The Montreal Protocol’s non-compliance procedure
The Montreal Protocol in brief

• Universal participation
• Coverage includes CFCs, halons, HCFCs, methyl bromide, HFCs
• Control measures:
  – Restrictions in production and consumption
  – Trade measures: bans and other restrictions for non-Parties
• Multilateral Fund, technology transfer and ‘grace period’ to help developing countries
• New chemicals added over time (five amendments; six adjustments)
Phase-out schedules

CFCs (Annex A/I) Production/Consumption Reduction Schedule

- Freeze
- 75% reduction
- Elimination

Source: UNEP/Ozone Secretariat
Ozone regime structure

Source: UNEP/Ozone Secretariat
The MP non-compliance procedure in brief

• Adopted in 1992, revised in 1998 (Decision X/10)

• Managerial approach

• Implementation Committee
  – 10 Parties, 2 from each UN region
  – Meets twice a year
  – Supported by Secretariat, which provides data on reporting
Key compliance obligations

• Annual, base year and baseline data reporting

• Phase out of consumption and production of ozone-depleting substances

• Import/export licensing system and bans on trade with non-Parties
Overview of the non-compliance procedure

- **Trigger**
- **Preliminary clarification**
- **Committee consideration**
- **Recommendation & reporting**
- **MOP decision**
- **Monitoring & final resolution**

Source: Ozone Secretariat 2007
Triggers

• Party/Parties-to-Party

• Self-trigger

• Secretariat
  – Data reporting to Committee
Recommendations by Impcom

• Can name Parties, but also refer to systemic issues

• Can include:
  – Requests for information
  – Proposals for MOP to endorse compliance action plan
  – Acknowledgments of a Party’s progress in implementing compliance action plan

• Usually includes draft decision for MOP
  – Parties can respond before MOP
Indicative list of measures

• Assistance:
  – For the collection and reporting of data
  – Technical assistance
  – Technology transfer and financial assistance
  – Information transfer and training

• Cautions

• Suspension of specific rights and privileges
The non-compliance procedure in practice

• Almost all cases involve developing countries
  – Initially (mid-1990s) also economies in transition
  – Leading to review of assistance to Article 5 Parties by Multilateral Fund and implementing agencies

• Party-to-Party trigger not used; Secretariat main trigger

• Assistance the main measure; cautions hardly issued; suspensions of rights never used

• 100% compliance rate for Parties initially found in non-compliance
  – Fewer cases in recent years