

Committee on Trade and Environment

THE MONTREAL PROTOCOL ON THE SUBSTANCES THAT DEplete THE OZONE LAYER - RECENT DEVELOPMENTS

Note by the Secretariat

This Note provides the Committee with an update of the recent developments in the Montreal Protocol on Substances that Deplete the Ozone Layer. The Tenth Meeting of the Parties to the Montreal Protocol took place in Cairo, Egypt, from 23-24 November 1998. The Meeting adopted 34 decisions¹, one of which may be of direct of interest to Members and is reproduced below. The date of Eleventh Meeting of the Montreal Protocol is not yet confirmed, but will take place towards the end of 1999 in Beijing, China.

I. TEXT OF CERTAIN DECISIONS TAKEN BY THE TENTH MEETING OF THE PARTIES²

DECISION X/9: ESTABLISHMENT OF A LIST OF COUNTRIES THAT DO NOT
MANUFACTURE FOR DOMESTIC USE AND DO NOT WISH TO
IMPORT PRODUCTS AND EQUIPMENT WHOSE CONTINUING
FUNCTIONING RELIES ON ANNEX A AND ANNEX B SUBSTANCES

"1. To recall that decision IX/9 recommends:

- (a) That each Party adopt legislative and administrative measures, including labelling of products and equipment, to regulate the export and import, as appropriate, of products, equipment, components and technology whose continuing functioning relies on supply of substances listed in Annex A and Annex B of the Montreal Protocol, in order to avert any adverse impact associated with the export of such products and equipment using technologies that are or will soon be obsolete because of their reliance on Annex A or Annex B substances and which would be inconsistent with the spirit of the Protocol, including decision I/12 C of the First Meeting of the Parties to the Protocol, held in Helsinki in 1989;

¹ See doc. UNEP/OzL.Pro 10/9 (3 December 1998). See also WT/CTE/W/68 which reports on the Ninth Meeting of the Montreal Protocol on Substances that Deplete the Ozone Layer.

² Decision X/14, entitled *Process Agents*, while not reproduced in this document, may become of increasing relevance to WTO Members in the future. At present, it requires parties to report on, amongst other matters, their importation of controlled substances as process agents.

- (b) That non-Article 5 Parties adopt appropriate measures to control, in cooperation with importing Article 5 Parties, the export of used products and equipment, other than personal effects, whose continuing functioning relies on supply of substances listed in Annex A and Annex B of the Montreal Protocol;
2. To note that in order for such export measures to be effective, both importing and exporting Parties need to take appropriate steps;
 3. To note that the products and equipment listed below constitute categories of products and equipment whose continued use relies on the supply of substances listed in Annex A or Annex B;
 4. To invite, on a voluntary basis, those Parties that do not manufacture for domestic use products and equipment in a category listed below³ and that do not permit the importation of such products and equipment from any source, to inform the Secretariat, if they so choose, that they do not consent to the importation of such products and equipment;
 5. To request the Secretariat to maintain a list of Parties that do not want to receive products and equipment from one or more categories listed below shall be distributed to all Parties by the Secretariat at the Eleventh Meeting of the Parties and updated on an annual basis thereafter;
 6. To acknowledge that the issue of imports and exports of products and equipment whose continued functioning relies on Annex A and Annex B substances should be further considered at the Eleventh Meeting of the Parties with a view to addressing more specifically the concerns of countries in the process of phasing out production of those products and equipment."

³ Products and equipment containing a controlled substance specified in Annex A or B of the Montreal Protocol: (1) Automobile and truck air conditioning units (whether incorporated in vehicles or not); (2) domestic and/or commercial refrigeration and air conditioning/heat pump equipment (when containing controlled substances in Annex A or Annex B as a refrigerant and/or in insulating material of the product) (e.g. refrigerators, freezers, dehumidifiers, water coolers, ice machines, air conditioning and heat pump units); (3) transport refrigeration units; (4) aerosol products, except medical aerosols; (5) portable fire extinguisher; (6) insulation boards, panels and pipe covers; (7) pre-polymers.