

## Section 3

# **Relevant annexes to the Decisions of the Parties**

## Section 3.1

# Destruction procedures

### Approved destruction processes (2011)

[Source: Annex to decision XXIII/12<sup>1</sup>]

Technology	Applicability								Dilute sources
	Concentrated sources								
	Annex A		Annex B			Annex C	Annex E		
	Group 1	Group 2	Group 1	Group 2	Group 3	Group 1	Group 1		
	Primary CFCs	Halons	Other CFCs	Carbon tetrachloride	Methyl chloroform	HCFCs	Methyl bromide		
<b>Destruction &amp; Removal Efficiency (DRE)</b>	<b>99.99%</b>	<b>99.99%</b>	<b>99.99%</b>	<b>99.99%</b>	<b>99.99%</b>	<b>99.99%</b>	<b>99.99%</b>	<b>95%</b>	
Argon Plasma Arc	+	+	+	+	+	+	+	/	
Cement Kilns	+	-	+	+	+	+	+	/	
<b>Chemical Reaction with H<sub>2</sub> and CO<sub>2</sub></b>	+	+	+	+	+	+	+	/	
Gas Phase Catalytic De-halogenation	+	/	+	+	+	+	+	/	
Gaseous/Fume Oxidation	+	/	+	+	+	+	+	/	
Inductively coupled radio frequency plasma	+	+	+	+	+	+	+	/	
Liquid Injection Incineration	+	+	+	+	+	+	+	/	
Microwave Plasma	+	/	+	+	+	+	+	/	
Municipal Solid Waste Incineration									+
Nitrogen Plasma Arc	+	/	+	+	+	+	+	/	
<b>Porous Thermal Reactor</b>	+	/	+	+	+	+	+	/	
<b>Portable Plasma Arc</b>	+	/	+	+	+	+	+	/	
Reactor Cracking	+	-	+	+	+	+	+	/	
Rotary Kiln Incineration	+	+	+	+	+	+	+	/	+
Superheated steam reactor	+	/	+	+	+	+	+	/	
<b>Thermal Reaction with Methane</b>	+	+	+	+	+	+	+	/	

+ Approved – Not approved / Not determined

<sup>1</sup> This annex compiled into a single table the destruction technologies that were previously approved (in annex VI to the report of the Fourth Meeting of the Parties, as modified by decision V/26, VII/35 and XIV/6 and annex II to the report of the Fifteenth Meeting of the Parties) and added the technologies indicated in bold.

## Code of good housekeeping

[Source: Annex III of the report of the Fifteenth Meeting of the Parties]

To provide additional guidance to facility operators, in May 1992 the Technical Advisory Committee prepared a “Code of Good Housekeeping” as a brief outline of measures that should be considered to ensure that environmental releases of ozone-depleting substances (ODS) through all media are minimized. This Code, updated by the Task Force on Destruction Technologies and amended by the parties at their Fifteenth Meeting, in 2003, is also intended to provide a framework of practices and measures that should normally be adopted at facilities undertaking the destruction of ODS.

Not all measures will be appropriate to all situations and circumstances and, as with any code, nothing specified should be regarded as a barrier to the adoption of better or more effective measures if these can be identified.

### Pre-delivery

This refers to measures that may be appropriate prior to any delivery of ODS to a facility.

The facility operator should generate written guidelines on ODS packaging and containment criteria, together with labelling and transportation requirements. These guidelines should be provided to all suppliers and senders of ODS prior to agreement to accept such substances.

The facility operator should seek to visit and inspect the proposed sender's stocks and arrangements prior to movement of the first consignment. This is to ensure awareness on the part of the sender of proper practices and compliance with standards.

### Arrival at the facility

This refers to measures that should be taken at the time ODS are received at the facility gate.

These include an immediate check of documentation prior to admittance to the facility site, coupled with a preliminary inspection of the general condition of the consignment.

Where necessary, special or “fast-track” processing and repackaging facilities may be needed to mitigate risk of leakage or loss of ODS. Arrangements should exist to measure the gross weight of the consignment at the time of delivery.

### Unloading from delivery vehicle

This refers to measures to be taken at the facility in connection with the unloading of ODS.

It is generally assumed that ODS will normally be delivered in some form of container, drum or other vessel that is removed from the delivery vehicle in total. Such containers may be returnable.

All unloading activities should be carried out in properly designated areas, to which restricted access of personnel applies.

Areas should be free of extraneous activities likely to lead to, or increase the risk of, collision, accidental dropping, spillage, etc.

Materials should be placed in designated quarantine areas for subsequent detailed checking and evaluation.

### Testing and verification

This refers to the arrangements made for detailed checking of the ODS consignments prior to destruction.

Detailed checking of delivery documentation should be carried out, along with a complete inventory, to establish that delivery is as advised and appears to comply with expectations.

Detailed checks of containers should be made both in respect of accuracy of identification labels, etc., and of physical condition and integrity. Arrangements must be in place to permit repackaging or "fast-track" processing of any items identified as defective.

Sampling and analysis of representative quantities of ODS consignments should be carried out to verify material type and characteristics. All sampling and analysis should be conducted using approved procedures and techniques.

### **Storage and stock control**

This refers to matters concerning the storage and stock control of ODS.

ODS materials should be stored in specially designated areas, subject to the regulations of the relevant local authorities. Arrangements should be put in place as soon as possible to minimize, to the extent practicable, stock emissions prior to destruction.

Locations of stock items should be identified through a system of control that should also provide a continuous update of quantities and locations as stock is destroyed and new stock delivered.

In regard to storage vessels for concentrated sources of ODS, these arrangements should include a system for regular monitoring and leak detection, as well as arrangements to permit repackaging of leaking stock as soon as possible.

### **Measuring quantities destroyed**

It is important to be aware of the quantities of ODS processed through the destruction equipment. Where possible, flow meters or continuously recording weighing equipment for individual containers should be employed. As a minimum, containers should be weighed "full" and "empty" to establish quantities by difference.

Residual quantities of ODS in containers that can be sealed and are intended to be returned for further use, may be allowed. Otherwise, containers should be purged of residues or destroyed as part of the process.

### **Facility design**

This refers to basic features and requirements of plant, equipment and services deployed in the facility.

In general, any destruction facility should be properly designed and constructed in accordance with the best standards of engineering and technology and with particular regard to the need to minimize, if not eliminate, fugitive losses.

Particular care should be taken when designing plants to deal with dilute sources such as foams. These may be contained in refrigeration cabinets or may be part of more general demolition waste. The area in which foam is first separated from other substrates should be fully enclosed wherever possible and any significant emissions captured at that stage.

*Pumps:* Magnetic drive, sealers or double mechanical seal pumps should be installed to eliminate environmental releases resulting from seal leakage.

*Valves:* Valves with reduced leakage potential should be used. These include quarter-turn valves or valves with extended packing glands.

*Tank vents (including loading vents):* Filling and breathing discharges from tanks and vessels should be recovered or vented to a destruction process.

**Piping joints:** Screwed connections should not be used and the number of flanged joints should be kept to the minimum that is consistent with safety and the ability to dismantle for maintenance and repair.

**Drainage systems:** Areas of the facility where ODS are stored or handled should be provided with sloped concrete paving and a properly designed collection system. Water that is collected should, if contaminated, be treated prior to authorized discharge.

### **Maintenance**

In general, all maintenance work should be performed according to properly planned programmes and should be executed within the framework of a permit system to ensure proper consideration of all aspects of the work.

ODS should be purged from all vessels, mechanical units and pipework prior to the opening of these items to the atmosphere. The contaminated purge should be routed to the destruction process or treated to recover the ODS.

All flanges, seals, gaskets and other sources of minor losses should be checked routinely to identify developing problems before containment is lost. Leaks should be repaired as soon as possible.

Consumable or short-life items, such as flexible hoses and couplings, must be monitored closely and replaced at a frequency that renders the risk of rupture negligible.

### **Quality control and quality assurance**

All sampling and analytical work connected with ODS, the process and the monitoring of its overall performance should be subject to quality assessment and quality control measures in line with current recognized practices. This should include at least occasional independent verification and confirmation of data produced by the facility operators.

Consideration should also be given to the adoption of quality management systems and environment quality practices covering the entire facility.

### **Training**

All personnel concerned with the operation of the facility (with "operation" being interpreted in its widest sense) should have training appropriate to their task.

Of particular relevance to the ODS destruction objectives is training in the consequences of unnecessary losses and in the use, handling and maintenance of all equipment in the facility.

All training should be carried out by suitably qualified and experienced personnel and the details of such training should be maintained in written records. Refresher training should be conducted at appropriate intervals.

### **Code of transportation**

In the interest of protecting the stratospheric ozone layer, it is essential that used ODS and products containing ODS are collected and moved efficiently to facilities practising approved destruction technologies. For transportation purposes, used ODS should receive the same hazard classification as the original substances or products. In practice, this may introduce restrictions on hazardous waste shipment under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and this should be consulted separately. In the absence of such specific restrictions, the following proposed code of transportation for ODS from customer to destruction facilities is provided as a guide to help minimize damage caused to the ozone layer as a result of ODS transfers.

Additional guidance is contained in the United Nations Transport of Dangerous Goods Model Regulations.

It is important to supervise and control all shipments of used ODS and products containing ODS according to national and international requirements to protect the environment and human health. To ensure that ODS and products containing ODS do not constitute an unnecessary risk, they must be properly packaged and labelled. Instructions to be followed in the event of danger or accident must accompany each shipment to protect human beings and the environment from any danger that might arise during the operation.

Notification of the following information should be provided at any intermediate stage of the shipment from the place of dispatch until its final destination. When making notification, the notifier should supply the information requested on the consignment note, with particular regard to:

- (a) The source and composition of the ODS and products containing ODS, including the customer's identity;
- (b) Arrangements for routing and for insurance against damage to third parties;
- (c) Measures to be taken to ensure safe transport and, in particular, compliance by the carrier with the conditions laid down for transport by the States concerned;
- (d) The identity of the consignee, who should possess an authorized centre with adequate technical capacity for the destruction;
- (e) The existence of a contractual agreement with the consignee concerning the destruction of ODS and products containing ODS.

This code of transportation does not necessarily apply to the disposal of ODS-containing rigid insulation foams. The most appropriate way to dispose of such products may be by direct incineration in municipal waste incinerators or rotary kiln incinerators.

### **Monitoring**

The objectives of monitoring should be to provide assurance that input materials are being destroyed with an acceptable efficiency generally consistent with the destruction and removal efficiency (DRE) recommendations listed in annex II to the report of the Fifteenth Meeting of the Parties and that the substances resulting from destruction yield environmentally acceptable emission levels consistent with, or better than, those required under national standards or other international protocols or treaties.

As there are as yet no International Organization for Standardization (ISO) standards applicable for the sampling and analysis of ODS or the majority of the other pollutants listed in annex IV to the report of the Fifteenth Meeting of the Parties, where national standards exist they should be employed. Further, where national standards exist they may be used in lieu of ISO standards provided that they have been the subject of a verification or validation process addressing their accuracy and representativeness.

As ISO develops international standards for pollutants listed in annex IV to the report of the Fifteenth Meeting of the Parties, the technical bodies charged with developing such standards should take note of the existing national standards including those identified in appendix F to the report of the Technology and Economic Assessment Panel (TEAP) of April 2002 (volume 3, report of the Task Force on Destruction Technologies) and strive to ensure consistency between any new ISO standards and the existing standard test methods, provided that there is no finding that those existing methods are inaccurate or unrepresentative.

Where national standards do not exist, the Technical Advisory Committee recommends adoption of the following guidelines for monitoring of destruction processes operating using an approved technology.

Recognizing that the United States of America Environmental Protection Agency (EPA) methods have been the subject of verification procedures to ensure that they are reasonably accurate and representative, that they cover all of the pollutants of interest (although not all ODS compounds have been the specific subject of verification activities), that they provide a comprehensive level of detail that should lead to replicability of the methods by trained personnel in other jurisdictions and that they are readily available for reference and downloading from the Internet without the payment of a fee, applicable EPA methods as described in appendix F to the 2002 report of TEAP may be employed.

In the interest of ensuring a common international basis of comparison for those pollutants or parameters where ISO standards exist (currently particulates, carbon monoxide, carbon dioxide and oxygen), use of those standards is encouraged and jurisdictions are encouraged to adopt them as national standards or acceptable alternatives to existing national standards.

The use of EPA or other national standards described in appendix F is also considered acceptable, however. The precedence given to the EPA methods in the present code is based on the relative comprehensiveness of the methods available (both in scope and content), and the relative ease of access to those methods.

#### **Measurement of ODS**

Operators of destruction facilities should take all necessary precautions concerning the storage and inventory control of ODS-containing material received for destruction. Prior to feeding the ODS to the approved destruction process, the following procedures are recommended:

- (a) The mass of the ODS-containing material should be determined, where practicable;
- (b) Representative samples should be taken, where appropriate, to verify that the concentration of ODS matches the description given on the delivery documentation;
- (c) Samples should be analysed by an approved method. If no approved methods are available, the adoption of United States EPA methods 5030 and 8240 is recommended;
- (d) All records from these mass and ODS-concentration measurements should be documented and kept in accordance with ISO 9000 or equivalent.

#### **Control systems**

Operators should ensure that destruction processes are operated efficiently to ensure complete destruction of ODS to the extent that it is technically feasible for the approved process. This will normally include the use of appropriate measurement devices and sampling techniques to monitor the operating parameters, burn conditions and mass concentrations of the pollutants that are generated by the process.

Gaseous emissions from the process need to be monitored and analysed using appropriate instrumentation. This should be supplemented by regular spot checks using manual stack-sampling methods. Other environmental releases, such as liquid effluents and solid residues, require laboratory analysis on a regular basis.

The continuous monitoring recommended for ongoing process control, including off-gas cleaning systems, is as follows:

- (a) Measurement of appropriate reaction and process temperatures;
- (b) Measurement of flue gas temperatures before and after the gas cleaning system;
- (c) Measurement of flue gas concentrations for oxygen and carbon monoxide.

Any additional continuous monitoring requirements are subject to the national regulatory authority that has jurisdiction. The performance of online monitors and instrumentation systems must be periodically checked and validated. When measuring detection limits, error values at the 95 per cent confidence level should not exceed 20 per cent.

Approved processes must be equipped with automatic cut-off control systems on the ODS feed system, or be able to go into standby mode whenever:

- (a) The temperature in the reaction chamber falls below the minimum temperature required to achieve destruction;
- (b) Other minimum destruction conditions stated in the performance specifications cannot be maintained.

### **Performance measurements**

The approval of technologies recommended by TEAP is based on the destruction capability of the technology in question. It is recognized that the parameters may fluctuate during day-to-day operation from this generic capability. In practice, however, it is not possible to measure against performance criteria on a daily basis. This is particularly the case for situations where ODS only represents a small fraction of the substances being destroyed, thereby requiring specialist equipment to achieve detection of the very low concentrations present in the stack gas. It is therefore not uncommon for validation processes to take place annually at a given facility.

With this in mind, TEAP is aware that the measured performance of a facility may not always meet the criteria established for the technology. Nonetheless, TEAP sees no justification for reducing the minimum recommendations for a given technology. Regulators, however, may need to take these practical variations into account when setting minimum standards.

The ODS destruction and removal efficiency\* for a facility operating an approved technology should be validated at least once every three years. The validation process should also include an assessment of other relevant stack gas concentrations identified in annex II to decision XV/ [...] and a comparison with maximum levels stipulated in relevant national standards or international protocols/treaties.

Determination of the ODS destruction and removal efficiency and other relevant substances identified in annex IV to the report of the Fifteenth Meeting of the Parties should also be followed when commissioning a new or rebuilt facility or when any other significant change is made to the destruction procedures in a facility to ensure that all facility characteristics are completely documented and assessed against the approved technology criteria.

Tests shall be done with known feed rates of a given ODS compound or with well-known ODS mixtures. In cases where a destruction process incinerates halogen-containing wastes together with ODS, the total halogen load should be calculated and controlled. The number and duration of test runs should be carefully selected to reflect the characteristics of the technology.

In summary, the destruction and removal efficiency recommended for concentrated sources means that less than 0.1 gram of total ODS should normally enter the environment from stack-gas emissions when 1,000 grams of ODS are fed into the process. A detailed analysis

of stack test results should be made available to verify emissions of halogen acids and polychlorinated dibenzodioxin and dibenzofuran (PCDD/PCDF). In addition, a site-specific test protocol should be prepared and made available for inspection by the appropriate regulatory authorities. The sampling protocol shall report the following data from each test:

- (a) ODS feed rate;
- (b) Total halogen load in the waste stream;
- (c) Residence time for ODS in the reaction zone;
- (d) Oxygen content in flue gas;
- (e) Gas temperature in the reaction zone;
- (f) Flue gas and effluent flow rate;
- (g) Carbon monoxide in flue gas;
- (h) ODS content in flue gas;
- (i) Effluent volumes and quantities of solid residues discharged;
- (j) ODS concentrations in the effluent and solid residues;
- (k) Concentration of PCDD/PCDF, particulates, HCl, HF and HBr in the flue gases;
- (l) Concentration of PCDD/PCDF in effluent and solids.

*\* Destruction and removal efficiency has traditionally been determined by subtracting from the mass of a chemical fed into a destruction system during a specific period of time the mass of that chemical alone that is released in stack gases and expressing that difference as a percentage of the mass of that chemical fed into the system.*

## Suggested substances for monitoring and declaration when using destruction technologies

[Source: Annex IV of the report of the Fifteenth Meeting of the Parties]

Substances	Units
PCDDs/PCDFs	ng-ITEQ <sup>a</sup> /Nm3 <sup>b</sup>
HCl/Cl <sub>2</sub>	mg/Nm3
HF	mg/Nm3
HBr/Br <sub>2</sub>	mg/Nm3
Particulates (TSP <sup>c</sup> )	mg/Nm3
CO	mg/Nm3

<sup>a</sup> ITEQ – international toxic equivalency

<sup>b</sup> Normal cubic metre

<sup>c</sup> TSP – total suspended particles

## Suggested regulatory standards for destruction facilities

[Source: Annex VII to the report of the Fourth Meeting of the Parties]

Pollutant	Stack Concentration	Comments
PCDD/PDCF	<1.0 <sup>a</sup> ng/m <sup>3</sup>	Frequency, method of sampling, and limit for the ODS that is being destroyed as recommended by national regulatory agencies
HCl	<100 mg/m <sup>3</sup>	
HF	5 mg/m <sup>3</sup>	
HBr/Br <sub>2</sub>	<5 mg/m <sup>3</sup>	
Particulates	<50 mg/m <sup>3</sup>	
CO	<100 mg/m <sup>3</sup>	Continuous emission monitoring with 1 hour rolling average
ODS		Atmospheric releases of ODS shall be monitored at all facilities with air emission discharges (where applicable) to ensure compliance with the recommendations of the report of the Ad Hoc Technical Advisory Committee on Destruction Technologies.

<sup>a</sup> Toxic equivalence using international method. Emissions limits are expressed as mass per dry cubic metre of flue gas at 0°C and 101.3 kPa corrected to 11% O<sub>2</sub>.

## Section 3.2

# Essential use exemptions

### Essential-use exemptions approved by the Meetings of the Parties

[Sources: the following annexes and decisions of each Meeting of the Parties: annex I (Sixth); annex VI (Seventh); annexes II and III (Eighth); annex VI (Ninth); annex I (Tenth); annex VII (Eleventh); annex I (Twelfth); annex I (Thirteenth); annex I (Fourteenth); annex I (Fifteenth); annexes to decisions XVI/12 and XVII/5; annex III (Eighteenth) and decision XVIII/8; annexes to decision XIX/13; decision XIX/14; annex to decision XX/2; annex to decision XXI/4;

Party	1996	1997	1998	1999	2000
<b>Annex A, group I (chlorofluorocarbons)</b>					
Australia	290	194	223	309	220
Belgium	185				
Canada	599	648	513	140	140
Denmark	5				
European Union		6 636.6	5 610	5 000.1	3 770.1
Finland	22				
France	1 864.1				
Germany	773				
Hungary	10	10	10.18	9.23	1.75
Ireland	409				
Israel	7.3	7.2			
Italy	540				
Japan	240	240	181.5	136.5	98.2
Poland	700	381.7	380	381.7	401.7
Portugal	13.21				
Russian Federation		532	452		
South Africa	189	214	223		
Spain	548				
Switzerland	24	8	8		
Ukraine					
United Kingdom of Great Britain and Northern Ireland	3 188				
United States of America	4 263	4 659	4 388	3 905.8	3 735
<b>Annex A, group II (halons)</b>					
Russian Federation	352	300	255	160	90
<b>Annex B, group II (carbon tetrachloride)</b>					
Poland					

decision XXI/5; paragraph 7 and annex to decision XXII/4; decision XXII/5; paragraph 9 and annex to decision XXIII/2; decision XXIII/3; annex to decision XXIV/3; decision XXIV/4; annex to decision XXV/2; decision XXV/3; decision XXVI/3; annex to decision XXVI/4; annex to decision XXVII/2; annex to decision XXVIII/6; annex to decision XXIX/5

(Metric tonnes)

2001	2002	2003	2004	2005	2006	2007	2008	2009
11	11	11	11					
3 270	2 785	2 579	3 928	1 030	539	535	200	22
1.75	1.75	1.75						
88.2	45	40	30					
320.85	300.85	240	314					
396	787	378	336	400	393	352	378	
		0.5						
144	120	83.5	53.1					
3 101	3 450	3 270	2 975	1 902	1 100	1 000	385	282
		2.05						

**Essential-use exemptions approved by the Meetings of the Parties (cont.)**

Party	1996	1997	1998	1999	2000
<b>Annex B, group III (1,1,1-trichloroethane (methyl chloroform))</b>					
United States of America	59.7	60.5	60.1	59.6	58.4
<b>Annex C, group II (HBFCs) and Annex C, group III (bromochloromethane)</b>					
European Union					

Party
<b>Annex A, group I (chlorofluorocarbons)</b>
Argentina
Bangladesh
China
Dominican Republic
Egypt
India
Iran (Islamic Republic of)
Mexico
Pakistan
Russian Federation
Syrian Arab Republic
United States of America
<b>Annex B, group II (carbon tetrachloride)</b>
China

**Summary by year of essential use exemptions**

Summary	1996	1997
Chlorofluorocarbons	13 869.61	13 530.5
Halons	352	300
Carbon tetrachloride		
1,1,1-trichloroethane (methyl chloroform)	59.7	60.5
HBFCs and bromochloromethane		
<b>Total</b>	<b>14 281.31</b>	<b>13 891</b>

Summary	2007	2008	2009
Chlorofluorocarbons	1 928	937	682
Carbon tetrachloride			
<b>Total</b>	<b>1 928</b>	<b>937</b>	<b>682</b>

2001	2002	2003	2004	2005	2006	2007	2008	2009
58.4								
	0.025							
2010	2011	2012	2013	2014	2015	2016	2017	2018
178	107.2							
156.7	57	40.35						
972.2	741.15	532.04	388.82	235.05	182.61			
1.832								
227.4								
343.6								
105								
	6							
34.9	39.6	24.1						
332	312	312	307	297	75			
44.68								
92								
					80	70	65	65

  

1998	1999	2000	2001	2002	2003	2004	2005	2006
11 988.68	9 882.33	8 366.75	6 792.8	7 133.6	7 048.75	7 720	3 321.1	2 039
255	160	90						
					2.05			
60.1	59.6	58.4	58.4					
					0.025			
12 303.78	10 101.93	8 515.15	6 851.2	7 133.6	7 050.825	7 720	3 321.1	2 039

  

2010	2011	2012	2013	2014	2015	2016	2017	2018
2 488.312	1 262.95	908.49	695.82	532.05	257.61			
					80	70	65	65
2 488.312	1 262.95	908.49	695.82	532.05	337.61	70	65	65

## Conditions applied to exemption for laboratory and analytical uses

[Source: Annex II of the report of the Sixth Meeting of the Parties]

1. Laboratory purposes are identified at this time to include equipment calibration; use as extraction solvents, diluents, or carriers for chemical analysis; biochemical research; inert solvents for chemical reactions, as a carrier or laboratory chemical and other critical analytical and laboratory purposes. Production for laboratory and analytical purposes is authorized provided that these laboratory and analytical chemicals shall contain only controlled substances manufactured to the following purities:

	%
CTC (reagent grade)	99.5
1,1,1-trichloroethane	99.0
CFC-11	99.5
CFC-13	99.5
CFC-12	99.5
CFC-113	99.5
CFC-114	99.5
Other w/Boiling P>20° C	99.5
Other w/Boiling P<20° C	99.0

2. These pure controlled substances can be subsequently mixed by manufacturers, agents, or distributors with other chemicals controlled or not controlled by the Montreal Protocol as is customary for laboratory and analytical uses.
3. These high purity substances and mixtures containing controlled substances shall be supplied only in re-closable containers or high pressure cylinders smaller than three litres or in 10 millilitre or smaller glass ampoules, marked clearly as substances that deplete the ozone layer, restricted to laboratory use and analytical purposes and specifying that used or surplus substances should be collected and recycled, if practical. The material should be destroyed if recycling is not practical.
4. Parties shall annually report for each controlled substance produced: the purity; the quantity; the application, specific test standard, or procedure requiring its uses; and the status of efforts to eliminate its use in each application. Parties shall also submit copies of published instructions, standards, specifications, and regulations requiring the use of the controlled substance.

## Categories and examples of laboratory uses

[Source: Annex IV of the report of the Seventh Meeting of the Parties.  
(See also laboratory uses subsequently excluded in decision VII/11 and those eliminated in decision XI/15.)]

*(This list is not exhaustive.)*

1. Research and development (e.g. pharmaceutical, pesticide, CFC and HCFC substitutes)
- 1.1 Reaction solvent or reaction feedstock (e.g. Diels-Alder and Friedel-Craft Reactions, RuO<sub>3</sub> oxidation, allelic side bromination, etc.)

**2. Analytical uses and regulated applications (including quality control)****2.1 Reference**

- Chemical (ODS monitoring, volatile organic compound (VOC) Detection, Equipment Calibration)
- Toxicant
- Product (adhesive bond strength, breathing filter test)

**2.2 Extraction**

- Pesticide and heavy metal detection (e.g. in food)
- Oil mist analysis
- Colour and food additive detection
- Oil detection in water and soil

**2.3 Diluent**

- Zinc, copper, cadmium detection in plants and food
- Microchemical methods to determine molecular weight or oxygen
- Measuring drug purity and residual determination
- Sterilization of lab equipment

**2.4 Carrier (Inert)**

- Forensic methods (e.g. fingerprinting)
- Titration (cholesterol in eggs, drug chemical characteristics, “Iodine value”, e.g. in oils and chemical products)
- Analytical equipment (Spectroscopy (Infra-red, Ultra-violet, Nuclear Magnetic Resonance, fluorescence), chromatography (High-pressure liquid chromatography, gas chromatography, thin-layer chromatography))

**2.5 Tracer**

- Sanitary engineering

**2.6 Miscellaneous (including testing)**

- Ingredient in material for testing (e.g. asphalt, metal fatigue and fracturing)
- Separation media (separation of extraneous materials such as filth and insect excreta from stored food products)

**3. Miscellaneous (including biochemical)****3.1 Laboratory method development****3.2 Sample preparation using solvent****3.3 Heat transfer medium**

## Reporting accounting framework for essential uses other than laboratory and analytical applications

[Source: Annex IV of the report of the Eighth Meeting of the Parties]

A	B	C	D	E	F (D+E)	G (C-F)	H <sup>1</sup>	I (H+F)	J	K	L	M <sup>2</sup> (I-J-L)
Year of essential use	Ozone Depleting Substances	Amount exempted for year of essential use <sup>3</sup>	Amount acquired by production	Amount acquired for essential uses by import & countries of manufacture	Total acquired for essential use	Authorized but not acquired	On hand start of the year <sup>1</sup>	Available for use in current year	Used for essential use	Quantity contained in exported product	Destroyed	On hand end of year <sup>2</sup>
				Amount Country (s)								

(All quantities expressed in metric tonnes.)

<sup>1</sup>National Governments may not be able to estimate quantities on hand as at 1 January 1996 but can track the subsequent inventory of ODS produced for essential uses (Column M).

<sup>2</sup>Carried forward as "on hand start of the year" for next year.

<sup>3</sup>Note that essential use for a particular year may be the sum of quantities authorized by decision in more than one year.

## Section 3.3

# Assessment panels

### **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**

[Source: Annex to decision XXIV/8]

#### **1. Scope of work**

The tasks undertaken by the Technology and Economic Assessment Panel (TEAP) are those specified in Article 6 of the Montreal Protocol in addition to those requested from time to time at Meetings of the Parties. TEAP analyses and presents technical information and recommendations when specifically requested. It does not evaluate policy issues and does not recommend policy. TEAP presents technical and economic information relevant to policy. Furthermore, TEAP does not judge the merit or success of national plans, strategies, or regulations.

To carry out its work programme, technical options committees (TOCs) are established and agreed to by a decision of the parties. TEAP may also establish temporary subsidiary bodies (TSBs), as needed. These bodies *generally* will not last for more than one year and are aimed at responding to specific requests made by the parties.

#### **2.**

##### **2.1 Size and balance**

The overall goal is to achieve a representation of about 50 per cent for Article 5(1) parties in the TEAP and TOCs and appropriate representation of expertise in the different alternatives.

###### **2.1.1 TEAP**

The membership size of the TEAP should be about 18–22 members, including 2 or 3 co-chairs to allow it to function effectively. It should include the co-chairs of the TOCs; there should be two co-chairs per TOC and 2–4 Senior Experts for specific expertise not covered by the TEAP co-chairs or TOC co-chairs, taking into account gender and geographical balance.

At least one and preferably all of the TEAP co-chairs should not simultaneously serve as a TOC co-chair.

###### **2.1.2 TOCs**

Each TOC should have two co-chairs. The positions of TOC co-chairs must be filled to promote a geographical, gender and expertise balance. TEAP, through its TOC co-chairs, shall compose its TOCs to reflect a balance of appropriate and anticipated expertise so that their reports and information are comprehensive, objective and policy-neutral.

### 2.1.3 TSBs

TEAP, in consultation with the TSB co-chairs, shall compose its TSBs to reflect a balance of appropriate expertise so that their reports and information are comprehensive, objective and policy-neutral. TEAP, acting through the TSB co-chairs, shall provide a description in reports by TSBs on how their composition was determined. TSB members, including co-chairs, who are not already members of the TEAP, do not become members of the TEAP by virtue of their service on the TSB.

## 2.2 Nominations

### 2.2.1 TEAP

Nominations of members to the TEAP, including co-chairs of the TEAP and TOCs, must be made by individual parties to the Secretariat through their respective national focal points. Such nominations will be forwarded to the Meeting of the Parties for consideration. The TEAP co-chairs shall ensure that any potential nominee identified by TEAP for appointment to the Panel, including co-chairs of TEAP and the TOCs, is agreed to by the national focal points of the relevant party. A member of TEAP, the TOCs or the TSBs shall not be a current representative of a party to the Montreal Protocol.

### 2.2.2. TOCs and TSBs

All nominations to TOCs and TSBs shall be made in full consultation with the national focal point of the relevant party.

Nominations of members to a TOC (other than TOC co-chairs) may be made by individual parties or TEAP and TOC co-chairs may suggest to individual parties experts to consider nominating. Nominations to a TSB (including TSB co-chairs) can be made by the TEAP Co-Chairs.

## 2.3 Appointment of members of TEAP

In keeping with the intent of the parties for a periodic review of the composition of the assessment panel, the Meeting of the Parties shall appoint the members of TEAP for a period of no more than four years. The Meeting of the Parties may re-appoint Members of the Panel upon nomination by the relevant party for additional periods of up to four years each. In appointing or re-appointing members of TEAP, the parties should ensure continuity, balance as well as a reasonable turnover.

## 2.4 Co-Chairs

In nominating and appointing co-chairs of the TEAP/TOCs/TSBs, parties should consider the following factors:

- (a) Co-Chairs should have experience or skills in managing, coordinating, and building consensus in technical bodies, in addition to possessing technical expertise in relevant areas;
- (b) The co-chairs of a TOC should not normally act as co-chairs of another TOC; and
- (c) The co-chairs of TEAP should not be co-chairs of a TOC;
- (d) The TEAP and TOC co-chairs may suggest to individual parties experts to consider nominating.

## 2.5 Appointment of members of TOCs

Each TOC should have about 20 members. The TOC members are appointed by the TOC co-chairs, in consultation with TEAP, for a period of no more than four years. TOC members may be re-appointed following the procedure for nominations for additional periods of up to four years each.

## 2.6 Subsidiary bodies

Temporary Subsidiary Technical Bodies (TSBs) can be appointed by TEAP to report on specific issues of limited duration. TEAP may appoint and dissolve, subject to review by the parties, such subsidiary bodies of technical experts when they are no longer necessary. For issues that cannot be handled by the existing TOCs and are of substantial and continuing nature, TEAP should request the establishment by the parties of a new TOC. A decision of the Meeting of the Parties is required to confirm any TSB that exists for a period of more than one year.

## 2.7 Termination of appointment

Members of TEAP, a TOC or a TSB may relinquish their position at any time by notifying in writing as appropriate the co-chairs of the TEAP, TOC or TSB and the relevant party.

TEAP can dismiss a member of TEAP, the TOCs and the TSBs, including co-chairs of those bodies, by a two-thirds majority vote of TEAP. A dismissed member has the right to appeal to the next Meeting of the Parties through the Secretariat. The TEAP co-chairs will inform the relevant party if TEAP is dismissing members.

## 2.8 Replacement

If a member of TEAP, including TOC co-chairs, relinquishes or is unable to function including if he or she was dismissed by TEAP, the Panel, after consultation with the nominating party, can temporarily appoint a replacement from among its bodies for the time up to the next Meeting of the Parties, if necessary to complete its work. For the appointment of a replacement TEAP member, the procedure set out in paragraph 2.2 should be followed.

## 2.9 Guidelines for nominations and matrix of expertise

The TEAP/TOCs will draw up guidelines for nominating experts by the parties. The TEAP/TOCs will publicize a matrix of expertise available and the expertise needed in the TEAP/TOCs so as to facilitate submission of appropriate nominations by the parties. The matrix must include the need for geographic and expertise balance and provide consistent information on expertise that is available and required. The matrix would include the name and affiliation and the specific expertise required including on different alternatives. The TEAP/TOCs, acting through their respective co-chairs, shall ensure that the matrix is updated at least once a year and shall publish the matrix on the Secretariat website and in the Panel's annual progress reports. The TEAP/TOCs shall also ensure that the information in the matrix is clear, sufficient and consistent as far as is appropriate between the TEAP and TOCs and balanced to allow a full understanding of needed expertise.

# 3. Functioning of TEAP/TOCs/TSBs

## 3.1 Language

TEAP/TOCs/TSBs meetings will be held and reports and other documents will be produced only in English.

## 3.2 Meetings

### 3.2.1 Scheduling

The place and time of the TEAP/TOCs/TSBs meetings will be fixed by the co-chairs.

### 3.2.2 Secretariat

The Ozone Secretariat should attend the meetings of the TEAP whenever possible and appropriate to provide ongoing institutional advice on administrative issues when necessary.

### 3.2.3 Operating procedures

Co-Chairs of the TOCs should organize meetings in accordance with operating procedures developed by the TOCs in consultation with the Secretariat to ensure full participation of all members, sound and appropriate decision-making and record keeping. The procedures should be updated periodically and made available to the parties.

## 3.3 Rules of procedure

The rules of procedure of the Montreal Protocol for committees and working groups will be followed in conducting the meetings of the TEAP/TOCs/TSBs, unless otherwise stated in these terms of reference for TEAP/TOCs/TSBs or other decisions approved by a Meeting of the Parties.

## 3.4 Observers

No observers will be permitted at TEAP, TOC or TSB meetings. However, anyone can present information to the TEAP/TOCs/TSBs with prior notice and can be heard personally if the TEAP/TOCs/TSBs consider it necessary.

## 3.5 Functioning by members

The TEAP/TOCs/TSBs members function on a personal basis as experts, irrespective of the source of their nominations and accept no instruction from, nor function as representatives of Governments, industries, non-governmental organizations (NGOs) or other organizations.

## 4. Report of TEAP/TOCs/TSBs

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### 4.1 Procedures

The reports of the TEAP/TOCs/TSBs will be developed through a consensus process. The reports must reflect any minority views appropriately.

### 4.2 Access

Access to materials and drafts considered by the TEAP/TOCs/TSBs will be available only to TEAP/TOCs members or others designated by TEAP/TOCs/TSBs.

### 4.3 Review by TEAP

The final reports of TOCs and TSBs will be reviewed by the TEAP and will be forwarded, without modification (other than editorial or factual corrections which have been agreed with the co-chairs of the relevant TOC or TSB) by TEAP to the Meeting of the Parties, together with any comments TEAP may wish to provide. Any factual errors in the reports may be rectified through a corrigendum following publication, upon receipt by TEAP or the TOC of supporting documentation.

#### 4.4 Comment by public

Any member of the public can comment to the co-chairs of the TOCs and TSBs with regard to their reports and they must respond as early as possible. If there is no response, these comments can be sent to the TEAP co-chairs for consideration by TEAP.

### 5. Code of conduct for Members of the Technology and Economic Assessment Panel and its bodies

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Members of TEAP, the TOCs and the TSBs have been asked by the parties to undertake important responsibilities. As such, a high standard of conduct defined in accordance with the principles of transparency, predictability, accountability, trustworthiness, integrity, responsibility and disclosure is expected of members in discharging their duties. In order to assist members, the following guidelines have been developed as a code of conduct that must be followed by the members of TEAP, the TOCs and the TSBs.

1. This code of conduct is intended to protect Members of TEAP, the TOCs and the TSBs from conflicts of interest in their participation. Compliance with the measures detailed in these guidelines is a condition for serving as a Member of TEAP, the TOCs or the TSBs.
2. The Code is to enhance public confidence in the integrity of the process while encouraging experienced and competent persons to accept TEAP, TOC and/or TSB membership by:
  - (a) Establishing clear guidelines respect to conflict of interest and disclosure while and after serving as a member; and
  - (b) Minimizing the possibility of conflicts arising between the private interest and public duties of members and by providing for the resolution of such conflicts, in the public interest, should they arise.
3. In carrying out their duties, members shall:
  - (a) Perform their official duties and arrange their private affairs in such a manner that public confidence and trust in the integrity, objectivity and impartiality of TEAP, the TOCs and the TSBs are conserved and enhanced;
  - (b) Act in a manner that will bear the closest public scrutiny, an obligation that is not fully discharged by simply acting within the law of any country;
  - (c) Act in good faith for the best interest of the process;
  - (d) Exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
  - (e) Not give preferential treatment to anyone or any interest in any official manner related to TEAP, the TOCs or the TSBs;
  - (f) Not solicit or accept significant gifts, hospitality or other benefits from persons, groups or organizations having or likely to have dealings with TEAP, the TOCs or the TSBs;
  - (g) Not accept transfers of economic benefit, other than incidental gifts, customary hospitality or other benefits of nominal value, unless the transfer is pursuant to an enforceable contract or property right of the member;
  - (h) Not represent or assist any outside interest in dealings before TEAP, the TOCs or the TSBs;

- (i) Not knowingly take advantage of, or benefit from, information that is obtained in the course of their duties and responsibilities as a member of TEAP, the TOCs and the TSBs, and that is not generally available to the public; and
- (j) Not act, after their term of office as members of TEAP, the TOCs or the TSBs in such a manner as to take improper advantage of their previous office.

4. To avoid the possibility or appearance that members of TEAP, the TOCs or the TSBs might receive preferential treatment, members shall not seek preferential treatment for themselves or third parties or act as paid intermediaries for third parties in dealings with TEAP, the TOCs or the TSBs.

## **6. Conflict of Interest and Disclosure Guidelines for the Technology and Economic Assessment Panel, Its Technical Options Committees and Temporary Subsidiary Bodies**

### **Definitions**

1. For the purposes of these Guidelines:
  - (a) “Conflict of interest” means any current interest of a member, or of that member’s personal partner or dependant which, in the opinion of a reasonable person does or appears to:
    - (i) Significantly impair that individual’s objectivity in carrying out their duties and responsibilities for TEAP, the TOC or the TSB; or
    - (ii) Create an unfair advantage for any person or organization;
  - (b) “Member” means member including co-chairs of TEAP, the TOCs and/or the TSBs;
  - (c) “Recusal” means that a member does not participate in particular elements of TEAP, TOC or TSB work because of a conflict of interest; and
  - (d) “Conflict resolution advisory body” means the body appointed under paragraph 22.

### **Purposes**

2. The overall purpose of these Guidelines is to protect the legitimacy, integrity, trust, and credibility of the TEAP, TOCs and TSBs and of those directly involved in the preparation of reports and activities.
3. The role of the TEAP, TOCs and TSBs demands that they pay special attention to issues of independence and bias in order to maintain the integrity of, and public confidence in, their products and processes. It is essential that the work of TEAP and its TOCs and TSBs is not compromised by any conflict of interest.
4. Written agreement to comply with these Guidelines is a condition for service as a Member.
5. These Guidelines are to enhance public confidence in the process, while encouraging experienced and competent persons to serve on the TEAP, TOC and/or TSB, by:
  - (a) Establishing clear guidance with respect to disclosure and conflict of interest while serving as a Member;
  - (b) Minimizing the possibility of conflicts of interest arising with respect to Members, and by providing for the resolution of such conflicts, in the public interest, should they arise; and

- (c) Finding the balance between the needs:
  - (i) To identify the appropriate disclosure requirements, and
  - (ii) To ensure the integrity of the TEAP process.
- 6. These Guidelines are principle-based and do not provide an exhaustive list of criteria for the identification of conflicts.
- 7. TEAP, the TOCS, the TSBs and their members should not be in a situation that could lead a reasonable person to question, and perhaps discount or dismiss, their work because of the existence of a conflict of interest.

### **Disclosure**

- 8. Members are to disclose annually any potential conflicts of interest. They must also disclose the source of any funding for their participation in the work of the TEAP, TOC and/or TSB. An illustrative list of other interests that should be disclosed is provided in Annex A to these Guidelines.
- 9. Members are to disclose any material change to previously submitted information within 30 days of any such change.
- 10. Notwithstanding paragraphs 8 and 9, a member may decline to disclose information related to activities, interests and funding where its disclosure would adversely and materially affect:
  - (a) Defence, national security or imminent public safety;
  - (b) The course of justice in prospective or current court cases;
  - (c) The ability to assign future intellectual property rights; or
  - (d) The confidentiality of commercial, government, or industrial information.
- 11. Members who decline to disclose information under paragraph 10 must declare that they are doing so in their disclosure of interest under paragraphs 8 or 9 and must be completely excluded from discussions and decisions on related topics.

### **Conflict of interest**

- 12. A member's strong opinion (sometimes referred to as bias), or particular perspective, regarding a particular issue or set of issues does not create a conflict of interest. It is expected that the TEAP, TOCs and TSBs will include members with different perspectives and affiliations, which should be balanced so far as possible.
- 13. These Guidelines apply only to current conflicts of interest. They do not apply to past interests that have expired, no longer exist and cannot reasonably affect current assessment. Nor do they apply to possible interests that may arise in the future but that do not currently exist, as such interests are inherently speculative and uncertain. For example, a pending application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a conflict of interest.

### **Procedures**

- 14. All of the bodies involved in advising on and deciding conflict of interest issues under these Guidelines should consult the relevant member where the body has concerns about a potential conflict of interest and/or where it requires clarification of any matters arising out of a member's disclosure. Such bodies should ensure that the relevant individuals and, where appropriate, the nominating party, have an opportunity to discuss any concerns about a potential conflict of interest.

15. In the event that an issue regarding a potential conflict of interest arises, the relevant member and co-chairs should attempt to resolve the issue through consultations, including consultations with the advisory body. If the consultations reach an impasse, TEAP could request the Executive Secretary to select an outside mediator to assist in resolving the matter. The mediator should not be a member and should not otherwise have any current affiliation with the relevant individuals, bodies or issues.
16. At any point, the conflict resolution advisory body may be consulted by members or potential members regarding issues related to:
  - (a) Member disclosures;
  - (b) Potential conflicts of interest or other ethics issues; or
  - (c) Potential recusal of members.
17. The conflict resolution advisory body must promptly inform a member if it has been asked to advise on an issue regarding the member. Any information provided to and any advice provided by the conflict resolution advisory body will be considered confidential and will not be used for any purpose other than consideration of conflict of interest issues under these Guidelines without the express consent of the individual providing the information or requesting the advice, as appropriate.
18. If an issue under these Guidelines cannot be resolved through the procedures in paragraphs 14 through 17:
  - (a) A TEAP member, including TEAP and TOC co-chairs, may be recused from a defined area of work only by a three-fourths majority of TEAP (excluding the individual whose recusal is at issue).
  - (b) A TOC or TSB member, excluding TEAP and TOC co-chairs, may be recused from a defined area of work by the co-chairs of the relevant TOC or, upon appeal, by a three-fourths majority of TEAP.
19. In the event of the procedure under the previous paragraph taking place, the Member whose recusal is at issue may not participate. In the event that the matter is brought to the TEAP consistent with paragraph 18, the Member whose recusal is under discussion, should be excluded from those discussions.

#### **Recusal**

20. When a conflict of interest is determined to exist with respect to a particular Member, the Member should, depending on what is appropriate in the circumstances, be:
  - (a) Excluded from decision-making and discussions related to a defined area of work;
  - (b) Excluded from decision-making but may participate in discussions related to a defined area of work; or
  - (c) Excluded from participation in the matter in any other manner deemed appropriate.
21. A Member who is recused completely or partially from an area of work may nevertheless answer questions with respect to that work at the request of the TEAP, TOC or TSB.

#### **Conflict resolution advisory body**

22. The conflict resolution advisory body is not envisioned as a body that will meet on any regular basis but will come together, physically or virtually, as needed to provide advice to members or potential members and assist with resolving issues. It shall consist of Co-Chairs of the Open-ended Working Group and the President of the Bureau of the

Meeting of the Parties, with the Ozone Secretariat providing logistical, technical legal and administrative support and advice to the body. No additional travel support or other financial support will be provided to members serving on the body.

### Annex to the terms of reference

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 dependent 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 dependent, 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 dependent, 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.

## Section 3.4

# Critical-use exemptions for methyl bromide

### Critical-use exemptions approved by Meetings of the Parties

#### First Extraordinary Meeting of the Parties

[Source: Annex II of the report of the First Extraordinary Meeting of the Parties]

##### A. Agreed critical-use categories

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Cut flowers – field (18.375); cut flowers – protected (10.425); cut flowers, bulbs – protected (7); rice (consumer packs) (6.15); strawberry fruit – field (67); strawberry runners (35.75);
Belgium	Asparagus (planting material) (0.63); chicory (0.18); cucurbits (0.61); cut flowers (excluding roses and chrysanthemum) (4); cut flowers (chrysanthemum) (1.12); leeks and onions – planting stock (0.66); lettuce and endive – protected (25.19); nursery (0.9); orchard – pome fruit and berries – replant (1.35); pepper, eggplant – protected (3); strawberry runners (3.4); tomatoes – protected (5.7); tree nursery (0.23)
Canada	Pasta and flour mills (47); strawberry runners (7.952)
France	Carrots (8); chestnuts (2); cut flowers, bulbs – protected and open field (60); eggplant, pepper, tomato – protected and field (125); forest nurseries (10); mills and processors (40); orchard and raspberry – replant (25); orchard and raspberry nurseries (5); rice (consumer packs) (2); strawberry runners (40); strawberry fruit – protected and open field (90);
Greece	Cucurbits – protected (30); tomato – protected (156);
Italy	Cut flowers, bulbs – protected (250); eggplant – protected (194); melon – protected (131); pepper – protected (160); strawberry fruit – protected (407); strawberry runners (120); tomato – protected (871);
Japan	Chestnuts (4.6); cucumber (39.4); melon (94.5); peppers (74.1); watermelon (71.4)
Portugal	Cut flowers – protected and open field (50);
Spain	Cut flowers (andalusia) – protected (53); cut flowers (catalonia) – carnation, protected and open field (20); peppers – protected (200); strawberry fruit – protected (556); strawberry runners (230)
United Kingdom	Cheese stores (traditional) (1.640); food storage (dry goods) – structure (1.1); mills and processors (47.13); miscellaneous dry nuts, fruit, beans, cereals, seeds (2.4); ornamental tree nurseries (6); spices (structural/equipment) (1.728); stored spices (0.03); strawberries and raspberries – fruit (68); tobacco (product/machinery) (0.050)
United States of America	Chrysanthemum cuttings – rose plants (nursery) (29.412); cucurbits – field (1 187.8); dried fruit, beans and nuts (86.753); eggplant – field (73.56); forest nursery seedlings (192.515); fruit tree nurseries (45.8); ginger production – field (9.2); mills and processors (483); orchard replant (706.176); peppers – field (1 085.3); smokehouse ham – (building and product) (0.907); strawberry fruit – field (1 833.846); strawberry runners (54.988); sweet potato – field (80.83); tomato - field (2 865.3); turfgrass (206.827)

**B. Permitted levels of production and consumption of methyl bromide necessary to satisfy critical uses in 2005**

(Metric tonnes)

Country	Methyl bromide
Australia	145
Belgium <sup>a</sup>	47
Canada	55
France <sup>a</sup>	407
Greece <sup>a</sup>	186
Italy <sup>a</sup>	2 133
Japan	284
Portugal <sup>a</sup>	50
Spain <sup>a</sup>	1 059
United Kingdom <sup>a</sup>	128
United States of America	7 659

<sup>a</sup> The production and consumption of the European Community shall not exceed 3 910 metric tonnes for the purposes of the agreed critical uses, and 100 metric tonnes of stocks.

## Sixteenth Meeting of the Parties

[Source: Annex to decision XVI/2]

**Section IA: 2005 – agreed supplemental critical-use categories**

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Almonds (1.9)
Belgium	Mills (0.2), electronic equipment (0.1), woodworking premises (0.3), food premises (0.3), food storage dry structure (0.12), old buildings (1.15), empty silo (0.05), food processing premises (0.03), flour mill (9.515), artefacts and structures (0.59), churches, monuments and ships quarters (0.15), antique structures and furniture (0.319)
Canada	Strawberry runners (6.84)
France	Cucurbits (60), melon (7.5), seeds post harvest (0.135)
Germany	Artefacts (0.25), mills and processors (45)
Greece	Cut flowers (14), dried fruit (4.28), mills and processors (23)
Israel	Artefacts (0.65), cut flowers, protected (303), cut flowers, open fields (77), dates post harvest (3.444), flour mills – machinery and storages (2.14), furniture imported (1.422), fruit tree nurseries (50), potato (239), strawberry runners (35), strawberry fruit (196), melon (125.65), seed production (56)
Italy	Mills and processors (160), artefacts (5.225)
Japan	Chestnut (2.5), cucumber (48.9), ginger field (119.4), ginger protected (22.9), melon (99.6), watermelon (57.6), peppers hot (23.2), peppers green (89.9)
Netherlands	Strawberry runners (0.12)
New Zealand	Strawberry fruit (42), strawberry runners (8)
Poland	Strawberry runners (40), dry commodities (4.1)
Switzerland	Mills and processors (8.7)

Country	Categories of permitted critical uses
United Kingdom	Mills and processors biscuits (2.525), spices (building) (3.0), spices and pappadum (0.035), woven baskets (0.77)
United States of America	Dried fruit and nuts (2.413), eggplant field (3.161), peppers field (9.482), tomato field (10.746), dry commodities structures (cocoa) (61.519), dry commodities – processed foods, herbs, spices, dried milk (83.344), ornamentals (154), smokehouse ham (67), strawberry fruit (219)

*Section IB: 2005 – permitted supplemental levels of production and consumption*

(Metric tonnes)

Country	Methyl bromide
Australia	1.9
Belgium <sup>a</sup>	12.824
Canada	6.84
France <sup>a</sup>	67.635
Germany <sup>a</sup>	45.25
Greece <sup>a</sup>	41.28
Israel	1 074
Italy <sup>a</sup>	165.225
Japan	464
Netherlands <sup>a</sup>	0.12
New Zealand	40.5
Poland <sup>a</sup>	44.1
Switzerland	8.7
United Kingdom <sup>a</sup>	6.33

<sup>a</sup> The supplementary production and consumption of the European Community shall not exceed 382.764 metric tonnes for the purposes of the agreed supplementary critical uses.

*Section IIA: 2006 agreed critical-use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Almonds (2.1), cut flowers (22.35), cut flowers bulbs protected (5.25), rice consumer packs (6.15), strawberry runners (30)
Belgium	Food premises (0.3)
Canada	Strawberry runners (8.666), flour mills (27.8), pasta manufacturing facilities (8.4)
France	Carrots (8), chestnut (2), cucurbits (60), forest nurseries (10), orchard and raspberry replant (25), orchard and raspberry nurseries (5), peppers (27.5), rice consumer packs (2), seeds post harvest (0.135), strawberry fruit (86), strawberry runners (40), cut flowers bulbs (52), eggplant (22), tomato (48.4), melon (6.0), mills and processors (35)
Israel	Artefacts and libraries (0.65), cut flower open field (67), flour mills machinery and storages (1.49), fruit tree nurseries (45), strawberry fruit (196), strawberry runners (35), dates post harvest (2.755), cut flowers protected (240), melon (99.4), potato (165), seed production (28)
Italy	Strawberry runners (120), strawberry fruit protected (320), tomato protected (697), eggplant protected (156), cut flowers bulbs protected (187), melon protected (131), pepper protected (130), artefacts (5.225)

Country	Categories of permitted critical uses
Japan	Chestnuts (6.5), cucumber (87.6), ginger field (119.4), ginger protected (22.9), melon (171.6), watermelon (60.9), peppers green (98.4), peppers hot (13.9)
New Zealand	Strawberry fruit (34), strawberry runners (8)
Poland	Strawberry runners (40), dry commodities (3.56)
Spain	Peppers protected (155), strawberry fruit protected (499.29), strawberry runners (230), cut flowers protected (42), cut flowers protected and open field (15)
Switzerland	Mills and processors (7.0)
United Kingdom	Ornamental tree nurseries (6), raspberry nurseries (4.4), strawberry fruit (54.5)
United States of America	Cucurbits – field (747.839), dried fruit and nuts (80.649), forest nursery seedlings (157.694), nursery stock – fruit trees, raspberries, roses (64.528), strawberry runners (56.291), turfgrass (131.6), dry commodities cocoa beans (46.139), dry commodities/ structures (56.253), eggplant field (81.253), mills and processors (394.843), peppers field (806.877), strawberry fruit field (1 523.180), tomato field (2 222.934), orchard replant (527.6)

*Section IIB: 2006 – permitted levels of production and consumption*

(Metric tonnes)

Country	Methyl bromide
Australia	65.85
Belgium <sup>a</sup>	0.3
Canada	44.866
France <sup>a</sup>	429.035
Israel	880.295
Italy <sup>a</sup>	1 746.225
Japan	581.2
New Zealand	40.5
Poland <sup>a</sup>	43.56
Spain <sup>a</sup>	941.29
Switzerland	7
United Kingdom <sup>a</sup>	64.9
United States of America	6 897.68

<sup>a</sup> The production and consumption of the European Community shall not exceed 3 225.310 metric tonnes for the purposes of the agreed critical uses.

*Section III: 2006 Approved critical-use nominations under paragraph 5*

(Metric tonnes)

Party	2006 Approved critical-use nominations under paragraph 5
Australia	Cut flowers – bulbs – protected (1.75); rice – consumer packs (6.15); strawberry runners (7.5)
Canada	Flour mills (6.974); pasta manufacturing facilities (2.057);
France	Cut flowers, bulbs – protected and open field (8.25); eggplant (5.5); melon (4.0); mills and processors (5); tomato (12.1);
Israel	Cut flowers – protected (63); dates – postharvest (0.689); melon protected – in field (42.6); seed production (22)

Party	2006 Approved critical-use nominations under paragraph 5
Italy	Artefacts (0.275); cut flowers – bulbs – protected (63); eggplant – protected (44); melon – protected (4); peppers – protected (30); strawberry fruit – protected (80); tomato – protected (333)
Japan	Peppers – green (65.6); peppers – hot (9.3)
New Zealand	Strawberry fruit (8); strawberry runners (2)
Spain	Cut flowers – cadiz/sevilla – protected (11); cut flowers (cataluna – carnation, protected and open field (3.6)
United Kingdom	Strawberry fruit (9.1)
United States of America	Dry commodities/structures (cocoa beans) (15.38); dry commodities/structures (processed foods, herbs and spices, and cheese processing facilities) (27.091); eggplant – field (20.933); mills and processors (111.139); orchard replant (300.394); peppers – field (694.497); strawberry fruit – field (397.597); tomato – field (627.552)

## Second Extraordinary Meeting of the Parties

[Source: Annex to decision Ex.II/1]

*Table A: Agreed critical-use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Cut-flowers (1.75); strawberry runners (7.5)
Canada	Pasta manufacturing facilities (2.057); flour mills (6.974)
Japan	Peppers (hot) (9.3); peppers (green) (65.6)
United States of America	Ornamentals (148.483); dry-cured ham (40.854); dry commodities/structures (cocoa beans) (9.228); dry commodities/structures (processed foods, herbs and spices, dried milk and cheese processing facilities) (12.865); eggplant – field, for research only (0.914); mills and processors (66.915); peppers – field (436.665); strawberry fruit – field (207.648); tomato – field (253.431)

*Table B: Permitted levels of production and consumption of methyl bromide to satisfy critical uses in 2006*

(Metric tonnes)

Country	Methyl bromide
Australia	9.250
Canada	9.031
Japan	74.900
United States of America	760.585

## Seventeenth Meeting of the Parties

[Source: Annex to decision XVII/9]

Table A: 2006 agreed critical-use categories

(Metric tonnes)

Country	Categories of permitted critical uses
Belgium	Antique structures and furniture (0.199), artefacts and structures (0.307), asparagus (0.225), berry fruit (0.621), chicory (0.18), churches, monuments and ships' quarters (0.059), cucumber (0.545), cut flowers (1.956), electronic equipment (0.035), empty silo (0.043), endive (1.65), flour mill (0.072), flour mills (4.17), food premises (0.03), mills (0.2), nursery (0.384), old buildings (0.306), old buildings (0.282), pepper and eggplant (1.35), strawberry runners (0.9), tomato (protected) (4.5), tree nursery (0.155), woodworking premises (0.101)
Germany	Artefacts (0.1), mills and processors (19.35)
Greece	Dried fruit (3.081), cucurbits (19.2), cut flowers (6.0), mills and processors (15.445), rice and legumes (2.355), tomatoes (73.6)
Ireland	Mills (0.888)
Italy	Mills and processors (65.0)
Japan	Chestnut (0.3), cucumber (1.2), melon (32.3), peppers (green & hot) (13.5), watermelon (38.0)
Latvia	Grains (2.502)
Malta	Cucumber (0.127), eggplant (0.17), strawberry (0.212), tomatoes (0.594)
Netherlands	Strawberry runners (0.12)
Poland	Coffee, cocoa beans (2.160)
Portugal	Cut flowers (8.75)
Spain	Rice (42.065)
United Kingdom	Cereal processing plants (8.131), cheese stores (1.248), cut flowers (6.05), dried commodities (rice, fruits and nuts) whitworths (1.256), herbs and spices (0.037), mills (nabim) (10.195), mills and processors (biscuits) (1.787), structures (herbs and spices) (1.872), structures, processors and storage whitworths (0.880)
United States of America	Dried beans (7.07)

Table B: 2006 permitted levels of production and consumption

(Metric tonnes)

Country	Methyl bromide
Belgium <sup>a</sup>	18.270
Germany <sup>a</sup>	19.450
Greece <sup>a</sup>	119.681
Ireland <sup>a</sup>	0.888
Italy <sup>a</sup>	65.000
Japan	85.300
Latvia <sup>a</sup>	2.502
Malta <sup>a</sup>	1.103
Netherlands <sup>a</sup>	0.120
Poland <sup>a</sup>	2.160

Country	Methyl bromide
Portugal <sup>a</sup>	8.750
Spain <sup>a</sup>	42.065
United Kingdom <sup>a</sup>	31.456

<sup>a</sup> The production and consumption of the European Community shall not exceed 311.445 metric tonnes for the purposes of the agreed critical uses.

*Table C: 2007 agreed critical-use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Rice (consumer packs) (5.13), strawberry runners (35.75)
Canada	Flour mills (30.167), strawberry runners pei (7.995), strawberry runners quebec (1.826)
Japan	Chestnuts (6.5), cucumbers (72.4), ginger field (109.701), ginger protected (14.471), melon (182.2), peppers green and hot (156.7), watermelon (94.2)
United States of America	Cucurbits (592.891), dry commodities/structures cocoa beans (64.082), dried fruit and nuts (78.983), dry commodities/structures (processed foods, herbs & spices, dried milk and cheese processing facilities) npma (82.771), dry cure pork products (building and product) (18.998), eggplant field (85.363), forest nursery seedlings (122.032), mills and processors (401.889), nursery stock – fruit trees, raspberries, roses (28.275), orchard replant (405.400), ornamentals (137.835), peppers field (1 106.753), strawberry fruit field (1 476.019), strawberry runners (4.483), tomato field (2 065.246), turf grass (78.040)

*Table D: 2007 permitted levels of production and consumption*

(Metric tonnes)

Country	Methyl bromide
Australia	40.88
Canada	39.988
Japan	636.172
United States of America	5 149.060

## **Eighteenth Meeting of the Parties**

[Source: Annex to decision XVIII/13]

*Table A: 2007 agreed critical-use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Cut flowers – bulbs – protected (3.598), rice (4.075)
Canada	Pasta (6.757), strawberry runners (ontario) (6.129)
France	Chestnuts (1.800), mills (8.000), seeds (0.096), carrots (1.400), cucumbers (12.500), cut flowers and bulbs (9.600), forest nurseries (1.500), orchard & raspberry nurseries (2.000), orchard replant (7.000), pepper (6.000), strawberry runners (28.000)
Greece	Dried fruit (0.450), mills & processors (1.340)
Israel	Dates (2.200), flour mills (1.040), broomrape (250.000), cucumber (25.000), cut-flowers – bulbs – protected (220.185), cut-flowers – open field (74.540), fruit tree nurseries (7.500), melon – protected & field (105.000), potato (137.500), strawberry runners (28.000), strawberry fruit (93.000), tomato (22.750)

Country	Categories of permitted critical uses
Italy	Artefacts (5.000), mills and processors (25.000), cut flowers – protected (30.000), melon – protected (10.000), pepper – protected (67.000), strawberry runners (35.000), tomatoes protected (80.000)
Netherlands	Strawberry runners (0.120)
New Zealand	Strawberry runners (6.234), strawberry fruit (12.000)
Poland	Coffee & cocoa beans (1.420), medicinal herbs and mushrooms (1.800), strawberry runners (24.500)
Spain	Cut flowers (andalucia & catalonia) (43.490), peppers (45.000), strawberry fruit (0.0796 for research), strawberry runners (230.000)
United Kingdom	Aircraft (0.165), cereal processing plants (3.480), cheese stores (1.248), 13 mills (4.509), mills – food processing (biscuits) (0.479), structures (herbs & spices) (0.908), structures (whitworth) (0.257)

**Table B: 2007 permitted levels of production and consumption**

(Metric tonnes)

Country	Methyl bromide
Australia	7.673
Canada	12.886
France <sup>a</sup>	77.896
Greece <sup>a</sup>	1.790
Israel	966.715
Italy <sup>a</sup>	252.000
Netherlands <sup>a</sup>	0.120
New Zealand	18.234
Poland <sup>a</sup>	27.720
Spain <sup>a</sup>	318.5696
United Kingdom <sup>a</sup>	11.046

<sup>a</sup> The production and consumption of the European Community shall not exceed 689.1416 metric tonnes for the purposes of the agreed critical uses.

**Table C: 2008 agreed critical-use categories**

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Cut flowers – bulbs – protected (3.500), rice (7.400 + 1.8 <sup>a</sup> ), strawberry runners (35.750)
Canada	Mills (28.650); strawberry runners (Prince Edward Island) (7.462)
Japan	Chestnuts (6.300), cucumbers (51.450), ginger – field (84.075), ginger – protected (11.100), melon (136.650), pepper green & hot (121.725), watermelon (32.475)
United States of America	Commodities (58.921), cocoa beans (npma subset) (53.188), npma food processing structures (cocoa beans removed) (69.208), mills and processors (348.237), smokehouse ham (19.669), cucurbits – field (486.757), eggplant – field (66.018), forest nursery (131.208), nursery stock – fruit, nut, flower (51.102), orchard replant (393.720), ornamentals (138.538), peppers – field (756.339), strawberry – field (1 349.575), strawberry runners (8.838), tomatoes – field (1 406.484), sweet potato slips (18.144)

<sup>a</sup> All or part of the supplementary amount of 1.8 metric tonnes, if required, is conditional on the Technical and Economic Assessment Panel's recommendation in its 2007 progress report.

*Table D: 2008 permitted levels of production and consumption*

(Metric tonnes)

Country	Methyl bromide
Australia	46.650 + 1.8 <sup>a</sup>
Canada	36.112
Japan	443.775
United States of America	4 595.040

<sup>a</sup> All or part of the supplementary amount of 1.8 metric tonnes, if required, is conditional on the Technical and Economic Assessment Panel's recommendation in its 2007 progress report.

## Nineteenth Meeting of the Parties

[Source: Annex to decision XIX/9]

*Table A: 2008 agreed critical-use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Rice (1.80) <sup>a</sup>
Canada	Pasta (6.067)
Israel	Dates (1.800), flour mills (0.312), broomrape (250.000), cucumber – protected (18.750), cut flowers – bulbs – protected (114.450), cut-flowers – open field (44.750), melon – protected and field (87.500), potato (93.750), sweet potatoes (111.500), strawberry runners (sharon and gaza) (31.900), strawberry fruit – protected (sharon and gaza) (105.960),
Poland	Coffee and cocoa beans (0.500), medicinal herbs and mushrooms (0.500), strawberry runners (11.995)
Spain	Cut flowers (andalucia and catalonia) (17.000), strawberry runners (215.000), strawberry and pepper – research (0.151)

<sup>a</sup> This amount was first approved in decision XVIII/13, conditional on the Technology and Economic Assessment Panel's 2007 progress report.

*Table B: 2008 permitted levels of production and consumption*

(Metric tonnes)

Country	Methyl bromide
Australia	1.80 <sup>b</sup>
Canada	6.067
Israel	860.672
Poland <sup>a</sup>	12.995
Spain <sup>a</sup>	232.151

<sup>a</sup> The production and consumption of the European Community shall not exceed 245.146 metric tonnes for the purposes of the agreed critical uses.

<sup>b</sup> This amount was first approved in decision XVIII/13, conditional on the Technology and Economic Assessment Panel's 2007 progress report.

*Table C: 2009 agreed critical-use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Strawberry runners (29.790), rice (7.820)
Canada	Mills (26.913), strawberry runners (Prince Edward Island) (7.462)
Japan	Chestnuts (5.800), cucumbers (34.300), ginger – field (63.056), ginger – protected (8.325), melons (91.100), peppers green and hot (81.149), watermelon (21.650)

Country	Categories of permitted critical uses
United States of America	Commodities (45.623), npma food processing structures (cocoa beans removed) (54.606), mills and processors (291.418), dried cured pork (18.998), cucurbits (407.091), eggplant – field (48.691), forest nursery seedlings (122.060), nursery stock – fruit, nut, flower (25.326), orchard replant (292.756), ornamentals (107.136), peppers – field (548.984), strawberries – field (1 269.321), strawberry runners (7.944), tomatoes – field (1 003.876), sweet potato slips (18.144)

*Table D: 2009 permitted levels of production and consumption*

(Metric tonnes)

Country	Methyl bromide
Australia	37.610
Canada	34.375
Japan	305.380
United States of America	3 961.974 <sup>a</sup>

<sup>a</sup> Minus available stocks

## Twentieth Meeting of the Parties

[Source: Annex to decision XX/5]

*Table A: 2009 agreed critical use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
Canada	Pasta (4.74)
Israel	Dates (2.100), flour mills (0.300), broomrape (125.000), cut flowers – bulbs – protected (85.431), cut flowers – open field (34.698), melon – protected and field (87.500), potato (75.000), sweet potatoes (95.000), strawberry runners (Sharon and Gaza) (28.075), strawberry fruit – protected (Sharon and Gaza) (77.750)

*Table B: 2009 permitted levels of production and consumption*

(Metric tonnes)

Country	Methyl bromide
Canada	4.74
Israel	610.554

*Table C: 2010 agreed critical use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Strawberry runners (29.790), rice (6.65)
Canada	Mills (22.878), strawberry runners (Prince Edward Island) (7.462)
Japan	Chestnuts (5.400), cucumbers (30.690), ginger – field (53.400), ginger – protected (8.300), melons (81.72), pepper – green and hot (72.99), watermelon (14.500)
United States of America	Commodities (19.242), NPMA food processing structures (cocoa beans removed) (37.778), mills and processors (173.023), dried cured pork (4.465), cucurbits (302.974), eggplant – field (32.820), forest nursery seedlings (117.826), nursery stock – fruit, nut, flower (17.363), orchard replant (215.800), ornamentals (84.617), peppers – field (463.282), strawberries – field (1 007.477), strawberry runners (4.690), tomatoes – field (737.584), sweet potato slips (14.515)

*Table D: 2010 permitted levels of production and consumption*

Country	(Metric tonnes)
Australia	36.44
Canada	30.34
Japan	267.0
United States of America	2 763.456 <sup>a</sup>

<sup>a</sup> Minus available stocks

## Twenty-First Meeting of the Parties

[Source: Annex to decision XXI/11]

*Table A: 2010 agreed critical use categories*

Country	(Metric tonnes)
Canada	Pasta (3.529)
Israel	Broomrape protected (12.50), cucumber (15.937), cut flowers & bulbs protected (63.464), cut flowers open field (28.554), dates (1.04), melon protected & open field (70.00), strawberry fruit – Sharon and Gaza (57.063), strawberry runners – Sharon and Gaza (22.320), sweet potatoes (20.000)
United States of America	Strawberry runners (2.018)

*Table B: 2010 permitted levels of production and consumption*

Country	(Metric tonnes)
Canada	3.529
Israel	290.878
United States of America	2.018 <sup>a</sup>

<sup>a</sup> Minus available stocks*Table C: 2011 agreed critical use categories*

Country	(Metric tonnes)
Australia	Strawberry runners (23.840), Rice (4.87)
Canada	Mills (14.107), strawberry runners (Prince Edward Island) (5.261)
Japan	Chestnuts (5.35), cucumbers (27.621), ginger – field (47.450), ginger – protected (7.036), melons (73.548), pepper – green and hot (65.691), watermelon (13.050)
United States of America	Commodities (5.0), NPMMA food processing structures (17.365), mills and processors (135.299), dried cured pork (3.73), cucurbits (195.698), eggplant – field (19.725), forest nursery seedlings (93.547), nursery stock – fruit, nut, flower (7.955), orchard replant (183.232) ornamentals (64.307), peppers – field (206.234), strawberries – field (812.709), strawberry runners (6.036), tomatoes – field (292.751), sweet potato slips (11.612)

**Table D: 2011 permitted levels of production and consumption**

(Metric tonnes)

Country	Methyl bromide
Australia	28.710
Canada	19.368
Japan	239.746
United States of America	1 855.2 <sup>a</sup>

<sup>a</sup> Minus available stocks

## Twenty-Second Meeting of the Parties

[Source: Annex to decision XXII/6]

**Table A: Agreed critical-use categories for 2011**

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Strawberry runners (5.950)
Canada	Pasta (2.084)
Israel	Broomrape – protected (12.500), cucumbers (12.500), cut flowers and bulbs – protected (52.330), cut flowers – open field (23.292), melons – protected and open field (35.000), strawberry fruit – Sharon and Gaza (41.875), strawberry runners – Sharon and Gaza (27.000), sweet potatoes (20.000)

**Table B: Permitted levels of production and consumption for 2011**

(Metric tonnes)

Country	Methyl bromide
Australia	5.950
Canada	2.084
Israel	224.497

**Table C: Agreed critical-use categories for 2012**

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Strawberry runners (29.760), rice (3.653)
Canada	Mills (11.020), strawberry runners (Prince Edward Island) (5.261)
Japan	Chestnuts (3.489), cucumbers (26.162), ginger – field (42.235), ginger – protected (6.558), melons (67.936), peppers – green and hot (61.154), watermelons (12.075)
United States of America	Commodities (2.419), National Pest Management Association food-processing structures (0.200), mills and processors (74.510), dried cured pork (3.730), cucurbits (59.500), eggplant – field (6.904), forest nursery seedlings (34.230), nursery stock – fruit, nuts, flowers (1.591), orchard replants (18.324), ornamentals (48.164), peppers – field (28.366), strawberry – field (678.004), strawberry runners (3.752), tomatoes – field (54.423), sweet potato slips (8.709)

*Table D: Permitted levels of production and consumption for 2012*

(Metric tonnes)

Country	Methyl bromide
Australia	33.413
Canada	16.281
Japan	219.609
United States of America	922.826 <sup>a</sup>

<sup>a</sup> Minus available stocks

## Twenty-Third Meeting of the Parties

[Source: Annex to decision XXIII/4]

*Table A: Agreed critical-use categories for 2013*

(Metric tonnes)

Country	Categories of permitted critical uses
Australia	Strawberry runners (29.760), rice (2.374)
Canada	Mills (7.848), strawberry runners (Prince Edward Island) (5.261)
Japan	Chestnuts (3.317)
United States of America	Commodities (.822), mills and foodprocessing structures (25.334), dried cured pork (3.730), cucurbits (3.886), eggplant – field (1.381), nursery stock – fruit, nuts, flowers (.476), orchard replants (6.230), ornamentals (40.818), peppers – field (5.604), strawberry – field (461.186), strawberry runners (3.752), tomatoes – field (9.107)

*Table B: Permitted levels of production and consumption for 2013*

(Metric tonnes)

Country	Methyl bromide
Australia	32.134
Canada	13.109
Japan	3.317
United States of America	562.326 <sup>a</sup>

<sup>a</sup> Minus available stocks

## Twenty-Fourth Meeting of the Parties

[Source: Annex to decision XXIV/5]

*Table A: Agreed critical-use categories for 2014*

(Metric tonnes)

Country	Categories of permitted critical uses
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)

Country	Methyl bromide
Australia	30.947
Canada	10.305
United States of America	442.337 <sup>a</sup>

<sup>a</sup> Minus available stocks

## Twenty-Fifth Meeting of the Parties

[Source: Annex to decision XXV/4]

**Table A: Agreed critical-use categories for 2015**

(Metric tonnes)

Country	Categories of permitted critical uses
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)

Country	Methyl bromide
Australia	29.760
Canada	5.261
United States of America	376.90 <sup>a</sup>

<sup>a</sup> Minus available stocks

## Twenty-Sixth Meeting of the Parties

[Source: Annex to decision XXVI/6]

**Table A: Agreed critical-use categories**

(Metric tonnes)

Country	Categories of permitted critical uses
<b>2016</b>	
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
<b>2015</b>	
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<sup>a</sup>*

(Metric tonnes)

Country	Methyl bromide
<b>2016</b>	
Australia	29.760
Canada	5.261
United States of America	234.78
<b>2015</b>	
Argentina	134.3
China	114.0
Mexico	84.957

<sup>a</sup> Minus available stocks

## Twenty-Seventh Meeting of the Parties

[Source: Annex to decision XXVII/3]

*Table A: Agreed critical-use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
<b>2017</b>	
Australia	Strawberry runners 29.760
<b>2016</b>	
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<sup>a</sup>*

(Metric tonnes)

Country	Methyl bromide
<b>2017</b>	
Australia	29.760
<b>2016</b>	
Argentina	129.25
China	99.75
Mexico	84.957
South Africa	74.062

<sup>a</sup> Minus available stocks

## Twenty-Eighth Meeting of the Parties

[Source: Annex to decision XXVIII/7]

*Table A: Agreed critical-use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
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<sup>a</sup>*

(Metric tonnes)

Country	Methyl bromide
2018	
Australia	29.730
2017	
Argentina	102.94
Canada	5.261
China	92.977
South Africa	59.1

<sup>a</sup> Minus available stocks

## Twenty-Ninth Meeting of the Parties

[Source: Annex to decision XXIX/6]

*Table A: Agreed critical-use categories*

(Metric tonnes)

Country	Categories of permitted critical uses
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

*Table B: Permitted levels of production and consumption<sup>a</sup>*

(Metric tonnes)

Country	Methyl bromide
2019	
Australia	28.98
2018	
Argentina	76.7
Canada	5.261
China	87.24
South Africa	45.65

<sup>a</sup> Minus available stocks

## Requirements for annual reporting of critical-use exemptions for methyl bromide

[Source: Annex I of the report of the First Extraordinary Meeting of the Parties]

### A. Introduction

The format proposed here would apply to annual reporting by parties that have obtained a critical-use exemption for a particular application. It is not intended to replace the format for requesting a critical-use exemption for a particular application for the first time.

It should be noted that, in addition to a reporting format for holders of multiple-year exemptions, Australia proposes that this format would also be used by holders of single-year exemptions to reapply for a subsequent year's exemption (for example, nominees approved for single-year exemptions for 2005 seeking further exemptions for 2006).

In addition, Australia notes that it may be useful for the following format to be prefaced by cover pages similar to those detailed in the 2003 critical use handbook, which summarize the critical-use nomination and provide the contact details of the nominating party.

From 2005 onwards, parties' experience in the submission and assessment of reporting on critical-use exemptions may reveal improvements that could usefully be made to the reporting parameters outlined in the present document. Acknowledging this potential, and to ensure continuous improvement of the exemption reporting process, it is noted that parties will have the opportunity to review the annual reporting parameters at a future date to ensure that they continue:

- (a) To meet their expectations regarding the provision of transparent and adequate data on exemption holders' progress in achieving transition;
- (b) To provide a streamlined format that does not compromise the level of data required for scrutiny by the parties, but also does not place an unnecessarily onerous burden on nominating parties.

**Table 1: Report on transition efforts and activities**

Transition efforts and activities	A. Description and implementation status	B. Outcomes to date	C. Impact on critical-use nomination/ required quantities	D. Actions to address any delays/ obstacles	E. Any re- changes to trials/other efforts
1. Trials of alternatives					
2. Technology transfer, scale-up, regulatory approval					
3. Commercial scale-up/ deployment, market penetration					
4. Any other broader transition activities					

## B. Reporting requirements

### 1. Implementation of the parties' mandate on continued efforts to find alternatives

*Column A* requires a description of the implementation of any trials, technology transfer activities and/or other transition activities that were identified in the earlier nomination, including advice on whether the activity is complete or still underway.

*Column B* requires a report on the results of the transition activities (e.g., trials of alternatives – yield results achieved with the alternative in comparison to those achieved through methyl bromide treatment; deployment – percentage of users represented in a nomination covered by deployment activities and now able to transition to alternatives). In the case of trials of alternatives, reporting would include attaching copies of formal scientific trial reports. Where formal trial reports are not available (for example, where an exemption holder's transition efforts focus on grower trials), the exemption holder could include a description of all relevant parameters of the trials that are available. These could include data, as specified in the Technology and Economic Assessment Panel Handbook on Critical Use Nominations for Methyl Bromide, such as soil and climate types in which the trials were conducted, plant-back times observed, the rate of methyl bromide and alternatives application (kg/hectare or g/m<sup>2</sup>), the proportionate mix of methyl bromide and chloropicrin, etc.

*Column C* requires a summary of the implication of the trial and activity results and outcomes, such as what impact they would have on the quantity of methyl bromide required for the critical-use nomination. For example, positive results from technology transfer or deployment activities could lead to the nominating party identifying a reduction in the quantity required for the subsequent year of the exemption.

*Column D*: where any obstacles or delays beyond the control of the exemption holder arose to hinder their transition activities, this column requires a description of those obstacles or delays and a detailed plan, including time-specific milestones, for actions to address such problems and maintain the transition momentum.

*Column E:* where trials, technology transfer or other transition activities have been undertaken but have yielded negative results (e.g., trials demonstrated technical problems with an alternative, deployment activities revealed unanticipated economic infeasibility, etc.), column E requires a description of the new or alternative transition activities to be undertaken by the exemption holder to overcome such obstacles to transition.

*Row 4:* “Any other broader transition activities” provides a nominating party with the opportunity to report, where applicable, on any additional activities which it may have undertaken to encourage a transition, but need not be restricted to the circumstances and activities of the individual nomination. Without prescribing specific activities that a nominating party should address, and noting that individual parties are best placed to identify the most appropriate approach to achieve a swift transition in their own circumstances, such activities could include market incentives, financial support to exemption nominees and exemption holders, labelling, product prohibitions, public awareness and information campaigns, etc.

**NOTES:** For an exemption holder or nominee to qualify for an exemption, a commitment must be demonstrated to finding technically and economically viable alternatives and achieving a transition to the use of alternatives. In particular, decision IX/6 requires the following of an exemption nominee:

“It is demonstrated that an appropriate effort is being made to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes... 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...”.

Section 1 provides the means by which exemption holders and nominees can report on their current progress in implementing that mandate. The nature of the information provided would vary according to the specific actions that had been outlined in each original nomination, but for ease of review the information should be structured as presented in table 1 above.

## 2. Registration of an alternative

Where a nomination identified that an alternative was not yet registered at the time of the original nomination’s submission, but it was anticipated that one would be subsequently registered, the nominating party should report on the progress of the alternative through the registration process. This report should include any efforts by the party to “fast track” or otherwise assist the registration of the alternative.

Where significant delays or obstacles have been encountered to the anticipated registration of an alternative, the exemption holder should identify the scope for any new/alternative efforts that could be undertaken to maintain the momentum of transition efforts, and identify a time-frame for undertaking such efforts.

Where an alternative was de-registered subsequent to submission of the original nomination, the nominating party would report the de-registration, including reasons for it. The nominating party would also report on the de-registration’s impact (if any) on the exemption holder’s transition plan and on the proposed new or alternative efforts that will be undertaken by the exemption holder to maintain the momentum of transition efforts.

**NOTES:** It is understood that progress in registration of a product will often be beyond the control of an individual exemption holder as the registration process must be undertaken by the manufacturer or supplier of the product. The speed with which registration applications

are processed also falls outside the exemption holder's control, resting with the nominating party. Consequently, this section requires the nominating party to report on any efforts it has taken to assist the registration process, noting that the scope for expediting registration will vary from party to party.

In recognition of the fact that it would be unreasonable to revise exemption holders' nomination because of registration delays beyond their control, this section also requires a report on the actions that are being taken to continue transition despite registration delays.

### **3. Implementation of recommendations of the Methyl Bromide Technical Options Committee and the Technology and Economic Assessment Panel**

In developing recommendations on exemption nominations submitted in 2003, the Methyl Bromide Technical Options Committee and the Technology and Economic Assessment Panel in many cases recommended that nominees should explore and, more appropriate, implement:

- (a) Options for reducing the quantity of methyl bromide required; or
- (b) The use of particular alternatives not originally identified by the exemption holder as part of its transitional plan, but considered key alternatives by the Methyl Bromide Technical Options Committee and the Technology and Economic Assessment Panel.

Where the approval granted by the Meeting of the Parties' for exemptions included conditions incorporating those recommendations, the exemption-holder should report on its progress in exploring or implementing them as part of its annual reporting obligations.

Where a condition required the testing of an alternative or adoption of an emission minimization measure, reporting should be structured in the same format as table 1 (report on transition efforts and activities).

Where a condition related to an assessment of the economic viability of an alternative or measure to minimize use or emissions, the reporting should require to address the relevant economic data requirements identified in section 4 below.

### **4. Economic feasibility**

Where a nomination has been approved on the basis of the economic infeasibility of an alternative, the exemption holder should report any significant changes to the underlying economics. This could include any changes to:

- (a) The purchase cost per kilogram of methyl bromide and of the alternative;
- (b) Gross and net revenue with and without methyl bromide, and with the next best alternative;
- (c) Percentage change in gross revenues if alternatives are used;
- (d) Absolute losses per hectare/cubic metre if alternatives are used;
- (e) Losses per kilogram of methyl bromide requested if alternatives are used;
- (f) Losses as a percentage of net cash revenue if alternatives are used;
- (g) Percentage change in profit margin if alternatives are used.

**NOTES:** Where an exemption has been approved on the basis of the economic infeasibility of an alternative, the exemption holder must have clearly described the nature of the economic infeasibility in its original nomination.

The economics of methyl bromide and of alternatives can be subject to changes over time, and it is possible that those changes could have an impact on the exemption holder's claim that an alternative is not economically viable and on its continuing eligibility for an exemption.

Given that criteria for assessing the economic feasibility of alternatives have not yet been agreed by the parties, at the current time the seven data points identified above represent suggested guidance only. As criteria are developed and approved by the parties for inclusion in the Technology and Economic Assessment Panel/MBTOC Handbook, the data to be provided in annual reporting would reflect those criteria and any accompanying new data requirements.

## 5. Reduction in quantity of methyl bromide required

Exemption holders should indicate whether the number of hectares or cubic metres identified in their earlier nominations has changed. Where the number has been reduced, the exemption holder should quantify any resultant change in the quantity of methyl bromide required.

**NOTES:** The Critical Use Nomination Handbook requests pre-planting parties making nominations to provide information on the number of hectares or cubic metres to be treated with methyl bromide.

In some cases, it is possible that the number of hectares or cubic metres to be treated could vary over time. As such variations can also change the quantity of methyl bromide required for the exemption, this section provides the means to monitor such variations.

Exemption quantity details	
Quantity requested in original nomination:	
Quantity recommended by Methyl Bromide Technical Options Committee Technology and Economic Assessment Panel:	
Quantity approved by parties:	
Quantity required for [year]:	

## Review of the working procedures and terms of reference of the Methyl Bromide Technical Options Committee

[Source: Annex I of the report of the Sixteenth Meeting of the Parties]

### A. Working procedures of the Methyl Bromide Technical Options Committee relating to the evaluation of nominations for critical uses of methyl bromide

- The schedule for the MBTOC assessment of critical-use exemptions will be revised as set out in the following table:

Actions	Indicative completion date
Parties submit their nominations for critical-use exemptions to the Secretariat	24 January
The nominations are forwarded to MBTOC Co-Chairs for distribution to the subgroups of appointed members	7 February
Nominations in full are assessed by the subgroups of appointed members. The initial findings of the subgroups, and any requests for additional information are forwarded to the MBTOC Co-Chairs for clearance	28 February
MBTOC Co-Chairs forward the cleared advice on initial findings and requests for additional information on to the nominating party concerned and consult with the party on the possible presumption therein	7 March
Nominating party develops and submits its response to the MBTOC Co-Chairs	28 March
MBTOC meets as usual to assess nominations, including any additional information provided by the nominating party prior to the MBTOC meeting under action 5 and any additional information provided by nominating party through pre-arranged teleconference, or through meetings with national experts, in accordance with paragraph 3.4 of the terms of reference of TEAP, advises the nominating party of any outstanding information regarding the information requested under action 3 for those critical-use nominations where it was unable to assess the nomination, and provides its proposed recommendations to TEAP	11 April
TEAP meets as usual in May, among other things, to assess the MBTOC report on critical-use nominations and submits the finalized report on recommendations and findings to the Secretariat	early May
The Secretariat posts the finalized report on its web site and circulates it to the parties	mid-May
Nominating party has the opportunity to consult with MBTOC on a bilateral basis in conjunction with the Open-ended Working Group meetings	early July
The nominating party submits further clarification for the critical-use nomination in the "unable to assess" category or if requested to do so by the Open-ended Working Group, and provides additional information should it wish to appeal against a critical-use nomination recommendation by MBTOC	early August
MBTOC meets to reassess only those critical-use nominations in the "unable to assess" category, those where additional information has been submitted by the nominating party and any critical-use nominations for which additional information has been requested by the Open-ended Working Group	late August
MBTOC final report is made available to parties through TEAP	early October

- Standard presumptions that underlie MBTOC recommendations of critical-use nominations need to be transparent and technically and economically justified, and should be clearly stated in its reports, and submitted to the parties for approval at the Seventeenth Meeting of the Parties, and thereafter on an annual basis. Reaffirming that

the individual circumstances are the primary point of departure for an assessment of a nomination, MBTOC should not apply standard presumptions where the party has demonstrated that the individual circumstances of the nomination indicate otherwise.

3. In the event that a nomination has been recommended for rejection or reduction as assessed under action 6 above, MBTOC will give the nominating party the opportunity to send detailed corroborating information taking into account the circumstances of the nomination. On the basis of this additional information (and possible consultations with the nominating party by pre-arranged teleconference) MBTOC will reassess this nomination.
4. Although the burden of proof remains with the party to justify a request for a critical-use exemption, MBTOC will provide in its report a clear explanation of its operation with respect to the process of making determinations for its recommendations, and clearly state the approach, assumptions and reasoning used in the evaluation of the critical-use nominations. When cuts or denials are proposed, the description should include citations and also indicate where alternatives are technically and economically feasible in circumstances similar to those in the nomination, as described in decision Ex.1/5, paragraph 8.
5. Communications between the nominating party and MBTOC will be based on the principles of fairness and due process, on the basis of corroborating written documentation, and will be properly reflected in the MBTOC and TEAP reports.
6. The role of the Secretariat should be central in regard to assistance in organizational, administrative and technical aspects of the process whereby the efficiency, operations and communications could be enhanced.
7. MBTOC is requested to develop and keep up to date an expanded matrix describing the conditions under which alternatives are technically and economically feasible. The matrix should include detailed references, such as citations of trial reports demonstrating this feasibility or case studies of commercial operation. Before application, the parties should approve the matrix and any subsequent changes.
8. MBTOC, when holding its meeting, can consult the nominating party through pre-arranged teleconference or through face-to-face discussions with national experts, in accordance with paragraph 3.4 of the terms of reference for the Technology and Economic Assessment Panel, in order to facilitate a transparent exchange of information and understanding between MBTOC and the critical-use exemption applicant.
9. It is recalled that paragraphs 9 (f) and 9 (g) of decision Ex.I/4 request TEAP to recommend an accounting framework and to provide a format for a critical-use exemption report.
10. Despite the opportunities given to the nominating party to supply any additional information required in support of its nomination, MBTOC should categorize the nomination as “unable to assess” if there is insufficient information to make an assessment, and clearly explain what information was missing.

## **B. Membership of the Methyl Bromide Technical Options Committee**

11. TEAP and MBTOC are urged to apply strictly the current terms of reference of TEAP approved by the Eighth Meeting of the Parties in its decision VIII/9, in particular:



- (a) Key events for a given year;
- (b) Envisaged meeting dates of MBTOC, including the stage in the nomination and evaluation process to which the respective meetings relate;
- (c) Tasks to be accomplished at each meeting, including appropriate delegation of such tasks;
- (d) Timing of interim and final reports;
- (e) Clear references to the timelines relating to nominations;
- (f) Information related to financial needs, while noting that financial considerations would still be reviewed solely in the context of the review of the Secretariat's budget;
- (g) Changes in the composition of MBTOC, pursuant to the criteria for selection;
- (h) Summary report of MBTOC activities over the previous year, including matters that MBTOC did not manage to complete, the reasons for this and plans to address these unfinished matters;
- (i) Matrix with existing and needed skills and expertise; and
- (j) Any new or revised standards or presumptions that MBTOC seeks to apply in its future assessment of critical-use nominations, for approval by the Meeting of the Parties.

16. The annual work plan should be drawn up by MBTOC (supported by the Ozone Secretariat) in consultation with TEAP, which shall submit it to the Meeting of the Parties each year.

## C. Further guidance on the criteria for the evaluation of nominations for critical uses of methyl bromide

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### 1. On the availability of technically and economically feasible alternatives, and economic feasibility

17. Pending further consideration by the Meeting of the Parties, MBTOC shall continue to define:

- (a) "Alternatives" as any practice or treatment that can be used in place of methyl bromide;
- (b) "Existing alternatives" as those alternatives in present or past use in some regions; and
- (c) "Potential alternatives" as those alternatives in the process of investigation or development.

18. Understanding of the concept of "availability" shall be primarily guided by the alternative's market presence in sufficient quantities and accessibility, taking into account, among other things, regulatory constraints.

19. To the factors already listed in annex I, part B, paragraph 4 of the report of the Extraordinary Meeting of the Parties, with regard to paragraphs 6 and 9 (c) of decision Ex.I/4, the following are added:

- (a) The difference in purchasing costs between methyl bromide and the alternatives per treated areas, mass, or volume, and related costs such as new equipment, labour costs and losses resulting from closing the fumigated object for an extended period of time;
- (b) Difference in yield per hectare, including its quality, and harvest time, between the alternative and methyl bromide;
- (c) Percentage change in net revenue if alternatives are used.

20. In line with paragraph 4 above, in any case in which a party makes a nomination which relies on the economic criteria of decision IX/6, MBTOC should, in its report, explicitly state the central basis for the party's economic argument and explicitly explain how it addressed that factor, and, in cases in which MBTOC recommends a cut; MBTOC should also provide an explanation of its economic feasibility.

21. As regards significant market disruption, it is recalled that paragraph 1 (a) (i) of decision IX/6 provides that a use of methyl bromide should qualify as "critical" only if the nominating party determines that the specific use is critical because the lack of availability of methyl bromide for that use would result in a significant market disruption. parties are invited to include in their nominations, information on their determination referred to in paragraph 1 (a) (i) of decision IX/6.

## **2. On the duration of critical-use nomination of methyl bromide**

22. It is recalled that the Sixteenth Meeting of the Parties adopted decision XVI/3, related to the duration of critical-use nominations of methyl bromide.

## **3. On aggregation of nominations**

23. It is reaffirmed that applications shall be considered on a case-by-case basis. In that context, MBTOC shall continue its current approach as regards the level of aggregation or disaggregation.

## **4. On individual circumstances of nominations**

24. In the interest of fair and equal treatment, nominations should be assessed in the light of compliance with the criteria of decision IX/6 and other relevant decisions, irrespective of the size or number of tonnes in the nomination. MBTOC is invited to propose a streamlined method for assessing small nominations to the degree that the method is consistent with the principle stated above.

25. If a particular product is not registered or subject to national or local regulatory restrictions, or if it becomes de-registered, MBTOC should recommend a critical-use exemption, provided there are no other feasible alternatives according to decision IX/6 for the specific situation. MBTOC should request written advice from the nominating party, which may include advice from the manufacturer of an alternative.

26. In cases where alternatives are currently in the registration process, MBTOC should note this fact. It is acknowledged that a party does not always have the capability to influence the registration of alternatives. A nominating party should inform MBTOC when registration occurs and MBTOC should take this kind of information into account when recommending critical-use exemptions, as is already requested by the parties in decision IX/6, paragraph 1 (b) (iii).

## **5. On the handbook on critical use nominations for methyl bromide**

27. The handbook is a general reference for all those involved in the critical-use exemption process, in part owing to the convenience of using the handbook as a general reference volume for methyl bromide decisions, as well as the critical-use nomination procedure.

Therefore, the handbook should be reframed to become a comprehensive “one-stop shop” that includes information on methyl bromide decisions, working procedures and terms of reference of MBTOC, the critical-use nomination process, agreed standard presumptions and other related topics. The text should be taken as far as possible, however, directly from decisions of the Meeting of the Parties or other language that has been approved by the parties.

28. The onus remains on the nominating party to provide sufficient information in order for MBTOC to be able to assess whether critical-use nominations comply fully with decision IX/6. The handbook should inform parties which information requirements are needed.
29. TEAP and its MBTOC should be responsible for updating the handbook. TEAP and its MBTOC should not put any new proposals in the handbook which do not have a basis in a decision of the Meeting of the Parties. Factual updates of the handbook incorporating the specific language of the decisions of the parties do not require prior approval from the parties. Otherwise, updates require approval from the parties.

#### **6. On approach, assumptions and reasoning to be used in the evaluation**

30. Decision IX/6 is the basis for the assessment of critical-use exemptions by MBTOC.
31. While the burden of proof remains with the nominating party to justify the request for a critical-use exemption, MBTOC, in its report, should indicate whether the nominating party has provided the information in order for MBTOC to determine that the party has met the applicable criteria set out in decision IX/6 and related decisions.
32. Exemptions must fully comply with decision IX/6 and other relevant decisions, and are intended to be limited to the levels needed for critical-use exemptions, temporary derogations from the phase-out of methyl bromide in that they are to apply only until there are technically and economically feasible alternatives that otherwise meet the criteria in decision IX/6. MBTOC should take a precise and transparent approach to the application of the criteria, having regard, especially, to paragraphs 4 and 20 above.

#### **7. On similar circumstances**

33. When MBTOC makes differentiated recommendations on nominations that cover the same use, it should clearly explain why one country's nomination is being treated differently than the nominations of other countries or the nominations of the same country, based on more information and citations of feasible alternatives relevant to these nominations, thus eliminating unjustified inconsistencies in assessments and ensuring equal treatment of nominations.

#### **8. On market penetration of alternatives**

34. When considering the market penetration of an alternative in a nominating party, MBTOC should evaluate the critical-use nominations based on information provided by the parties and other information, in accordance with the terms of reference of TEAP, and in the light of likely implementation time in the circumstances of the nomination, and provide recommendations. In evaluating, MBTOC should request written advice from the nominating party, which may include further information from the manufacturer of an alternative.
35. In situations where MBTOC recommends a nomination on grounds that it is necessary to have a period for adoption of alternatives, the basis for calculating the time period must be explained fully in the TEAP report and take fully into account the information provided by the nominating party, the supplier, the distributor or the manufacturer. Relevant factors for such a calculation include the number of enterprises that need

to transition, e.g., the number of fumigation and pest control companies, estimated training time assuming full effort, opportunities for importing alternative equipment and expertise if not available locally, and costs involved.

36. A case-by-case approach by MBTOC for each specific nomination (on the basis of information provided according to paragraph 35 above) is necessary above a one-size-fits-all approach when considering penetration of alternatives and transition times.

#### 9. On conflict of interest

37. The members of MBTOC should be required to declare any interest that they may have on the basis of a declaration, to be agreed by the parties, and subject to any conditions attached to it.

38. It is recognized that the topic of conflict of interest, including the format of the declaration referred to in paragraph 37 above, needs further deliberations, taking fully into account the experience gained in this regard, the issue of confidentiality and the existing code of conduct contained in paragraph 5 of the terms of reference of TEAP.

### Reporting accounting framework for critical uses of methyl bromide

[Source: Annex II of the report of the Sixteenth Meeting of the Parties]

Party: \_\_\_\_\_

A	B	C	D	E (C+D)	F (B-E)	G	H (E+G)	I	J	K	L (H-I-J-K)
Year of critical use	Quantity exempted for year of critical use <sup>1</sup>	Quantity acquired by production for critical use	Quantity acquired for critical use by import & countr(y) (ies) of manufacture	Amount	Country(s)	Total quantity acquired for critical use	Quantity authorized but not acquired	Amount on hand at start of year <sup>2</sup>	Amount available for use in current year	Amount used for critical use	Amount exported
											Amount destroyed
											Amount on hand at end of year <sup>3</sup>

(All quantities expressed in metric tonnes.)

<sup>1</sup> Exempted by the parties to the Montreal Protocol. Note that the critical use for a particular year may be the sum of quantities authorized by decision in more than one year.

<sup>2</sup> Where possible, national Governments should include quantities on hand as of 1 January 2005 and for each year thereafter. National Governments that are not able to estimate quantities on hand as of 1 January 2005 can track the subsequent inventory of methyl bromide produced for critical uses (column L).

<sup>3</sup> Carried forward as "Amount on hand at start of year" for next year.

## Section 3.5

# Non-compliance procedure

### Non-compliance procedure (1998)

[Source: Annex II of the report of the Tenth Meeting of the Parties]

The following procedure has been formulated pursuant to Article 8 of the Montreal Protocol. It shall apply without prejudice to the operation of the settlement of disputes procedure laid down in Article 11 of the Vienna Convention.

1. If one or more parties have reservations regarding another party's implementation of its obligations under the Protocol, those concerns may be addressed in writing to the Secretariat. Such a submission shall be supported by corroborating information.
2. The Secretariat shall, within two weeks of its receiving a submission, send a copy of that submission to the party whose implementation of a particular provision of the Protocol is at issue. Any reply and information in support thereof are to be submitted to the Secretariat and to the parties involved within three months of the date of the dispatch or such longer period as the circumstances of any particular case may require. 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.
3. Where the Secretariat, during the course of preparing its report, becomes aware of possible non-compliance by any party with its obligations under the Protocol, it may request the party concerned to furnish necessary information about the matter. If there is no response from the party concerned within three months or such longer period as the circumstances of the matter may require or the matter is not resolved through administrative action or through diplomatic contacts, the Secretariat shall include the matter in its report to the Meeting of the Parties pursuant to Article 12 (c) of the Protocol and inform the Implementation Committee, which shall consider the matter as soon as practicable.
4. Where a party concludes that, despite having made its best, bona fide efforts, it is unable to comply fully with its obligations under the Protocol, it may address to the Secretariat a submission in writing, explaining, in particular, the specific circumstances that it considers to be the cause of its non-compliance. The Secretariat shall transmit such submission to the Implementation Committee which shall consider it as soon as practicable.
5. An Implementation Committee is hereby established. It shall consist of 10 parties elected by the Meeting of the Parties for two years, based on equitable geographical distribution. 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. Outgoing parties may be re-elected for one immediate consecutive term. 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. The Committee shall elect its own President and Vice-President. Each shall serve for one year at a time. The Vice-President shall, in addition, serve as the Rapporteur of the Committee.

6. The Implementation Committee shall, unless it decides otherwise, meet twice a year. The Secretariat shall arrange for and service its meetings.
7. The functions of the Implementation Committee shall be:
  - (a) To receive, consider and report on any submission in accordance with paragraphs 1, 2 and 4;
  - (b) To receive, consider and report on any information or observations forwarded by the Secretariat in connection with the preparation of the reports referred to in Article 12 (c) of the Protocol and on any other information received and forwarded by the Secretariat concerning compliance with the provisions of the Protocol;
  - (c) To request, where it considers necessary, through the Secretariat, further information on matters under its consideration;
  - (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;
  - (e) To undertake, upon the invitation of the party concerned, information-gathering in the territory of that party for fulfilling the functions of the Committee;
  - (f) To maintain, in particular for the purposes of drawing up its recommendations, an exchange of information with the Executive Committee of the Multilateral Fund related to the provision of financial and technical cooperation, including the transfer of technologies to parties operating under Article 5, paragraph 1, of the Protocol.
8. The Implementation Committee shall consider the submissions, information and observations referred to in paragraph 7 with a view to securing an amicable solution of the matter on the basis of respect for the provisions of the Protocol.
9. The Implementation Committee shall report to the Meeting of the Parties, including any recommendations it considers appropriate. The report shall be made available to the parties not later than six weeks before their meeting. After receiving a report by the Committee the parties may, taking into consideration the circumstances of the matter, decide upon and call for steps to bring about full compliance with the Protocol, including measures to assist the parties' compliance with the Protocol, and to further the Protocol's objectives.
10. Where a party that is not a member of the Implementation Committee is identified in a submission under paragraph 1, or itself makes such a submission, it shall be entitled to participate in the consideration by the Committee of that submission.
11. No party, whether or not a member of the Implementation Committee, involved in a matter under consideration by the Implementation Committee, shall take part in the elaboration and adoption of recommendations on that matter to be included in the report of the Committee.
12. The parties involved in a matter referred to in paragraphs 1, 3 or 4 shall inform, through the Secretariat, the Meeting of the Parties of the results of proceedings taken under

Article 11 of the Convention regarding possible non-compliance, about implementation of those results and about implementation of any decision of the parties pursuant to paragraph 9.

13. The Meeting of the Parties may, pending completion of proceedings initiated under Article 11 of the Convention, issue an interim call and/or recommendations.
14. The Meeting of the Parties may request the Implementation Committee to make recommendations to assist the Meeting's consideration of matters of possible non-compliance.
15. The members of the Implementation Committee and any party involved in its deliberations shall protect the confidentiality of information they receive in confidence.
16. The report, which shall not contain any information received in confidence, shall be made available to any person upon request. All information exchanged by or with the Committee that is related to any recommendation by the Committee to the Meeting of the Parties shall be made available by the Secretariat to any party upon its request; that party shall ensure the confidentiality of the information it has received in confidence.

### **Indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance with the Protocol**

[Source: Annex V of the report of the Fourth Meeting of the Parties]

- A. Appropriate assistance, including assistance for the collection and reporting of data, technical assistance, technology transfer and financial assistance, information transfer and training.
- B. Issuing cautions.
- C. Suspension, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, of specific rights and privileges under the Protocol, whether or not subject to time limits, including those concerned with industrial rationalization, production, consumption, trade, transfer of technology, financial mechanism and institutional arrangements.

## Section 3.6

# The Multilateral Fund

### Terms of reference for the Multilateral Fund

[Source: Annex IX of the report of the Fourth Meeting of the Parties]

#### A. Establishment

1. A Multilateral Fund is established.

#### B. Roles of the implementing agencies

2. Under the overall guidance and supervision of the Executive Committee in the discharge of its policy-making functions:
  - (a) Implementing agencies shall be requested by the Executive Committee, in the context of country programmes developed to facilitate compliance with the Protocol, to cooperate with and assist the parties within their respective areas of expertise; and
  - (b) Implementing agencies shall be invited by the Executive Committee to develop an inter-agency agreement and specific agreements with the Executive Committee acting on behalf of the parties.
3. Implementing agencies shall apply only those considerations relevant to effective and economically efficient programmes and projects which are consistent with any criteria adopted by the parties.
4. Specifically:
  - (a) The United Nations Environment Programme shall be invited by the Executive Committee to cooperate and assist in political promotion of the objectives of the Protocol, as well as in research, data gathering and the clearing-house functions;
  - (b) The United Nations Development Programme and such other agencies which, within their areas of expertise, may be able to assist shall be invited by the Executive Committee to cooperate and assist in feasibility and pre-investment studies and in other technical assistance measures;
  - (c) The World Bank shall be invited by the Executive Committee to cooperate and assist in administering and managing the programme to finance the agreed incremental costs;
  - (d) Other agencies, in particular regional development banks, shall also be invited by the Executive Committee to cooperate with and assist it in carrying out its functions.
5. The Executive Committee shall draw up reporting criteria and shall invite the implementing agencies to report regularly to it in accordance with those criteria.
6. The Executive Committee shall invite the implementing agencies, in fulfilling their responsibilities in respect of the Multilateral Fund, to consult each other regularly.

It shall also invite the heads of the agencies or their representatives to meet at least once a year to report on their activities and consult on cooperative arrangements.

7. The implementing agencies shall be entitled to receive support costs for the activities they undertake, having reached specific agreements with the Executive Committee.

## C. Budget and contributions

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8. The Multilateral Fund shall be financed in accordance with paragraph 6 of Article 10 of the amended Protocol. In addition, contributions may be made by countries not party to the Protocol, and by other governmental, intergovernmental, non-governmental and other sources.
9. The contributions referred to in paragraph 6 of Article 10 of the amended Protocol are to be based on the scale of contributions decided by the annual Meeting of the Parties. Bilateral and, in particular cases, regional cooperation by a country not operating under paragraph 1 of Article 5 may, according to criteria adopted by the parties, be considered as a contribution to the Multilateral Fund up to a total of twenty per cent of the total contribution by that party as decided by the annual Meetings of the parties.
10. All contributions other than the value of bilateral and agreed regional cooperation referred to in paragraph 9 above shall be in convertible currency or, in certain circumstances, in kind and/or in national currency.
11. Contributions from States that become parties not operating under paragraph 1 of Article 5 after the beginning of the financial period of the mechanism shall be calculated on a *pro rata* basis for the balance of the financial period.
12. Contributions not immediately required for the purposes of the Multilateral Fund shall be invested under the authority of the Executive Committee and any interest so earned shall be credited to the Multilateral Fund.
13. Budget estimates, setting out the income and expenditure of the Multilateral Fund prepared in United States dollars, shall be drawn up by the Executive Committee and submitted to the regular meetings of the parties to the Protocol.
14. The proposed budget estimates shall be dispatched by the Fund Secretariat to all parties to the Protocol at least sixty days before the date fixed for the opening of the regular meeting of the parties to the Protocol at which they are to be considered.
15. Resources remaining in the Interim Multilateral Fund shall be transferred to the Multilateral Fund established under the financial mechanism.

## D. Administration

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16. The World Bank shall be invited by the Executive Committee to cooperate with and assist it in administering and managing the programme to finance the agreed incremental costs of parties operating under paragraph 1 of Article 5. Should the World Bank accept this invitation, in the context of an agreement with the Executive Committee, the President of the World Bank shall be the Administrator of this programme, which shall operate under the authority of the Executive Committee.
17. The Executive Committee shall encourage the involvement of other agencies, in particular the regional development banks, in carrying out its functions effectively in relation to the programme to finance the agreed incremental costs.

18. The Fund Secretariat operating under the Chief Officer, co-located with the United Nations Environment Programme (UNEP) at Montreal, Canada, shall assist the Executive Committee in the discharge of its functions. The Multilateral Fund shall cover Secretariat costs, based on regular budgets to be submitted for decision by the Executive Committee.
19. In the event that the Chief Officer of the Fund Secretariat anticipates that there may be a shortfall in resources over the financial period as whole, he shall have discretion to adjust the budget approved by the parties so that expenditures are at all times fully covered by contributions received.
20. No commitments shall be made in advance of the receipt of contributions, but income not spent in a budget year and unimplemented activities may be carried forward from one year to the next within the financial period.
21. At the end of each calendar year, the Chief Officer of the Fund Secretariat shall submit to the parties accounts for the year. The Chief Officer shall also, as soon as practicable, submit the audited accounts for each period so as to coincide with the accounting procedures of the implementing agencies.
22. The Fund Secretariat and the implementing agencies shall cooperate with the parties to provide information on funding available for relevant projects, to secure the necessary contacts and to coordinate, when requested by the interested party, projects financed from other sources with activities financed under the Protocol.
23. The financing of activities or other costs, including resources channelled to third party beneficiaries, shall require the concurrence of the recipient Governments concerned. Recipient Governments shall, where appropriate, be associated with the planning of projects and programmes.
24. Nothing shall preclude a beneficiary party operating under paragraph 1 of Article 5 from applying for its requirements for agreed incremental costs solely from the resources available to the Multilateral Fund.

## Indicative list of categories of incremental costs

[Source: Annex VIII of the report of the Fourth Meeting of the Parties]

The evaluation of requests for financing incremental costs of a given project shall take into account the following general principles:

- (a) The most cost-effective and efficient option should be chosen, taking into account the national industrial strategy of the recipient party. It should be considered carefully to what extent the infrastructure at present used for production of the controlled substances could be put to alternative uses, thus resulting in decreased capital abandonment, and how to avoid deindustrialization and loss of export revenues;
- (b) Consideration of project proposals for funding should involve the careful scrutiny of cost items listed in an effort to ensure that there is no double-counting;
- (c) Savings or benefits that will be gained at both the strategic and project levels during the transition process should be taken into account on a case-by-case basis, according to criteria decided by the parties and as elaborated in the guidelines of the Executive Committee;

(d) The funding of incremental costs is intended as an incentive for early adoption of ozone protecting technologies. In this respect the Executive Committee shall agree which time scales for payment of incremental costs are appropriate in each sector.

Incremental costs that once agreed are to be met by the financial mechanism include those listed below. If incremental costs other than those mentioned below are identified and quantified, a decision as to whether they are to be met by the financial mechanism shall be taken by the Executive Committee consistent with any criteria decided by the parties and elaborated in the guidelines of the Executive Committee. The incremental recurring costs apply only for a transition period to be defined. The following list is indicated:

(a) Supply of substitutes

- (i) Cost of conversion of existing production facilities:
  - Cost of patents and designs and incremental cost of royalties;
  - Capital cost of conversion;
  - Cost of retraining of personnel, as well as the cost of research to adapt technology to local circumstances;
- (ii) Costs arising from premature retirement or enforced idleness, taking into account any guidance of the Executive Committee on appropriate cut-off dates:
  - Of productive capacity previously used to produce substances controlled by existing and/or amended or adjusted Protocol provisions; and
  - Where such capacity is not replaced by converted or new capacity to produce alternatives;
- (iii) Cost of establishing new production facilities for substitutes of capacity equivalent to capacity lost when plants are converted or scrapped, including:
  - Cost of patents and designs and incremental cost of royalties;
  - Capital cost;
  - Cost of training, as well as the cost of research to adapt technology to local circumstances;
- (iv) Net operational cost, including the cost of raw materials;
- (v) Cost of import of substitutes;

(b) Use in manufacturing as an intermediate good

- (i) Cost of conversion of existing equipment and product manufacturing facilities;
- (ii) Cost of patents and designs and incremental cost of royalties;
- (iii) Capital cost;
- (iv) Cost of retraining;
- (v) Cost of research and development;
- (vi) Operational cost, including the cost of raw materials except where otherwise provided for;

(c) End use

- (i) Cost of premature modification or replacement of user equipment;
- (ii) Cost of collection, management, recycling, and, if cost effective, destruction of ozone-depleting substances;
- (iii) Cost of providing technical assistance to reduce consumption and unintended emission of ozone-depleting substances.

## Terms of reference of the Executive Committee (1997)

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[Source: Annex V of the report of the Ninth Meeting of the Parties, and as further modified by the Sixteenth Meeting of the Parties in decision XVI/38 and Nineteenth Meeting of the Parties in decision XIX/11]

1. The Executive Committee of the parties is established 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 under the Financial Mechanism.
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 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.
3. The Chairman and Vice-Chairman shall be selected from the fourteen Executive Committee members. The office of Chairman is subject to rotation, on an annual basis, between the parties operating under paragraph 1 of Article 5 and the parties not so operating. The group of parties entitled to the chairmanship shall select the Chairman from among their members of the Executive Committee. The Vice-Chairman shall be selected by the other group from within their number.
4. Decisions by the Executive Committee shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be taken by a two-thirds majority of the parties present and voting, representing a majority of the parties operating under paragraph 1 of Article 5 and a majority of the parties not so operating present and voting.
5. The meetings of the Executive Committee shall be conducted in those official languages of the United Nations required by members of the Executive Committee. Nevertheless, the Executive Committee may agree to conduct its business in one of the United Nations official languages.
6. Costs of Executive Committee meetings, including travel and subsistence of Committee participants from parties operating under paragraph 1 of Article 5, shall be disbursed from the Multilateral Fund as necessary.
7. The Executive Committee shall ensure that the expertise required to perform its functions is available to it.
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.

9. The Executive Committee shall adopt other rules of procedure on a provisional basis and in accordance with paragraphs 1 to 8 of the present terms of reference. Such provisional rules of procedure shall be submitted to the next annual meeting of the parties for endorsement. This procedure shall also be followed when such rules of procedure are amended.
10. The functions of the Executive Committee shall include:
  - (a) To develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources;
  - (b) To develop the plan and budget for the Multilateral Fund, including allocation of Multilateral Fund resources among the agencies identified in paragraph 5 of Article 10 of the Amended Protocol;
  - (c) To supervise and guide the administration of the Multilateral Fund;
  - (d) To develop the criteria for project eligibility and guidelines for the implementation of activities supported by the Multilateral Fund;
  - (e) To review regularly the performance reports on the implementation of activities supported by the Multilateral Fund;
  - (f) To monitor and evaluate expenditure incurred under the Multilateral Fund;
  - (g) To consider and, where appropriate, approve country programmes for compliance with the Protocol and, in the context of those country programmes, assess and where applicable approve all project proposals or groups of project proposals where the agreed incremental costs exceed \$500,000;
  - (h) To review any disagreement by a party operating under paragraph 1 of Article 5 with any decision taken with regard to a request for financing by that party of a project or projects where the agreed incremental costs are less than \$500,000;
  - (i) To assess annually whether the contributions through bilateral cooperation, including particular regional cases, comply with the criteria set out by the parties for consideration as part of the contributions to the Multilateral Fund;
  - (j) To report annually to the meeting of the parties on the activities exercised under the functions outlined above, and to make recommendations as appropriate;
  - (k) To nominate, for appointment by the Executive Director of UNEP, the Chief Officer of the Fund Secretariat, who shall work under the Executive Committee and report to it; and
  - (l) To perform such other functions as may be assigned to it by the Meeting of the Parties.

## Rules of procedure for meetings of the Executive Committee of the Multilateral Fund

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[Source: Annex VI of the report of the Third Meeting of the Parties]

### Applicability

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Unless otherwise provided for by the Montreal Protocol or by the decision of the parties, or excluded by the Rules of Procedure hereunder, the Rules of Procedures for meetings of the parties to the Montreal Protocol on Substances that Deplete the Ozone Layer shall apply *mutatis mutandis* to the proceedings of any meeting of the Executive Committee.

#### Rule 1

These Rules of procedure shall apply to any meeting of the Executive Committee for the Interim Multilateral Fund under the Protocol on Substances that Deplete the Ozone Layer convened in accordance with Article 11 of the Protocol.

### Definitions

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#### Rule 2

For the purposes of these rules:

1. “Executive Committee” means the Executive Committee for the Interim Multilateral Fund as established by decision II/8 at the Second Meeting of the Parties to the Montreal Protocol.
2. “Committee members” means parties selected as members of the Executive Committee for the Interim Multilateral Fund.
3. “Meeting” means any meeting of the Executive Committee for the Interim Multilateral Fund.
4. “Chairman” means the Committee member selected Chairman of the Executive Committee.
5. “Secretariat” means the Multilateral Fund Secretariat.
6. “Fund” means the Interim Multilateral Fund.

### Place of meetings

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#### Rule 3

The meetings of the Executive Committee shall take place at the seat of the Fund Secretariat, unless other appropriate arrangements are made by the Fund Secretariat in consultation with the Executive Committee.

### Dates of meetings

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#### Rule 4

1. Meetings of the Executive Committee shall be held at least twice every year.
2. At each meeting, the Executive Committee shall fix the opening date and duration of the next meeting.

**Rule 5**

The Secretariat shall notify all Committee members of the dates and venue of meetings at least six weeks before the meeting.

## Observers

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**Rule 6**

1. The Secretariat shall notify the President of the Bureau and the implementing agencies – *inter alia* UNEP, UNDP and the World Bank – of any meeting of the Executive Committee so that they may participate as observers.
2. Such observers may, upon invitation of the Chairman, participate without the right to vote in the proceedings of any meeting.

**Rule 7**

1. The Secretariat shall notify any body or agency, whether national or international, governmental or non-governmental, qualified in the field related to the work of the Executive Committee, that has informed the Secretariat of its wishes to be represented, of any meeting so that it may be represented by an observer subject to the condition that their admission to the meeting is not objected to by at least one third of the parties present at the meeting. However, the Executive Committee may determine that any portion of its meetings involving sensitive matters may be closed to observers. Non-governmental observers should include observers from developing and developed countries and their total number should be limited as far as possible.
2. Such observers may, upon invitation of the Chairman and if there is no objection from the Committee members present, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency which they represent.

## Agenda

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**Rule 8**

In agreement with the Chairman and the Vice-Chairman, the Secretariat shall prepare the provisional agenda for each meeting.

**Rule 9**

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until at least twenty-four hours after the meeting has received the Secretariat's report on the administrative and financial implications.

**Rule 10**

Any item of the agenda of any meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next meeting, unless otherwise decided by the Executive Committee.

## Representation and credentials

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**Rule 11**

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. The members of the Executive Committee shall be formally endorsed by the Meeting of the Parties.

### **Rule 12**

Each Committee member shall be represented by an accredited representative who may be accompanied by such alternate representatives and advisers as may be required.

## **Officers**

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### **Rule 13**

If the Chairman is temporarily unable to fulfil the obligation of the office, the Vice-Chairman shall in the interim assume all the obligations and authorities of the Chairman.

### **Rule 14**

If the Chairman or Vice-Chairman is unable to complete the term of office the Committee members representing the group which selected that officer shall select a replacement to complete the term of office.

### **Rule 15**

1. The Secretariat shall:

- (a) Make the necessary arrangements for the meetings of the Executive Committee, including the issue of invitations and preparation of documents and reports of the meeting;
- (b) Arrange for the custody and preservation of the documents of the meeting in the archives of the international organization designated as secretariat of the Convention; and
- (c) Generally perform all other functions that the Executive Committee may require.

### **Rule 16**

The Chief Officer of the Secretariat shall be the Secretary of any meeting of the Executive Committee.

## **Voting**

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### **Rule 17**

Decisions of the Executive Committee shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be taken by a two-thirds majority of the parties present and voting, representing a majority of the parties operating under paragraph 1 of Article 5 and a majority of the parties not so operating present and voting.

## **Languages**

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### **Rule 18**

The meeting of the Executive Committee shall be conducted in those official languages of the United Nations required by members of the Executive Committee. Nevertheless the Executive Committee may agree to conduct its business in one of the United Nations official languages.

## **Amendments to rules of procedure**

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### **Rule 19**

These rules of procedure may be amended according to Rule 17 above and formally endorsed by the Meeting of the Parties to the Montreal Protocol.

## **Overriding authority of the Protocol**

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### **Rule 20**

In the event of any conflict between any provision of these rules and any provision of the Protocol, the Protocol shall prevail.

# Section 3.7

## Finance

### Terms of reference for the administration of the Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer

[Source: Annex II of the report of the First Meeting of the Parties, as amended by Decision XIV/41]

1. A Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer (hereinafter referred to as the Trust Fund) shall be established to provide financial support to the Protocol.
2. Pursuant to the Financial Regulations and Rules of the United Nations, the Executive Director of the United Nations Environment Programme (UNEP), with the approval of the Governing Council of UNEP and the Secretary-General of the United Nations, shall establish the Trust Fund for the administration of the Protocol.
3. The Trust Fund shall be established for an initial period of three and one half years beginning 1 October 1989 and ending 31 March 1993. The appropriations of the Trust Fund for this period shall be financed from:
  - (a) Voluntary contributions made by the Parties to the Protocol including contributions from any new Parties;
  - (b) Voluntary contributions from States not party to the Protocol, other governmental, intergovernmental and non-governmental organizations and other sources.
4. The voluntary contributions referred to in Article 3 (a) above, are to be based on the United Nations scale of contributions for the apportionment of the expenses of the United Nations (adjusted to provide that no one contribution shall exceed 22 per cent of the total and no contributions shall be required when the United Nations scale provides for a contribution of less than 0.1 per cent).
5. The budget estimates prepared in United States dollars, covering the income and expenditure for the Protocol, shall be submitted to the ordinary meetings of the Parties to the Protocol.
6. The proposed budget shall be dispatched by the Secretariat to all Parties to the Protocol at least ninety days before the date fixed for the opening of the ordinary meeting of the Parties to the Protocol.
7. The Parties shall make every effort to reach agreement on the budget by consensus. If all efforts at consensus have been exhausted and no agreement reached, the budget shall, as a last resort, be adopted by two-thirds majority vote of the Parties present and voting representing at least 50 per cent of the total consumption of the controlled substances of the Parties.
8. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, he shall have discretion to adjust the budget so that expenditures are at all times fully covered by contributions received.

9. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income. No commitments shall be made in advance of the receipt of contributions.
10. The Executive Director of UNEP may make transfers from one budget line to another within the budget in accordance with the Financial Regulations and Rules of the United Nations. At the end of a calendar year of a financial period, the Executive Director may transfer any uncommitted balance of appropriations to the following calendar year.
11. All contributions are due to be paid in the year immediately preceding the year to which the contributions relate.
12. All contributions are to be paid in United States dollars into the following account: Account No. 485-000326, UNEP Trust Funds and Counterpart Contributions, JP Morgan Chase, International Agencies Banking, 1166 Avenue of the Americas, 17th Floor, New York, N.Y. 10036-2708, United States.
13. Contributions from States that become Parties after the beginning of the financial period shall be made on a *pro rata* basis for the balance of the financial period.
14. Contributions not immediately required for the purposes of the Fund shall be invested at the discretion of the United Nations and any interest so earned shall be credited to the Fund.
15. The Executive Director shall deduct from the income of the Trust Fund an administrative support charge equal to 13 per cent of other expenditures recorded during any accounting period in order to meet the cost of administrative activities financed from the Trust Fund and providing services relating to personnel, accounting, audit, etc.
16. At the end of the first calendar year of a financial period, the Executive Director shall submit to the Parties the accounts for the year. He shall also submit, as soon as practicable, the audited accounts for the financial period.
17. The General Procedures governing the Operations of the Fund of UNEP and the Financial Regulations and Rules of the United Nations shall govern the financial operations of the Protocol.
18. In the event that the Parties wish the Trust Fund to be extended beyond 31 March 1993, the Executive Director of UNEP shall be so requested by the Parties at least six months earlier. Such extension of the Trust Fund shall be subject to the approval of the UNEP Governing Council and the United Nations Secretary-General.

[The Vienna Convention Trust Fund has the same terms of reference. The United Nations General Assembly periodically issues resolutions concerning the scale of assessment for the apportionment of expenses.]

## Section 3.8

# Declarations

### **Helsinki Declaration on the protection of the ozone layer (1989)**

[Source: Appendix I of the report of the First Meeting of the Parties]

*The Governments and the European Communities represented at the First Meetings of the Parties to the Vienna Convention and the Montreal Protocol*

*Aware of the wide agreement among scientists that depletion of the ozone layer will threaten present and future generations unless more stringent control measures are adopted,*

*Mindful that some ozone depleting substances are powerful greenhouse gases leading to global warming,*

*Aware also of the extensive and rapid technological development of environmentally acceptable substitutes for the substances that deplete the ozone layer and the urgent need to facilitate the transfer of technologies of such substitutes especially to developing countries,*

*Encourage all states that have not done so to join the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol,*

*Agree to phase out the production and the consumption of CFCs controlled by the Montreal Protocol as soon as possible but not later than the year 2000 and for that purpose to tighten the timetable agreed upon in the Montreal Protocol taking due account of the special situation of developing countries,*

*Agree to both phase out halons and control and reduce other ozone-depleting substances which contribute significantly to ozone depletion as soon as feasible,*

*Agree to commit themselves, in proportion to their means and resources, to accelerate the development of environmentally acceptable substituting chemicals, products and technologies,*

*Agree to facilitate the access of developing countries to relevant scientific information, research results and training and to seek to develop appropriate funding mechanisms to facilitate the transfer of technology and replacement of equipment at minimum cost to developing countries.*

Helsinki, 2 May 1989

### **Declaration on chlorofluorocarbons (1990)**

[Source: paragraph 49 of the report of the Second Meeting of the Parties]

*by Australia, Austria, Belgium, Canada, Denmark, Finland, Federal Republic of Germany, Liechtenstein, Netherlands, New Zealand, Norway, Sweden and Switzerland*

*The Heads of Delegations of the above governments represented at the Second Meeting of the Parties to the Montreal Protocol,*

*Concerned of the recent scientific findings on severe depletion of ozone layer of both Southern and Northern Hemispheres,*

*Mindful that all CFCs are also powerful greenhouse gases leading to global warming,*

*Convinced of the availability of more environmentally suitable alternative substances or technologies, and*

*Convinced of the need to further tighten control measures of CFCs beyond the Protocol adjustments agreed by the parties to the Montreal Protocol,*

*Declare*

Their firm determination to take all appropriate measures to phase-out the production and consumption of all fully halogenated chlorofluorocarbons controlled by the Montreal Protocol, as adjusted and amended, as soon as possible but not later than 1997.

London, 27–29 June 1990

## **Resolution on ozone-depleting substances (1990)**

[Source: Annex VII of the report of the Second Meeting of the Parties]

*The Governments and the European Communities represented at the Second Meeting of the Parties to the Montreal Protocol*

*Resolve:*

### **I. Other halons not listed in Annex A, group II, of the Montreal Protocol ("Other halons")**

1. To refrain from authorizing or to prohibit production and consumption of fully halogenated compounds containing one, two or three carbon atoms and at least one atom each of bromine and fluorine, and not listed in group II of Annex A of the Montreal Protocol (hereafter called "other halons"), which are of such a chemical nature or such a quantity that they would pose a threat to the ozone layer;
2. To refrain from using other halons except for those essential applications where other more environmentally suitable alternative substances or technologies are not yet available; and
3. To report to the Secretariat to the Protocol estimates of their annual production and consumption of such other halons;

### **II. Transitional substances**

1. To apply the following guidelines to facilitate the adoption of transitional substances with a low ozone-depleting potential, such as hydrochlorofluorocarbons (HCFCs), where necessary, and their timely substitution by non-ozone depleting and more environmentally suitable alternative substances or technologies:
  - (a) Use of transitional substances should be limited to those applications where other more environmentally suitable alternative substances or technologies are not available;
  - (b) Use of transitional substances should not be outside the areas of application currently met by the controlled and transitional substances, except in rare cases for the protection of human life or human health;
  - (c) Transitional substances should be selected in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations;

- (d) Emission control systems, recovery and recycling should, to the degree possible, be employed in order to minimize emissions to the atmosphere;
- (e) Transitional substances should, to the degree possible, be collected and prudently destroyed at the end of their final use;

2. To review regularly the use of transitional substances, their contribution to ozone depletion and global warming, and the availability of alternative products and application technologies, with a view to their replacement by non-ozone depleting and more environmentally suitable alternatives and as the scientific evidence requires: at present, this should be no later than 2040 and, if possible, no later than 2020;

### **III. 1,1,1-trichloroethane (methyl chloroform)**

- 1. To phase out production and consumption of methyl chloroform as soon as possible;
- 2. To request the Technology Review Panel to investigate the earliest technically feasible dates for reductions and total phase-out; and
- 3. To request the Technology Review Panel to report their findings to the preparatory meeting of the parties with a view to the consideration by the Meeting of the Parties, not later than 1992;

### **IV. More stringent measures**

- 1. To express appreciation to those parties that have already taken measures more stringent and broader in scope than those required by the Protocol;
- 2. To urge adoption, in accordance with the spirit of paragraph 11 of Article 2 of the Protocol, of such measures in order to protect the ozone layer.

London, 27–29 June 1990

## **Statement on control measures (1991)**

[Source: paragraph 60 of the report of the Third Meeting of the Parties]

*made by the Heads of Delegations representing the governments of Sweden, Finland, Norway, Switzerland, Austria, Germany and Denmark at the Third Meeting of the Parties*

*We, the heads of delegations of Sweden, Finland, Norway, Switzerland, Austria, Germany and Denmark, believe that the recent analysis of the state of the stratospheric ozone layer calls for the adoption of more stringent control measures at the Fourth Meeting of the Parties in 1992.*

We are also of the opinion that the substitution of the controlled substances with transitional substances must be as moderate and temporary as possible.

We note that the London resolution urges the adoption, in accordance with the spirit of the paragraph 11 of Article 2 of the Protocol, of more stringent measures in order to protect the Ozone Layer.

Because of this we express our firm determination to phase-out the production and the consumption of CFCs, halons and carbon tetrachloride controlled by the Montreal Protocol, as soon as possible but not later than the year 1997 and to phase-out 1,1,1-trichloromethane (methyl chloroform) as soon as possible but not later than the year 2000. We also think it is necessary to tighten the timetable agreed upon in the Montreal Protocol taking due account of the special situation of developing countries.

We are also determined to limit by no later than 1995 the use of transitional substances (HCFCs) to specific key applications where other more environmentally suitable alternative substances or technologies are not available, and to phase-out their use in those areas as soon as technically feasible."

Nairobi, 19–21 June 1991

## **Resolution on methyl bromide (1992)**

[Source: Annex XV of the report of the Fourth Meeting of the Parties]

*The parties to the Montreal Protocol on Substances that Deplete the Ozone Layer*

*Resolve* in the light of serious environmental concerns raised in the scientific assessment, to make every effort to reduce emissions of and to recover, recycle and reclaim, methyl bromide. They look forward to receiving the full evaluations to be carried out by the UNEP Scientific Assessment Panel and the Technology and Economic Assessment Panel, with a view to deciding on the basis of these evaluations no later than at their Seventh Meeting, in 1995, a general control scheme for methyl bromide, as appropriate, including concrete targets beginning, for parties not operating under paragraph 1 of Article 5, with, for example a 25 per cent reduction as a first step, at the latest by the year 2000, and a possible phase-out date.

Copenhagen, 25 November 1992

## **Question of Yugoslavia (1992)**

[Source: Annex XVI of the report of the Fourth Meeting of the Parties]

*Statement by the representative of the United Kingdom on behalf of the European Community. (This statement was supported by the representatives of Australia, Austria, Hungary, Malaysia, Switzerland, Turkey and the United States of America.)*

"As we have already made clear on a number of occasions, the European Community and its member States do not accept that the Federal Republic of Yugoslavia is the automatic continuation of the Socialist Federal Republic of Yugoslavia.

"In this context, we take note of General Assembly resolution 47/1, adopted on 22 September 1992, in which the Assembly considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should therefore apply to join the United Nations and shall not participate in the work of the General Assembly.

"The European Community and its member States have also noted the United Nations Legal Counsel's advice on the applicability of the General Assembly resolution to other United Nations bodies. We regard General Assembly resolution 47/1 as a model for action in the specialized agencies and other United Nations bodies in due course, as appropriate.

"We do not accept that representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) may validly represent Yugoslavia in this meeting. The presence of the representative in question is without prejudice to future action which the Community and its member States may take."

*Statement by the representative of Yugoslavia*

"We are sorry about the statements of some countries raising the question of the status of the Federal Republic of Yugoslavia. We would like to stress that this approach as well as the

imposed sanctions against Yugoslavia are essentially contrary to the basic premises of both the Vienna Convention and the Montreal Protocol.

"This conference is devoted to the protection of the ozone layer, a question of global character and raising political issues does not help in reaching the goals of this meeting.

"Yugoslavia respects the resolutions of the United Nations. Yugoslavia does not participate, we hope temporarily, in the meetings of the General Assembly, but Yugoslavia is not expelled from the United Nations and its bodies and works intensively to fulfil their goals.

"At the same time we would like to give our positive contribution to the work of this conference, aware of the fact that it is of global and our own interest."

## **Memorandum on partly halogenated chlorofluorocarbons (HCFCs) (1993)**

[Source: Annex V of the report of the Fifth Meeting of the Parties]

*Memorandum issued by the ministers responsible for environmental matters in Germany, Liechtenstein, Switzerland and Austria on further measures to protect the ozone layer from partly halogenated chlorofluorocarbons [HCFCs]*

*In the face of the decisions reached by the parties to the Montreal Protocol on 25 November 1992 at Copenhagen, and*

*Being concerned about the most recent measurements indicating once again a clear reduction in the protective ozone layer above the northern hemisphere, and*

*Being aware of the great progress being made in the development of alternative technologies that are less harmful to the environment,*

The Ministers of the Environment of Germany, Liechtenstein, Switzerland and Austria declare the following:

- In many areas complete substitution of fully halogenated CFCs can already be achieved today without using partly halogenated chlorofluorocarbons (HCFCs);
- The phase-out schedule for HCFCs as agreed upon in Copenhagen should start immediately instead of in 2004; and
- The phase-out programme for HCFCs should be completed earlier than by the year 2030. The target of the year 2015 set by the European Community for the phase-out of HCFCs is an absolute minimum.

The parties to the Montreal Protocol are therefore called upon to undertake all measures to phase out all ozone-depleting substances as quickly as possible.

Bangkok, 19 November 1993

## **Declaration on hydrochlorofluorocarbons (HCFCs) (1993)**

[Source: Annex VI of the report of the Fifth Meeting of the Parties]

*by Austria, Belgium, Botswana, Denmark, European Economic Community, Finland, Germany, Iceland, Italy, Liechtenstein, Malta, Netherlands, Norway, Sweden, Switzerland, United Kingdom and Zimbabwe*

*The above parties present at the Fifth Meeting of the Parties to the Montreal Protocol,*

*Concerned* about the continuing depletion of the ozone layer of both the northern and southern hemispheres,

*Being aware* that reductions in the emissions of HCFC will have a beneficial effect on the ozone layer, especially in the coming 10 years where chlorine concentrations in the atmosphere will reach a critical maximum,

*Being also aware* that more environmentally sound alternative substances and technologies are already existing or are rapidly being developed and that in various areas a complete substitution of CFCs can already be achieved today without using HCFCs,

*Stress the need* to strengthen further the control measures decided at the Fourth Meeting of the Parties to the Protocol,

*Declare* their firm determination to take all appropriate measures to limit the use of HCFC to absolute necessary applications and to phase out the consumption of HCFCs as soon as possible but not later than the year 2015.

Bangkok, 17–19 November 1993

## **Declaration on methyl bromide (1993)**

[Source: Annex VII of the report of the Fifth Meeting of the Parties]

*by Austria, Belgium, Denmark, Finland, Germany, Iceland, Israel, Italy, Liechtenstein, Netherlands, Sweden, Switzerland, United Kingdom, United States and Zimbabwe*

*The above parties present at the Fifth Meeting of the Parties to the Montreal Protocol,*

*Concerned* about the continuing depletion of the ozone layer of both the northern and southern hemispheres, partly due to methyl bromide,

*Being aware* that reductions in the emissions of methyl bromide will have a beneficial effect on the ozone layer, especially in the coming 10 years where chlorine concentrations in the atmosphere will reach a critical maximum,

*Being also aware* that in many cases more environmentally sound alternative substances, methods and technologies are already available and others are rapidly being developed,

*Stress the need* to strengthen the control measures decided at the Fourth Meeting of the Parties to the Protocol,

*Declare* their firm determination to reduce their consumption of methyl bromide by at least 25 per cent at the latest by the year 2000, and to phase out totally the consumption of methyl bromide as soon as technically possible.

Bangkok, 17–19 November 1993

## **Declaration by countries with economies in transition (1993)**

[Source: Annex VIII of the report of the Fifth Meeting of the Parties]

*by the Heads of the Delegations representing the governments of: Belarus, Bulgaria, Romania, Russian Federation, and Ukraine at the Fifth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer*

*We, the heads of the delegations of the group of countries with economies in transition and parties to the Montreal Protocol attending the Meeting, namely: Belarus, Bulgaria, Romania, Russian Federation and Ukraine, have discussed the state of affairs regarding the fulfilment of our countries' obligations under the Montreal Protocol,*

*Proceeding from a fundamental position in favour of the development of mutually advantageous, equitable and effective international co-operation on the protection of the ozone layer on the basis of a spirit of mutual understanding and good will,*

*Promoting, to the utmost of our efforts and available possibilities, the achievement of the goals of the Vienna Convention and Montreal Protocol,*

*Endeavouring to preserve the consensus among the parties to the Vienna Convention and the Montreal Protocol on all matters under consideration,*

*Understanding that the majority of countries of the world community support the political and socio-economic changes taking place in the Eastern European countries and recognize the fact that the process of restructuring socio-economic relations takes a prolonged and difficult period of time and requires massive financial expenditure, and also cannot occur without political, economic and moral support of other countries.*

We request the parties to the Montreal Protocol to decide at the Sixth Meeting of the Parties to the Montreal Protocol on the question of the special status of countries with economies in transition, which would provide for concessions and a certain flexibility in the fulfilment of their obligations under the Montreal Protocol.

Bangkok, 18 November 1993

## **Declaration on the Multilateral Fund (1994)**

[Source: Annex V of the report of the Sixth Meeting of the Parties]

*from the delegations of Argentina, Brazil, Chile, China, Colombia, India, Malaysia, Peru, Philippines and Uruguay*

*The above Article 5 countries, parties to the Montreal Protocol on Substances that Deplete the Ozone Layer:*

*Calling upon the spirit of global partnership, with common but differentiated obligations among developed and developing countries, established at the Rio Conference,*

*Recognizing the positive contribution of the Multilateral Fund for the encouragement of the phase-out of ODS in Article 5 countries,*

*Concerned about the critical financial situation of the Multilateral Fund,*

*Concerned also about new restrictions on the access to the already scarce resources of the Fund to Article 5 countries based on policy considerations,*

*Fully aware of the fact that such tendency could have a very negative impact on Article 5 countries' commitment to phase-out ODS,*

*Acknowledging the need to channel the resources of the Multilateral Fund according to the industrial strategy adopted by Article 5 countries, inter alia, in their country programmes,*

*Finding the need to provide the domestic industries with elements of credibility, reliability and predictability as regards financial support from the Fund to cover incremental costs,*

*Urge:*

- (a) Article 2 parties to fulfil their financial pledges to the Multilateral Fund for the Implementation of the Montreal Protocol, in order to assure adequate resources for Article 5 parties to meet their obligations under the Protocol in the fastest feasible timeframe and the most environmentally safe manner;

- (b) Parties to assess properly the need for a new replenishment of the Multilateral Fund in order to cover the financial and technological need of Article 5 countries;
- (c) Parties to reiterate that, for all sectors and sub-sectors for the phase-out projects in Article 5 countries are presented to the Multilateral Fund for financing, a period of up to four years should be considered during the calculation of incremental operational costs, on the basis of costs prevailing at the time of implementation of projects; this calculation should take place on a case-by-case basis according to the specific characteristics of the projects;
- (d) Parties to consider the need to assure adequate financing from the Multilateral Fund for all projects that, according to the respective industrial strategies and specific social, environmental and economic characteristics of Article 5 countries, aim at phasing out ODS;
- (e) Parties to reiterate the need to assure that Article 5 countries engaged in the phasing out of ODS do not suffer loss of export revenues;
- (f) Parties to confirm that companies that may export ODS-free products will be fully supported by the Multilateral Fund, taking into account, *inter alia*, the benefit of the exchange of technologically advanced products between Article 5 countries and the overall interest in the protection of the ozone layer;
- (g) Article 2 countries to ensure the transfer of the best available and environmentally safe alternative technologies to Article 5 countries under fair and most favourable conditions;
- (h) Parties to ensure that the alternative technologies financed by the Multilateral Fund for industrial reconversion are adequate and predictable and will not be subject to restrictions in the forthcoming years;
- (i) Parties to consider collectively and in the most democratic manner the need to halt the tendency to selectivity and restrictiveness of the Multilateral Fund, for the sake of preserving the commitments of the Montreal Protocol and for the protection of the ozone layer.

Nairobi, 6–7 October, 1994

## **Declaration on hydrochlorofluorocarbons (HCFCs) (1995)**

[Source: Annex IX of the report of the Seventh Meeting of the Parties]

*by Argentina, Austria, Belgium, Botswana, Chile, Costa Rica, Denmark, El Salvador, Finland, Germany, Iceland, Liechtenstein, Luxembourg, Malawi, Mexico, Netherlands, Norway, Paraguay, Peru, Portugal, Sweden, Switzerland, United Kingdom and Uruguay*

*The above parties present at the Seventh Meeting of the Parties to the Montreal Protocol,*

*Concerned about the continuing depletion of the ozone layer of both the northern and southern hemispheres,*

*Being aware that further significant reductions in the emissions of hydrochlorofluorocarbons would have a beneficial effect on the ozone layer, especially in the coming ten years where chlorine concentrations in the atmosphere will reach a critical maximum,*

*Being also aware that more environmentally sound alternative substances and technologies are commercially available for almost any applications and are being increasingly used,*

1. *Emphasize the fact that a complete substitution of chlorofluorocarbons need not rely on the use of hydrochlorofluorocarbons;*
2. *Stress the need to strengthen further the control measures decided at the Seventh Meeting of the Parties to the Protocol in countries operating under Articles 2 and 5;*
3. *Will take all appropriate measures to limit the use of hydrochlorofluorocarbons as soon as possible.*

Vienna, 7 December 1995

## Declaration on methyl bromide (1995)

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[Source: Annex X of the report of the Seventh Meeting of the Parties]

by Australia, Botswana, Canada, Iceland, Mauritius, Netherlands, New Zealand, Norway, Sweden, Switzerland, United Kingdom, United States of America, and Venezuela

*The above parties present at the Seventh Meeting of the Parties to the Montreal Protocol, Commend the international community for taking constructive steps in strengthening controls on methyl bromide,*

*Being aware that faster movement towards phasing out methyl bromide would reduce the human and environmental impacts of ozone depletion,*

*Being aware that some parties are able to adopt alternatives at an earlier stage, and that several parties have adopted domestic policies to largely phase out methyl bromide in the next few years,*

*Declare their firm determination, at the national level:*

- (a) *To encourage the widespread adoption of alternatives;*
- (b) *To take all appropriate measures to limit the consumption of methyl bromide to those applications that are strictly necessary, and to phase out the consumption of methyl bromide as soon as possible.*

Vienna, 7 December 1995

## Declaration on hydrochlorofluorocarbons (1997)

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[Source: Annex XI of the report of the Ninth Meeting of the Parties]

by Argentina, Austria, Belgium, Botswana, Czech Republic, Denmark, European Community, Finland, France, Georgia, Germany, Ghana, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Namibia, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Uganda, and the United Kingdom

*The above parties present at the Ninth Meeting of the Parties to the Montreal Protocol,*

*Concerned about the effects of HCFCs on the ozone layer,*

*Being aware that scientific data indicate the need for further consumption controls as well as for the introduction of production controls on HCFCs,*

*Being also aware that environmentally sound and economically viable alternative substances and technologies are or are rapidly becoming available,*

*Concerned by the absence of any results on HCFCs at the tenth anniversary meeting of the parties to the Montreal Protocol,*

*Declare their position that the parties should, at their Eleventh Meeting, decide, on the basis of scientific evidence, the next steps to control the consumption of HCFCs, including phase-out date, reduction of the cap and use restrictions, and production controls for HCFCs.*

Montreal, 17 September 1997

## **Declaration regarding methyl bromide (1997)**

[Source: Annex XII of the report of the Ninth Meeting of the Parties]

*by Bolivia, Burundi, Canada, Chile, Colombia, Denmark, Ghana, Iceland, Namibia, Netherlands, New Zealand, Romania, Switzerland, Uruguay and Venezuela*

*Whereas, the World Meteorological Organization has concluded that methyl bromide is highly destructive to the ozone layer, and that the 1994 Scientific Assessment Panel concluded that the elimination of methyl bromide is the single most significant step Governments can take to reduce future ozone loss,*

*Whereas, it is also clear that methyl bromide is highly toxic to workers, public health, and the global ecosystem,*

*Whereas, TEAP 1994 and 1997 reports have identified a wide range of economically viable alternatives to methyl bromide in both industrialized and developing countries,*

*Whereas, a recent report by Environment Canada has estimated the global economic benefits associated with reduced UV-B exposure to be \$459 billion by 2060,*

*Whereas, the tenth anniversary Meeting of the Parties to the Montreal Protocol failed to adopt a phase-out schedule which will adequately protect public health and the environment from increased UV-B radiation,*

*Be it resolved that:*

Urgent action is needed on the national and international level to phase-out methyl bromide as soon as possible.

Therefore, the undersigned countries pledge to promote sustainable alternatives to methyl bromide in their own nations and worldwide.

Montreal, 17 September 1997

## **Declaration on hydrochlorofluorocarbons (HCFCs), hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) (1998)**

[Source: Annex V of the report of the Tenth Meeting of the Parties]

*by Austria, Azerbaijan, Belgium, Bolivia, Botswana, Bulgaria, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Estonia, European Community, Finland, France, Germany, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Lao People's Democratic Republic, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom and Uzbekistan*

The above parties present at the Tenth Meeting of the Parties to the Montreal Protocol,

*Concerned about the continuing depletion of the ozone layer of both the northern and southern hemispheres,*

*Mindful of the scientific indications that global warming could delay the recovery of the ozone layer,*

*Being aware that further reductions in the emissions of hydrochlorofluorocarbons (HCFCs) would have a beneficial effect on the ozone layer, especially in the coming years when chlorine concentrations in the stratosphere will reach a critical maximum,*

*Being also aware that more environmentally sound alternative substances and technologies are commercially available for virtually all HCFC applications and are being increasingly used,*

*Noting that Annex A to the Kyoto Protocol includes hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs) in view of their high global-warming potential,*

*Concerned that a large number of projects using HCFCs, in particular HCFC-141b, have been funded by the Multilateral Fund, where other, more environmentally friendly, alternatives or technologies are available,*

1. *Call upon all bodies of the Montreal Protocol not to support the use of transitional substances (HCFCs) where more environmentally friendly alternatives or technologies are available;*
2. *Urge all parties to the Montreal Protocol to consider all ODS replacement technologies, taking into account their total global-warming potential, so that the use of alternatives with a high contribution to global warming should be discouraged where other, more environmentally friendly, safe and technically and economically feasible alternatives or technologies are available.*

Cairo, 24 November 1998

## **Beijing Declaration on renewed commitment to the protection of the ozone layer (1999)**

[Source: Annex I of the report of the Eleventh Meeting of the Parties]

*We, the Ministers of the Environment and heads of delegations of the parties to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer,*

*Having participated, at the invitation of the Government of the People's Republic of China, in the fifth meeting of the parties to the Vienna Convention for the Protection of the Ozone Layer and the Eleventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, from 29 November to 3 December 1999, in Beijing, China,*

*Having held in-depth discussions on important issues relating to the protection of the ozone layer and the implementation of the Convention and the Protocol,*

*Recalling the achievements made to date in this field while earnestly seeking to address the challenges we will face in the future,*

*Reaffirming, at the threshold of a new millennium, our commitment to the protection of the ozone layer through a serious implementation of the Vienna Convention and the Montreal Protocol in order to achieve the phasing-out of ozone-depleting substances to protect the environmental security of present and future generations,*

*Declare:*

1. *That we are pleased to note that major progress has been achieved in the implementation of the Montreal Protocol in the past decade since the Helsinki Declaration was adopted, as testified by the fact that the parties not operating under paragraph 1 of Article 5 ceased the production and consumption of CFCs from 1 January 1996, while the parties*

operating under paragraph 1 of Article 5 committed themselves to freezing their production and consumption of CFCs at the average level of the period 1995–1997, from 1 July 1999;

2. That we are further pleased to note that the reduction and phase-out of other ozone-depleting substances are also proceeding in line with or in some cases faster than the control measures we have agreed upon in the past Meetings of the parties and welcome the further progress agreed upon at this Meeting of the Parties;
3. That we take this opportunity to express our sincere appreciation for the efforts made towards this progress by Governments, international organizations, industry, experts and other relevant groups;
4. That we are fully aware, however, that we cannot afford to rest on our laurels, since scientists have informed us that the ozone hole has reached record proportions and the ozone layer recovery is a long way from being achieved;
5. That we are keenly aware that the parties will have to face new challenges, as we have now entered a new period of substantive reduction of ozone-depleting substances from 1 July 1999 and, therefore, must ensure the continuation and development of our significant financial and technical cooperation under paragraph 1 of Article 10 of the Montreal Protocol, to enable all countries to take full advantage of benefits offered by the latest technological advances, including the continuation of the initiatives to ensure funding for the low-volume-consuming countries;
6. That we therefore appeal to all of the parties to demonstrate a stronger political will and take more effective action to fulfil the obligations under the Vienna Convention and the Montreal Protocol, and 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;
7. That we also appeal to the relevant parties to take all appropriate measures to address illegal trade in ozone-depleting substances and to safeguard the achievements attained to date;
8. That we call upon the parties not operating under paragraph 1 of Article 5 to continue to maintain adequate funding and to promote the expeditious transfer of environmentally sound technologies, under the Montreal Protocol, to the parties operating under paragraph 1 of Article 5, to help them fulfil their obligations; and also call upon parties operating under paragraph 1 of Article 5 to take all appropriate measures necessary to secure the efficient use of the resources provided by the parties not operating under paragraph 1 of Article 5;
9. That we further appeal to the international community to demonstrate more concern for the issues of ozone layer protection and for the protection of the global atmosphere in general, taking into account the need to promote social and economic development in all countries.

Beijing, 3 December 1999

## **Ouagadougou Declaration at the Twelfth Meeting of the Parties to the Montreal Protocol (2000)**

[Source: Annex IV of the report of the Twelfth Meeting of the Parties]

*We, Ministers of Environment and head of delegations of the parties to the Montreal Protocol on Substances that Deplete the Ozone Layer;*

*Having accepted the invitation of the Government of Burkina Faso to the high-level segment of the Twelfth Meeting of the Parties to the Montreal Protocol in Ouagadougou, from 13 to 14 December 2000;*

*Having noted the progress made by all the parties in the phase-out of ozone-depleting substances;*

*Taking note of the cooperation between the Montreal Protocol and the Basel Convention that was called for at this meeting.*

*Fully appreciating the important work carried out by national Governments, the Multilateral Fund and various agencies in the areas of dissemination of information, awareness-raising and capacity-building;*

*Reaffirming, at the beginning of the new millennium, our commitment to protect the ozone layer by ensuring the effective implementation of the Montreal Protocol and, where possible, accelerating our efforts to phase out the production and consumption of ozone-depleting substances;*

*Taking into account the importance of national action and international cooperation to address the differentiated situation of developing countries in the implementation of the Montreal Protocol;*

*Noting, however, that much more work remains to be done to ensure the protection of the ozone layer;*

*Declare the following:*

1. We highly appreciate the important progress made in the implementation of the Montreal Protocol over the last decade since the adoption of the Helsinki Declaration, as demonstrated by the virtual elimination of the production and consumption of CFCs since 1 January 1996 by the parties not operating under paragraph 1 of Article 5, and the significant aggregate reductions in ozone-depleting substances achieved to date by parties operating under paragraph 1 of Article 5;
2. We express our profound gratitude to the governments and the international organizations, the industrial sector, experts and groups involved who have contributed to this progress;
3. We encourage all parties to take the necessary steps to prevent illegal production and consumption, and trade in ozone-depleting substances and equipment and products containing them;
4. We encourage strong international cooperation and national action in the areas of:
  - transfer of technology;
  - know-how and capacity-building, and
  - harmonized of customs codes;
5. We appeal for the timely payment of agreed national contributions to the Multilateral Fund for the implementation of the Montreal Protocol;

6. We encourage all parties to ratify and implement in full the amendments to the Montreal Protocol;
7. We invite the parties to integrate ozone layer protection into socio-economic development programmes;
8. We encourage all parties to adopt and apply regulations and pursue awareness-raising campaigns for the public and all stakeholders who use ozone-depleting substances, and encourage the adoption of more environmentally sound alternatives.
9. We encourage regional ozone networks to continue to assist National Ozone Units.

**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 (2001)**

[Source: Annex V of the report of the Thirteenth Meeting of the Parties]

*We Ministers of the Environment and Heads of Delegations at the 13th Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, held in Colombo from 16 to 19 October 2001,*

*Having participated, at the invitation of the Government of the Democratic Socialist Republic of Sri Lanka, in the high-level segment, held on 18 and 19 October 2001, of that Meeting of the Parties,*

*Having noted the 10th anniversary of the establishment of the Multilateral Fund and its achievements to date for the protection of the ozone layer,*

*Recalling the progress made by all the parties in phasing out ozone depleting substances,*

*Fully appreciating the efforts by national Governments, the Multilateral Fund, the United Nations Environment Programme and the various implementing agencies to make the Montreal Protocol the most successful multilateral environmental agreement and to achieve universal ratification,*

*Recognizing the interconnectedness of environmental issues such as climate change and ozone-layer depletion,*

*Recalling that the year 2002 will be the 10th anniversary of the Rio Conference on Environment and Development, the Earth Summit, and the 15th anniversary of the Montreal Protocol,*

*Recognizing the importance of sharing the experience gained under the Montreal Protocol with other multilateral environmental agreements in order to achieve the same progress under those agreements;*

*Declare:*

1. That we are pleased to note the significant contributions made by the Multilateral Fund during the last 10 years in the implementation of the Montreal Protocol, that has made possible significant progress in compliance by Article 5 countries;

2. That we express our sincere gratitude to the Governments, international organizations, non-governmental organizations, experts and individuals that have contributed to that progress;
3. That we urge Governments and all stakeholders to take due care in using new substances that may have an ODP, and to take informed decisions on the use of transitional substances;
4. That we appeal to the Article 5 parties to sustain the permanent phase-out of ODS and comply with their phase-out obligations by establishing the necessary domestic policy and legal regimes;
5. That we appeal to all parties to cooperate in ensuring that the Multilateral Fund receives the necessary replenishment for its next triennium, 2003–2005;
6. That we appeal to all non-Article 5 parties to continue their efforts to contribute to the Multilateral Fund;
7. That we urge parties to identify and use available, accessible and affordable alternative substances and technologies that minimize environmental harm while protecting the ozone layer;
8. That we are fully aware that much work remains to be done to ensure the protection of ozone layer;
9. That we decide to share the successful experience of the Montreal Protocol at the World Summit on Sustainable Development to be held in Johannesburg, South Africa, in 2002.

## **Declaration by the Pacific Island countries attending the 13th Meeting of the Parties to the Montreal Protocol (2001)**

[Source: Annex VI of the report of the Thirteenth Meeting of the Parties]

*We, the Governments of Fiji, Kiribati, Niue, Papua New Guinea and Samoa, are conscious of the serious threat that ozone-depleting substances present to the environment and to the global population.*

We note the valuable progress that has been achieved in addressing ozone-depletion by parties to the Montreal Protocol regarding substances that deplete the ozone layers.

Pacific Island Countries are among the smallest consumers of ozone depleting substances in the world. These are used in areas that are critical to our economic development which includes fishing, tourism and food storage.

We declare our intention to continue working towards the fulfillment of the goals of the Convention and the Protocol at the national, regional and global level.

We acknowledge the initial assistance provided by the Multilateral Fund, the Government of Australia and the Government of New Zealand through the United Nations Environment Programme Division of Technology, Industry and Economics (UNEP-DTIE) and South Pacific Regional Environment Programme (SPREP) for the preparation of national compliance action plans (NCAPs).

In this context, we recognise that regional cooperation has been identified as an effective means to complement national programmes in implementing environmental programmes in Pacific Island Countries. Regarding our intention to continue working for its successful

fulfillment at the global as well as regional scale, we undertake to work together in the context of a regional strategy for the Pacific region that all Pacific Island Countries shall:

- (a) Ratify the Montreal Protocol and its amendments where applicable;
- (b) Urgently adopt import and export controls of ozone-depleting substances, particularly for the use of licensing systems and appropriate legislation;
- (c) Take all the necessary measures to comply with the plans to reduce and eliminate the consumption and production of ozone-depleting substances;
- (d) Ensure effective fulfillment of Article 7 regarding the need to report on the consumption of ozone-depleting substances;
- (e) Commit the accelerated phase-out of CFCs, preferably to year 2005.

We request the Executive Committee of the Multilateral Fund to financially support the Pacific Island Countries, taking into account their specific needs to implement national programmes and regional cooperation mechanism to enable them to comply with the Montreal Protocol.

We urge all parties to take account of the unique circumstances of the Pacific Island Countries when they consider the levels of replenishment for the Multilateral Fund during the triennium 2003 to 2005.

## **Declaration on methyl bromide (2003)**

[Source: Annex VIII of the report of the Fifteenth Meeting of the Parties]

*Austria, Belgium, the Czech Republic, Denmark, Estonia, the European Community, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland,*

*Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide, and noting that 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;*

*Resolved that each party's methyl bromide use should decrease each year, targeting the closure of the critical-use exemption as soon as possible in non-Article 5 parties;*

*Taking account of the recommendation by the Technology and Economic Assessment Panel that critical-use exemptions should not be authorized in cases where feasible options are registered, available locally and used commercially by similarly situated enterprises;*

*Declare their firm determination at the national level:*

*To take all appropriate measures to limit the consumption of methyl bromide to those strictly necessary applications that are in keeping with the spirit of the Protocol and will not lead to an increase in consumption after phase-out.*

## **Declaration on limitations on the consumption of methyl bromide (2004)**

[Source: Annex IV of the report of the First Extraordinary Meeting of the Parties]

*by Austria, Belgium, Costa Rica, Czech Republic, Denmark, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, India, Indonesia, Italy, Jamaica, Japan, Jordan, Kiribati, Lebanon, Luxembourg, Malaysia, Mexico, Mozambique, Netherlands, Norway, Poland, Portugal, Saint Lucia, Serbia and Montenegro, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, United Kingdom and the European Community*

*The above parties present at the first Extraordinary Meeting of the Parties,*

*Recognizing that technically and economically feasible alternatives exist for most uses of methyl bromide, and noting that 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,*

*Resolved that each party's methyl bromide use should decrease, targeting the closure of the critical-use exemption as soon as possible in non-Article 5 parties,*

*Declare their firm intention at the national level to take all appropriate measures to strive for significantly and progressively decreasing production and consumption of methyl bromide for critical uses with the intention of completely phasing out methyl bromide whenever technically and economically feasible alternatives are available.*

Montreal, 26 March 2004

## **Prague Declaration on enhancing cooperation among chemicals-related multilateral environmental agreements (2004)**

[Source: Annex V of the report of the Sixteenth Meeting of the Parties]

*We, the ministers of the environment and heads of delegation of the following parties to the Montreal Protocol on Substances that Deplete the Ozone Layer attending the Sixteenth Meeting of the Parties of the Montreal Protocol in the city of Prague:*

*Algeria, Armenia, Austria, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Congo, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Egypt, Estonia, European Community, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lithuania, Luxembourg, Maldives, Malta, Mozambique, Nepal, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Viet Nam, Zambia*

*Recognizing the need to continue the momentum of unique and successful cooperation among the world communities in negotiating and implementing the Montreal Protocol,*

*Aware of the need to maintain the integrity of the Montreal Protocol to continue on the road to the recovery of the ozone layer and to its subsequent sustainable preservation,*

*Conscious of the Plan of Implementation of the World Summit on Sustainable Development and the need successfully to implement the Montreal Protocol in order to attain sustainable development objective,*

*Cognizant of the findings of the Scientific Assessment Panel of the Montreal Protocol and the Intergovernmental Panel on Climate Change on interlinkages between ozone layer depletion and climate change,*

*Recognizing also that the mainstreaming of the environmental dimension into national strategies for sustainable development and poverty reduction remains an important challenge to all countries,*

*Aware of the efforts of the world community to develop a strategic approach to international chemicals management,*

1. *Reaffirm* their commitment to continue their efforts to protect the global environment and the ozone layer, bearing in mind in particular the Rio Principles, including the principle of common but differentiated responsibilities;
2. *Stress* the need in particular, to implement the relevant elements of the Plan of Implementation of the World Summit on Sustainable Development concerning the sound management of chemicals, including the prevention of international illegal trade in ozone-depleting substances, hazardous chemicals and hazardous wastes;
3. *Emphasize* the need for developing countries to implement multilateral environmental agreements and mainstream environmental considerations in their sustainable development and poverty reductions strategies to maximise the efficiency of the technical and financial support provided;
4. *Reiterate* the need to help provide support for the implementation of chemicals-related multilateral environmental agreements to developing countries and countries with economies in transition, for the Montreal Protocol including through an adequate replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol and the Global Environment Facility and enhanced cooperation between these funds;
5. *Enhance* the collaborative efforts towards technological development, in particular those related to the protection of the ozone layer and the mitigation of climate change, and transfer technology to the countries that need it;
6. *Seek* alliance with other multilateral instruments like the Basel, Rotterdam and Stockholm conventions to contribute to an effective strategic approach to international chemicals management; and
7. *Declare* the willingness of the parties assembled in this City of Bridges to contribute to building bridges between the relevant multilateral environmental agreements and to help them draw inspiration from the success of the Montreal Protocol while, in turn, drawing inspiration from them in meeting future challenges.

Prague, 26 November 2004

## **Montreal Declaration (2007)**

[Source: Annex IV of the report of the Nineteenth Meeting of the Parties]

*The parties to the Montreal Protocol on Substances that Deplete the Ozone Layer,*

*Celebrating with pride, on the occasion of the Montreal Protocol's twentieth anniversary, the successful conclusion of a landmark agreement on the accelerated phase-out of hydro-*

chlorofluorocarbons thereby making great strides in the global effort to protect the ozone layer and at the same time providing opportunities for further beneficial impacts to the environment including for climate change,

*Acknowledging* with honour the historic global cooperation achieved over the past twenty years under the Montreal Protocol to restore and protect the Earth's ozone layer for this and future generations, and noting in particular:

- That the Montreal Protocol has made substantial and verified progress toward the recovery of the ozone layer and is recognized as one of the most successful multilateral environmental agreements,
- That the success of the Montreal Protocol reflects an unprecedented spirit of cooperation between developed and developing countries,
- That the Montreal Protocol operates on the concept of shared but differentiated responsibilities of the parties with a commitment by all parties to participate and be fully engaged,
- That the Montreal Protocol is underpinned by institutions providing scientific, economic, environmental and technical support informing policy making by parties, as well as the Multilateral Fund for the Implementation of the Montreal Protocol, which has been instrumental in assisting parties with compliance and associated capacity-building,
- That the Ozone Secretariat has fully supported all parties in the success of the Montreal Protocol,
- That the Montreal Protocol has stimulated the development of technological innovations contributing significantly to the protection of the environment and human health,
- That actions taken to protect the ozone layer have resulted in significant beneficial impacts on global atmospheric issues, including climate change,
- That the Montreal Protocol, from its inception, has welcomed and benefited from broad participation across all parts of society,

*Recognizing* that even with the achievements of the Montreal Protocol the ozone layer remains vulnerable and will require many decades to recover and that its long-term protection is dependent on continued vigilance, dedication and action by the parties,

*Recognizing* the importance of all parties meeting their phase-out obligations and taking appropriate measures to prevent ozone-depleting substances from threatening the ozone layer,

*Recognizing* the continuing role that the Montreal Protocol plays in benefiting the most vulnerable parts of the planet and their populations,

1. Reaffirm their commitment to phase out the consumption and production of ozone-depleting substances consistent with their Montreal Protocol obligations;
2. Recognize the need for continued vigilance to safeguard progress made to date on achieving the objectives of the Montreal Protocol and to address emerging issues;
3. Strive for the earliest possible ratification of all amendments to the Protocol;
4. Recognize the historic and ongoing importance of near universal participation in a treaty with demonstrable, measurable and ambitious yet pragmatic goals and the role played by the mechanisms established, in particular the Multilateral Fund, to provide technical, policy and financial assistance;

5. Recognize the importance of assisting parties operating under paragraph 1 of Article 5 of the Protocol, through various means including transfer of technology, information exchange and partnership for capacity-building, in fulfilling their obligations under the Protocol;
6. Acknowledge the vital contribution of science to our understanding of the ozone layer and threats to it and that protection of the ozone layer will require a continued global commitment and a sustained level of scientific research, monitoring and vigilance;
7. Recognize the extraordinary accomplishments and services provided to the parties by the Montreal Protocol's supporting institutions and the importance of their continued role;
8. Recognize the importance of accelerating the recovery of the ozone layer in a way that also addresses other environmental issues, notably climate change;
9. Recognize the opportunity for cooperation between the Montreal Protocol and other relevant international bodies and agreements to enhance human and environmental protection.

## **Doha Declaration (2008)**

[Source: Annex VI of the report of the Twentieth Meeting of the Parties]

*We the ministers of the environment and heads of delegation of the 143 parties attending 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,*

*Acknowledging* the progress that has been made to address the problem of depletion of the ozone layer through the global elimination of production of over 96 per cent of historic levels of ozone-depleting substances between 1987 and 2007,

*Recognizing* that this progress was achieved through:

- (a) Cooperation between developed and developing countries, including provision being made to meet the needs of developing countries, as manifested by: the near universal participation in the Protocol by all countries; efficiency and transparency of the Protocol bodies, including the Multilateral Fund and its Executive Committee, the Implementation Committee; the assessment panels of the Protocol, and the Ozone and Multilateral Fund Secretariats;
- (b) Triennial replenishments of the Multilateral Fund amounting to over \$2.4 billion from 1991–2008; excellent compliance by all parties with the Protocol's provisions; capacity building in all developing country parties' to the Protocol through funding of over 140 national ozone units;
- (c) Phase-out of more than 80 per cent of the production and consumption of ozone-depleting substances by the developing countries; agreement by all parties to accelerate the phase-out of their production and consumption of hydrochlorofluorocarbons; the extraordinary efforts and adaptability of the staff of the international and national implementing agencies to respond to the evolving needs of the parties; the enormous and generous contributions of industry, non-governmental organizations and academia in supporting the Protocol's efforts;
- (d) A firm commitment to maximizing and exploring the broad-reaching benefits of the Protocol, in particular to deterring climate change in addition to ozone layer protection,

*Taking account of the remaining work that needs to be done to protect the ozone layer, including the obligations of developing countries to reduce their production and consumption of chlorofluorocarbons, halons and carbon tetrachloride to zero by 1 January 2010, and methyl bromide and methyl chloroform by 2015, and eventually eliminate their global production and consumption of hydrochlorofluorocarbons,*

*Recognizing the generosity of past, present and future contributions of parties to the Multilateral Fund and its essential role in securing the objectives of the Montreal Protocol,*

*Cognizant of the fact that safeguarding the ozone layer will require continued global commitment, a sustained level of scientific research and monitoring and the taking of precautionary measures to control equitably total global emissions of substances that deplete the ozone layer,*

*Acknowledging that phasing out ozone depleting substances has a positive impact on the climate system and human health, and that many of the actions that can still be taken by the Protocol parties to investigate and reduce the impact of ozone depleting substances can have significant benefits in the efforts to address climate change including the need for urgent and effective action,*

*Wishing to highlight the operational leadership of the Montreal Protocol in addressing environmental issues in a holistic fashion that takes into account relationships with other institutions,*

**A. On the issue of destruction of ozone-depleting substances**

1. *Resolve to undertake an initial effort to destroy banks of ozone-depleting substances in order urgently to address their ozone and climate impact, and through a process that is consistent with the requirements of other international legal regimes;*
2. *Commit ourselves to undertaking further studies to assess the technical and economic feasibility of destroying ozone-depleting substances, taking into account their ozone and climate impact;*
3. *Commit ourselves also to undertaking pilot projects to generate practical data and experience on management and financing modalities, achieving climate benefits, and exploring opportunities to leverage co-financing in order to maximize environmental benefits;*

**B. On the issue of replenishment**

4. *Underline the commitment to a replenishment of the Multilateral Fund of \$490 million for the period 2009–2011 with the understanding that these funds will be used to enable developing countries to meet their obligations under the Protocol;*

**C. On atmospheric measurements**

5. *Urge the Governments of the world to seek to ensure full coverage of the relevant data gathering programmes, in order to ensure that the atmosphere including its stratospheric ozone and its interrelation with climatic change is kept under continuous observation;*

**D. On the Government of Qatar initiatives**

6. *Applaud the two initiatives announced by the Government of Qatar to establish:*
  - (a) *A monitoring station in Qatar, for monitoring the Ozone Layer and the Earth's stratosphere in collaboration with the National Aeronautics and Space Administration of the United States of America;*

- (b) An Ozone Layer and Climate Change Research Centre, within Qatar's Science and Technology Park and in collaboration with the United Nations Environment Programme, for conducting scientific research on ozone-depleting substance alternatives and developing environmentally friendly applications;

**E. On this and future paperless meetings**

- 7. Recognize the outstanding contribution of the Government of Qatar in embracing and conducting, for the first time in the history of the United Nations, a very successful paperless meeting, a practice which we hope will be extended to the conduct of future United Nations meetings; note, once again, the innovative contributions that parties to the Vienna Convention and the Montreal Protocol can make; and express great hope that the success achieved in Doha will serve as a model and pave the way to holding virtually paperless meetings in other United Nations forums and elsewhere;
- 8. Express great appreciation to the Government of Qatar for the donation of the computers and paperless system, which will enable future United Nations meetings to be held in a paperless manner.

## **Declaration on High-GWP alternatives to ODSs (2009)**

[Source: Annex III of the report of the Twenty-First Meeting of the Parties]

*by Angola, Cameroon, Canada, Chad, Comoros, Congo, Dominican Republic, Egypt, Fiji, Gabon, Grenada, Guinea Bissau, Indonesia, Japan, Kiribati, Madagascar, Marshall Islands, Mali, Mauritania, Mauritius, Mexico, Micronesia, Morocco, Namibia, New Zealand, Nigeria, Papau New Guinea, Palau, Saint Lucia, Solomon Islands, Somalia, Sudan, Switzerland, Timor-Leste, Togo, Tonga, Tunisia, United States, Zambia*

*Aware of the wide agreement among scientists that climate change will threaten present and future generations unless more stringent measures are adopted and implemented urgently,*

*Concerned that climate change is occurring faster than previously predicted,*

*Mindful that certain high-GWP alternatives to ODSs used to replace certain ozone depleting substances are powerful greenhouse gases and are contributing to climate change,*

*Emphasize the fact that the substitution of hydrochlorofluorocarbons (HCFCs) need not necessarily rely on the use of high-GWP alternatives;*

*Also aware that more environmentally sound alternative substances and technologies already exist or are rapidly being developed and that in various sectors a transition away from high-GWP alternatives to ODSs can already be achieved,*

*Also aware that the Montreal Protocol is well-suited to phase-down high-GWP alternatives to ODSs, having already phased-out similar chemicals in the same sectors that now utilize high-GWP alternatives to ODSs,*

*Stress the need to review the possibility of appropriately amending the Montreal Protocol to include a progressive reduction of the production and consumption of select high-GWP alternatives to ODSs as controlled substances, and to ensure appropriate coordination with the UNFCCC and Kyoto Protocol, including adequate reporting,*

*Recognizing that certain high-GWP alternatives to ODSs are within the basket of greenhouse gases controlled by the Kyoto Protocol and amendments to the Montreal Protocol should be*

agreed to in a manner that neither excludes controlled high-GWP substances from the scope of the UNFCCC or Kyoto Protocol, nor affect existing commitments undertaken by parties thereto,

*Encourage* all states to urgently consider phasing-down the production and consumption of high-GWP alternatives to ODSs where alternatives exist,

*Agree* to commit to encourage and facilitate the accelerated development of climate friendly substituting chemicals, products, and technologies for all applications of HCFCs,

*Agree* to facilitate the access to relevant scientific information, research results, training, and the transfer of technology and its implementation to all Article 5 parties,

*Agree* to take appropriate measures to limit the use of high-GWP alternatives to ODSs as soon as practicable.

Port Ghalib, Egypt, 8 November 2009

## **Declaration on the global transition away from hydrochlorofluorocarbons (HCFCs) and chlorofluorocarbons (CFCs) (2010)**

[Source: Annex III of the report of the Twenty-Second Meeting of the Parties]

*Recognizing* that hydrofluorocarbons (HFCs) are replacements for ozone-depleting substances being phased out under the Montreal Protocol, and that the projected increase in their use is a major challenge for the world's climate system that must be addressed through concerted international action,

*Recognizing* also that the Montreal Protocol is well-suited to making progress in replacing hydrochlorofluorocarbons (HCFCs) and chlorofluorocarbons (CFCs) with low-global warming potential alternatives,

*Mindful* that certain high-global warming potential alternatives to HCFCs and other ozone-depleting substances are covered by the United Nations Framework Convention on Climate Change and its Kyoto Protocol and that action under the Montreal Protocol should not have the effect of exempting them from the scope of the commitments contained thereunder,

*Interested* in harmonizing appropriate policies toward a global transition from HCFCs to environmentally sound alternatives,

*Encourage* all parties to promote policies and measures aimed at selecting low-GWP alternatives to HCFCs and other ozone-depleting substances;

*Declare* our intent to pursue further action under the Montreal Protocol aimed at transitioning the world to environmentally sound alternatives to HCFCs and CFCs.

*Afghanistan, Antigua and Barbuda, Armenia, Austria, Australia, Bahamas, Bangladesh, Belgium, Belize, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, Estonia, European Union, Federated States of Micronesia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Haiti, Hungary, Indonesia, Iraq, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mali, Mauritius, Macedonia, Malta, Mexico, Micronesia, Montenegro, Mozambique, Myanmar, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Philippines, Poland, Portugal, Republic of Moldova, Romania, Saint Lucia, Sao Tome and Principe, Senegal, Serbia, Slovakia, Slovenia, Spain,*

*Somalia, Sri Lanka, Sweden, Switzerland, Timor-Leste, Togo, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.*

## **Bali Declaration on Transitioning to Low Global Warming Potential Alternatives to Ozone Depleting Substances (2011)**

[Source: Annex IX of the report of the Twenty-Third Meeting of the Parties]

*We, the parties to the Vienna Convention on the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer, having met in Bali, Indonesia from 21 to 25 November 2011,*

*Cognizant* that certain ozone depleting substances have high global warming potential and that the mitigation of ozone depleting substances could contribute to the reduction of greenhouse gas emissions,

*Recalling* the general obligation under Article 2 of the Vienna Convention that parties take appropriate measures in accordance with the provisions of that Convention and of its protocol to which they are party to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

*Also recalling* decision XIX/6, in which the Meeting of the Parties decided to encourage parties to promote the selection of alternatives to ozone depleting substances that minimize environmental impacts,

*Mindful* that certain high global warming potential alternatives to ozone depleting substances are contributing to environmental degradation,

*Reaffirming* the need for a transition to alternatives which are technically proven, economically viable, and environmentally benign to ozone depleting substances,

*Recalling* the declaration signed by 90 parties at the 22nd Meeting of the Parties to the Montreal Protocol in Bangkok 2010,

*Emphasizing* the importance of capacity building, financial, technical and other assistance needed by parties operating under paragraph 1 of Article 5 of the Montreal Protocol for transitioning to low global warming potential alternatives,

*Acknowledging* the decision of the parties at the 23rd Meeting of the Parties to the Montreal Protocol in Bali concerning additional information on alternatives to ozone depleting substances,

*Hereby:*

1. *Note with appreciation* the efforts of the parties operating under paragraph 1 Article 5, which selected low global warming potential alternatives for implementing their HCFCs Phase-out Management Plans for compliance with the 2013 and 2015 control targets;
2. *Call on* parties to conduct further studies on low global warming potential alternatives to ozone depleting substances, that include, but are not limited to, the economic impact and its feasibility, technical feasibility, market availability and impact on human health and safety of such alternatives in particular with enhanced engagement of stakeholders, particularly the industry;

3. *Invite* parties and others in a position to do so, to provide suitable and sustainable financial as well as technical assistance, including technology transfer and capacity building needed by parties, in particular parties operating under paragraph 1 of Article 5 for transitioning to low global warming potential alternatives to ozone depleting substances that minimize environmental impacts;
4. *Call on* parties and the Ozone Secretariat to continue coordination between the Vienna Convention and its Montreal Protocol and the United Nations Framework Convention on Climate Change and its Kyoto Protocol to ensure their mutually supportive implementation and the achievement of their objectives;
5. *Call on* parties, while recognizing national priorities, to explore further and pursue under the Montreal Protocol the most effective means of achieving the transition to low global warming potential alternatives to ozone depleting substances.

