



Planning, Designing and Implementing Policies to Control Ozone Depleting Substances under the Montreal Protocol

A HANDBOOK OF POLICY SETTING
AT THE NATIONAL LEVEL



UNEP DTIE OzonAction Programme
under the Multilateral Fund

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THE MONTREAL PROTOCOL

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Ultimately, implementation and compliance, and thus the effectiveness of Multilateral Environmental Agreements, depend primarily on the existence and effectiveness of the corresponding national legislation, institution and policies, including those that ensure access to judicial and administrative fora, national capacity and political will.

UNEP Global Environmental Outlook 2000

FOREWORD

By any measure, the Montreal Protocol is a shining example among global environmental accords. For the past thirty years, the story of ozone layer protection has highlighted the role of the development and transfer of alternative technologies. But more than that, it has singularly identified and demonstrated the role of policy development and implementation at the national level as a precursor to the implementation of multilateral environmental agreements at the global level.

Since 1974, scientists have demonstrated that man-made chemicals, such as chlorofluorocarbons (CFCs), carbon tetrachloride, halons and methyl bromide, destroy ozone molecules in the stratospheric ozone layer. The ozone layer protects life on earth from the sun's harmful ultraviolet radiation. The resulting increase in ultraviolet radiation reaching the earth's surface has potentially serious effects on human health, including causing skin cancers, cataracts, and diminished immune systems. Increased ultraviolet radiation may also disrupt the food cycle of the ocean and reduce the productivity of important agricultural crops.

Facing substantial potential harm to the environment and human health, the international community began in the early 1980s to negotiate science-driven policy leading to increasingly stringent rules and regulations regarding the manufacture and use of ozone depleting substances (ODSs). These negotiations resulted in the establishment of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Depletes the Ozone Layer. As of March 2003, nearly every government in the world – 184 – has ratified the treaty and become party to the Montreal Protocol. While the Protocol and its subsequent amendments and adjustments have not eliminated the dangers of ozone depletion, they have established national commitments that lessen the threat in the future.

Pursuant to the Montreal Protocol regime, most industrialized countries have already taken significant measures to eliminate many ODSs. These measures were driven by alternative technologies and ozone-friendly policies. Beginning in 1999, developing country Parties to the Montreal Protocol are also required to control and phase out a variety of ODSs. Implementation of the Montreal Protocol has been challenging for all Parties, but particularly for smaller and less economically developed countries and those that use low volumes of the controlled substances. This Handbook helps guide decision-makers and other

relevant stakeholders in developing countries to design effective policies to enable them to meet their obligations under the Montreal Protocol.

Experience has shown that a strong national policy framework is necessary for the sustained, permanent reduction and phase-out of ODSs. Without such a framework, efforts to invest in alternative ozone-friendly technologies and/or to recycle and recover ODSs are likely to lead to failure in shifting the underlying economic incentives for the continued production and use of ODSs. Such projects and approaches must be complemented by a supporting policy framework that ensures the phase-out of ODSs according to the schedule set forth in the Montreal Protocol regime.

This Handbook provides guidance for planning, designing and implementing such policy frameworks at the national level. In providing this Handbook, we recognize that each country is unique in its governmental structure, economic circumstances, and cultural and social make-up. A one-size-fits-all model framework or template for ODS laws and policies may therefore be inappropriate. Laws and regulations reflect the cultural traditions, the economic circumstances, the interests of various stakeholders and the capacity of relevant institutions, to name a few variables. Rather than providing 'model' legislation or regulations, this Handbook aims to provide developing countries with a general framework for fashioning an ODS management programme that fits their institutional, economic, political and cultural context.

This Handbook is part of a series of publications designed to assist developing countries to develop, implement and enforce policies required for compliance with the Montreal Protocol. Each of these documents has been developed in co-operation with internationally renowned organizations with specific policy expertise.

Mr. Rajendra Shende, Head
UNEP DTIE Energy and OzonAction Branch

ABOUT THIS HANDBOOK

This Handbook provides developing countries operating under Article 5 of the Montreal Protocol with guiding principles and practical advice on planning, designing, implementing and sustaining appropriate and effective policies for complying with the Montreal Protocol regime. It is intended to support efforts to adopt public policies that can lead to the phase out of the production and use of ODSs, as required by the Montreal Protocol regime. This Handbook should be of particular interest to developing countries that are categorized as low-volume consuming countries (LVCs).

Planning, Designing and Implementing Policies to Control Ozone Depleting Substances focuses on regulatory control of ODSs and uses that are subject to phase-out schedules under the Montreal Protocol – including for example CFCs used in cooling applications, aerosols and foam manufacture, methyl bromide used in agricultural pest control, and halons used in fire suppression. It draws on the experiences of developed and developing countries, as well as the work of the Implementing Agencies for the Multilateral Fund.

This Handbook provides overview and guidance across many government and stakeholder activities, including public outreach and education, licensing, taxing, import controls, monitoring and reporting. It compares approaches that may be characterized at one end of the spectrum as traditional command-and-control, and on the other as negotiated or managed co-operation between regulators and those regulated. It also describes voluntary approaches to control and eliminate ODS consumption.

The Handbook further emphasizes a multi-stakeholder approach involving a wide range of interests in the design and implementation of regulatory regimes. Many benefits flow from designing and implementing laws and policies in consultation and partnership with industry, trade associations, local and regional governments, non-governmental organizations (NGOs) and civil society. Indeed, how a regulatory regime is established is often a more important determinant of its effectiveness, than what regulatory standards ultimately are chosen.

The Handbook is divided into seven chapters. Chapter 1 provides an introduction to the Montreal Protocol regime, with a particular emphasis on the obligations of developing countries. Chapter 2 introduces mechanisms for setting the stage for effective policy making with respect to ODS phase out. It highlights objectives and suggested strategies for engaging stakeholders, securing political commitment, and coordinating government agencies and resources. Chapter 3 discusses criteria policy-makers should apply when evaluating different potential policy measures. Chapter 4 provides a menu of different policy tools available for controlling ODS. Chapter 5 undertakes a review of several ODS sectors to aid the design and implementation of specific policy choices to meet developing country obligations under the Montreal Protocol. Chapter 6 addresses monitoring and enforcement. Finally, Chapter 7 summarizes the steps identified in the previous chapters in a step-by-step guide to effective policy making.

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