



Institutions - The Montreal Protocol on substances that deplete the Ozone Layer

Description of institutional and financial bodies supporting the development and implementation on the Protocol

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Course: Introductory Course to the International Legal Framework on Ozone Depletion

Book: Institutions - The Montreal Protocol on substances that deplete the Ozone Layer

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1. Meeting of the Parties and Secretariat

The MOP must keep the Protocol's implementation under continuous review. It is the organ that adopts amendments to the Protocol, makes adjustments in time schedules and additions to or removal from any Annex of substances. The MOP must consider and undertake any additional action that may be required for the achievement of the purposes of the Protocol.

In order to further tighten the control measures under the Montreal Protocol in relation to ongoing scientific research, the MOP may make further adjustments and amendments to the Protocol in the existing phase out schedule of the remaining ozone-depleting substances or list new controlled ozone-depleting substances. Such decisions should be taken by consensus. However, if after exhaustion of all efforts consensus cannot be reached, a two-thirds majority of the parties can take such decision which is binding even on those parties that vote against it. To maintain an equitable balance between developed and developing states, these decisions must be supported by separate majorities of both groups. The same rule applies to decisions concerning financial mechanisms.

The Vienna Convention and the Montreal Protocol share the same Secretariat, called the Ozone Secretariat, based in Nairobi, Kenya.

2. The Multilateral Fund

A Multilateral Fund was established by a decision of the Second MOP to the Montreal Protocol in June 1990, and began its operations in 1991. Its aim is to promote technology transfer and financial assistance to developing countries to meet their obligations under the Montreal Protocol technical cooperation. The Multilateral Fund is financed by non-article 5 parties, which are mainly industrialized countries. Thus the Montreal Protocol can be seen as to effectively implement the concept of common but differentiated responsibilities.

The Fund has been replenished eight times. The Fund replenishment for 2009-2011 amounted 400 million of US dollars and for 2012-2014 another 400 million US dollars was agreed.

2.1. The Executive Committee and Secretariat

The Fund is administered by the Executive Committee, which consists of seven parties operating under article 5 and consists seven non-Article 5 parties and a similar number of parties operating under article 5. Executive Committee members are selected annually during the MOP. The Committee develops the plan and budget of the Multilateral Fund and monitors expenditures incurred under the Fund. It must determine criteria and conditions for funding and review the performance reports on the implementation of the projects to phase out methyl bromide which are supported by the Fund. The Committee meets at least twice a year.

The Fund Secretariat was established in 1991 in Montreal and assists the Executive Committee in carrying out its functions. Its activities include the development of the three-year plan and budget, the management of the business planning cycle, and monitoring the expenditures and activities of the implementing agencies.

2.2. Disbursement of the funds

Four international agencies have contractual agreements with the Executive Committee to assist article 5 countries by preparing country programmes, feasibility studies and project proposals. They provide technical assistance for project development and implementation and for information dissemination. These agencies are the United Nations Development Programme (“UNDP”), the United Nations Environment Programme (“UNEP”), the United Nations Industrial Development Organization (“UNIDO”) and the World Bank. Parties can also use up to 20 percent of their annual contribution to the Multilateral fund to finance activities with developing countries on a bilateral basis.

The funds are disbursed on the basis of a Country Programme that details the activities and strategy planned by developing countries to eliminate the ozone depleting substances consumption and production according to the Montreal Protocol schedules. Article 5 countries reports annually on implementation of the Country Programme.

3. Assessment panels

In accordance with article 6, three assessment panels provide independent scientific information to the Parties regarding ozone depletion, its environmental effects and the status of alternative substances and technologies and their economic implications. They provide a periodic assessment at least every 4 years. One the Assesmsment Panels also present recommendations on the nominations for essential and critical uses of ozone-depleting substances.

The three panels are:

- Technology and Economic Assessment Panel (TEAP)
- Scientific Assessment Panel (SAP)
- Environmental Effects Assessment Panel (EEAP)