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**Twenty-Eighth Meeting of the Parties to
the Montreal Protocol on Substances
that Deplete the Ozone Layer**
Kigali, 10-14 October 2016

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

Compilation of draft decisions for adoption

The Twenty-Eighth Meeting of the Parties decides:

A. **Draft decision XXVIII/[...]: Essential-use exemption for laboratory and analytical uses for 2017 in China**

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

Recalling decision XI/15, by which the parties, among other things, eliminated the use of ozone-depleting substances for the testing of oil, grease and total petroleum hydrocarbons in water from the global exemption for laboratory and analytical uses,

Recalling also decision XXIII/6, by which parties operating under paragraph 1 of Article 5 of the Montreal Protocol were allowed until 31 December 2014 to deviate from the existing ban on the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water in individual cases where such parties considered doing so to be justified, and in which it was clarified that any deviation beyond that should take place only in accordance with an essential-use exemption in respect of the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water beyond 2014,

Noting that China has reported difficulty in implementing existing alternatives to the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water and has indicated that it needs more time for the revision and promotion of national standards, and also noting that the party is taking necessary measures to implement the alternatives and has expressed willingness to continue doing so,

1. To encourage China, which has applied for an essential-use exemption for the use of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water, to complete the revision of its relevant national standard and to ensure that a revised national standard is brought into force as soon as possible with a view to ensuring a smooth transition to a method that does not use ozone-depleting substances;

2. To request that China, prior to submitting any further requests for essential-use exemptions for the use of ozone-depleting substances for the testing of oil, grease and total petroleum hydrocarbons in water, provide information on its evaluation of the use of other international analytical methods for such testing, on the national circumstances that make using them difficult, and on progress in the development of its own method and in the revision of the relevant national standard, as well as a

timeline for the phase-out of carbon tetrachloride for laboratory and analytical uses, indicating the anticipated steps and dates in that process;

3. To authorize the level of consumption for China for 2017 necessary to satisfy essential uses of carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water, as specified in the annex to the present decision;

Annex

Essential-use authorizations for 2017 for carbon tetrachloride for the testing of oil, grease and total petroleum hydrocarbons in water

(Metric tonnes)

<i>Party</i>	<i>2017</i>
China	65

B. Draft decision XXVIII/[]: Critical-use exemptions for methyl bromide for 2017 and 2018

Noting with appreciation the work of the Technology and Economic Assessment Panel and its Methyl Bromide Technical Options Committee,

Recognizing the significant reductions in critical-use nominations for methyl bromide by many parties,

Recalling paragraph 10 of decision XVII/9,

Recalling also that all parties that have nominated critical-use exemptions are to report data on stocks of methyl bromide using the accounting framework agreed to by the Sixteenth Meeting of the Parties,

Noting with appreciation that, in accordance with paragraph 1 of decision XXV/4, Australia submitted the available results of its research programme to the Technology and Economic Assessment Panel by the thirty-seventh meeting of the Open-Ended Working Group,

Recognizing that the production and consumption of methyl bromide for critical uses should be permitted only if methyl bromide is not available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide,

Recognizing also that parties operating under critical-use exemptions should take into account the extent to which methyl bromide is available in sufficient quantity and quality from existing stocks of banked or recycled methyl bromide in licensing, permitting or authorizing the production and consumption of methyl bromide for critical uses,

Recalling decision Ex.I/4, which requests parties with a critical-use exemption to submit annual accounting frameworks,

Decides:

1. To permit, for the agreed critical-use categories for 2017 and 2018 set forth in table A of the annex to the present decision for each party, subject to the conditions set forth in the present decision and in decision Ex.I/4, to the extent that those conditions are applicable, the levels of production and consumption for 2017 and 2018 set forth in table B of the annex to the present decision, which are necessary to satisfy critical uses, with the understanding that additional levels of production and consumption and categories of use may be approved by the Meeting of the Parties in accordance with decision IX/6;

2. That parties shall endeavour to license, permit, authorize or allocate quantities of methyl bromide for critical uses as listed in table A of the annex to the present decision;

3. That each party that has an agreed critical-use exemption shall renew its commitment to ensuring that the criteria in paragraph 1 of decision IX/6, in particular the criterion laid down in paragraph 1 (b) (ii) of decision IX/6, are applied in licensing, permitting or authorizing critical uses of methyl bromide, with each party requested to report on the implementation of the present provision to the Ozone Secretariat by 1 February for the years to which the present decision applies;

Annex to draft decision XXVIII/--

Table A

Agreed critical-use categories
(Metric tonnes)

<i>2018</i>	
Australia	Strawberry runners 29.730
<i>2017</i>	
Argentina	Strawberry fruit 38.84, tomato 64.10
Canada	Strawberry runners (Prince Edward Island) 5.261
China	Ginger open field 74.617, ginger protected 18.36
South Africa	Mills 4.1, structures 55.0

Table B

Permitted levels of production and consumption^a
(Metric tonnes)

<i>2018</i>	
Australia	29.730
<i>2017</i>	
Argentina	102.94
Canada	5.261
China	92.977
South Africa	59.1

^a Minus available stocks.**C. Draft decision XXVIII/[...]: Non-compliance by Israel with its data and information reporting obligations**

Noting that Israel ratified the Montreal Protocol on Substances that Deplete the Ozone Layer and the London Amendment on 30 June 1992, the Copenhagen Amendment on 5 April 1995, the Montreal Amendment on 28 May 2003 and the Beijing Amendment on 15 April 2004 and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

1. To note with concern that Israel has not reported on its use of controlled substances as process agents in 2014 and 2015, as required by paragraph 4 (a) of decision X/14, and to note that Israel's failure to report the required information placed the party in non-compliance with its reporting obligations under that decision;
2. Also to note with concern that Israel has not yet provided the information required under paragraph 3 of decision XXII/20 on the measures that it has in place to avoid the diversion to unauthorized uses of 17.3 ODP-tonnes of excess production of bromochloromethane stockpiled in 2014;
3. To express its concern at Israel's repeated failure to respond to the requests for information recorded in recommendations 55/4, 56/5 and 56/7 of the Implementation Committee;
4. To request Israel to submit to the Secretariat as soon as possible, and no later than 31 March 2017, the outstanding information on:
 - (a) Its use of controlled substances as process agents in 2014 and 2015, as required by paragraph 4 (a) of decision X/14;
 - (b) The measures it has put in place to avoid the diversion to unauthorized uses of the 17.3 ODP-tonnes of excess production of bromochloromethane stockpiled in 2014, in accordance with paragraph 3 of decision XXII/20;
5. To request the Implementation Committee to review the situation of Israel at its fifty-eighth meeting;

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

1. To note that 195 parties of the 197 that should have reported data for 2015 have done so and that 169 of those parties reported their data by 30 September 2016 as required under paragraph 3 of Article 7 of the Montreal Protocol;

2. To note with appreciation that 119 of those parties reported their data by 30 June 2016 in accordance with decision XV/15 and that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures;

3. To note further that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;

4. To note with concern that [2] parties, namely, [Iceland and Yemen], have not reported their 2015 data as required under Article 7 of the Montreal Protocol and that this places them in non-compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;

5. To urge the parties listed in the preceding paragraph to report the required data to the Secretariat as quickly as possible and to urge the one party operating under paragraph 1 of Article 5 of the Montreal Protocol, namely, Yemen, where appropriate, to work closely with the implementing agencies in reporting the required data;

6. To request the Implementation Committee to review the situation of the parties listed in the preceding paragraphs at its fifty-eighth meeting;

7. To encourage parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15;

E. Draft decision XXVIII/[...]: Non-compliance in 2014 by Guatemala with the provisions of the Montreal Protocol governing consumption of the controlled substances in Annex C, group I (hydrochlorofluorocarbons)

Noting that Guatemala ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 7 November 1989 and the London Amendment, the Copenhagen Amendment, the Montreal Amendment and the Beijing Amendment on 21 January 2002 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved [\$9,772,371] from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable Guatemala to achieve compliance with the Protocol,

1. That the annual consumption reported by Guatemala for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 4.74 ODP-tonnes in 2014 was inconsistent with its commitment set out in decision XXVI/16 to reduce consumption of hydrochlorofluorocarbons to no greater than 4.35 ODP-tonnes in that year and that the party was therefore in non-compliance with the consumption control measures for that substance under the Protocol for that year;

2. To note with appreciation the submission by Guatemala of an explanation for its compliance situation and its correction of its hydrochlorofluorocarbon consumption to 9.84 ODP-tonnes in 2013 and 4.74 ODP-tonnes in 2014, attributing the previous incorrect data to a technical error in computing the consumption of that substance in the country for those two years;

3. To note also that despite the revision of its 2013 data the party remained in non-compliance with its hydrochlorofluorocarbon consumption obligations under the Protocol for 2013;

4. To agree that the data corrections for 2013 and 2014 will not vary any of the benchmarks already recorded and agreed in decision XXVI/16;

5. To note that Guatemala has reported data for 2015 that indicate that it has already returned to compliance with the Protocol's hydrochlorofluorocarbon control measures and to congratulate Guatemala on that progress;

6. To urge Guatemala to work with the relevant implementing agencies to implement the remainder of the plan of action in decision XXVI/16;

7. To continue to monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing. In that regard, Guatemala should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance;

F. Draft decision XXVIII/[]: Membership of the Implementation Committee

1. To note with appreciation the work carried out by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol in 2016;

2. To confirm the positions of Bangladesh, Canada, Haiti, Kenya and Romania as members of the Committee for one further year and to select Congo, Georgia, Jordan, Paraguay and United Kingdom of Great Britain and Northern Ireland as members of the Committee for a two-year period beginning on 1 January 2017;

3. To note the selection of Brian Ruddle (United Kingdom of Great Britain and Northern Ireland) to serve as President and of MarindanyKirui (Kenya) to serve as Vice-President and Rapporteur of the Committee for one year beginning on 1 January 2017;

G. Draft decision XXVIII/[]: Membership of the Executive Committee of the Multilateral Fund

1. To note with appreciation the work carried out by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol with the assistance of the Fund secretariat in 2016;

2. To endorse the selection of Australia, Austria, Belgium, Germany, Japan, [] and United States of America as members of the Executive Committee representing parties not operating under paragraph 1 of Article 5 of the Protocol and the selection of Argentina,, Bosnia and Herzegovina, Cameroon, China, Lebanon,Mexico andNigeria as members representing parties operating under that paragraph, for one year beginning 1 January 2017;

3. To note the selection of Paul Krajnik(Austria) to serve as Chair and Mazen Hussein (Lebanon) to serve as Vice-Chair of the Executive Committee for one year beginning 1 January 2017;

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

To endorse the selection of [()] andCheikhNdiayeSylla(Senegal) as co-chairs of the Open-ended Working Group of the Parties to the Montreal Protocol in 2017;

I. Draft decision XXVIII/[]: Dates and venue of the Twenty-Ninth Meeting of the Parties to the Montreal Protocol

To convene the Twenty-Ninth Meeting of the Parties to the Montreal Protocol in Montreal, Canada, and to announce a firm date for the meeting as soon as possible.
