Addendum

I. Combined Vienna Convention and Montreal Protocol issues (agenda item 3)

A. Financial reports and budgets of the trust funds for the Vienna Convention and the Montreal Protocol (agenda item 3 (a)) (continued)

1. Subsequently, the co-chair of the budget committee presented conference room papers containing consensus draft decisions on the financial report and budget of the trust fund of the Montreal Protocol and on the budget of the trust fund of the Vienna Convention.

2. During the discussion of budgetary matters, Mr. Michael Church, President of the Bureau of the Twenty-First Meeting of the Parties to the Montreal Protocol, reported that, in accordance with the wishes of the parties expressed at previous meetings, discussions had been held with the Executive Director of UNEP and the Secretary-General of the United Nations on extending the mandate of Mr. Marco González, Executive Secretary of the Ozone Secretariat. As a result, the period of tenure of Mr. González as Executive Secretary had been extended to October 2013.

3. The parties approved the draft decisions for further consideration and adoption during the high-level segment.

II. Montreal Protocol issues (agenda item 4)

A. Replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol (agenda item 4 (a)) (continued)

1. Supplemental report of the Technology and Economic Assessment Panel replenishment task force (agenda item 4 (a) (ii)) (continued)

4. Subsequently the co-chair of the contact group reported that the contact group had agreed that its membership should comprise the two co-chairs and the representatives of Argentina, Armenia, Australia, Brazil, Canada, China, Colombia, Czech Republic, France, Germany, India, Italy, Japan,
Kuwait, Lebanon, Malaysia, Mexico, Nigeria, Sweden, Switzerland and the United States of America. He also said that at its initial meetings the contact group had addressed all the non-HCFC production elements of the replenishment.

5. Following the presentation the representative of Argentina introduced a draft decision on accounting for inflation in funding institutional strengthening projects, which was also supported by the representatives of Brazil, Colombia and Uruguay.

6. The Meeting of the Parties agreed that further consideration of the draft decision would take place in the contact group on replenishment.

7. The representative of India introduced a conference room paper containing a draft decision on guidelines for the funding of HCFC production facilities. He recalled that by decision XIX/6 the parties had decided that stable and sufficient funding should be provided through the Multilateral Fund to meet the agreed incremental costs to enable parties operating under paragraph 1 of Article 5 to comply with the accelerated phase-out schedule for HCFCs for both the production and consumption sectors. Noting that the Executive Committee of the Multilateral Fund had still not finalized the guidelines for funding HCFC production facilities, he said that parties operating under paragraph one of Article 5 risked being in non-compliance with the freeze at the baseline level in 2013 and the 10 per cent reduction in 2015 unless adequate assistance was provided soon.

8. During the ensuing discussion, several representatives opposed consideration of the draft decision. One representative, supported by others, said that the Executive Committee subgroup on the production sector had made significant progress in developing the guidelines for the production sector and should complete its work. In addition, the language of the draft decision under consideration differed from that in decision XIX/6 and was therefore not an appropriate basis for discussion. Nor was it clear under which item the meeting might consider the draft decision; it had not been put forward for consideration under other matters during the adoption of the agenda, and it was not relevant to the deliberations under item 4 (a) on replenishment.

9. Several representatives supported consideration of the draft decision. One representative, supported by others, said that the provision of funding for HCFC production facilities was very relevant to the discussion on replenishment of the Multilateral Fund and was of great importance for parties operating under paragraph 1 of Article 5 as they sought to comply with the control measures for HCFC production. Also, while the Executive Committee’s subgroup on the production sector was considering that matter, the Meeting of the Parties had the authority, under paragraph 4 of Article 10 of the Montreal Protocol, to issue overall policy instructions to the Executive Committee. Another representative said that if the matter was not given due consideration at the current meeting then parties operating under paragraph 1 of Article 5 would be unable to comply with decision XIX/6.

10. The Co-Chair noted that the draft decision had not been raised during the adoption of the agenda, and that there was no consensus to discuss it further. Accordingly, he ruled that, as the parties were unlikely to achieve consensus on the draft decision, he would not consider any further discussion of the issue at the current meeting.

B. Issues related to exemptions from Article 2 of the Montreal Protocol (agenda item 4 (b)) (continued)

1. Nominations for 2012 and 2013 for essential-use exemptions (agenda item 4 (b) (i)) (continued)

11. Subsequently, the representative of China introduced a revised version of the draft decision on essential-use nominations for controlled substances for 2012, noting that the essential-use authorization for 2012 for chlorofluorocarbons for metered-dose inhalers for Bangladesh required finalization. Some representatives expressed an interest in further consultations on the draft decision.

12. [To be completed]

2. Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation (agenda item 4 (b) (ii)) (continued)

13. [To be completed]

3. Nominations for 2012 and 2013 critical-use exemptions (agenda item 4 (b) (iii)) (continued)

14. [To be completed]
4. Quarantine and pre-shipment uses of methyl bromide (agenda item 4 (b) (iv))

15. Introducing the sub-item, the Co-Chair recalled that the European Union had presented a draft decision on quarantine and pre-shipment uses of methyl bromide at the thirty-first meeting of the Open-ended Working Group. Following discussion at that meeting the European Union had engaged in informal consultations and produced a revised draft decision, which was available to the parties in a conference room paper. Introducing the revised draft, the representative of the European Union said that it emphasized the crucial role of the International Plant Protection Convention in determining phytosanitary requirements in international trade and called for improved reporting and access to information on alternatives to methyl bromide.

16. Several representatives voiced general support for the draft decision, saying that it should be discussed in a contact group. Many said that there was a need for accurate data to provide a basis for controlling quarantine and pre-shipment uses of methyl bromide, suggesting that a good overview of quantities and uses would help to prevent proscribed uses.

17. Some representatives affirmed that measures should be taken, whenever possible, to avoid methyl bromide use both before shipment and on arrival, with some noting that they were often required to use methyl bromide by countries to whom they exported goods.

18. Several representatives also welcomed proposed measures for identifying alternatives to methyl bromide used for quarantine and pre-shipment purposes. One representative pointed out that the Technology and Economic Assessment Panel’s report for 2010 had indicated that over 30 per cent of the methyl bromide used for quarantine and pre-shipment purposes could be rapidly replaced by alternatives. Another representative, however, said that the available alternatives were not very mature and that shifting to alternatives was a challenge for developing countries.

19. A few representatives said that any discussion of the draft decision should be deferred, stating that they were not yet in a position to provide detailed data on methyl bromide used for quarantine and pre-shipment purposes. Some suggested that reporting should be on a voluntary basis. One representative said that methyl bromide used for such purposes was already reported under Article 7 of the Montreal Protocol.

20. The parties agreed to establish a contact group, to be chaired by Ms. Alice Gausted (Norway), to discuss the matter and to consider the draft decision further.

21. [To be completed]

5. Global laboratory and analytical-use exemption (agenda item 4 (b) (v))

22. Introducing the item, the Co-Chair recalled that at the Open-ended Working Group’s thirty-first meeting the Technology and Economic Assessment Panel had reported on alternatives to ozone-depleting substances available for laboratory and analytical uses. Following the deliberations at that meeting, China had put forward a draft decision (draft decision G in document UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3) allowing parties operating under paragraph 1 of Article 5 to deviate from existing laboratory and analytical use bans in individual cases until 31 December 2014. Subsequently, several parties and the Chemicals Technical Options Committee had engaged in discussions on the substance of that draft decision.

23. Reporting on the status of those discussions, the representative of China said that the deliberations had been very fruitful and had culminated, at the current meeting, in an agreement between several parties on a revised draft decision. He expressed his gratitude to those parties for their constructive approach and invited other interested countries to engage in further discussions.

24. Subsequently, the representative of China submitted to the meeting a conference room paper containing a revised version of the draft decision. The parties approved the draft decision for further consideration and adoption during the high-level segment.

6. Sustained mitigation of ozone-depleting-substance emissions from feedstock and process-agent uses (agenda item 4 (b) (vi))

25. Introducing the sub-item, the Co-Chair recalled that the European Union had put forward a draft decision on sustained mitigation of ozone-depleting-substance emissions from feedstock and process-agent uses at the Open-ended Working Group’s thirty-first meeting. After discussing the draft decision in a contact group, the Working Group had forwarded the draft decision to the current meeting for further consideration.

26. The representative of the European Union noted that there had been extensive intersessional consultations on the matter. On the basis of those discussions, the European Union had prepared two
separate draft decisions, presented in conference room papers for consideration at the current meeting, one addressing emissions from process-agent uses and another on emissions from feedstock uses.

27. Several representatives expressed support for further discussions in a contact group, in particular to address the unexplained discrepancy between bottom-up and top-down estimates of carbon tetrachloride emissions. Several mentioned that new information had emerged during the inter-sessional consultations. One representative objected strongly to the discussion of feedstock uses in a contact group, arguing that such uses were not covered by the Montreal Protocol.

28. The parties agreed to establish a contact group, to be chaired by Mr. Blaise Horisberger (Switzerland). The contact group was mandated to consider emissions from process-agent uses first and then, if sufficient time remained, to consider emissions from feedstock uses, with particular emphasis on carbon tetrachloride emissions.

29. [To be completed]

C. Environmentally sound disposal of ozone-depleting substances (agenda item 4 (c))

30. Introducing the sub-item, the Co-Chair recalled that the Technology and Economic Assessment Panel had made a presentation at the thirty-first meeting of the Open-ended Working Group reviewing the Panel’s work on destruction of ozone-depleting substances, pursuant to decision XXII/10.

31. The representative of Canada introduced a conference room paper containing a draft decision on adoption of new destruction technologies for ozone-depleting substances. It was timely and appropriate, he said, to take into account the recommendations of the task force established by the Panel in response to decision XXII/10 to update the list of destruction processes approved by the parties.

32. Subsequently, the representative of Canada presented a revised version of the draft decision, which the parties approved for further consideration during the high-level segment. In approving the draft decision the parties requested the Secretariat, prior to presenting the draft decision for adoption during the high-level segment, to complete the table in the annex to the draft decision by inserting the words “not determined” in the blank spaces in the table to indicate that the suitability of the related technologies had not been determined or approved for the substances in various of the annexes and groups of the Protocol.

D. Updating the nomination processes and recusal guidelines for the Technology and Economic Assessment Panel (agenda item 4 (d))

33. Introducing the sub-item, the Co-Chair recalled that by decision XXII/22 the parties had requested the Technology and Economic Assessment Panel to consider a number of issues related to the Panel’s operation and that, in response to the Panel’s report to the Open-ended Working Group at its thirty-first meeting, the representative of Australia had introduced a draft decision (draft decision D in document UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3) that had been discussed by the contact group set up by the Working Group. Inter-sessional discussions had addressed organizational aspects of the Panel but a number of issues still needed to be resolved.

34. The parties agreed to establish a contact group to continue deliberating on the matter, co-chaired by Mr. Javier Camargo (Colombia) and Ms. Fujimoto Masami (Japan).

35. [To be completed]

E. Treatment of ozone-depleting substances used to service ships (agenda item 4 (e))

36. Introducing the item on treatment of ozone-depleting substances used to service ships, the Co-Chair recalled that a draft decision on the issue had been put forward by Saint Lucia at the thirty-first meeting of the Open-ended Working Group and that a contact group had been established to consider the matter further. The resulting draft decision (draft decision K in document UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3) was before the parties for their consideration, and document UNEP/OzL.Pro.23/INF/3 contained additional information on ozone-depleting substances used to service ships that might assist the parties in coming to some conclusion on the issue.

37. The parties agreed to establish a contact group to further consider the issue, co-chaired by Ms. Marissa Gowrie (Trinidad and Tobago) and Mr. Cornelius Rhein (European Union).

38. [To be completed]
F. Additional information on alternatives to ozone-depleting substances (agenda item 4 (f))

39. Introducing the sub-item the Co-Chair recalled that it had been considered by a contact group at the thirty-first meeting of the Open-ended Working Group. The draft decision developed by that contact group (draft decision J in document UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3) was before the parties for their consideration.

40. The parties agreed to establish a contact group, chaired by Mr. Leslie Smith (Grenada) and Mr. Mikkel Sorensen (Denmark), to consider the issue further.

41. [To be completed]

G. Use of methyl bromide in Africa (agenda item 4 (g))

42. Introducing the sub-item, the Co-Chair recalled that at the thirty-first meeting of the Open-ended Working Group a number of parties had put forth a proposal that the Technology and Economic Assessment Panel should review methyl bromide consumption trends in Africa and make recommendations on possible phase-out activities. While a draft decision on key challenges facing methyl bromide phase-out in Africa (draft decision A in document UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3) was before the parties for consideration, the co-chair notified the Parties that a revised version of the proposal would be forthcoming.

43. Subsequently, the representative of Kenya introduced a revised version of the draft decision. He said that many parties operating under Article 5, and particularly many of those in the African region had made great strides in phasing out methyl bromide use in a number of applications and that parties were in compliance with the control measures for the substance under the Montreal Protocol. Nevertheless, while cost-effective alternatives to methyl bromide were available for several applications, significant difficulties were being encountered in some areas that threatened the sustainability of alternatives to methyl bromide and risked placing many parties in non-compliance. Those issues included increased pest resistance to alternative chemicals, non-availability of alternatives in the market, technical difficulties in converting to new formulations, increasing restrictions as even alternatives became subject to control measures outside the scope of the Protocol (European Union regulations, for example) and the high capital investments and running costs associated with some alternatives. The situation required urgent attention in view of the 2015 phase-out of methyl bromide under the Montreal Protocol.

44. Another representative said that assistance was required by parties in Africa to overcome the technical and procedural difficulties in applying alternatives at the national level and in preparing possible nominations for critical-use exemptions for methyl bromide.

45. [To be completed]

H. Proposed amendments to the Montreal Protocol (agenda item 4 (h))

1. Proposed amendment by Canada, Mexico and the United States of America (agenda item 4 (h) (i))

2. Proposed amendment by the Federated States of Micronesia (agenda item 4 (h) (ii))

46. The parties agreed to consider sub-items 4 (h) (i) and 4 (h) (ii) together.

47. The representative of the Federated States of Micronesia introduced a proposed amendment to the Montreal Protocol, relating to control of HFCs (UNEP/OzL.Pro.23/5). He told a traditional tale to illustrate the need for the parties to the Montreal Protocol to take action to protect the global community from further environmental degradation resulting from HFC production. He said that the people of the Federated States of Micronesia, a small island developing state, were not alone in facing immediate catastrophe due to global warming. Populations in many African states faced the same threat and globally there was a common interest in addressing climate change through all means possible. Despite the concerted efforts of the parties to the Montreal Protocol and the acclaim for their achievements, the ozone hole in the southern hemisphere had not shrunk in recent years and earlier in 2011 a large ozone hole had been discovered for the first time over the Arctic region. Saying that there was a significant difference between the cost of phase-out between Montreal Protocol processes and those of the Kyoto Protocol, he but concluded by saying that instead of expressing regret for past losses it was more important to find strength in what remained as a basis for planning the future.

48. The representatives of Canada, Mexico and the United States of America jointly presented their proposed amendment to the Montreal Protocol (UNEP/OzL.Pro.23/6), and drew attention to
Introducing the proposed amendment, the representative of the United States of America highlighted a recent UNEP report describing clear links between ozone-related issues and climate change. Noting that HFCs were being introduced almost exclusively as an alternative to ozone-depleting substances, he said that the parties must immediately address an environmental harm resulting directly from the implementation of the Protocol and that preventing harm would be more cost-effective repairing the damage after it had materialized.

He said that the Vienna Convention provided that parties should manage ozone-depleting substances in a manner that minimized adverse effects on the environment and thereby provided the basis for the discussion of HFCs produced and consumed as alternatives to ozone-depleting substances. In outlining the substance of the proposed amendment, he said that it was important to send a clear signal to industry to produce larger volumes of substances with low global-warming potential in less developed countries. Substantial benefits might accrue from adopting the amendment, including cumulative reduced production of 98 gigatonnes of HFCs by 2050. The proposed amendment did not alter or affect obligations under the United Nations Framework Convention on Climate Change but rather promoted harmonization and coherence of policies among multilateral environmental agreements. Concluding, he noted that opposition to the proposed amendment had already been voiced on technical, economic and legal grounds. He said, however, that the way forward involved dialogue to find common ground, and requested that a formal contact group be established.

The representative of Canada added that the proposed amendment was timely, relevant and in line with the purpose of the Montreal Protocol, and said that actions undertaken under the proposed amendment would complement the Kyoto Protocol. He said that there was a need to send an early signal to industry, so that the market could adapt well in advance of regulatory change both by reducing production of HFCs and developing alternatives. He recalled that the parties to the Montreal Protocol had a long history of considering the impact of their actions and decisions on climate change, citing several decisions taken under the Protocol to that effect, specifically decisions X/16, XIV/10, XIX/6 and XX/8, along with decision 60/44 of the Executive Committee of the Multilateral Fund.

The representative of Mexico said that it was important for parties to the Montreal Protocol to make decisions based on scientific evidence and emphasized that his country had considered the evidence in deciding to support the proposed amendment and was acting on that basis alone. The financial mechanism under the Montreal Protocol had shown unparalleled success in reducing production and consumption of harmful gases, and it would be appropriate to extend that process to HFCs. He affirmed that there was a moral and ethical basis for taking action based on clear scientific data and urged that Parties should engage in cooperative dialogue about the proposed amendment.

The parties discussed the proposed amendments at length. In that exchange, a substantial number of representatives expressed support for establishing a formal contact group to consider the proposed amendment but some representatives maintained strong opposition to any formal consideration of the issue under the Montreal Protocol.

There was widespread agreement that it in phasing out ozone-depleting substances it was preferable to adopt alternatives with low or zero global-warming potential rather than high global-warming potential. There was disagreement, however, on whether HFCs could be considered under the Montreal Protocol. Some representatives said that, because HFCs were not associated with ozone depletion, there was no legal basis for further discussion of the proposed amendments. Other representatives expressed support for further discussion of the amendments, noting that the Montreal Protocol and the Vienna Convention stipulated that protection of the ozone layer must be conducted with minimal effects on the environment and that the current rapid growth in HFC production was a direct result of actions undertaken under the Montreal Protocol, with financial support from the Multilateral Fund and technical assistance to parties operating under paragraph 1 of Article 5 of the Protocol.

Many representatives from parties vulnerable to the effects of climate change, particularly small island developing States and States in Africa, emphasized that the risks posed by and harm caused by climate change were already occurring and increasing, with disastrous effects for their populations. Several representatives said that it was contradictory to argue that actions taken under the Montreal Protocol might exacerbate climate change but that parties were barred from recognizing and responding to the consequences of those actions under the Montreal Protocol and must instead seek relief under a different international agreement having largely the same parties.
56. Several representatives said that both proposed amendments respected the principle of common but differentiated responsibilities, as they provided different timescales for phasing down HFCs for parties operating under paragraph 1 of Article 5 and those not so operating. One representative added that the Montreal Protocol had been one of the first multilateral environmental agreements to implement the principle, in particular in creating the Multilateral Fund and adopting worldwide implementation of ozone-depleting substance phase-out schedules. Another representative, however, said that the including HFCs in the Montreal Protocol would impose new obligations on all parties to the ozone regime without regard to principles laid out in the Framework Convention on Climate Change. Including HFCs under the Montreal Protocol might thereby undermine those principles. Proponents of the amendments suggested that such concerns could be resolved through dialogue in a formal contact group.

57. Some representatives said that the Montreal Protocol provided the infrastructure to address production and consumption of HFCs, particularly through the Multilateral Fund, the OzonAction information clearinghouse and other technical assistance mechanisms. Those representatives argued that the Montreal Protocol therefore provided a proper and effective framework for considerations of HFCs. Other representatives, however, said that the acknowledged success of the Montreal Protocol was grounded in its clear focus on ozone depletion. That success might be put at risk if its focus were diluted by encompassing other environmental issues. They noted that the Framework Convention on Climate Change and its Kyoto Protocol were the appropriate multilateral environmental agreements for considering greenhouse gases such as HFCs. Some representatives further suggested that the Multilateral Fund could provide incentives for countries operating under paragraph 1 of Article 5 to use alternatives with low global-warming potential but that the Montreal Protocol could go no further in addressing HFCs in the absence of a request from the Framework Convention on Climate Change.

58. In response, representatives supporting establishment of a formal contact group to discuss the issues further noted that the priorities of the Framework Convention on Climate Change and the Kyoto Protocol were much broader in their overall scope, that negotiations under those agreements were much more complex, and that robust efforts to introduce consideration of HFCs in that context has so far failed. Moreover, those multilateral environmental agreements addressed emissions but not consumption and production of greenhouse gases including HFCs. They argued that the Montreal Protocol was therefore better positioned to examine issues of consumption and production of HFCs, which had been promoted under its aegis. One representative also said that, while he supported a formal contact group, if that could not be created he would also support informal negotiations to help advance the discussion of the amendments.

59. One representative said that it was not premature to consider HFCs or even timely to do so. Rather, parties were already too late in taking up the issue and time spent debating whether to have a fuller dialogue would be better used in a constructive discussion of controlling the effects of HFCs. Another representative said that there had been very successful collaboration among the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Stockholm Convention on Persistent Organic Pollutants. He suggested that a joint committee of the Montreal Protocol, the Framework Convention on Climate Change and the Convention on Long-Range Transboundary Air Pollution should be convened to identify how a synergies process might be applied to controlling HFCs under both ozone, climate change and air pollution regimes.

60. Two representatives of non-governmental organizations expressed support for establishing a formal contact group. One noted that States arguing for consideration of the issues under the auspices of other multilateral environmental agreements were also blocking their consideration at those venues. Another observed that the secretariats of those other multilateral environmental agreements had said that the earliest date that HFCs could be considered under those agreements would be 2016 and that no provisions would enter into force until 2020, by which time HFC production might have tripled. Accordingly, the Montreal Protocol provided a more responsive structure for discussion and action to reduce the harmful effects of HFCs. In addition, progress should not be held back by States seeking to protect domestic industry through inaction at an international forum.

61. On the other hand, the representative of an industry group from a large emerging economy said that it would be too much of a challenge for industry in his country to reduce HFCs, and he suggested that additional alternatives were required before the issue could be discussed further.

62. In summarizing the discussion, the Chair noted that proper procedure had been followed but that Parties had nevertheless failed to reach consensus on establishing a formal contact group to consider the proposed amendments. Indicating that it was necessary to move on to other items on the
agenda, she therefore declared that the parties would not discuss the proposed amendments further at the current meeting either in plenary session or in a contact group. She noted, however, that the important issue of alternatives to HFCs could be discussed in the contact group discussing alternatives to ozone-depleting substances.

63.  [To be completed]

I. Potential areas of focus for the assessment panels’ 2014 quadrennial reports

64. Introducing the sub-item, the Co-Chair recalled that at its thirty-first meeting the Open-ended Working Group had requested the Secretariat to prepare a document consolidating the suggestions of the assessment panels on possible guidance that the parties might wish to give the panels regarding the preparation of their 2014 quadrennial assessment. Initial ideas on the matter were contained in document UNEP/OzL.Pro.23/10.

65. Several representatives expressed an interest in elaborating on those ideas at the current meeting. The representative of the European Union subsequently introduced a conference room paper containing a draft decision on potential focus areas for the 2014 quadrennial reports of the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the Technology and Economic Assessment Panel. He summarized the main focal areas proposed for the reports, which, under the proposed schedule, would all be finalized by 31 December 2014. Several representatives expressed an interest in discussing the matter further.

66. Following deliberations among interested parties, the representative of the European Union presented a revised version of the draft decision. The parties approved the revised draft decision with small modifications for further consideration and adoption during the high-level segment.

J. Phase-out of HFC-23 by-product emissions

67. The representative of the United States of America introduced a draft decision on phase-out of HFC-23 by-product emissions (draft decision C in document UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3). She said that the draft decision was intended to deal with HFC-23 emitted as a by-product of the production of HCFC-22.

68. One representative, supported by others, said that HFC-23 was not an ozone-depleting substance and came under the purview of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and that it was therefore not appropriate for consideration by the Meeting of the Parties. Some representatives said that the matter fell within the discussions that had already taken place on amendments to the Montreal Protocol, and had therefore been disposed of and should not be discussed further, while others said that it was a distinct matter properly on the agenda. Further they noted that it had not been included in the earlier discussion on the HFC amendments, and that as a result, it had to be considered separately. Finally, they noted that the issue was directly related to HCFC-22 production, a matter directly within the purview of the Montreal Protocol.

69. The Co-Chair ruled that, as the parties were unlikely to achieve consensus on the draft decision, it would not be considered further at the current meeting.

K. Status of Nepal relative to the Copenhagen Amendment to the Montreal Protocol

70. Introducing the item, the Co-Chair said that the Government of Nepal had submitted a request to have the issue of its compliance with the Copenhagen Amendment reviewed by the parties in the light of paragraphs 8 and 9 of Article 4 of the Montreal Protocol, which allowed a State to avoid the application of trade sanctions under the Protocol and its amendments if it could demonstrate that it was in full compliance with those provisions. The matter had been discussed at the thirty-first meeting of the Open-ended Working Group; at the recent sixty-fifth meeting of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, at which the Committee had decided not to fund Nepal’s HCFC phase-out management pending specific actions by that Party; and at the recent forty-seventh meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol.

71. The representative of Nepal said that the control of ozone-depleting substances was a high priority for the country, and all requirements of the Copenhagen Amendment with regard to control of HCFCs had been addressed by national regulations, by which annual consumption of HCFCs had been capped at 23 tonnes since 2001. Nepal had fulfilled all its obligations under the Protocol, and had satisfied all reporting requirements. Consideration of Nepal as a party in full compliance with the HCFC control provisions pursuant to paragraphs 8 and 9 of Article 4 of the Protocol would help the country to move forward in implementing its HCFC phase-out management plan.
72. In the ensuing discussion, several representatives commended Nepal for the efforts it had made to control ozone-depleting substances and to move towards ratifying the Copenhagen Amendment. Mr. Ghazi Al Odat (Jordan), Vice-President, Rapporteur and previous President of the Implementation Committee, who had presided over the Committee’s forty-seventh meeting in the absence of the current president, Ms. Elizabeth Munzert (Germany), said that in a recommendation agreed at its forty-seventh meeting, the Committee had advised Nepal to take note of decision XX/9. That decision clarified that the term “State not party to this Protocol” in Article 4, paragraph 9, did not apply to parties operating under Article 5, paragraph 1, of the Protocol until 1 January 2013, effectively deferring the application of trade sanctions with respect to Nepal, as such a party, until that date.

73. The parties took note of the current status of Nepal with regard to the Copenhagen Amendment, taking into account the recent decision of the Executive Committee and the recommendation of the Implementation Committee.

L. Consideration of membership of Montreal Protocol bodies for 2012

74. Introducing the item, the Co-Chair requested the regional groups to submit nominations to the Secretariat for several positions in Montreal Protocol bodies for 2012.

75. The parties subsequently agreed on the membership of the Implementation Committee and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, and on co-chairs of the Open-ended Working Group. They also endorsed a new co-chair for the Chemicals Technical Options Committee and a senior expert of the Technology and Economic Assessment Panel.

76. The parties approved draft decisions reflecting that agreement for further consideration and adoption during the high-level segment.

M. Compliance and reporting issues considered by the Implementation Committee

77. In the absence of Ms. Elisabeth Munzert (Germany), President of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol, Mr. Ghazi Al Odat (Jordan), Vice President and Rapporteur of the Committee, reported on the work of the Committee’s forty-seventh meeting, which had taken place on 18 and 19 November 2011. The full report of the meeting would be made available on the Ozone Secretariat’s website.

78. He said that the Committee was pleased with the excellent progress by parties in meeting their data reporting and phase-out obligations under the Protocol. The draft decisions of the Committee were contained in a conference room paper summarizing the Committee’s work at its forty-seventh meeting. That work had been immensely assisted by the representatives of the Multilateral Fund and its implementing agencies, including the Chair of the Fund’s Executive Committee, and the Ozone Secretariat.

79. He then outlined the ten draft decisions approved by the Committee for consideration by the Meeting of the Parties. The first, on data reporting, listed seven parties that had yet to report ozone-depleting substance consumption and production data for 2010 in accordance with Article 7 of the Protocol. Those seven parties were Bolivia (Plurinational State of), Libya, Liechtenstein, Nauru, New Zealand, Peru and Yemen. Those seven parties were the only ones that had not yet reported their data and the rate of reporting was high, with 189 parties having submitted their 2010 data. He also said that 92 parties had reported data for 2010 by 30 June 2010 in accordance with decision XV/15, and that such early submission of data was exceptionally helpful to the Committee’s work. It was extremely encouraging that except for the seven parties all parties had complied with their data reporting obligations under the Protocol for all years from 1991 to 2010.

80. Turning to the reported data he observed that all parties operating under paragraph 1 of Article 5 that had reported data had already succeeded in phasing out the controlled uses of CFCs, halons and carbon tetrachlorides and had therefore complied with the phase-out target deadline of 1 January 2010. That, he said, meant that there was a high degree of confidence that the phase-out targets for methyl chloroform, methyl bromide and HCFCs would be successfully attained during the next two decades.

81. Three of the draft decisions pertained to the compliance status of particular parties: the draft decision on Libya recorded that party’s non-compliance with its phase-out obligations for halons; the draft decision on the Iraq addressed that party’s compliance in the light of its security situation and political and economic difficulties; and the draft decision on Yemen concerned the fact that Yemen had not yet reported its HCFC data for the year 2009.

82. Two other draft decisions, on the European Union and the Russian Federation, recorded the fact that those parties had fallen into non-compliance because they were engaged in trade of HCFCs
with Kazakhstan, a non-party to the Copenhagen and Beijing Amendments to the Protocol at the time that the exports had taken place. Kazakhstan had become a party to the Copenhagen Amendment on 26 June 2011 but was currently still not a party to the Beijing Amendment.

83. A further two draft decisions dealt with requests for the revision of HCFC baseline data, while another dealt with the number of decimal places used by the Secretariat when presenting and analysing compliance with the HCFC baselines.

84. The last draft decision addressed parties that possessed systems for licensing the import and export of ozone-depleting substances. Of the 185 parties that had ratified the Montreal Amendment, only three had yet to implement licensing systems, while a further ten that had not ratified the Amendment had nevertheless established such systems. According to the reported data, 174 parties and eight non-parties had reported on their licensing systems, and the draft decision encouraged both parties and non-parties to act on that issue as necessary.

85. In conclusion, he thanked his fellow Committee members on the President’s behalf for their hard work, support and dedication in helping him to carry out his duties.

86. In the ensuing discussion one representative said that he was concerned by the suggestion that the Secretariat should use two decimal places when analysing and presenting data. He reminded the meeting that data was reported in ODP-tonnes by the Secretariat and not the metric tonnes used by the parties and that even in cases of little consumption of ozone-depleting substances the use of two decimal places could place parties in non-compliance.

87. Following Mr. Odat’s presentation the parties approved the draft decisions submitted by the Committee for further consideration and adoption during the high-level segment.

V. Vienna Convention issues
A. Report of the eighth meeting of the Ozone Research Managers of the Parties to the Vienna Convention

B. Status of the General Trust Fund for Financing Activities on Research and Systematic Observations Relevant to the Vienna Convention

88. The parties considered items 5 (a) and (b) together.

89. Mr. Michael Kurylo (United States of America), chair of the eighth meeting of the Ozone Research Managers of the Parties to the Vienna Convention, gave a presentation on the work of the eight meeting, held in Geneva from 2 to 4 May 2011. A summary of his presentation, as submitted by Mr. Kurylo without formal editing, is set out in annex [ ] to the present report.

90. The representative of the Secretariat then gave a presentation outlining the history of the General Trust Fund for Financing Activities on Research and Systematic Observations Relevant to the Vienna Convention, including its inception in 2003, its extension to 2015 and the institutional arrangements agreed between the Secretariat and the World Meteorological Organization in respect of its operation. She also detailed the administrative activities of the Secretariat under the Trust Fund, including the annual dispatch of invitations for contributions, and provided information on contributions and expenditures. As of 13 July 2011, $259,054 had been received in the Trust Fund from the Czech Republic, Estonia, Finland, Kazakhstan, South Africa, Spain, Switzerland and the United Kingdom of Great Britain and Northern Ireland. She also said that in kind contributions had also been received in conjunction with activities undertaken under the Trust Fund.

91. She said that four activities had taken place: a Dobson inter-calibration exercise in Egypt, in March 2004; a Brewer calibration in Nepal and Indonesia, in September 2006; an inter-calibration exercise in South Africa for all African Dobson instruments, in October 2009; and a Dobson data quality workshop in the Czech Republic, in February 2011. Planned activities included a Brewer calibration and associated training for several stations worldwide during 2012 and 2013 and an inter-comparison exercise involving all African Dobson instruments in October 2013. Currently $103,454 remained in the Trust Fund and the limited resources available had prevented consideration of the national proposals submitted by six countries.

92. Responding to a question, Mr. Kurylo said that in many cases green-house gases and ozone-depleting substance were being measured together. Asking the Ozone Research Managers to measure greenhouse gases therefore did not duplicate work under the Framework Convention on Climate Change as an understanding of how all atmospheric gases functioned was necessary to an understanding of how the atmosphere functioned. As an example, he said that while sulfur...
hexafluoride was a greenhouse gas monitoring it could reveal a great deal about atmospheric circulation, which was also of value in understanding the operation of ozone-depleting substances.

93. Mr. W.L. Sumathipala (Sri Lanka), President of the Bureau of the eighth meeting of the Conference of the Parties to the Vienna Convention, subsequently submitted two draft decisions on behalf of the Bureaux of the eighth meeting and of the Twenty-Second Meeting of the Parties to the Montreal Protocol. One concerned the recommendations of the Ozone Research Managers and the other related to the Trust Fund.

94. Several members requested more information on monitoring activities taking place in both the southern and northern hemispheres. Some expressed concern at the monitoring of greenhouse gases, which were said to be within the mandate of the United Nations Framework Convention on Climate Change. Several members asked for more time to consider both draft decisions and it was suggested that it might be possible to merge the texts into a single draft decision.

95. The Co-Chair asked interested parties to engage in informal consultations with the representative of Sri Lanka to revise the text to produce a single draft decision.

VI. Other matters

96. The representative of Burkina Faso introduced a draft recommendation on mobilizing financing from sources other than the Multilateral Fund for the accelerated phase-out of HCFCs in Africa.

97. Several members requested more time to review the draft decision. The Co-Chair requested interested parties to engage in informal consultations with the representative of Burkina Faso to revise the draft recommendation. Subsequently, the representative of Burkina Faso said that, following discussion at a meeting of the African group, the draft decision would be withdrawn to allow further discussion of the matter at the regional level.
Summary of presentation on the eighth meeting of the Ozone Research Managers of the Parties to the Vienna Convention

1. The 8th ORM meeting was held in Geneva, Switzerland (2-4 May 2011) in accordance with decisions I/6 and III/8 of the Conference of the Parties. As in the past, this ORM report is highly complementary to the recent WMO-UNEP Scientific Assessments, but has a distinctly different purpose. Both the report and the assessments are required under the Vienna Convention and the Montreal Protocol. However, the Assessments enable the Parties to evaluate control measures under the Protocol and are communication devices between the research community (striving for better understanding) and decision makers (seeking informed action). The Assessments are neither policy recommendations nor research planning documents but provide input for both. The ORM reports, on the other hand, specifically address research and monitoring needs in light of scientific understanding from the assessments and make detailed recommendations to the Parties regarding international actions for improved research coordination and networking.

2. After a review of the recommendations from the 7th ORM Meeting and of activities under the Vienna Convention Trust Fund, the 8th ORM meeting continued with a number of invited presentations on the state of the ozone layer and its interactions with climate change. Subsequent talks summarized international research and monitoring programs and international satellite programs and were followed by national and regional reports of ozone and UV research and monitoring activities. This suite of presentations provided the bases for recommendations in the four principal areas of research needs, systematic observations, data archiving, and capacity building.

3. There are many questions that remain on the expected ozone recovery from the influence of ozone-depleting substances (ODSs), especially with respect to the interactions between ozone depletion and climate change. Recent research reveals that ozone depletion has affected tropospheric climate and it is becoming clearer that greenhouse gases (GHGs) are altering the stratosphere, with a cooling of the upper stratosphere by GHGs expected to exceed 5K between the years 2000 and 2100. The ability to predict future ozone behavior requires further improvements in the quantification of the roles of chemical and dynamical processes responsible for ozone production, loss, transport, and distribution, and their respective uncertainties. The development of realistic scenarios of the future abundances of anthropogenic and biogenic trace gases in the stratosphere and troposphere is required, particularly with respect to a changing climate. Simulations from the 2010 Scientific Assessment of Ozone Depletion indicate future increases of UV levels in the tropics, but decreases at mid- and high latitudes due to ozone changes. The 2010 report of the Environmental Effects Assessment Panel (EEAP) concluded that research on the impacts of increases in UV radiation resulting from stratospheric ozone depletion has substantially advanced the understanding of the processes by which changes in UV radiation affect a range of organisms and processes. Recent research has highlighted the interactions between the diverse effects of changing UV radiation due to ozone depletion and the effects of climate change. These interactions may lead to feedbacks into climate change (e.g., modification of carbon cycling in terrestrial and aquatic ecosystems), but this remains poorly defined.

4. Coupled chemistry-climate models (CCMs) are more mature, but it is clear that more effort must be devoted to model improvement and validation. Earth System Models that include crude stratospheric ozone parameterizations are being developed, and these models should begin to incorporate improved CCM treatments of the solar forcing, dynamics, radiation, and photochemistry of ozone. In addition, long-term measurements represent an extremely important resource, and the continued and increased exploitation of these data for scientific process studies is strongly recommended. The dramatic contrast between the unusually large 2010 Northern Hemisphere ozone columns and the extreme 2011 Arctic ozone depletion has highlighted the close connection between ozone, meteorology, and climate. Finally, there is still a need for fundamental laboratory studies to estimate photochemical reaction rates, and to refine and update older measurements. In particular, photochemical parameters to improve our understanding of long-lived species and new industrial compounds in the atmosphere are very important.

5. Systematic observations are critical to understanding and monitoring long-term changes in atmospheric composition and the associated response in ground-level UV radiation. The ability to predict expected ozone recovery in a changing atmosphere and to understand the interactions with a
changing climate requires observations of key trace gases and parameters highlighting the role of chemical and dynamical processes. Vertically resolved measurements, especially in the upper troposphere/lower stratosphere (UTLS) region and in the upper stratosphere, are of prime importance. Global data networks thus provide the backbone of our understanding of ozone, ozone- and climate-related trace gases, and UV, and involve many nations around the world. Their operations also provide training for atmospheric scientists in both developed and developing countries. The demands on these networks are high, in that they provide the basis for all research activities and decision-making. These networks fall into two categories, ground-based (including balloons) and space-based and their combined utilization place new demands on their operations and reporting.

6. Data archiving continues to be recognized as an essential component of all atmospheric measurements. While several notable achievements have been made in response to the recommendations in the 7th ORM meeting report, the continuing need for fully implementing other 7th ORM recommendations was emphasized. For example, before being archived, all data must be quality assured and include the metadata required by users. Other recommendations included the need for the recovery and assessment of historical data, the development of standard data quality assurance procedures, enhanced linkage among data centers (O3, UV, GHG, etc.) to ensure availability for validation and modeling efforts, and archiving of data obtained from regional process studies for improved accessibility.

7. While there has also been progress in capacity building since the 7th ORM, much remains to be accomplished. A number of key activities have been undertaken over the last three years that have had significant impact. Examples of some specific activities that could be conducted in the near term were presented. It was further recommended that specific metrics be developed for better assessing the success of capacity building over the next few years.

8. The full report of the 8th Meeting of Ozone Research Managers includes summaries of all of the oral presentations and all of the submitted national reports. It is available as “WMO Global Ozone Research and Monitoring Project, Report No. 51”.

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