level of 15 per cent of the annual budget to be used to meet the final expenditures under the Trust Fund, noting that the working capital reserve shall be set aside from the existing fund balance;

7. To request the Secretariat to indicate in future financial reports of the Trust Fund for the Montreal Protocol, the amounts of cash in hand in the section entitled "Total reserves and fund balances", in addition to contributions that have not yet been received;

8. To encourage parties, non-parties and other stakeholders to contribute financially and by other means to assist members of the three assessment panels and their subsidiary bodies with a view to ensuring their continued participation in the assessment activities under the Protocol;

9. To note with concern that a number of parties have not paid their contributions for 2014 and prior years, and to urge those parties to pay both their outstanding contributions and future contributions promptly and in full;

10. To request the Executive Director of the United Nations Environment Programme to extend the Trust Fund until 31 December 2025.

Decision XXVII/18: Financial report and budget of the trust fund of the Montreal Protocol

The *Twenty-Seventh Meeting of the Parties* decided in *decision XXVII/18*:

Recalling decision XXVI/21 on the financial report and budget for the Montreal Protocol,

Taking note of the financial report on the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer for the year ended 31 December 2014,

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

Noting with concern that the scheduling of unbudgeted meetings may have serious implications for the fund balance,

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

1. To approve the revised 2015 budget in the amount of $6,363,557 and the 2016 budget of $6,772,162, as set out in annex I to the report of the Twenty-Seventh Meeting of the Parties to the Montreal Protocol;

2. To authorize the Secretariat to draw down the amounts of $2,086,624 in 2015 and $2,495,229 in 2016;

3. To approve, as a consequence of the drawdowns referred to in paragraph 2 of the present decision, total contributions to be paid by the parties of $4,276,933 for 2015 and $4,276,933 for 2016, as set out in annex II to the report of the Twenty-Seventh Meeting of the Parties and to note the ongoing unsustainable depletion of the fund balance and the implications for further drawdowns after 2016;

4. To request the Secretariat to prepare scenarios for the trust fund budget, its fund balance and reserves as well as the level of contributions that may need to be paid by the parties in the near future to ensure a fund balance adequate to allow the continued work of the Montreal Protocol and present them in time for consideration by the Open-ended Working Group at its the thirty-seventh meeting;

5. That the contributions of individual parties for 2016 shall be listed in annex II to the report of the Twenty-Seventh Meeting of the Parties;

6. To reaffirm a working capital reserve at a level of 15 per cent of the annual budget to be used to meet the final expenditures under the Trust Fund;

7. To note with concern that a number of parties have not paid their contribution for prior years and to urge those parties to pay both their outstanding contributions and their future contributions promptly and in full, particularly given that the fund balance has been significantly depleted;

8. To request the Executive Secretary and to invite the President of the Meeting of the Parties to enter into discussions with any party whose contributions are outstanding for two or more years with a view to finding a way forward and to request the Executive Secretary to report to the Twenty-Eighth Meeting of the Parties on the outcome of the discussions;

9. To further consider how to address outstanding contributions to the trust fund at its next meeting and to request the Executive Secretary to continue to publish and regularly update information on the status of contributions to the Protocol's trust funds;

10. To request the Secretariat to provide, within the budget approved for 2016, administrative and organizational support to the Technical and Economic Assessment Panel;

11. Also to request the Secretariat to ensure the full utilization of programme support costs available to it in 2016 and later years and where possible to offset those costs against the administrative components of the approved budget;

12. To encourage parties to provide additional voluntary contributions to the trust fund entitled "Support of the Activities of the Ozone Secretariat" for any unbudgeted meetings;

13. In addition to the funds allocated from the core budget to cover the travel costs of representatives of parties operating under paragraph 1 of Article 5, to encourage parties to contribute to the trust fund entitled "Support of the Activities of the Ozone

Secretariat" with a view to ensuring the full and effective participation of parties operating under paragraph 1 of Article 5 in the Meeting of the Parties and the Open-ended Working Group;

14. To request the Secretariat to indicate in future financial reports of the Trust Fund for the Montreal Protocol the amounts of cash on hand in the section entitled "Total reserves and fund balances" in addition to contributions that have not yet been received.

Decision XXVIII/16: Financial reports and budgets for the Montreal Protocol

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/16*:

Recalling decision XXVII/18 on the financial report and budget of the trust fund for the Montreal Protocol,

Taking note of the financial report on the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer for the year ended 31 December 2015,*

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 Trust Fund for the Montreal Protocol,

Noting the depletion of the funding balance in 2016,

1. To approve the revised 2016 budget in the amount of $6,772,162 and the 2017 budget of $5,355,004, as set out in annex IV to the report of the Twenty-Eighth Meeting of the Parties to the Montreal Protocol;**

2. To reaffirm that a working capital reserve shall be maintained at a level of 15 per cent of the annual budget to meet the final expenditures under the Trust Fund, to note that such reserve shall be in the amount of $803,251 for 2017 and to take note of the proposed reserve for 2018 in the amount of $824,779;

3. To approve, as a consequence of funding the working capital reserve referred to in paragraph 2 of the present decision, total contributions to be paid by the parties of $4,276,933 for 2016 and $5,756,630 for 2017 and to take note of the contributions of $5,910,915 for 2018 as set out in annex V to the report of the Twenty-Eighth Meeting of the Parties and in the summary table immediately below;

Summary of contributions		
Year	2017	2018
Approved/proposed budget	5 355 004	5 498 526
7.5% of budget to replenish cash reserve	401 625	412 389
Total contributions	**5 756 630**	**5 910 915**

4. That the contributions of individual parties for 2017 and indicative contributions for 2018 shall be as listed in annex V to the report of the Twenty-Eighth Meeting of the Parties;

5. To note with concern that a number of parties have not paid their contributions for 2016 and prior years and to urge those parties to pay both their outstanding contributions and their future contributions promptly and in full, particularly given that the fund balance has been significantly depleted;

6. To request the Executive Secretary and to invite the President of the Meeting of the Parties to enter into discussions with any party whose contributions are outstanding for two or more years with a view to finding a way forward, and to request that the Executive Secretary report to the Twenty-Ninth Meeting of the Parties on the outcome of those discussions;

7. To decide to further consider, at its next meeting, how to address outstanding contributions to the trust fund and to request the Executive Secretary to continue to publish and regularly update information on the status of contributions to the Protocol's trust funds;

8. To request the Secretariat to ensure the full utilization of programme support costs available to it in 2017 and later years and where possible to offset those costs against the administrative components of the approved budget;

9. To invite parties to provide additional voluntary contributions to the trust fund entitled "Support of the Activities of the Ozone Secretariat" for any unbudgeted meetings;

10. In addition to the funds allocated from the core budget to cover the travel costs of representatives from parties operating under paragraph 1 of Article 5, to encourage parties to contribute to the trust fund entitled "Support of the Activities of the Ozone Secretariat" with a view to ensuring the full and effective participation of parties operating under paragraph 1 of Article 5 in the meetings of the Meeting of the Parties and the Open-ended Working Group;

11. To encourage parties and other stakeholders to contribute financially and by other means to assist the members of the assessment panels and their subsidiary bodies with a view to ensuring their continued participation in the assessment activities under the Protocol;

12. To request the Secretariat to indicate in future financial reports of the trust fund for the Montreal Protocol the amounts of cash on hand in the section entitled "Total reserves and fund balances" in addition to contributions that have not yet been received.

** UNEP/OzL.Pro.28/4/Add.1*
*** UNEP/OzL.Pro.28/12*

Decision XXIX/24: Financial reports and budgets for the Montreal Protocol on Substances that Deplete the Ozone Layer

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/24*:

Recalling decision XXVIII/16 on financial reports and budgets for the Montreal Protocol on Substances that Deplete the Ozone Layer,

Taking note of the financial report on the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer for the fiscal year 2016,*

Recognizing that voluntary contributions, once agreed upon, 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 Trust Fund,

1. To express its appreciation to the Government of Canada for the generous hosting of and contribution towards the joint eleventh meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Twenty-Ninth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, and

to allocate 50 per cent of that contribution, entitled "Contribution for the organization of the joint Twenty-Ninth Meeting of the Parties to the Montreal Protocol and the eleventh meeting of the Conference of the Parties to the Vienna Convention", to the Trust Fund for the Montreal Protocol to be reflected in the financial statement for 2017;

2. To approve the revised budget for 2017 in the amount of $5,145,954 and the budget of $5,546,722 for 2018, as set out in annex IV to the present report;

3. Also to approve the contributions to be paid by the parties of $5,546,722 for 2018, and to note the contributions of $5,594,470 for 2019, as set out in annex V to the present report;

4. That the contributions of individual parties for 2018 and indicative contributions for 2019 shall be as listed in annex V to the present report;

5. To reaffirm a working capital reserve at a level of 15 per cent of the annual budget to be used to meet the final expenditures under the Trust Fund;

6. To encourage parties, non-parties and other stakeholders to contribute financially and through other means to assist members of the three assessment panels and their subsidiary bodies with a view to ensuring their continued participation in assessment activities under the Montreal Protocol;

7. To note with concern that a number of parties have not paid their contributions for 2017 and prior years, and to urge those parties to pay both their outstanding contributions and their future contributions promptly and in full;

8. To request the Executive Secretary, and to invite the President of the Bureau of the Meeting of the Parties, to enter into discussions with any party whose contributions are outstanding for two or more years with a view to finding a way forward, and to request the Executive Secretary to report to the Thirtieth Meeting of the Parties on the outcome of those discussions;

9. To further consider how to address outstanding contributions to the Trust Fund at the Thirtieth Meeting of the Parties, and to request the Executive Secretary to continue to publish and regularly update information on the status of contributions to the Trust Fund;

10. To request the Secretariat to ensure the full utilization of programme support costs available to it in 2018 and later years, and where possible, to offset those costs against the administrative components of the approved budget;

11. Also to request the Secretariat to indicate in future financial reports of the Trust Fund the amounts of cash on hand in the section entitled "Total reserves and fund balances", in addition to contributions that have not yet been received;

12. To request the Executive Secretary to prepare results-based budgets and work programmes for the years 2019 and 2020, presenting two budget scenarios and work programmes based on the projected needs for the biennium in:

    (a) A zero-nominal-growth scenario;

    (b) A scenario based on further recommended adjustments to the above-mentioned scenario and the added costs or savings related thereto.

** UNEP/OzL.Pro.29/4/Add.1*

Article 14: Relationship of this Protocol to the Convention[24]

Decision II/2: Amendment of the Protocol

The *Second Meeting of the Parties* decided in *decision II/2* to adopt in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in annex II to the report on the work of the Second Meeting of the Parties.

Decision II/16: Amendment of the Vienna Convention

The *Second Meeting of the Parties* decided in *decision II/16* to recommend that the parties to the Vienna Convention for the Protection of the Ozone Layer review, at the earliest opportunity, Article 9 of the Convention with a view to expediting the amendment procedure for protocols.

Decision IV/4: Further Amendment of the Protocol

The *Fourth Meeting of the Parties* decided in *decision IV/4* to adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in annex III to the report of the Fourth Meeting of the Parties.

Decision IX/4: Further Amendment of the Protocol

The *Ninth Meeting of the Parties* decided in *decision IX/4* to adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in annex IV to the report of the Ninth Meeting of the Parties.

Decision XI/5: Further Amendment of the Montreal Protocol

The *Eleventh Meeting of the Parties* decided in *decision XI/5* to adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol as set out in annex V to the report of the Eleventh Meeting of the Parties.

Decision XXVIII/1: Further Amendment of the Montreal Protocol

The *Twenty-Eighth Meeting of the Parties* decided in *decision XXVIII/1* to adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol set out in annex I to the report of the Twenty-Eighth Meeting of the Parties.

24 The full text of Amendments to the Protocol is reproduced in section 5 of this Handbook.

Article 16: Entry into force

Note: the following decisions are all also relevant to Article 13 of the Vienna Convention.

Decision III/1: Adjustments and amendment

The *Third Meeting of the Parties* decided in *decision III/1:*

(b) To note that only two States have so far ratified the Amendment, adopted at the Second Meeting of the Parties to the Protocol and to urge all States to ratify that Amendment in view of the fact that twenty instruments of ratification, approval or acceptance are required for it to come into force on 1 January 1992.

[The remainder of this decision is located under Article 2.]

Decision IV/1: Amendment adopted by the Second Meeting of the Parties (London Amendment)

The *Fourth Meeting of the Parties* decided in *decision IV/1* to invite the attention of the parties to the Montreal Protocol to the entry into force, on 10 August 1992, of the Amendment to the Protocol adopted by the Second Meeting of the Parties and to urge all parties that have not yet ratified the said Amendment to do so.

Decision V/1: Amendments adopted by the Second Meeting of the Parties (London Amendment) and by the Fourth Meeting of the Parties (Copenhagen Amendment)

The *Fifth Meeting of the Parties* decided in *decision V/1*:

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol and to urge all States that have not yet done so to become parties to both instruments;

2. To urge all parties to the Montreal Protocol that have not yet done so to ratify the London and Copenhagen Amendments to the Protocol.

Decision VI/1: Ratification, approval or accession to the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Amendments to the Montreal Protocol

The *Sixth Meeting of the Parties* decided in *decision VI/1*:

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Amendments to the Montreal Protocol;

2. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention, the Montreal Protocol and the Amendments to the Montreal Protocol.

Decision VII/13: Ratification, approval or accession to the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Amendments to the Montreal Protocol

The *Seventh Meeting of the Parties* decided in *decision VII/13*:

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the Amendments to the Montreal Protocol;

2. To urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention, the Montreal Protocol and the Amendments to the Montreal Protocol, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision VIII/1: Ratification of the Vienna Convention, the Montreal Protocol and its Amendments

The *Eighth Meeting of the Parties* decided in *decision VIII/1:*

1. To note with satisfaction the large number of countries that 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 many parties have yet to ratify the London and Copenhagen Amendments to the Montreal Protocol;

3. To urge all States that have not yet done so, to ratify, approve or accede to the Vienna Convention, the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision IX/10: Ratification of the Vienna Convention, Montreal Protocol and London and Copenhagen Amendments

The *Ninth Meeting of the Parties* decided in *decision IX/10:*

1. To note with satisfaction the large number of countries that 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 many parties have yet to ratify the London and Copenhagen Amendments to the Montreal Protocol;

3. To urge all States that have not yet done so, to ratify, approve or accede to the Vienna Convention, the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision X/1: Ratification of the Vienna Convention, Montreal Protocol, London, Copenhagen and Montreal Amendments

The *Tenth Meeting of the Parties* decided in *decision X/1:*

1. To note with satisfaction the large number of countries that 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 many parties have yet to ratify the London, Copenhagen and Montreal Amendments 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.

Decision XI/11: Ratification of the Vienna Convention, the Montreal Protocol, and the London, Copenhagen and Montreal Amendments

The *Eleventh Meeting of the Parties* decided in *decision XI/11:*

1. To note with satisfaction the large number of countries that 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 136 parties have ratified the London Amendment to the Montreal Protocol, while only 101 parties have ratified the Copenhagen Amendment to the Montreal Protocol and only 29 parties have ratified the Montreal Amendment to the Montreal Protocol as of 15 November 1999;

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.

Decision XII/7: Ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments

The *Twelfth Meeting of the Parties* decided in *decision XII/7:*

1. To note with satisfaction the large number of countries that 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 of 30 November 2000, 142 parties had ratified the London Amendment to the Montreal Protocol and 113 parties had ratified the Copenhagen Amendment to the Montreal Protocol, while only 46 parties had ratified the Montreal Amendment to the Montreal Protocol;

3. To note further that only one party has to date ratified the Beijing Amendment to the Montreal Protocol, a situation that will make it unlikely for the Amendment to enter into force by 1 January 2001 as agreed in Beijing in 1999;

4. 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.

Decision XIII/14: Ratification of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the London, Copenhagen, Montreal and Beijing Amendments

The *Thirteenth Meeting of the Parties* decided in *decision XIII/14:*

1. To note with satisfaction the large number of countries that 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 of 30 September 2001, 153 parties had ratified the London Amendment to the Montreal Protocol and 128 parties had ratified the Copenhagen Amendment to the Montreal Protocol, while only 63 parties had ratified the Montreal Amendment to the Montreal Protocol;

3. To note further that only 11 parties have to date ratified the Beijing Amendment to the Montreal Protocol, a situation that made it impossible for the Amendment to enter into force by 1 January 2001 as agreed in Beijing in 1999;

4. 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.

Decision XIV/1: Ratification of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the London, Copenhagen, Montreal and Beijing Amendments

The *Fourteenth Meeting of the Parties* decided in *decision XIV/1:*

1. To note with satisfaction the large number of countries that 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 of 28 November 2002. 164 parties had ratified the London Amendment to the Montreal Protocol, 142 parties had ratified the Copenhagen Amendment to the Montreal Protocol, 84 parties had ratified the Montreal Amendment to the Montreal Protocol while only 41 parties had ratified the Beijing Amendment to the Montreal Protocol;

3. To note further that the Beijing Amendment entered into force on 25 February 2002, on the ninetieth day following the date of deposit on which the twentieth instrument of ratification had been deposited by States or regional economic integration organizations that are party to the Montreal Protocol on Substances that deplete the Ozone Layer;

4. 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.

Decision XV/1: Ratification of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the London, Copenhagen, Montreal and Beijing Amendments

The *Fifteenth Meeting of the Parties* decided in *decision XV/1:*

1. To note with satisfaction the large number of countries that 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 of 1 November 2003, 166 parties had ratified the London Amendment to the Montreal Protocol, 154 parties had ratified the Copenhagen Amendment to the Montreal Protocol, 107 parties had ratified the Montreal Amendment to the Montreal Protocol while only 57 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.

Decision XVI/1: Ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Protocol I

The *Sixteenth Meeting of the Parties* decided in *decision XVI/1:*

1. To note with satisfaction the large number of countries that 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 of 22 November 2004, 175 parties had ratified the London Amendment to the Montreal Protocol, 164 parties had ratified the Copenhagen Amendment to the Montreal Protocol, and 121 parties had ratified the Montreal Amendment to the Montreal Protocol, while only 84 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.

Decision XVII/1: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol

The *Seventeenth Meeting of the Parties* decided in *decision XVII/1:*

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 of 15 December 2005, 179 parties had ratified the London Amendment to the Montreal Protocol, 169 parties had ratified the Copenhagen Amendment to the Montreal Protocol, and 137 parties had ratified the Montreal Amendment to the Montreal Protocol, while only 102 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.

Decision XVIII/6: Ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Protocol

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/6:*

1. To note with satisfaction the large number of countries that 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 of 30 October 2006, 184 parties had ratified the London Amendment to the Montreal Protocol, 175 parties had ratified the Copenhagen Amendment to the Montreal Protocol, and 149 parties had ratified the Montreal Amendment to the Montreal Protocol, while only 118 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.

Decision XIX/1: Ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Protocol

The *Nineteenth Meeting of the Parties* decided in *decision XIX/1*:

1. To note with satisfaction the large number of countries that 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 of 21 September 2007, 191 parties had ratified the Vienna Convention on Protection of the Ozone Layer, 191 parties had ratified the Montreal Protocol on Substances that Deplete the Ozone Layer, 186 parties had ratified the London Amendment to the Montreal Protocol, 178 parties had ratified the Copenhagen Amendment to the Montreal Protocol, 157 parties had ratified the Montreal Amendment to the Montreal Protocol and 132 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.

Decision XX/1: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol

The *Twentieth Meeting of the Parties* decided in *decision XX/1*:

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 of 15 November 2008, 193 parties had ratified the Vienna Convention and the Montreal Protocol, 189 parties had ratified the London Amendment to the Montreal Protocol, 184 parties had ratified the Copenhagen Amendment to the Montreal Protocol, 167 parties had ratified the Montreal Amendment to the Montreal Protocol and 144 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.

Decision XXI/1: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol

The *Twenty-First Meeting of the Parties* decided in *decision XXI/1*:

1. To note with satisfaction that 196 parties have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, representing universal ratification, and also a higher number of parties than any other treaties in history;

2. To note that, as of 31 October 2009, 193 parties had ratified the London Amendment to the Montreal Protocol, 190 parties had ratified the Copenhagen Amendment to the Montreal Protocol, 178 parties had ratified the Montreal Amendment to the Montreal Protocol and 160 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 amendments to the Montreal Protocol, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XXII/1: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol

The *Twenty-Second Meeting of the Parties* decided in *decision XXII/1*:

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.

Decision XXIII/1: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol

The *Twenty-Third Meeting of the Parties* decided in *decision XXIII/1*:

1. To note with satisfaction the large number of countries that 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 2011, 196 parties had ratified the London Amendment to the Montreal Protocol, 194 parties had ratified the Copenhagen Amendment to the Montreal Protocol, 185 parties had ratified the Montreal Amendment to the Montreal Protocol and 171 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 amendments to the Montreal Protocol, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XXIV/1: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol

The *Twenty-Fourth Meeting of the Parties* decided in *decision XXIV/1*:

1. To note with satisfaction the universal ratification of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, the London Amendment to the Montreal Protocol and the Copenhagen Amendment to the Montreal Protocol, each with 197 parties;

2. To note also that, as at 16 November 2012, 193 parties had ratified the Montreal Amendment to the Montreal Protocol and 183 parties had ratified the Beijing Amendment to the Montreal Protocol;

3. To urge Bahrain, Bolivia (Plurinational State of), Botswana, Chad, Djibouti, Ecuador, Haiti, Iran (Islamic Republic of), Kazakhstan, Kenya, Libya, Mauritania, Papua New Guinea and Saudi Arabia to ratify, approve or accede to the Montreal and Beijing Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XXV/1: Status of ratification of the Montreal and Beijing Amendments to the Montreal Protocol

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/1:*

1. To note with satisfaction the large number of countries that 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 25 October 2013, 194 parties had ratified the Montreal Amendment to the Montreal Protocol and 192 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 amendments, taking into account the fact that universal participation is necessary to ensure the protection of the ozone layer.

Decision XXVI/1: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol

The *Twenty-Sixth Meeting of the Parties* decided in *decision XXVI/1*:

1. To note with satisfaction the universal ratification of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, and the London Amendment, the Copenhagen Amendment, and the Montreal Amendment to the Montreal Protocol;

2. To note that, as at 1 November 2014, 196 parties had ratified the Beijing Amendment to the Montreal Protocol;

3. To urge Mauritania, which has not yet done so, to ratify, approve or accede to the Beijing Amendment to the Montreal Protocol, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

Decision XXIX/3: Kigali Amendment to the Montreal Protocol to phase down hydrofluorocarbons

The *Twenty-Ninth Meeting of the Parties* decided in *decision XXIX/3*:

1. To note that, as at 24 November 2017, 22 parties had ratified, approved or accepted the Kigali Amendment to the Montreal Protocol;

2. To urge all parties that have not yet done so to consider ratifying, approving or accepting the Kigali Amendment in order to ensure broad participation and achieve the goals of the Amendment;

Article 19: Withdrawal

Decision II/6: Article 19 (Withdrawal)

The *Second Meeting of the Parties* decided in *decision II/6* to agree that the phrase "at any time after four years of assuming the obligations" in Article 19 should be understood to mean at any time after four years after a party's obligation to comply became operative.

Other Decisions

Decisions on climate change

Decision X/16: Implementation of the Montreal Protocol in the light of the Kyoto Protocol

The *Tenth Meeting of the Parties* decided in *decision X/16:*

Noting the need to implement multilateral environmental agreements in a coherent way for the benefit of the global environment,

Noting that the Conference of the Parties to the United Nations Framework Convention on Climate Change adopted the Kyoto Protocol to the Convention at its third meeting, held in Kyoto, from 1 to 11 December 1997,

Noting that the Kyoto Protocol requires parties listed in Annex I of the Framework Convention on Climate Change to ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A of that Protocol do not exceed their assigned amounts as listed in Annex B during the first commitment period of 2008–2012,

Noting further that the greenhouse gases included in Annex A of the Kyoto Protocol include hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) in view of their high global warming potentials,

Noting that the Technology and Economic Assessment Panel has identified HFCs and PFCs as alternatives to ozone-depleting substances, and some parties and enterprises have already changed over, and others are changing over, to such HFC and PFC technologies, and

Noting with appreciation that the Conference of the Parties to the Framework Convention on Climate Change at its fourth meeting adopted a decision on the relationship between efforts to protect the stratospheric ozone layer and efforts to safeguard the global climate system, in particular with reference to HFCs and PFCs,

To request, with a view in particular to assisting the parties to the Montreal Protocol to assess the implications for the implementation of the Montreal Protocol of the inclusion of HFCs and PFCs in the Kyoto Protocol, the relevant Montreal Protocol bodies, within their areas of competence:

(a) To provide relevant information on HFCs and PFCs to the Secretariat of the Framework Convention on Climate Change by 15 July 1999 in accordance with operative paragraph 1 of the above-mentioned decision;

(b) To convene a workshop with the Intergovernmental Panel on Climate Change which will assist the bodies of the Framework Convention on Climate Change to establish information on available and potential ways and means of limiting emissions of HFCs and PFCs in accordance with operative paragraph 2 of the above-mentioned decision;

(c) To continue to develop information on the full range of existing and potential alternatives to ozone depleting substances for specific uses, including alternatives not listed in Annex A of the Kyoto Protocol;

(d) To otherwise continue to cooperate with the relevant bodies under the United Nations Framework Convention on Climate Change and IPCC on these matters; and

(e) To report to the Open Ended Working Group at its nineteenth meeting and to the Eleventh Meeting of the Parties to the Montreal Protocol on this work.

Decision XIV/10: Relationship between efforts to protect the stratospheric ozone layer and efforts to safeguard the global climate system: issues relating to hydrofluorocarbons and perfluorocarbons

The *Fourteenth Meeting of the Parties* decided in *decision XIV/10:*

Welcoming decision X/CP.8 taken by the eighth Conference of the Parties to the United Nations Framework Convention on Climate Change on the relationship between efforts to protect the stratospheric ozone layer and efforts to safeguard the global climate system,

Noting that the Intergovernmental Panel on Climate Change and the Technology and Economic Assessment Panel are invited by the Convention on Climate Change to develop a balanced scientific, technical and policy-relevant special report as outlined in their responses to a request by the Subsidiary Body for Scientific and Technological Advice of the Convention on Climate Change (UNFCCC/SBSTA/2002/MISC.23),

To request the Technology and Economic Assessment Panel to work with the Intergovernmental Panel on Climate Change in preparing the report mentioned above and to address all areas in one single integrated report to be finalized by early 2005. The report should be completed in time to be submitted to the Open-ended Working Group for consideration in so far as it relates to actions to address ozone depletion and the Subsidiary Body for Scientific and Technological Advice of the Convention on Climate Change simultaneously.

Decision XVII/19: Consideration of the Technology and Economic Assessment Panel and Intergovernmental Panel on Climate Change assessment report as it relates to actions to address ozone depletion

The *Seventeenth Meeting of the Parties* decided in *decision XVII/19:*

Noting with appreciation the special report of the Technology and Economic Assessment Panel and the Intergovernmental Panel on Climate Change, "Safeguarding the Ozone Layer and the Global Climate System: Issues Related to Hydrofluorocarbons and Perfluorocarbons", and the Technology and Economic Assessment Panel's supplementary report that sets out clearly the ozone depletion implications of the issues raised in the special report,

Noting the supplementary report's conclusion that mitigation strategies relating to banks of ozone-depleting substances will have limited impact on ozone-layer recovery,

Acknowledging the need for parties to have a full understanding of the policy implications for ozone layer protection of forecast emissions from banks of ozone-depleting substances in both global and regional terms,

Recalling the report of the sixth meeting of Ozone Research Managers of the parties to the Vienna Convention, which reported that activities under the "mitigation scenario"

presented in the special report provided an opportunity to protect the ozone layer further and to reduce greenhouse gases significantly,

Acknowledging that the upcoming 2006 Scientific Assessment Report will cover in more detail some issues raised in the special report of the Intergovernmental Panel on Climate Change and the Technology and Economic Assessment Panel, such as the discrepancy between atmospheric concentrations of ozone-depleting substances and emissions reported,

1. To request the Ozone Secretariat to organize an experts workshop in the margins of the twenty-sixth meeting of the Open-ended Working Group in 2006, to consider issues as described in paragraph 3 of the present decision, arising from the special report of the Intergovernmental Panel on Climate Change and the Technology and Economic Assessment Panel and the Technology and Economic Assessment Panel's supplementary report;

2. To request parties to provide nominations for experts to participate in the workshop to the Ozone Secretariat by 30 March 2006, aiming for a balanced representation from regional groups;

3. To request the Technology and Economic Assessment Panel to present a summary of the reports at the workshop and that experts then produce a list of practical measures relating to ozone depletion that arise from the reports, indicating their associated ozone-depleting substances cost effectiveness and taking into account the full costs of such measures. The list should also contain information on other environmental benefits, including those relating to climate change, that would result from these measures;

4. To request the Ozone Secretariat to produce a report of the workshop to the parties by 1 September 2006 and report to the Eighteenth Meeting of the Parties;

5. To request the Ozone Secretariat to inform the Secretariat of the United Nations Framework Convention on Climate Change of the workshop and invite its representatives to attend as observers and report back to the United Nations Framework Convention on Climate Change;

6. To request the Technology and Economic Assessment Panel to coordinate with the World Meteorological Organization and the Scientific Assessment Panel to clarify the source of the discrepancy between emissions determined from bottom-up methods and from atmospheric measurement, with a view to:

   (a) Identifying the use patterns for the total production forecast for the period 2002–2015 in both parties operating under paragraph 1 of Article 5 of the Montreal Protocol and parties not so operating;

   (b) Making improved estimates of future emissions from banks, including those in the refrigeration, foams and other sectors, given the accuracy of calculations of the size of banks and the emissions derived from them, as well as servicing practices, and issues relating to recovery and recycling and end-of-life;

7. To request the Technology and Economic Assessment Panel to report to the parties at their Eighteenth Meeting on the activities referred to in paragraph 6.

Decision XVIII/12: Future work following the Ozone Secretariat workshop on the Intergovernmental Panel on Climate Change/Technology and Economic Assessment Panel special report

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/12:*

Recalling decision XVII/19 which requested the Ozone Secretariat to organize an experts workshop on the Intergovernmental Panel on Climate Change/Technology and Economic Assessment Panel special report in the margins of the twenty-sixth meeting of the Open-ended Working Group in 2006,

Noting with appreciation parties' submissions for the list of practical measures as well as the preparations of the Technology and Economic Assessment Panel for the workshop,

Noting with appreciation the report of the workshop provided by the Ozone Secretariat,

Noting with appreciation the summary of Scientific Assessment of Ozone Depletion 2006, and its options on additional measures to accelerate the recovery, but further noting with concern better scientific understanding now suggests a 10 to 15 year later return of chlorine levels to pre-1980 values in the atmosphere,

Noting with appreciation the report of the Technology and Economic Assessment Panel Task Force on Emission Discrepancies,

Mindful that parties not operating under paragraph 1 of Article 5 of the Montreal Protocol should phase out consumption of hydrochlorofluorocarbons by 2030 and freeze production by 2004 and that the parties operating under paragraph 1 of Article 5 should phase out consumption of hydrochlorofluorocarbons by 2040 and freeze production by 2016,

Aware of the potential implications of Clean Development Mechanism projects in hydrochlorofluorocarbon-22 production facilities,

Acknowledging, therefore, that further work needs to be done to reach the targets of the Vienna Convention and the Montreal Protocol for recovery of the ozone layer,

1. To request the Technology and Economic Assessment Panel to further assess the measures listed in the report of Ozone Secretariat workshop on the Intergovernmental Panel on Climate Change/Technology and Economic Assessment Panel special report, in the light of current and expected trends of ozone-depleting substance production and consumption and with a focus on hydrochlorofluorocarbons, taking into account timing, feasibility and environmental benefits in parties operating under Article 5 and parties not operating under Article 5 of the Protocol;

2. To request the Technology and Economic Assessment Panel to provide information on current and future demand for, and supply of, hydrochlorofluorocarbons, giving full consideration to the influence of the Clean Development Mechanism on hydrochlorofluorocarbon-22 production, as well as on the availability of alternatives to hydrochlorofluorocarbons;

3. To request the Ozone Secretariat to facilitate consultations, as appropriate, by the Technology and Economic Assessment Panel with relevant organizations, namely, the United Nations Framework Convention on Climate Change Secretariat, the Intergovernmental Panel on Climate Change, the Executive Board of Clean Development Mechanism of the Kyoto Protocol, and the Secretariat of the Multilateral Fund, to enable the Technology and Economic Assessment Panel to draw on the work already carried out

under these organizations, including any work relating to hydrochlorofluorocarbon-22, and consider, in cooperation with the Scientific Assessment Panel, the implications of these findings for the recovery of the ozone layer;

4. To request the Technology and Economic Assessment Panel to report its findings on the issues mentioned in paragraphs 1 and 2 above to the Open-ended Working Group at its twenty-seventh meeting for consideration, with a view to providing a final report to the Nineteenth Meeting of the Parties.

Decision XX/8: Workshop for a dialogue on high-global warming potential alternatives for ozone-depleting substances

The *Twentieth Meeting of the Parties* decided in *decision XX/8*:

Noting that the transition from, and phase-out of, ozone-depleting substances has implications for climate system protection,

Recognizing that decision XIX/6 encourages parties to promote the selection of alternatives to hydrochlorofluorocarbons to minimize environmental impacts, in particular impacts on climate,

Recognizing also that there is scope for coordination between the Montreal Protocol and the United Nations Framework Convention on Climate Change and its Kyoto Protocol for reducing emissions and minimizing environmental impacts from hydrofluorocarbons, and that Montreal Protocol parties and associated bodies have considerable expertise in these areas which they could share,

Recognizing further that there is a need for more information on the environmental implications of possible transitions from ozone-depleting substances to high-global warming potential chemicals, in particular hydrofluorocarbons,

1. To request the Technology and Economic Assessment Panel to update the data contained within the Panel's 2005 *Supplement to the IPCC/TEAP Special Report* and to report on the status of alternatives to hydrochlorofluorocarbons and hydrofluorocarbons, including a description of the various use patterns, costs, and potential market penetration of alternatives no later than 15 May 2009;

2. To request the Ozone Secretariat to prepare a report that compiles current control measures, limits and information reporting requirements for compounds that are alternatives to ozone-depleting substances and that are addressed under international agreements relevant to climate change;

3. To request the Ozone Secretariat with input, where appropriate, from the Secretariat of the United Nations Framework Convention on Climate Change and its Kyoto Protocol to convene an open-ended dialogue on high-global warming potential alternatives for ozone-depleting substances among parties, including participation by the assessment panels and the Multilateral Fund Secretariat, and inviting the Fund's implementing agencies, other relevant multilateral environmental agreement secretariats and non-governmental organizations to discuss technical and policy issues related to alternatives for ozone-depleting substances, with a particular focus on exchanging views of the best ways of how the experience from the Montreal Protocol can be used to address the impact of hydrofluorocarbons, and also with a view to maximizing the ozone and climate benefits of the hydrochlorofluorocarbon early phase-out under the Montreal Protocol;

4. To encourage parties to include their climate experts as participants in the workshop;
5. That the above-mentioned dialogue on high-global warming potential alternatives to ozone-depleting substances should be held just before the twenty-ninth meeting of the Open-ended Working Group and that interpretation will be provided in the six official languages of the United Nations;
6. To request the co-chairs of the workshop, in cooperation with the Ozone Secretariat, to prepare a summary report of the discussions that take place during the dialogue and to report on the proceedings to the Open-ended Working Group at its twenty-ninth meeting;
7. To invite one representative of a party operating under paragraph 1 of Article 5 and one representative of a party not so operating to serve as co-chairs of the workshop;
8. To request the Ozone Secretariat to communicate the present decision to the Secretariat of the United Nations Framework Convention on Climate Change and its Kyoto Protocol and to encourage that secretariat to make the decision available at the fourteenth meeting of the Conference of the Parties to that Convention for possible consideration of participation in the workshop.

Decision Ex.III/1: Report by the Technology and Economic Assessment Panel on the climate benefits and costs of reducing hydrofluorocarbons under the Dubai pathway

The *Third Extraordinary Meeting of the Parties* decided in *decision Ex.III/1* to request that the Technology and Economic Assessment Panel prepare a report for consideration by the Twenty-Eighth Meeting of the Parties containing an assessment of the climate benefits, and the financial implications for the Multilateral Fund for the Implementation of the Montreal Protocol, of the schedules for phasing down the use of hydrofluorocarbons (HFCs) contained in the amendment proposals discussed by the parties at the thirty-eighth meeting of the Open-ended Working Group and the Third Extraordinary Meeting of the Parties.

Decisions on the Global Environment Facility

Decision X/33: Global Environment Facility

The *Tenth Meeting of the Parties* decided in *decision X/33* to note with appreciation the assistance given by the Council of the Global Environment Facility to the countries with economies in transition.

Decision XI/22: Global Environment Facility

The *Eleventh Meeting of the Parties* decided in *decision XI/22* to note with appreciation the continued assistance given by the Council of the Global Environment Facility to the countries with economies in transition.

Decision XII/14: Continued assistance from the Global Environment Facility to countries with economies in transition

The *Twelfth Meeting of the Parties* decided in *decision XII/14* to note with appreciation the assistance given by the Global Environment Facility to the phase-out of ozone-depleting substances in countries with economies in transition, and to request the Facility to clarify its future commitment to providing continued assistance to these countries with respect to all ozone-depleting substances.

Decision XV/49: Application for technical and financial assistance from the Global Environment Facility by South Africa

The *Fifteenth Meeting of the Parties* decided in *decision XV/49:*

Recalling decision IX/27, in which South Africa was classified as a developing country,

Recognizing that the controlled substance in Annex E, methyl bromide, was included as a controlled substance for Article 5 countries in 1997 and that, in the same year, South Africa was also classified as an Article 5 country,

Noting that South Africa was not to request financial assistance from the Multilateral Fund for fulfilling commitments undertaken by developed countries prior to the Ninth Meeting of the Parties,

Noting also that South Africa expressed the need to apply for technical and financial assistance from the Multilateral Fund to phase out the controlled substance in Annex E at the twenty-second meeting of the Open-ended Working Group of the parties to the Montreal Protocol,

Noting further that, during the twenty-second meeting of the Open-ended Working Group, South Africa was advised to negotiate for bilateral or multilateral assistance from sources other than the Multilateral Fund,

To request the Council of the Global Environment Facility to consider, on an exceptional basis, project proposals from South Africa on phasing out the controlled substance in Annex E for funding as per the conditions and eligibility criteria applicable to all countries eligible for such assistance under the Facility.

Decision XV/50: Continued assistance from the Global Environment Facility to countries with economies in transition

The *Fifteenth Meeting of the Parties* decided in *decision XV/50* to note with appreciation the assistance given by the Global Environment Facility to phase out ozone-depleting substances in countries with economies in transition, and the commitment by the Facility to continue providing in the future assistance to those countries with respect to all ozone-depleting substances.

Decision XV/51: Institutional strengthening assistance to countries with economies in transition

The *Fifteenth Meeting of the Parties* decided in *decision XV/51:*

1. To note with appreciation the assistance that the Global Environment Facility has provided to date to countries with economies in transition;
2. To note also with appreciation that the Council of the Global Environment Facility has earmarked $60 million to assist countries with economies in transition phase out methyl bromide and HCFCs;
3. To note that, while such assistance has been successful in furthering ODS phase-out, continued institutional strengthening assistance is necessary to ensure that such progress is sustained and that the parties continue to comply with their reporting obligations;
4. To note the work under way in the Council of the Global Environment Facility to develop a major capacity-building initiative across all its focal areas;

5. To urge those countries with economies in transition that are experiencing difficulty in meeting their obligations under the Protocol to consider working with the implementing agencies to seek assistance for institutional strengthening from the Global Environment Facility;

6. To request the Global Environment Facility to consider favourably such applications for assistance, in accordance with its criteria for its capacity-building.

Decisions on aviation and the global atmosphere

Decision IX/25: Special Report on Aviation and the Global Atmosphere

The *Ninth Meeting of the Parties* decided in *decision IX/25:*

1. To note the statement of the Co-Chairs of the Scientific Assessment Panel that, while the Scientific Assessment of Ozone Depletion will be ready by October 1998, as requested by the Seventh Meeting of the Parties in its decision VII/34, the Special Report on Aviation and the Global Atmosphere being prepared pursuant to the same decision, will not be ready until March 1999;

2. To approve the date of 31 March 1999 for the submission of the Special Report on Aviation and the Global Atmosphere.

Decision XI/18: Special Report on Aviation and the Global Atmosphere

The *Eleventh Meeting of the Parties* decided in *decision XI/18:*

1. To note with appreciation the work done by the Scientific Assessment Panel and the Intergovernmental Panel on Climate Change in preparing the Special Report on Aviation and the Global Atmosphere;

2. To express its appreciation to the Scientific Assessment Panel for its collaboration with the Intergovernmental Panel on Climate Change in preparing the above-mentioned report;

3. To note with appreciation the message of the President of the Council of the International Civil Aviation Organization on the willingness of ICAO to continue the process of working together on the issues with the Montreal Protocol;

4. To recommend that the Scientific Assessment Panel should continue its collaboration with the Intergovernmental Panel on Climate Change and keep the parties to the Montreal Protocol informed on the potential impacts of the aircraft emissions on stratospheric ozone depletion and climate change.

Decisions on the relationship of the Montreal Protocol with other international agreements and institutions

Decision XIII/29: Recognizing the preparations for the World Summit on Sustainable Development 2002

The *Thirteenth Meeting of the Parties* decided in *decision XIII/29:*

Recalling the ongoing preparations for the World Summit on Sustainable Development, which will take place in Johannesburg in 2002,

Recognizing the substantial progress made in the implementation of the objectives of the Vienna Convention and its Montreal Protocol,

Stressing that the Protocol has often been cited as an example of a well-functioning multilateral environmental agreement.

1. To note with appreciation the comprehensive preparatory process for the World Summit;
2. To recognize the need to consider ways to improve the overall effectiveness of the international environmental institutions and therefore to welcome the work undertaken by the United Nations Environment Programme (UNEP) in the framework of international environmental governance;
3. To support appropriate collaboration and synergies that may exist between multilateral environmental agreements, as agreed by the parties to those agreements;
4. To look forward to the recommendations on this issue by the Governing Council of UNEP in its 7th special session, in February 2002, and to the final decisions by the Johannesburg Summit in September 2002 and by the third Global Ministerial Environmental Forum;
5. To request the Executive Director of UNEP to bring this decision to the attention of the President of the UNEP Governing Council and the Chairman of the Preparatory Committee of the World Summit.

Decision XIV/8: Consideration of the use of the Globally Harmonized System for the Classification and Labelling of Chemicals that deplete the ozone layer

The *Fourteenth Meeting of the Parties* decided in *decision XIV/8:*

Noting the value that could be attributed to labelling ozone-depleting substances under the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), such as: providing information with respect to identifying the safe handling of these substances in trade, in the workplace, and in consumer products,

Acknowledging the work of the Economic and Social Council and its subcommittee of experts that are responsible for developing the GHS,

Noting, however, that substances that deplete the ozone layer are not currently included in the GHS;

To request the Ozone Secretariat to contact the Subcommittee of Experts of the Economic and Social Council once the GHS has been adopted by Council in order to clarify whether ozone-depleting substances are included in its programme of work and, if they are not included:

(a) To evaluate the possibilities for and feasibility of including ozone-depleting substances on its work programme; and

(b) To report to the twenty-third meeting of the Open-ended Working Group of the parties.

Decision XIV/11: The relationship between the Montreal Protocol and the World Trade Organization

The *Fourteenth Meeting of the Parties* decided in *decision XIV/11:*

1. To request the Ozone Secretariat to report to the parties to the Montreal Protocol on any meetings it attends at the World Trade Organization and any substantive contacts with the World Trade Organization Secretariat and its Committee Secretariats;

2. To request the Secretariat to monitor developments in the negotiations of the World Trade Organization Committee on Trade and Environment in special session and report to the parties;

3. To further request that the Ozone Secretariat, in coordination with the Multilateral Fund Secretariat, when called upon to provide general advice to the World Trade Organization on trade provisions of the Montreal Protocol and activities of the Multilateral Fund, consult with the parties of the Montreal Protocol and the Executive Committee before providing this advice. If the Ozone Secretariat is asked for interpretations of the Protocol's trade provisions, the Secretariat should refer the matter to the parties before providing that advice.

Decision XVI/34: Cooperation between the Secretariat of the Montreal Protocol and other related conventions and international organizations

The *Sixteenth Meeting of the Parties* decided in *decision XVI/34:*

Noting that the United Nations Environment Programme has encouraged an informal institutional dialogue over several years, between convention secretariats, and that the Governing Council, at its last general session, in February 2003, encouraged the United Nations Environment Programme to develop synergies and improve cooperation between its existing institutions,

Noting also that informal dialogue has been taking place more recently between multilateral environmental agreements, including between the secretariats of the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer, the United Nations Framework Convention on Climate Change, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and the strategic approach to international chemicals management, the Food and Agriculture Organization of the United Nations, the World Trade Organization and the World Customs Organization to enhance synergies in particular in relation to the environment, health and trade,

Mindful of the need to strengthen cooperation between the Montreal Protocol and the other convention secretariats and international organizations within their respective mandates,

1. Welcomes the enhanced cooperation between the Secretariat of the Montreal Protocol and the other convention secretariats and international organizations;

2. Requests the Secretariat:

   (a) To seek opportunities to enhance its cooperation with other relevant conventions or organizations that pertain to issues related to the Montreal Protocol either, resources permitting, by attending meetings or through the exchange of factual information, including schedules of meetings;

   (b) To report to the Meeting of the Parties of the Montreal Protocol on any meetings of other conventions or organizations that it attends, any substantive contacts that it has with the relevant secretariats, and any information provided to or requested by these secretariats, mindful at all times that the Secretariat of the Montreal Protocol cannot provide any legal interpretation of the provisions of the Protocol;

(c) To monitor developments in other related conventions and organizations of interest to the parties to the Montreal Protocol and to report on such developments to the Meeting of the Parties of the Montreal Protocol;

(d) To reflect on ways of enhancing information flows on matters of common interest with the other related conventions and organizations of interest to the parties to the Montreal Protocol;

3. Encourages Governments to apprise their representatives that participate in the meetings of other related conventions and international organizations on the nature of the present decision.

Decisions on future challenges

Decision XVIII/36: Dialogue on key future challenges to be faced by the Montreal Protocol

The *Eighteenth Meeting of the Parties* decided in *decision XVIII/36:*

1. To convene a two-day open-ended dialogue, including participation by the Assessment Panels, the Ozone Secretariat, the Multilateral Fund Secretariat and the implementing agencies, and inviting other relevant multilateral environmental agreement secretariats and non-governmental organizations as observers, to discuss issues related to the future key challenges of the Montreal Protocol, in accordance with the agenda contained in the annex to the present decision;

2. That the above-mentioned dialogue will be held during the two days immediately preceding the twenty-seventh meeting of the Open-ended Working Group and that interpretation in the six United Nations languages will be provided;

3. To request the Secretariat, liaising with the appropriate Montreal Protocol bodies, to prepare and to post on its website by 30 April 2007 a background document to serve as context for the above-mentioned dialogue, containing:

   (a) A summary of the key achievements of the Montreal Protocol, lessons learned and its present status;

   (b) Volumes of ozone-depleting substances phased out and phased in by substance and by category of parties (i.e., parties operating under paragraph 1 of Article 5 and parties not so operating), forecasts of future trends in production and consumption and emissions from ozone-depleting substance banks;

   (c) A compilation of submissions by parties received in accordance with paragraph 4 of the present decision;

   (d) Concise factual information on the topics contained in the agenda of the dialogue;

   (e) Data on the ozone-depleting substances phased out and phased in under projects approved and implemented under the Multilateral Fund;

   (f) An overview of the current and predicted future state of the ozone layer;

4. To invite parties to submit to the Secretariat by 16 April 2007 any suggestions they may have on the topics to be discussed under the agenda contained in the annex;

5. To further request the Secretariat to prepare, in cooperation with the co-chairs of the dialogue, a summary report of the discussions that take place during the dialogue;

6. That a summary of key issues arising from the dialogue will be prepared by the co-chairs of the dialogue and presented at the twenty-seventh meeting of the Open-ended Working Group;

7. To select Mr. Khaled Klaly (Syrian Arab Republic) and Mr. Tom Land (United States of America) as co-chairs of the dialogue.

Annex

Agenda for a dialogue on key future challenges faced by the Montreal Protocol Nairobi, Kenya

Day 1

- Welcome / Introduction
- Speech by an eminent person
- Summary of key achievements of the Montreal Protocol (Ozone Secretariat)
- Questions / Discussion of summary presented by the Ozone Secretariat
- Lunch
- Future challenges related to scientific assessment, analysis and monitoring of the state of the ozone layer Challenges in phasing-out HCFCs. Open discussion.
- Key future policy challenges related to the further management, control and/or phase-out of ozone-depleting substances other than HCFCs

Day 2

- Issues related to sustaining compliance, maintaining enforcement and combating illegal trade beyond 2010
- Lunch
- Improving cooperation and coordination of the Montreal Protocol with other multilateral environmental agreements and processes
- The future of the Multilateral Fund beyond 2010
- Administration and institutional issues related to the Montreal Protocol including issues related to the Meeting of the Parties, the assessment panels, the Implementation Committee and the Ozone Secretariat
- Summary and conclusions

Decision XXV/9: Implementation of the Montreal Protocol with regard to small island developing States

The *Twenty-Fifth Meeting of the Parties* decided in *decision XXV/9*:

Recalling that, of the 197 parties to the Montreal Protocol, 39 are recognized by the United Nations as small island developing States,

Noting that the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, recognized in its outcome document, "The future we want", that the phase-out of ozone-depleting substances was resulting in a rapid increase in the use and release of high-global-warming-potential hydrofluorocarbons to the environment,

Recognizing decision XIX/6, in which the parties agreed to accelerate the phase-out of hydrochlorofluorocarbons and encouraged parties to promote the selection of alternatives thereto that minimized environmental impact, in particular impact on climate, as well as meeting other health, safety and economic considerations,

Noting that the outcome document of the United Nations Conference on Sustainable Development reaffirmed that small island developing States remained a special case for sustainable development in view of their unique and particular vulnerabilities, including their small size, remoteness, narrow resource and export base, and exposure to global environmental challenges and external economic shocks,

To request the Ozone Secretariat to liaise with the organizers of the Third International Conference on Small Island Developing States, to be held in Apia from 1 to 4 September 2014, with a view to promoting discussions on the challenges associated with the implementation of the Montreal Protocol, and to report to the parties on the outcome of that liaison at the thirty-fourth meeting of the Open-ended Working Group.

Section 2.3

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