



**United Nations  
Environment  
Programme**

Distr.  
GENERAL

UNEP/OzL.Pro/ExCom/65/10  
11 October 2011

ORIGINAL: ENGLISH



EXECUTIVE COMMITTEE OF  
THE MULTILATERAL FUND FOR THE  
IMPLEMENTATION OF THE MONTREAL PROTOCOL  
Sixty-fifth Meeting  
Bali, Indonesia, 13-17 November 2011

**REPORT ON THE REVIEW OF DOCUMENT “REGULATIONS TO CONTROL OZONE  
DEPLETING SUBSTANCES: A GUIDE BOOK (2000)”**

## Background

1. This paper is in response to a request made by the Executive Committee at its 63<sup>rd</sup> meeting. The Executive Committee recommended that the Senior Monitoring and Evaluation Officer (SMEO) consults the document entitled “Regulations to Control Ozone Depleting Substances: a Guide Book (2000)” to help deciding on the opportunity and necessity of an evaluation of the legislation and quotas as suggested in the draft evaluation work programme for 2012. The issue was to find out whether the information included in the guidebook concerning regulations to control ozone depleting substances was enough to make such an evaluation unnecessary.

2. The paper was submitted to the 64<sup>th</sup> meeting, in advance of the initial schedule. The SMEO considered that an early decision would have helped her to prepare the 2012 work programme. As no decision was reached, the SMEO was requested to present again the paper at the 65<sup>th</sup> meeting as planned taking into account any issues raised by the Executive Committee.

## Content of the document

3. The document “Regulations to Control Ozone Depletion Substances: a Guide Book” was published by the United Nations Environment Programme (UNEP) and the Stockholm Environment Institute in 2000. It provides information on regulations that are already enacted. It indicates as the target audience government officers who design strategies to eliminate the use of ozone depleting substances (ODS) as well as legal officers who assist in preparing regulations to implement these strategies.

4. The guidebook is intended as a reference document aimed at providing information about experiences on various types of regulation to control the use of ODS as well as on how to contact responsible officials involved in designing and implementing these regulations. It is an update of a previous 1996 publication.

5. The guidebook is divided in two parts. Part I “ODS Regulations and Related Measures by Country” provides detailed country-based information that includes:

- (a) Status of ratification of the Montreal Protocol and of subsequent Amendments (up to 2000); whether a country is an Article 5 or a non-Article 5;
- (b) ODS focal points: Which are the institutions responsible of the implementation of the Montreal Protocol;
- (c) List of regulations and guidelines issued for the protection of the ozone layer as well as for the enforcement of legislation (until 2000);
- (d) Controls on ODS in bulk (other than methyl bromide). This covers: (i) the production, import, export and sale of ODS in bulk and sets production and import quotas for various substances, various exemptions; (ii) monitoring imports of ODS; and (iii) ODS import from and export to non-party countries. Furthermore, it indicates the authority in charge of handling production and import permits and of monitoring imports;
- (e) Controls on import and sale of products containing or designed for ODS;
- (f) Controls on the use of ODS (other than methyl bromide) “end use controls”;
- (g) Controls on the service and installation of refrigeration and air-conditioning equipment;
- (h) Controls on methyl bromide;

- (i) Voluntary agreements that refer to existing non-binding voluntary agreements between the government and industry;
- (j) Economic incentives and disincentives;
- (k) Labelling requirements;
- (l) Criteria for selection of alternatives.

6. Part II “ODS Regulations and Related Measures Summarised in Tables” includes a series of tables intended to give government officers quick reference on where to look for experience on various types of ODS regulations as well as on the general approach chosen by a country. These also allow comparison among various countries on the adoption of control measures.

**Analysis and conclusions**

7. Information used in the document originates from a questionnaire (not annexed in the document) which had been sent to countries in 2000.

8. The document provides a wealth of information, country by country, on the status of ratification of the Montreal Protocol; on the institutional layout, administrative structures as well as existing legislation, regulation and licensing systems adopted by each country; and it enables a country that has no appropriate control measures to be identified. It indicates some contradictions between the regulation and its application. For example, one of the countries without regulations for controlling ODS consumption still requires mandatory reporting by importers. It provides in addition, the particulars of ODS focal points as well as other information as mentioned above.

9. Nevertheless, as described in Table 1 below, only 34 per cent of the countries surveyed returned the questionnaire with information. Therefore, the document does not provide an exhaustive overview of the existing regulations and legislation. It is worth noting that at the time of the survey some countries were in the process of preparing regulations.

10. Furthermore, information provided by some countries pre-dates the time of the survey and has not been updated. For 16 per cent of the countries that answered the survey (9 out of 58) data provided is from 1995 and 1996. In addition, contributions by country are made on a voluntary basis and therefore it is not possible to check upon the accuracy of data provided.

Table 1

**RESPONSES TO THE SURVEY AMONG REGIONS**

<b>Regions</b>	<b>Number of countries which have ratified the Montreal Protocol</b>	<b>Number of countries which responded to the survey</b>	<b>Number of countries with 1995-1996 data</b>
Africa	44	8	2
Asia and the Pacific	41	18	2
Eastern Europe	28	11	1
Latin America and the Caribbean	33	11	4
Western Europe and others	27	11	0
<b>Total</b>	173	58	9
<b>%</b>		34%	16%

11. The document is a one time, static description of the existing legislation in each country. It therefore does not explain in a systematic way whether and how regulation has evolved; it does not indicate whether regulation is properly enacted or what are the shortcomings and obstacles of its implementation. It does not reflect the sustainability of the regulation and its usefulness for the achievements of future results related to the phase-out of HCFCs. It is an overview, not an evaluation.

12. As such the guidebook is, however, helpful for any evaluation exercise as a starting point and a reference, as well as a basis for comparison. Some issues however, such as economic incentives and disincentives may have changed during the years, same as awareness and sensitization approaches about the topic.

13. At the previous Executive Committee meeting, because the information in the guidebook was outdated, the SMEO suggested that an update of the document by UNEP may be valuable. During the subsequent discussion a member of the Executive Committee maintained that a decision on updating the guidebook would require more to be known about its previous use by various beneficiaries. Discussions with the implementing agency, UNEP revealed that such information is not available. Relevant data, however, can be obtained through a specific survey targeting the users of the guidebook. The SMEO seeks the guidance of the Executive Committee on whether to undertake such an activity.

### **Recommendation**

14. Based on the above information, the Executive Committee may wish to consider:

- (a) Recommending an evaluation of legislation, regulations and quotas as suggested in the 2012 draft monitoring and evaluation work programme. The process could be expedited by using the Regulations to Control Ozone Depleting Substances: a Guide Book (2000) as a background document, and carrying out several case studies which may yield further information on how the legislation process has evolved as well as on sustainability issues; each case study will take into account the specific national conditions and circumstances in which legislation is drafted and implemented. Because other evaluations have been suggested and included into the 2012 monitoring and evaluation work programme it would be preferred that this evaluation be part of the 2013 or 2014 work programme, if needed;
- (b) Advising the Senior Monitoring and Evaluation Officer on the need to undertake a survey on the use of the guidebook.

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