

# REGULATIONS TO CONTROL OZONE DEPLETING SUBSTANCES: A GUIDE BOOK



UNEP DTIE  
Energy and OzonAction Unit  
OzonAction Programme



Stockholm Environment Institute



Multilateral Fund  
for the Implementation of the  
Montreal Protocol

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## Preface

*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, pg. 203

Developing countries are at a critical stage in their implementation of the Montreal Protocol. With the shift in emphasis from individual projects to phase out ozone depleting substances (ODS) to ensuring overall compliance, developing countries must demonstrate through their reported data that they fully meet specific legal obligations under the Protocol according to agreed timetables. These compliance targets are only achievable if the proper policies, regulations, economic incentives and voluntary initiatives are designed, implemented and enforced.

It is now widely recognized that if technical projects to eliminate, reduce or recycle ODS are to succeed, appropriate and effective national policy frameworks must be in place. The Technology and Economic Assessment Panel has stated that "evidence indicates that cost-effective ODS phase out in Article 5(1) countries require the assistance of the Multilateral Fund to complement domestic resources in the design and implementation of national policies and programmes. Investment projects that phase out specified quantities of ODS, in conformity with the Multilateral Fund cost-effectiveness guidelines, are not sufficient on their own. The cost-effective implementation of investment projects could be facilitated by the application of integrated policy frameworks that embrace both investment and non-investment projects."<sup>1</sup>

This publication is one in a series of publications jointly produced by the United Nations Environment Programme (UNEP) and the Stockholm Environment Institute (SEI) designed to support the development of national policy frameworks in developing countries required to implement the Montreal Protocol and its Amendments. It is a reference document written for ODS Officers and legal officers responsible for structuring and drafting regulations and other policies to control and eliminate the consumption and production of ODS. Although targeted at these groups, readers in developed countries and persons involved with environmental policies should also find it useful.

Drawing on the experience of 58 developed and developing countries around the globe, the information in the guidebook is based on the results of a survey sent to all Parties to the Montreal Protocol. The guidebook provides the reader with concise overviews of the ozone protection policies in different countries. Besides providing a core knowledge about regulations worldwide, the guidebook should also stimulate the reader to further investigate different policy options and facilitate contact with focal points in other countries who already have experience with developing similar measures.

The guidebook provides an overview of the structure and strategies in existing ODS regulations, which encompasses all governmental directives of a legally-binding nature (including, for example, legislation enacted by a Parliament, ordinances decided by a Cabinet and orders issued by a Minister or subordinate authority). Although they are not the guidebook's primary focus, information is also included about governmental guidelines, voluntary agreements with industry, cooperation with industry associations, economic disincentives and labelling schemes.

As indicated in the title, this document is an update to an earlier publication. Since the publication of its predecessor at the end of 1996, there have been many notable policy developments, including:

- The first compliance milestone for developing countries, the freeze of consumption and production of Annex A CFCs, came into effect on 1 July 1999.

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<sup>1</sup> TEAP "Supplementary Report", pg. 35, and TEAP "Corrigendum to the Supplementary Report" (September 1999), pg. 1.

- The trend in ratification of the Montreal Protocol and its Amendments has continued upwards: 12 more countries have become Parties to the Montreal Protocol, bringing the total number to 175. One hundred and forty-four countries are now Party to the London Amendment, and 118 to the Copenhagen Amendment.
- Two new Amendments have come into being during this time: Montreal and Beijing, the ratification process is well underway (52 countries have ratified the Montreal Amendment, and 5 countries have ratified the Beijing Amendment). With the entry into force of the former in November 1999, a phase out schedule for methyl bromide was established for developing countries and the schedule for developed countries was accelerated.
- Sectoral approaches have come to the forefront under the Multilateral Fund, including Refrigerant Management Plans for low-volume ODS-consuming countries and sector plans for large consuming countries. Both of these include policy components or pre-requisites, and their increasing use under the Multilateral Fund illustrates the convergence of technical and policy issues.
- Import and export licensing systems have become mandatory for all Parties, to support the collection of information related to compliance and to assist prevention of illegal traffic of ODS.

These issues, plus others of regional or national concern, have been addressed to varying degrees by the countries included in this guidebook. However, there is still much policy development work yet to do in developing countries. In many of them, particularly the smaller ODS consuming countries and those lacking institutional resources, the process may have barely begun at all. UNEP DTIE OzonAction Programme and the Stockholm Environment Institute hope that this book provides the inspiration and information necessary to develop regulations and other policies needed to ensure compliance with the Montreal Protocol.

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