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**Open-ended Working Group of the Parties to
the Montreal Protocol on Substances that
Deplete the Ozone Layer**

Twenty-sixth meeting
Montreal, 3–6 July 2006

Item 4 (d) of the provisional agenda*

**Consideration of methyl bromide-related
issues: multi-year exemptions for
methyl bromide use (decision XVI/3)**

**Draft decision proposed by the United States of America on
multi-year exemptions for methyl bromide**

Note by the Secretariat

The Secretariat is circulating, in annex I to the present note, a draft decision proposed by the United States of America on multi-year exemptions for methyl bromide, which was considered at the Sixteenth Meeting of the Parties and by the Open-ended Working Group at its twenty-fifth meeting. The preparatory segment of the Seventeenth Meeting of the Parties agreed to postpone consideration of the proposal until 2006. Annex II to the present note contains a reproduction of decision XVI/3, which calls on the Parties to consider the issue of multi-year exemptions for methyl bromide.

* UNEP/OzL.Pro.WG.1/1.

Annex I

Draft decision on multi-year exemptions submitted by the United States of America

[*Recalling* that, in decision Ex.I/3, the Parties agreed to consider the elaboration of criteria and a methodology for authorizing multi-year exemptions,

Decides:

1. That a Party nominating a multi-year critical-use exemption should submit such a nomination consistent with the deadline applicable to single-year nominations for critical-use exemption;
2. That a Party nominating multi-year exemptions should strive to ensure that the amount of methyl bromide requested in the nomination for critical-use exemption generally demonstrates a downward trend over the duration of the exemption request;
3. That the Methyl Bromide Technical Options Committee will evaluate all years of the request in any multi-year nomination for critical-use nomination in accordance with its normal review process and schedule of meetings, and provide recommendations for all years requested with respect to those Parties that have made such a nomination; such reviews will occur simultaneously with reviews by the Methyl Bromide Technical Options Committee of single-year nominations for critical-use exemptions;
4. That, in performing an evaluation on a multi-year nomination for critical-use exemption, the Methyl Bromide Technical Options Committee will apply the relevant criteria agreed upon by the Parties in decision IX/6 and Ex.I/4, paragraph 9 (c), to multi-year nominations for critical-use exemption in the normal course of its meeting schedule, and using the same standards and presumptions that it applies to single-year critical-use exemptions nominations;
5. That the first Meeting of the Parties following the evaluation by the Methyl Bromide Technical Options Committee will consider both single and multi-year nominations for critical-use exemptions made by applicants, and the related recommendations of Methyl Bromide Technical Options Committee, over the full period of time requested by the critical-use exemption applicant, taking into account the criteria set out in decisions IX/6 and Ex.I/4, paragraph 9 (c);
6. That a Party receiving a multi-year critical-use exemption should apply the criteria of decisions IX/6 and Ex.I/4 paragraph 9 (c), where relevant, when licensing, permitting, or authorizing the use of methyl bromide pursuant to a multi-year critical-use exemption that has been approved by the Parties;
7. That each Party receiving a multi-year critical-use exemption approved by the Meeting of the Parties may request reconsideration of its approved critical-use exemption on the basis of changed circumstances; such requests should be submitted by the agreed deadline for annual nominations for critical-use exemption, and will be evaluated by the Methyl Bromide Technical Options Committee in accordance with the provisions of paragraph 4 above;
8. That the first Meeting of the Parties following the evaluation by the Methyl Bromide Technical Options Committee will consider any request for reconsideration of an approved nomination for critical-use exemption described in paragraph 7, and the related recommendations from the Methyl Bromide Technical Options Committee;]

Annex II

Decision XVI/3. Duration of critical-use nominations of methyl bromide

Mindful that decision Ex.I/4, under paragraph 9 (e), requested the Technology and Economic Assessment Panel to review critical-use nominations on an annual basis and to apply the criteria set forth in decision IX/6 and of other relevant criteria agreed by the Parties,

Recognizing that decision Ex.I/3, under paragraph 6, asked the Parties to take note of the proposal by the United States of America on multi-year exemptions, and to consider the elaboration of criteria and a methodology for authorizing multi-year exemptions,

1. To agree that the basis for extending the duration of critical-use nominations and exemptions of methyl bromide to periods greater than one year requires further attention;
 2. To elaborate, as far as possible, at the Seventeenth Meeting of Parties a framework for spreading a critical-use exemption over more than one year and to agree that the following elements, among others, should be taken into account:
 - (a) Annual reporting on:
 - (i) Status of re-registration and review of methyl bromide;
 - (ii) Status of registration of alternatives and substitutes for methyl bromide;
 - (iii) Efforts to evaluate, commercialize and secure national regulatory approval of alternatives and substitutes;
 - (b) Assessment of requests to reconsider approved critical-use exemptions in the case of exceptional circumstances;
 - (c) Review of downward trends for different instances;
 - (d) Assessments of nominations in the light of the alternatives database referred to in paragraph 1 of decision Ex.I/4, and comparisons with management strategies;
 - (e) Applicability of existing decisions to methyl bromide critical-use exemptions longer than one year;
 - (f) Additional conditions applicable to critical-use exemptions longer than one year;
 3. To consider the technical justifications for spreading a critical-use exemption over more than one year, taking into account, among others, the following instances:
 - (a) Where the use patterns of methyl bromide are not regular on an annual or seasonal basis;
 - (b) Where, for a specific use, no alternatives or emerging solutions are anticipated for several years;
 - (c) Where a plan of implementation of an alternative stretches over several years;
 - (d) Where management strategies include a complete time-bound phase-out for a nomination or sector or use;
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