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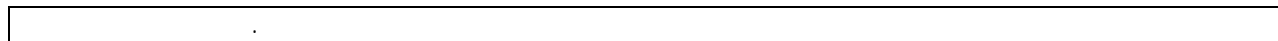
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MULTILATERAL FUND
FOR THE IMPLEMENTATION OF THE MONTREAL PROTOCOL

Secretariat

UNEP/OzL.Pro/ExCom/55/2
Annex I

3 June 2008

Dear Mr. Cooper,

Further to my letter of 17 January 2008 regarding the implementation of Decision RC-3/5 Financial Mechanisms at the 3rd Meeting of the Conference of the Parties to the Rotterdam Convention, I wish to advise you that I submitted your letter of 26 November 2007 and its attachment to the 54th Meeting of the Executive Committee in April 2008 and referred in particular to paragraph 9 of the abovementioned decision. The Executive Committee took note of the request of the Rotterdam Convention Secretariat and requested the Multilateral Fund Secretariat to prepare and circulate via e-mail to Members of the Executive Committee a draft reply on experiences relevant to the Convention. Attached therefore is our response to your letter as agreed by the Executive Committee.

I am ready to answer any queries you may have regarding this reply.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Maria U. Nolan".

Maria Nolan
Chief Officer

Mr. Donald Cooper
Joint Executive Secretary
Secretariat for the Rotterdam Convention
United Nations Environment Programme (UNEP)
11-13 Chemin des Anémones
CH-1219 Châtelaine
Geneva, Switzerland
Fax : (41 22) 917 8082
Email : pic@pic.int

Enclosure

POSSIBLE AREAS OF COLLABORATION BETWEEN THE MULTILATERAL FUND OF THE MONTREAL PROTOCOL AND THE ROTTERDAM CONVENTION

1. To achieve its overarching objective of regulating the flow across national borders of the chemicals covered by the Convention, the Rotterdam Convention on the Prior Informed Consent Procedure expects each of its signatory countries to establish and in some cases strengthen its national capacity to control the movement of such chemicals to and from its territory. As shown in Section C of UNEP/FAO/RC/COP.3/13 "Study of Possible Options for Lasting and Sustainable Financial Mechanisms", a document issued at COP 3 of the Convention, this national capacity includes, among other things, the following activities:

- Designating national authorities for managing the regulation of the listed chemicals;
- Providing the needed resources to such authorities to collect, register and report data internationally on such chemicals;
- Enacting or amending laws to regulate or ban the import or export of the listed chemicals;
- Harmonizing customs codes and labelling of listed chemicals and their shipment;
- Training of customs officers to enable them to determine whether export notification and information requirements are met; and
- Educating the public on chemicals handling, accident management and safer alternatives.

2. The Multilateral Fund, in implementing its mandate to assist developing countries in complying with the ozone-depleting substances (ODS) control schedules of the Montreal Protocol, has funded since 1991 activities similar to those listed in the preceding paragraph. Such activities have contributed towards phasing out the consumption and production of ODS in well over 140 countries under the Fund's institutional strengthening programme.

3. This programme has resulted in:

- The creation of a national ozone unit (NOU) in each country which owns and oversees the national programme of phasing out ODS consumption and production according to the Montreal Protocol;
- Enacting import and export licensing systems to regulate the movement of ODS across national borders;
- Collecting and reporting ODS consumption and production data to the Ozone and Multilateral Fund Secretariats; and
- Training customs officers and harmonizing customs codes for ODS.

4. The capacities so created and strengthened have been instrumental in achieving the success of the Montreal Protocol to-date in developing countries. It should be noted however that these capacities have been funded in line with Article 10 of the Montreal Protocol and created to achieve the objectives of this Treaty.

5. In view of the similarities between the activities that are implemented to control the chemicals regulated under each of the two conventions, and taking into account the success of the Montreal Protocol in achieving its goals to date, it would seem logical to suggest that the Rotterdam Convention could consider adopting similar implementation mechanisms of the Multilateral Fund. In particular, the concept of setting up national ozone units could be used as a model to deliver the goals of the Rotterdam Convention.

6. If this is considered acceptable, the relevant actions could take place at a national level where the national ozone office could share, with the designated national authorities for the Rotterdam Convention, the experience and lessons learned in data collection and reporting, drafting and enacting import/export licensing systems, activities related to harmonisation of customs, and training of customs officers, among other things.

7. However, it is difficult to consider at the moment any collaboration beyond this proposal between the Multilateral Fund and the Rotterdam Convention because the Multilateral Fund has a well defined mandate from the Meeting of the Parties to the Montreal Protocol, and the Rotterdam Convention is not part of that mandate. Any further collaboration would require careful examination of the legal, administrative and financial implications of so doing at an appropriate level, such as the Conference of the Parties to the Rotterdam Convention and the Meeting of the Parties to the Montreal Protocol.



MULTILATERAL FUND
FOR THE IMPLEMENTATION OF THE MONTREAL PROTOCOL

Secretariat

UNEP/OzL.Pro/ExCom/55/2
Annex II

3 June 2008

Dear Mr. Bakken,

Further to my letter of 3 April 2008 in response to your request inviting the Multilateral Fund Secretariat to provide comments on experience in building the technical capacity of developing countries in the global control of mercury, I wish to advise you that I submitted your letter of 3 March 2008 to the 54th Meeting of the Executive Committee in April 2008 and referred in particular to one of the tasks from the 2nd Meeting of the Open-ended Working Group to collect information on technology support in the interest of implementing the global mercury control actions.

The Executive Committee took note of the letter from the Chemicals Branch, DTIE and requested the Multilateral Fund Secretariat to prepare and circulate, via e-mail, to Members of the Executive Committee a draft reply on experiences relevant to the mercury programme.

Attached therefore is our response to your letter as agreed by the Executive Committee. I am ready to answer any queries you may have regarding this reply.

Sincerely yours,

A handwritten signature in black ink, which appears to read "Maria L. Nolan". The signature is fluid and cursive.

Maria Nolan
Chief Officer

Mr. Per Bakken
Head
Chemicals Branch, DTIE
United Nations Environment Programme
11-13 Chemin des Anémones
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Geneva, Switzerland
Fax : (41 22) 797 3460

Enclosure

Experience of the Multilateral Fund in building the technical capacity of developing countries in the implementation of the Montreal Protocol

1. Since 1991 the Multilateral Fund has supported developing countries in complying with the control schedules on ozone-depleting substances under the Montreal Protocol. While there are many areas where the experience accumulated under the Multilateral Fund could be transferred to other MEAs in achieving their goals, the discussion below is more targeted at the goals that the global mercury programme has to achieve. This relates in particular to your request for information on processes that would enable the transfer of technology and the technical capacity created thereby to be sustainable.

2. It is important to create or reinforce an institution in each developing country to support any global programme. An institution so created would become the anchoring point of the global programme in the country. This has proven successful in the implementation of the Montreal Protocol in developing countries, and could also provide a model for supporting and implementing the global mercury programme. The institution could start by setting up and maintaining an inventory of the use, supply and demand for mercury as well as the technologies for which mercury is being used in each country, and also monitor the trade in mercury-related commodities and products in and out of the country. This would assist in establishing a baseline for mercury use and the type of technology being applied) in the country and provide a continuous monitoring of such uses and opportunities for technology upgrade.

3. Another experience which has been proven to be very important in the control and eventual reduction of ozone-depleting substances is the role of government policy. This could be especially effective in influencing market performance through government policies. Such policies could take the form of taxes and levies on mercury and mercury related products so as to render them less attractive to the market compared to the alternatives. Such practices have been used by many governments in developing countries to assist the phase-out of ozone-depleting substances.

4. Technical capacities and institutions of this nature, once created, will remain in the country and could be sustained by the government or other sources to support not only the implementation of the mercury programme but also any other similar programmes for which such a capacity could become useful in the future.



Ref. 13.7 Ozone Secretariat
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10 April 2008

Dear Ms. Nolan,

It was a pleasure meeting you in Washington, D.C. last November at the GEP Council meeting. As you may be aware, we provided comments on the consultant's report. With respect to the linkages between the Protocol and the Basel Convention, I would like to mention that our eighth meeting of the Conference of the Parties requested in its decision VIII/34, that the Secretariat contact the Executive Committee to the Multi-lateral Trust Fund to consider projects for building capacity and/or the transfer of technology by developing country parties and countries with economies in transition for the environmentally sound management of products containing ozone depleting substances such as refrigerator and air conditioning units. Most of the 170 Parties to the Basel Convention are the same as those to the Montreal Protocol.

Ozone depleting substances (ODS) are classified as hazardous wastes under the Basel Convention. While ODS are not subject to the control procedures set out in the Basel Convention as per decision III/15 of the third Conference of the Parties to the Basel Convention, the substances are subject to the other provisions such as the proximity principle and environmentally sound management requirements (a brief summary on this topic is attached).

In this regard, I would like to request the Secretariat to the Montreal Protocol and the Executive Committee to consider establishing special conditions for projects proposed by Parties to the Basel Convention that specially focus on the environmentally sound management of the end of life products. In this regard, it may be interesting for us to consider establishing an MOU or partnership as a mechanism for cooperation.

I welcome further discussions with you concerning closer collaboration and hope we could meet or set up a conference call to explore this arrangement further.

Yours Sincerely,

Katharina ~~Kummarova~~
Executive Secretary

Ms. Maria Nolan
Chief Executive Officer
Montreal Protocol
Ozone Secretariat
Nairobi
Kenya
Fax: (254 20) 762 46 91/92/93



INFORMATION NOTE:

Links between the Montreal Protocol and Basel Conventions

Ozone depleting substances (ODS) are listed in the Basel Convention under category Y45: organohalogen compounds. By its Decision III/15, the Conference of the parties to the Basel Convention excluded from the scope of the Convention the controlled substances of the Montreal Protocol, which are reclaimed and purified to usable purity specifications prescribed by appropriate international and/or national organizations including the International Standards Organization (ISO).

The Basel Convention would require that wastes containing ODS be managed in an environmentally sound manner and comply with the proximity principle. Any movements across boundaries for recycling, which are exempt under Montreal Protocol, must comply with provisions of the Basel Convention.

Twenty-four of the nations that have ratified the Montreal Protocol have not ratified Basel (23 of which are Article 5 nations, 1 of which is a non-Article 5 Country. What this means is that countries that have ratified Basel may not import or export waste ODS as identified under category Y45 of Annex I to the Basel Convention from/to these 24 countries unless a special agreement is in place (see table 1).

Table 1: Montreal Protocol Nations Which Have Not Ratified Basel

Non-Article 5 Countries	Article 5 Countries	
United States	Afghanistan	Palau
	Angola	Sao Tome and Principe
	Central African Republic	Sierra Leone
	Republic of Congo	Solomon Islands
	Fiji	Somalia
	Gabon	Sudan
	Grenada	Suriname
	Haiti	Tonga
	Democratic Peoples Republic of Korea	Tuvalu
	Laos	Vanatu
	Myanmar	Zimbabwe
	Niue	

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