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**Ninth meeting of the Conference of
the Parties to the Vienna Convention
for the Protection of the Ozone Layer**

**Twenty-Third Meeting of the Parties to
the Montreal Protocol on Substances
that Deplete the Ozone Layer**

Bali, Indonesia, 21–25 November 2011

Items 9 and 10 of the provisional agenda of the high-level segment

**Adoption of decisions by the Conference of the Parties to the
Vienna Convention at its ninth meeting**

**Adoption of decisions by the Twenty-Third Meeting of the Parties
to the Montreal Protocol**

**Draft decisions for the consideration of the Conference of the
Parties to the Vienna Convention at its ninth meeting and the
Twenty-Third Meeting of the Parties to the Montreal Protocol**

Note by the Secretariat

1. Chapter I of the present note sets out draft decisions developed by parties and contact groups comprising parties during the thirty-first meeting of the Open-ended Working Group of the Parties to the Montreal Protocol. The Working Group did not reach consensus on these draft decisions; they are therefore being forwarded for the consideration of the Twenty-Third Meeting of the Parties, without formal editing. The Working Group also noted that further work might be undertaken intersessionally on several of the draft decisions. Consequently, it is possible that additional iterations of some of the proposals will be prepared before the Twenty-Third Meeting of the Parties. To ensure that parties are able to consider the most up-to-date versions of the draft decisions the Ozone Secretariat will post on its website any updated texts that it receives. If necessary it will also issue an addendum to the present note prior to the Twenty-Third Meeting of the Parties setting forth any such texts.
2. Chapter II of the present note contains draft decisions prepared by the Secretariat pertaining to administrative matters related to the Vienna Convention and the Montreal Protocol. The parties have historically adopted decisions on such matters at their annual meetings.
3. The proposed amendments to the Montreal Protocol that were submitted by the Federated States of Micronesia, and Canada, Mexico and the United States of America pursuant to Article 9 of the Vienna Convention and paragraph 2 of Article 10 of the Montreal Protocol can be found in documents UNEP/OzL.Pro.23/5 and UNEP/OzL.Pro.23/6, respectively.

I. Draft decisions submitted by parties and/or emanating from contact groups during the thirty-first meeting of the Open-ended Working Group for consideration by the Twenty-Third Meeting of the Parties

A. Draft decision XXIII/[A]: Key challenges facing methyl bromide phase-out in Africa

Submission by Algeria, Cameroon, Egypt, Kenya, Morocco, Tunisia, Zambia and Zimbabwe

The Twenty-Third Meeting of the Parties decides:

Noting with concern that the report of the Technology and Economic Assessment Panel's task force on the 2012–2014 replenishment calls for no funds for methyl bromide phase-out activities in Africa for the triennium 2012–2014,

Aware that methyl bromide is the only ozone-depleting substance directly connected to food security (production and post-harvest applications) and that its phase-out could easily be reversed,

Considering that it is necessary to continue to use chemical and non-chemical alternatives but that their efficacy in the short term, medium term and long term should be taken into consideration,

Noting with concern that some applications of methyl bromide, such as the treatment of high-moisture fresh dates, still lack alternatives,

Aware that methyl bromide consumption, particularly in the quarantine and pre-shipment sector, is increasing in Africa,

Acknowledging that in Africa there is strong pressure to return to methyl bromide use as a result of the non-sustainability of alternatives, both in terms of availability and cost,

Noting that some chemical and non-chemical alternatives that have been adopted to replace methyl bromide in Africa have been unsustainable in terms of cost (steam), efficacy (phosphine, metam sodium), availability (pine bark, floating trays), technical capacity and regulatory constraints,

Aware that some chemical alternatives that have been adopted and are relied upon are being or will be banned completely in the future, such as 1,3-dichloropropene, metam sodium and chloropicrin,¹

Concerned that the application of some chemical alternatives, such as dimethyl disulphide, which was registered in 2008 and 2010 and is under investigation in some African countries, is complicated and not cost-effective,

Recalling that methyl bromide is used in Africa to protect crops, which are considered to be the backbone of African economies,

Noting that without further financial assistance African countries may be unable to complete their methyl bromide phase-out activities,

Mindful that the Methyl Bromide Technical Options Committee pointed out in its May 2011 progress report that parties operating under paragraph 1 of Article 5 may wish to submit critical-use nominations for the remaining uses of methyl bromide that they consider appropriate for 2015 and possibly thereafter,

Taking into consideration the difficult and complex technical process involved in submitting critical-use nominations and the difficulties that parties operating under paragraph 1 of Article 5 are likely to encounter in making such submissions,

1. To request the Technology and Economic Assessment Panel to review the trends in consumption of methyl bromide in Africa and to make appropriate recommendations on phase-out activities for consideration by the Open-ended Working Group at its thirty-second meeting;

¹ Bans will enter into force as part of, among others, European pesticide regulatory controls such as Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market.

2. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to carry out further studies on the technical and economic implications of methyl bromide phase-out in Africa, paying special attention to experience gained and observations made during the projects undertaken to date.

B. Draft decision XXIII/[B]: Extension of the fixed-exchange-rate mechanism to the 2012–2014 replenishment of the Multilateral Fund

Submission by the European Union

The Twenty-Third Meeting of the Parties decides:

1. To direct the Treasurer to extend the fixed-exchange-rate mechanism to the period 2012–2014;
2. That parties choosing to pay their contributions to the Multilateral Fund for the Implementation of the Montreal Protocol in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2011;
3. That, subject to paragraph 4 below, parties not choosing to pay in national currencies pursuant to the fixed-exchange-rate mechanism will continue to pay in United States dollars;
4. That no party should change the currency selected for its contribution in the course of the triennium 2012–2014;
5. That only parties with inflation rate fluctuations of less than 10 per cent, as per published figures of the International Monetary Fund, for the preceding triennium will be eligible to use the fixed-exchange-rate mechanism;
6. To urge parties to pay their contributions to the Multilateral Fund in full and as early as possible in accordance with paragraph 7 of decision XI/6;
7. To agree that if the fixed-exchange-rate mechanism is to be used for the replenishment period 2015–2017 parties choosing to pay their contributions in national currencies will calculate their contributions based on the average United Nations exchange rate for the six-month period commencing 1 January 2014;

C. Draft decision XXIII/[C]: Phase-out of HFC-23 by-product emissions

Submission by Canada, Mexico and the United States of America

Recalling decision X/16 which recognizes the importance of implementing the Montreal Protocol and takes note of HFCs and PFCs as replacements for ozone depleting substances that have potentially substantial impacts on the climate system;

Noting with appreciation the special report of the Technology and Economic Assessment Panel and the Intergovernmental Panel on Climate Change, “Safeguarding the Ozone Layer and the Global Climate System: Issues Related to Hydrofluorocarbons and Perfluorocarbons”;

Recalling decision XVIII/12 which requested the Ozone Secretariat to facilitate consultations by the Technology and Economic Assessment Panel with relevant organizations to draw on the work already carried out under these organizations, including work relating to HCFC-22;

Recalling also the report of the Technology and Economic Assessment Panel pursuant to decision XVIII/12, in particular the chapter on the role of the Clean Development Mechanism with respect to HFC-23 byproduct emissions resulting from the production of HCFC-22;

Mindful that Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol are obligated to freeze production of HCFCs by 2004 and phase out consumption by 2030 and that Parties operating under paragraph 1 of Article 5 are obligated to freeze production of HCFCs by 2016 and phase out consumption by 2040;

Recognizing the relationship of HFC-23 to the controlled substance HCFC-22, given that the production of HCFC-22 results in the by-production of emissions of HFC-23 and that the production of HCFC-22 for feedstock uses, under the Montreal Protocol, is expected to continue beyond the phase-out of production for controlled uses;

Recognizing also the opportunity to facilitate an environmentally responsible approach to managing the production of HCFC-22 for both controlled and feedstock uses;

Acknowledging that emissions of HFC-23 are covered by the Kyoto Protocol to the United Nations Framework Convention on Climate Change, and that actions taken under this decision are not intended to affect this coverage;

Recognizing the need for immediate action to address uncontrolled HFC-23 byproduct emissions to avoid impacts on the climate system from their release, particularly in light of the near-term control measure of January 1st 2014 in the HFC amendment;

The Parties Decide:

1. To request the Executive Committee to review and update information presented in UNEP/OzL.Pro/ExCom/57/62 on HCFC-22 production facilities located in Parties operating under paragraph 1 of Article 5, including information on location, production capacity for the facility, production capacity for each individual production line, and whether the HCFC-22 production lines have ongoing projects under the Clean Development Mechanism to limit or destroy HFC-23, as well as the end dates of these projects, and present the findings to the Parties by 32nd Meeting of the Open-ended Working Group.
2. To request the Executive Committee, by its 67th Meeting, to develop estimates of the capital and operational costs associated with the collection and destruction of HFC-23 byproduct emissions from HCFC-22 or other hydrofluorocarbon production, including production for feedstock, in facilities located in Parties operating under paragraph 1 of Article 5.
3. To further request, as a matter of urgency, the Executive Committee to facilitate the formulation and implementation of projects to eliminate byproduct emissions of HFC-23 during the production of HCFC-22 for facilities or production lines that are not collecting emissions reduction credits under the Clean Development Mechanism.
4. To Request the Technology and Economic Assessment Panel, in consultation with the Science Assessment Panel, to conduct a study of the potential costs and environmental benefits from the implementation of HFC-23 byproduct control measures related to production of HCFC-22 by facility or production line, excluding the costs and benefits associated with existing Clean Development Mechanism projects when relevant, and to prepare a report 60 days before 32nd Meeting of the Open-ended Working Group, in order to assist the Parties in further considering this issue.

D. Draft decision XXIII/[D]: [Updating the nomination processes [and recusal guidelines] for the Technology and Economic Assessment Panel

Proposal of the contact group on procedures of the Technology and Economic Assessment Panel

The Twenty-Third Meeting of the Parties decides:

[*Recognizing* the need to encourage participation and the representativeness of the geographic balance of the composition of the Technology and Economic Assessment Panel, its technical options committees, its temporary subsidiary bodies while continuing to build and maintain public trust,]

[*Recognizing also* that the Panel should make the process and criteria for selecting the members of the Panel, its technical options committees and its temporary subsidiary bodies more transparent,]

[*Recalling* decision VII/34 on the organizational functioning of the Panel and specifically on efforts to increase participation of experts from parties operating under paragraph 1 of Article 5 of the Montreal Protocol and to improve geographical and expertise balance,]

Recalling the terms of reference for the Technology and Economic Assessment Panel set forth in decision VIII/19 and amended by decision XVIII/19,

[*Recalling* section 2.1 of those terms of reference, on the size and balance of the Panel, and, in particular, as regards the need to promote a membership that balances geography and expertise,]

Recalling also sections 2.2 and 2.3 of those terms of reference, on nominations to the Panel and appointment of members to the Panel, and, specifically, the provision that any nominations made by the Panel are to be communicated to the relevant party for consultation before recommendations for appointment are made,

[*Recognizing* the need for the Parties to receive from the Panel advice of the highest quality and to ensure that the experts giving the advice are retained for a period commensurate with the needs of the Panel in order to avoid a [sudden] loss of collective knowledge,]

[Without prejudice to the terms of reference of the Scientific Assessment Panel and the Environmental Effects Assessment Panel, which are unaffected by the present decision,]

Taking note of the information provided by the Panel in its 2011 progress report, [in particular] in response to decision XXII/22,

1. (a) To request the Technology and Economic Assessment Panel, its technical options committees and its temporary subsidiary bodies to strive for a composition that reflects balance of expertise and perspectives such that their products are comprehensive, objective and neutral with respect to policy;
2. (b) To request the Panel to update its matrix of needed capabilities calling for expertise on the Panel, its technical options committees and its temporary subsidiary bodies [,which should reflect balanced geographical representation of parties operating under paragraph 1 of Article 5 and parties not so operating,] twice a year and to publish the matrix on the Ozone Secretariat website and in the Panel's annual progress reports;
3. (c) Also to request the Panel to ensure that the information in the matrix is clear and sufficient to allow a full understanding of needed expertise and that information on the nomination process, the selection process, the Panel's terms of reference and the operation of the Panel and its subsidiary bodies is published on the Ozone Secretariat website in an easily accessible format;
4. (d) Further to request the Panel to standardize the information required from potential experts for all nominations to the Panel[, its technical options committees and its temporary subsidiary bodies] in line with section 9.5.4 of the 2011 progress report, and to prepare a draft nomination form for consideration by the Open-ended Working group at its thirty-second meeting;
5. (e) To request the Panel to ensure that all nominations for appointments to the Panel, [its technical options committees and its temporary subsidiary bodies,] including co-chairs, are received from the national focal points of the parties of the nominated experts and [that nominees are cognizant of and [agree to abide by] [intend to follow] the "code of conduct by members of the Technology and Economic Assessment Panel" set out in section 5 of the terms of reference of the Technology and Economic Assessment Panel so that] potential conflicts of interest [and sources of funding for participation] are identified in the nomination process;
6. (f) That all appointments to the Panel, [and its technical options committees,] including of co-chairs, should be for a period of no more than four years;
7. (g) That members of the Panel [or of the technical options committee] may be re-nominated for additional periods of up to four years [each];
8. (h) That the terms of all Panel [/technical options committee] members shall otherwise expire at the end of [2013] [2020] in the absence of reappointment by the parties prior to that time, except for those experts already nominated for four-year periods;
9. (i) [That the terms of paragraph (h) are only applicable if parties are satisfied that the future membership [for [2014] [2021] and subsequent years] of the Panel reflects an adequate balance of geography and expertise for its proper functioning,]
10. (i) ALT That if the parties decide that they are not satisfied that the future membership of the Panel reflects an adequate balance of geography and expertise for its proper functioning, the terms of paragraph (h) will not apply,]
11. (j) To invite parties with existing Panel and technical options committee co-chairs and members to submit re-nominations for those experts in line with paragraphs (f), [(g) and (h)] of the present decision for consideration by the [number] Meeting of the Parties or the [number] Meeting of the Parties;
12. (k) That a decision of the parties is required to confirm any nomination to the Panel [and its technical options committees];
13. (l) That a decision of the parties is required to confirm any temporary subsidiary body that exists for a period of more than one year;
14. (m) That the parties should confirm, every four years, beginning in 2012, the list of technical options committees needed to meet the parties' requirements;
15. (n) That the Executive Secretary of the Ozone Secretariat shall [henceforth be an ex-officio member] [provide appropriate support as necessary and when requested] to the Panel;

16. (o) To request the Panel to ensure that all new technical options committee members are properly informed of the Panel's terms of reference, relevant decisions of the parties, and Panel operational procedures, including those pertaining to consensus and [managing conflict of interest] [the "Code of conduct by members of the Technology and Economic Assessment Panel"];

17. (p) [To request the Panel to finalize its guidelines on recusal in time for reporting about them to the Open-ended Working Group at its thirty-second meeting;]

18. (q) [To request the Panel, its technical options committees and temporary subsidiary bodies [to apply] [to develop clear and comprehensive guidelines immediately, taking into account similar guidelines in other multilateral forums] the recusal guidelines contained in pages 226-228 of its 2011 progress report on a trial basis [until the final guidelines are approved] [for 2012 only].]

E. Draft decision XXIII/[E]: Essential-use exemption for chlorofluorocarbon-113 for aerospace applications in the Russian Federation

Submission by the Russian Federation

The Twenty-Third Meeting of the Parties decides:

Taking note of the evaluation and recommendation of the Technology and Economic Assessment Panel and its Chemicals Technical Options Committee in respect of the essential-use nomination for chlorofluorocarbon-113 (CFC-113) for aerospace applications in the Russian Federation,

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

1. To authorize an essential-use exemption for the production and consumption in 2012 of 100 metric tonnes of CFC-113 in the Russian Federation for chlorofluorocarbon applications in its aerospace industry;

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

3. To encourage the Russian Federation to continue its efforts to introduce alternative solvents and adopt newly designed equipment to complete the phase-out of CFC-113 according to the updated time schedule.

F. Draft decision XXIII/[F]: Quarantine and pre-shipment uses of methyl bromide

Submission by the European Union

The Twenty-Third Meeting of the Parties decides:

Recognizing the value of developing a strategic review on the use of methyl bromide for quarantine and pre-shipment purposes,

Mindful that consistent reporting on methyl bromide consumption for quarantine and pre-shipment purposes would enhance the value of the strategic review,

Recalling the definitions of "quarantine" and "pre-shipment", set forth in decisions VII/5 and XI/12, and the importance of applying them consistently,

Recalling decision XI/13, and in particular its paragraph 3 that provides that each party is to provide the Secretariat with statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications,

1. To request parties to implement procedures for monitoring the use of methyl bromide by commodity and quantity for quarantine and pre-shipment uses, as referred to in paragraph 6 of decision XI/13, and to invite parties to use the reporting format for the main categories of use for methyl bromide set out in annex I to the present decision;

2. Also to request parties to ensure that their national plant, animal, environmental, health and stored product regulations not require that consignments be treated with methyl bromide twice

(both before shipment and upon arrival) unless a risk of an infestation with a targeted pest has been identified;

3. To request the Technology and Economic Assessment Panel, where appropriate in cooperation with the Scientific Assessment Panel [and the International Plant Protection Convention], to present for consideration by the Open-ended Working group at its thirty-second meeting a review study covering, among other things, trends and potential fluctuations in the use of methyl bromide for quarantine and pre-shipment purposes; commercial, technical and regulatory drivers for the use of methyl bromide and alternatives; economic impacts and impacts on the ozone layer of methyl bromide uses, with the study to cover, in particular, [to the extent possible on the basis of the information available], the issues listed in annex II to the present decision;

[4. To request the Ozone Secretariat to [study options for hosting and further developing] [host and further develop], with the assistance of interested parties and in consultation with the International Plant Protection Convention, an information tool that would facilitate access to information on alternatives and best practices for carrying out methyl bromide treatments, in particular for parties operating under paragraph 1 of Article 5 and economic operators in such parties;]

5. To urge parties to comply with their obligation under Article 7 to provide data on the annual amount of methyl bromide used for quarantine and pre-shipment applications and to invite parties to report, in addition to information that they report on aggregated consumption, information on amounts for the uses of methyl bromide set out in annex I to the present decision.

Annex I to decision XXIII/[F]: Quarantine and pre-shipment uses of methyl bromide

Category	Uses	Amount (kg)
Commodities	Bulbs, corms, tubers and rhizomes (intended for planting)	
	Cut flowers and branches (including foliage)	
	Fresh fruit and vegetables	
	Grain, cereals and oil seeds for consumption, including rice (not intended for planting)	
	Dried foodstuffs (including herbs, dried fruit, coffee, cocoa)	
	Nursery stock (plants intended for planting other than seed) and associated soil and other growing media	
	Seeds (intended for planting)	
	Soil and other growing media as a commodity, including soil exports and soil associated with living material such as nursery stock*	
	Wood packaging materials	
	Wood (including sawn wood and wood chips)	
	Whole logs (with or without bark)	
	Hay, straw, thatch grass, dried animal fodder (other than grains and cereals listed above)	
	Cotton and other fibre crops and products	
	Tree nuts (e.g., almonds, walnuts, hazelnuts)	
Structures and equipment	Buildings with quarantine pests (including elevators, dwellings, factories, storage facilities)	
	Equipment (including used machinery and vehicles) and empty shipping containers and reused packaging	
Soil as agricultural land*	Pre-plant and disinfection fumigation of agricultural land*	
Miscellaneous, small volume uses	Personal effects, furniture, air* and watercraft*, artefacts, hides, fur and skins	

Source: IPPC (2008) List of categories

* Not on IPPC (2008) List of categories

Annex II to decision XXIII/[F]: elements of a review study

Trends in the use of methyl bromide for quarantine and pre-shipment purposes and related emissions

Trends and potential fluctuations in the use of methyl bromide for quarantine and pre-shipment purposes, in particular in parties operating under paragraph 1 of Article 5, considering estimated developments in respect of trade volumes. Where possible the assessment should differentiate among the uses listed in annex I and highlight potential regional specificities.

Typical relocations of quarantine and pre-shipment treatments and between trading partners should be identified.

Emissions of methyl bromide from these uses should be assessed, in addition to the penetration rate of emission-reduction measures.

Environmental impacts

In addition to the scenarios presented in the 2010 assessment of the Scientific Assessment Panel, further scenarios should be added, also quantifying the short-term and medium-term effects of quarantine and pre-shipment uses of methyl bromide on the ozone layer, taking the short lifetime of methyl bromide into account. [Potential effects of changes in those uses on the occurrence of increased ozone depletion in the Arctic region, as observed in 2011, should be considered.]

The scenarios should be based on the projected development of methyl bromide use identified under point 1.

Drivers for the use of methyl bromide and alternatives

Incentives for and obstacles to the use of methyl bromide and the adoption of alternatives should be identified, including regulatory matters, health and occupational safety concerns and impacts on the ozone layer. The economic impact of the options should be assessed. Additional information needs and means to facilitate data access should be identified.

Emission reduction measures

The report should provide updated information on the technical and economic feasibility, including investment and operating costs, of recapture and recycling, and the ability of equipment to reduce emissions. The emission-reduction potential of using best fumigation practices should be quantified.

G. Draft decision XXIII/[G]: Global laboratory and analytical-use exemption

Submission by China

The Twenty-Third Meeting of the Parties decides:

Recalling paragraph 1 of decision XXII/7, which allows parties operating under paragraph 1 of Article 5 of the Montreal Protocol until 31 December 2011 to deviate from the existing laboratory and analytical-use bans in individual cases, where a party considers that this is justified, and asks parties to revisit the issue at the Twenty-Third Meeting of the Parties,

Noting that some parties operating under paragraph 1 of Article 5 continue to have difficulty adopting alternatives for those laboratory and analytical uses already banned under the global exemption and need more time for information collection and related policy framework development,

1. To allow parties operating under paragraph 1 of Article 5 until 31 December 2014 to deviate from the existing laboratory and analytical-use bans in individual cases, where a party considers that this is justified, and to ask parties to revisit the issue at the Twenty-Sixth Meeting of the Parties;
2. To request parties operating under paragraph 1 of Article 5 to continue to take actions to replace ozone-depleting substances in those laboratory and analytical uses already banned under the global exemption, and to report progress to the Ozone Secretariat by 30 September of each year until 2015.

H. Draft decision XXIII/[H]: Sustained mitigation of ozone-depleting substance emissions from feedstock and process-agent uses

Submission by the European Union

Explanatory Note (tentative text)

1. Decision XXI/8 called for opportunities for reductions of emissions of ozone depleting substances (ODS), importantly carbon tetrachloride, in applications including process agents, feedstocks, products and requested the Technology and Economic Assessment Panel, in its 2011 Assessment Report, to look into chemical alternatives to ODS in exempted feedstock uses and investigate alternatives, including not-in-kind alternatives, to products made with such process agents and feedstocks and provide assessment of the technical and economic feasibility of reducing or eliminating such use and emissions. Decision XXI/8 also requested the TEAP and SAP to coordinate their relevant findings and report in time for the OEWG 31 for the consideration of the MOP 23 in 2011.

2. The SAP in its 2010 Assessment reports that carbon tetrachloride tropospheric abundances have declined less rapidly than expected and that emissions derived from UNEP data are highly variable and on average appear smaller than those inferred from observed abundance trends. The variability cannot be explained by lifetime uncertainties. SAP furthermore reports, that elimination of future CTC (CCl₄) emissions — after 2010 — would have an Equivalent Effective Stratospheric Chlorine (EESC) impact comparable to the capture and destruction of CFC and halon banks. This is a much larger effect than was estimated in the previous Assessment because of a revision in the estimated emissions.

3. The discrepancy between ‘bottom up’ estimates and ‘top down’ estimates of CTC has thus been left unsolved in spite of year-by-year reconsideration of possible emissions (and mitigation measures (Decisions X/12, X/17, XX/7)) including revision of its atmospheric lifetime by the Scientific Assessment Panel (SAP). TEAP 2011 Progress Report considers that it is likely that chemical manufacture using CTC as a feedstock would also result in accounting for CTC emissions. The TEAP 2011 Progress Report emphasises that better information will be needed and Parties may wish to consider requiring more thorough reporting of feedstock uses of CTC and the emissions there from.

4. In the context of emissions from process agent applications — being treated as feedstocks — progress has been made. Table A in decision XXII/8 contains 41 ODS uses registered as process agents. Based on information provided by the Parties and the report on process agent applications in Article 5 Parties submitted by the Executive Committee under decision XXI/3(5), Parties may consider removing 27 process agent uses from the Table A, which are no longer operational². Ninety three parties so far confirmed that they do not have process agent uses.

5. TEAP however reports that the quantities of emissions from feedstock remain uncertain, partly because no reported global uses of ODS feedstock exist and better information is needed. Hence Parties may wish to consider requiring reporting of all ODS feedstock uses, including CTC, 1,1,1-trichloroethane, chlorofluorocarbons (CFCs), halons, hydrobromofluorocarbons (HBFCs), BCM, MB and hydrochlorofluorocarbons (HCFCs). Improved reporting on feedstock uses, combined with labelling of ODS containers intended for feedstock may help to estimate the quantities of ODS used as feedstock in different types of processes.

6. Thus continued work and information remains to be provided as called for in Decision XXI/8.

2 See TEAP 2011 Progress Report, Table 4-1.

Draft decision on sustained mitigation of ozone-depleting substance emissions from feedstock and process-agent uses

The Twenty-Third Meeting of the Parties decides:

Noting that according to Article 1 of the Montreal Protocol the amount of any controlled substance entirely used as feedstock in the manufacture of other chemicals shall not be counted in the calculation of the “production” of controlled substances,

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

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

Noting that decision VII/30 exempts ozone-depleting substances produced and exported for the purpose of being used as feedstock from the calculation of “production” or “consumption” in exporting countries and states that importers “shall, prior to export, provide exporters with a commitment that the controlled substances imported shall be used for this purpose”; in addition, decision VII/30 states that importing countries “shall report to the Secretariat on the volumes of controlled substances imported for these purposes and that the amount of controlled substances entirely used as feedstock in manufacture of other chemicals should not be the subject of calculation of ‘consumption’ in importing countries”,

Recognizing that the global production of ozone-depleting substances for feedstock uses is very significant, resulting in the continued abundance in the atmosphere of substances such as carbon tetrachloride, that the production, export and import of ozone-depleting substances for feedstock uses are not controlled by the Montreal Protocol, that although most uses of chlorofluorocarbons, carbon tetrachloride, methyl chloroform and methyl bromide have been phased out these substances are still commonly used as feedstock and that the feedstock uses of ozone-depleting substances such as hydrochlorofluorocarbons are growing,

Mindful of the need to reduce emissions of ozone-depleting substances from feedstock uses,

1. To remind all parties that reporting on amounts of ozone-depleting substances used as feedstock is obligatory under Article 7 of the Montreal Protocol;
2. Also to remind parties to take steps to minimize emissions of ozone-depleting substances from feedstock and process-agent uses, including such steps as avoidance of the creation of such emissions and the reduction of emissions using practicable control technologies or process changes, containment or destruction;
3. To call upon all parties to refrain from commissioning new production facilities in which ozone-depleting substances are planned to be used as feedstock if there are alternatives to such substances that could be used as feedstock to obtain the same final products;
4. To request all parties to identify processes in which ozone-depleting substances are used as feedstock on their territory and in which ozone-depleting substances have been replaced with alternatives, to submit to the Ozone Secretariat [by 31 January 2012] a list of such processes and the amount of ozone-depleting substances used in each such process, aggregating the data at the country level in order to avoid disclosure of confidential information, and to submit an updated version of that list when any new such processes are identified;
5. To request the Ozone Secretariat to publish on its website the aggregated list of feedstock uses of ozone-depleting substances and of alternatives to ozone-depleting substances for such uses reported by the parties in accordance with the preceding paragraph and to amend the list each year based on the reports received from parties;
6. To request all parties to consider introducing labelling requirements for ozone-depleting-substance containers that would allow verification that a substance in a container has been produced or imported for feedstock purposes only and may be used solely for such purposes;

7. To adopt, as part of its continuing efforts to mitigate emissions from process-agent and feedstock uses, the table set out in the annex to the present decision as a revised list of process-agent applications to replace table A of decision X/14 as amended by decision XXII/8;

8. To request the Technology and Economic Assessment Panel to continue its work and provide information as called for in decision XXI/8 by [31 May 2012], in particular with regard to the identification of alternatives to ozone-depleting substances for feedstock uses and alternatives, including not-in-kind alternatives, to products made with ozone-depleting substances applied as process agents and feedstock and with regard to assessing the technical and economic feasibility of reducing or eliminating such uses and emissions, taking into account the findings set out in the report by the Technology and Economic Assessment Panel and the Scientific Assessment Panel on the resolution of the discrepancy between reported and observed emissions of ozone-depleting substances, including in particular carbon tetrachloride.

Annex to decision XXIII/[H]

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

<i>No.</i>	<i>Process agent application</i>	<i>Substance</i>
1	Elimination of NCl_3 in chlor-alkali production	Carbon tetrachloride (CTC)
2	Chlorine recovery by tail gas absorption in chlor-alkali production	CTC
3	Production of chlorinated rubber	CTC
4 [5]	Production of chlorosulfonated polyolefin (CSM)	CTC
5 [6]	Production of aramid polymer (PPTA)	CTC
6 [7]	Production of synthetic fibre sheet	CFC-11
7 [9]	Photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives	CFC-12
8 [10]	Preparation of perfluoropolyether diols with high functionality	CFC-113
9 [11]	Production of cyclodime	CTC
10 [12]	Production of chlorinated polypropene	CTC
11 [13]	Production of chlorinated ethylene vinyl acetate (CEVA)	CTC
12 [14]	Production of methyl isocyanate derivatives	CTC
13 [22]	Bromination of a styrenic polymer	BCM
14 [25]	Production of high modulus polyethylene fibre	CFC-113

I. Draft decision XXIII/[I]: Endorsement of a new co-chair of the Chemicals Technical Options Committee and a senior expert of the Technology and Economic Assessment Panel

Submission by Japan

The Twenty-Third Meeting of the Parties decides:

1. To thank Mr. Masaaki Yamabe (Japan) for his long and outstanding efforts on behalf of the Montreal Protocol on Substances that Deplete the Ozone Layer as co-chair of the Chemicals Technical Options Committee;

2. To endorse Mr. Yamabe (Japan) as a senior expert of the Technology and Economic Assessment Panel;

3. To endorse Mr. Keiichi Ohnishi (Japan), a member of the Chemicals Technical Options Committee, as a new co-chair of the Chemicals Technical Options Committee.

J. Draft decision XXIII/[J]: Additional information on alternatives to ozone-depleting substances

Submission by Switzerland

The Twenty-Third Meeting of the Parties [decides]:

[Recognizing that UNFCCC and its Kyoto Protocol are [the [only] appropriate and legal channel to address climate change issues,] [while the Montreal Protocol is the appropriate body to address the production and consumption of [HCFCs][HFCs]

[Noting that the Kyoto Protocol has put HFCs into its greenhouse gas control list, and parties to the Kyoto Protocol have taken concrete actions to reduce the emission of HFCs and make effective progress,]

[Emphasizing that the discussion of how to control the emission of green house gasses including HFCs [should][must] follow the principles and provisions of the UNFCCC and its Kyoto Protocol,][in particular the principle of common but differentiated responsibility which is paramount]

[Recognizing that the subsidiary body for scientific and technological advice of the UNFCCC is the body to provide [information and][policy] advice on scientific and technological matters relating to climate change issues,]

Recalling that decision X/16 recognizes the importance of implementing the Montreal Protocol on Substances that Deplete the Ozone Layer and takes note of hydrofluorocarbons and perfluorocarbons as alternatives to ozone-depleting substances that have substantial impacts on the climate system,

Expressing appreciation for the special report of the Technology and Economic Assessment Panel and the Intergovernmental Panel on Climate Change entitled "Safeguarding the Ozone Layer and the Global Climate System: Issues Related to Hydrofluorocarbons and Perfluorocarbons",

Recalling the report by the Technology and Economic Assessment Panel to the Open-ended Working Group at its thirtieth meeting on alternatives to hydrochlorofluorocarbons in the refrigeration and air-conditioning sector in parties operating under paragraph 1 of Article 5 with high ambient temperatures and unique operating conditions, based on the request made in decision XIX/8,

Concerned about the potential for unfettered growth in the production, consumption and use of alternatives with high global-warming potential as a result of the phase-out of ozone-depleting substances,

Recalling that decision XIX/6 requests the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, when developing and applying funding criteria for projects and programmes for the accelerated phase-out of hydrochlorofluorocarbons, to give priority to cost-effective projects that focus on, among other things, substitutes and alternatives that minimize other impacts on the environment, including on the climate,

Aware of the increasing availability of low-global-warming-potential alternatives to ozone-depleting substances, including in the refrigeration, air-conditioning and foam sectors,

Recognizing the important work undertaken by the Technology and Economic Assessment Panel on the status of alternatives to hydrochlorofluorocarbons and hydrofluorocarbons,

Reconfirming the expertise available under the Montreal Protocol in the sectors making a transition to alternatives to ozone-depleting substances,

Option 1

To request the Technology and Economic Assessment Panel to prepare a report containing information on low GWP and high GWP alternatives to ODS from the work done by UNFCCC and its Kyoto Protocol as well as IPCC.

Option 2

1. To request the Technology and Economic Assessment Panel to prepare a report for consideration by the Open-ended Working Group at its thirty-second meeting [including any work done by the UNFCCC and its Kyoto Protocol as well as the IPCC] containing information on, among other things:

(a) The cost of [each of][the range of] low-global-warming-potential alternatives and high-global-warming-potential alternatives [which are technically proven, economically viable and environmentally benign] to hydrochlorofluorocarbons and chlorofluorocarbons;

(b) The low-global-warming-potential alternatives and high-global-warming-potential alternatives [which are technically proven, economically viable and environmentally benign] to hydrochlorofluorocarbons and chlorofluorocarbons suitable for use in high ambient temperatures, including how such temperatures may affect efficiency or other factors;

[-] The extent to which the funding guidelines on HCFCs adopted by the Executive Committee at its 60th meeting would allow for the selection and financing of low global warming potential alternatives to HCFCs in Article 5 countries, [using the classification of GWPs presented by the Panel in its 2010 progress report,]

[(c) Data on annual [global] [emissions], production and consumption of [hydrofluorocarbons] [high GWP substances [used in the same sectors impacted by the Montreal Protocol]], including data disaggregated by [country and] sector where available;]

(d) Quantities and types of low-global-warming-potential alternatives and high-global-warming-potential alternatives projected to be phased in as replacements for ozone-depleting substances, disaggregated by application, or to meet growth in applications already using [hydrofluorocarbons][high GWP alternatives], in both parties operating under paragraph 1 of Article 5 and those not so operating;

(e) An assessment of the technical and economic feasibility of options for reducing reliance on [hydrofluorocarbons][high GWP alternatives] over the coming decade, including an [assessment][estimation] of current and future commercial availability [and an evaluation of it in the near future] [and safety] of alternatives, the [overall] (Japan) financial implications [for the Multilateral Fund] and [in consultation with the Science Assessment Panel] the resulting impacts on the climate [based on the work] [including the work] of the IPCC;

[(f) Quantities and types of hydrofluorocarbons that are likely to be phased in as alternatives to HCFCs, and in which sectors, [the underlying reasons for this phase in] [including][because] of a lack of low-GWP alternatives or insufficient funding for adopting low-GWP alternatives, taking into account environmental, health and safety requirements; (Colombia)]

2. [To encourage parties in a position to do so [to consider forwarding] [to forward] best available data or estimates of their current and historic annual production and consumption of individual hydrofluorocarbons [used s substitutes to ODS], [requesting those data to be treated as confidential where necessary, to the Ozone Secretariat [if possible by] [no later than] 30 April 2012;]

3. [To request the Executive Committee of the Multilateral Fund to consider whether any additional assistance may be needed to assist parties operating under paragraph 1 of Article 5 [when gathering][to gather] information on their hydrofluorocarbon consumption and production in sectors relevant to the phase-out of hydrochlorofluorocarbons and chlorofluorocarbons;]

4. To encourage parties to promote policies and measures aimed at avoiding the selection of high-global-warming-potential alternatives to hydrochlorofluorocarbons and other ozone-depleting substances in applications in which technological, economical, market-available and tested alternatives exist that minimize impacts on the environment particularly on the climate, [while meeting other] health, safety and economic considerations].

5. [to further encourage non article 5 parties to cooperate and provide the necessary transfer of financial and technological resources and capacity building for the promotion of the use of low GWP alternatives to hcfc in article 5 countries]

K. Draft decision XXIII/[K]: Treatment of consumption [and reporting under the Montreal Protocol on Substances that Deplete the Ozone Layer on the consumption] of ozone-depleting substances used to service ships, including [flag of convenience ships] [ships from other flag States]

Submission by Saint Lucia, Belize, Marshall Islands, [Bahamas,] [United States of America,] Trinidad and Tobago, and Saint Vincent and the Grenadines

The Twenty-Third Meeting of the Parties decides:

Taking into account that Article 4B of the Montreal Protocol on Substances that Deplete the Ozone Layer requires parties to establish and implement systems for licensing imports and exports to phase out the [production and] consumption of Annex A, B, C, and D ozone-depleting substances,

Taking into account also that consumption is defined under the Montreal Protocol as production plus imports minus exports,

[Acknowledging that flag of convenience countries have the authority and responsibility to enforce regulations over vessels flying their flags, including those relating to inspection, certification and the issuance of safety and pollution prevention documents],

Recognizing that ships use equipment and technologies containing ozone-depleting substances [onboard during operations in national and international waterways],

[Mindful that many parties registered as flag States are unsure of the reporting requirements for ships under the Montreal Protocol,]

[Concerned that [differing party interpretations of the term “exports” under the Montreal Protocol may result in the miscalculation of consumption or disparities in the reporting of consumption] [there are [reported] cases of ozone-depleting substances supplied to service ships [with those exports being treated under the data reporting rules of Article 7 of the Montreal Protocol], including flag ships, that may be reported as exports under the regulations of the parties supplying the ozone-depleting substances, but not as consumption either by the parties to which the ships belong or by the parties under whose flags the ships sail],

3. To request the Ozone Secretariat to prepare a [study] [document] that reviews current ozone-depleting-substance data reporting under Article 7 of the Protocol with regard to sales to ships, including ships from other flag States, for onboard servicing and other onboard uses, including on how parties calculate consumption with regard to such sales, [and presents issues relevant to the treatment of the consumption of ozone-depleting substances used to service ships, including flag ships] for submission to the Open-ended Working Group at its thirty-second meeting to enable the Twenty-Fourth Meeting of the Parties to take a decision on the matter;

4. [To include in the [study] [document] any guidance to parties on ozone-depleting-substance reporting requirements previously provided to the parties regarding sales to ships for onboard uses;]

5. [To request that the [study] [document] be made available to all parties at least six weeks before the thirty-second meeting of the Open-ended Working Group];

6. To request parties to provide to the Ozone Secretariat, [by 1 April 2012,] information on [the current system used, if any,] how to regulate and report on ozone-depleting substances supplied for the purpose of servicing ships, including ships from other flag States, for onboard use, on how they calculate consumption with regard to such ozone-depleting substances, and on any relevant cases in which they have supplied, imported or exported such ozone-depleting substances[;] [.]

7. [To request that, for the purposes of calculating consumption as defined in Article 1 of the Protocol, sales of ozone-depleting substances to a ship docked in a party’s port for use onboard that ship be considered part of that party’s production rather than its export.]

II. Draft decisions on administrative matters

A. Draft decisions IX/[AA] and XXIII/[AA]: Status of ratification of the Vienna Convention, the Montreal Protocol and the London, Copenhagen, Montreal and Beijing amendments to the Montreal Protocol

The Conference of the Parties decides:

The Meeting of the Parties decides:

1. To note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;
2. To note that, as at 1 November 2011, [---] parties had ratified the London Amendment to the Montreal Protocol, [---] parties had ratified the Copenhagen Amendment to the Montreal Protocol, [---] parties had ratified the Montreal Amendment to the Montreal Protocol and [---] parties had ratified the Beijing Amendment to the Montreal Protocol;
3. To urge all States that have not yet done so to ratify, approve or accede to the amendments to the Montreal Protocol, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

B. Draft decision XXIII/[BB]: Membership of the Implementation Committee

The Meeting of the Parties decides:

1. To note with appreciation the work carried out by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol in 2011;
2. To confirm the positions of Algeria, Armenia, Germany, Nicaragua and Sri Lanka as members of the Committee for one further year and to select -----, -----, -----, ----- and ----- as members of the Committee for a two-year period beginning on 1 January 2012;
3. To note the selection of ----- to serve as President and of ----- to serve as Vice-President and Rapporteur of the Committee for one year beginning on 1 January 2012.

C. Draft decision XXIII/[CC]: Membership of the Executive Committee of the Multilateral Fund

The Meeting of the Parties decides:

1. To note with appreciation the work carried out by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol with the assistance of the Fund secretariat in 2011;
2. To endorse the selection of -----, -----, -----, -----, -----, ----- and ----- as members of the Executive Committee representing parties not operating under paragraph 1 of Article 5 of the Protocol and the selection of -----, -----, -----, ----- and ----- as members representing parties operating under that paragraph, for one year beginning 1 January 2012;
3. To note the selection of ----- to serve as Chair and ----- to serve as Vice-Chair of the Executive Committee for one year beginning 1 January 2012.

D. Draft decision XXIII/[DD]: Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol

The Meeting of the Parties decides:

- To endorse the selection of ----- and ----- as Co-Chairs of the Open-ended Working Group of the Parties to the Montreal Protocol in 2012.

E. Draft decision XXIII/[EE]: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

The Meeting of the Parties decides:

1. To note with appreciation that [--] parties of the [--] that should have reported data for 2010 have now done so and that [--] of those parties reported their data by 30 June 2011 in conformity with decision XV/15;
2. To note, however, that the following parties have to date not reported data for 2010: [--];
3. Also to note that their non-reporting of data places the parties named above in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;
4. To urge those parties, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency and to request the Implementation Committee to review the situation of those parties at its forty-eighth meeting;
5. To note that a lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol by the Implementation Committee and the Meeting of the Parties;
6. Also to note that reporting data by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 to comply with the control measures of the Montreal Protocol;
7. To encourage parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

F. Draft decision XXIII/[FF]: Twenty-Fourth Meeting of the Parties to the Montreal Protocol

The Meeting of the Parties decides:

To convene the Twenty-Fourth Meeting of the Parties to the Montreal Protocol in Nairobi in [November] 2012 unless other appropriate arrangements are made by the Secretariat in consultation with the Bureau, and to announce the firm date and venue for the meeting as soon as possible.

G. Draft decision IX/[BB]: Tenth meeting of the Conference of the Parties to the Vienna Convention

The Conference of the Parties decides:

To convene the tenth meeting of the Conference of the Parties to the Vienna Convention back-to-back with the Twenty-Sixth Meeting of the Parties to the Montreal Protocol.
