

The Impact of the Montreal Protocol and European Union Controls on Methyl Bromide

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European Commission

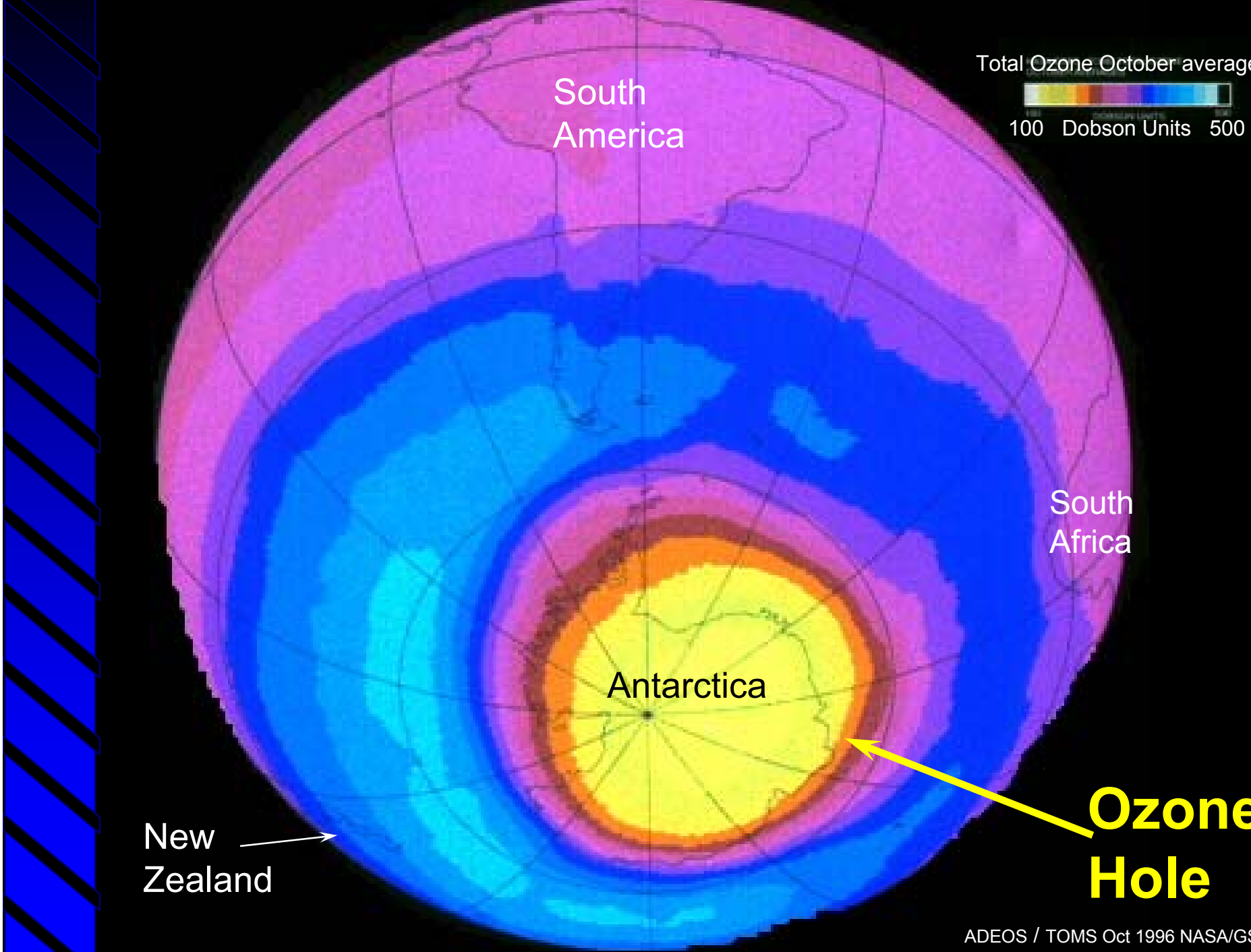
Fifth International Conference on Alternatives to Methyl Bromide
Lisbon, Portugal, 27-30 September 2004

Topics today ...

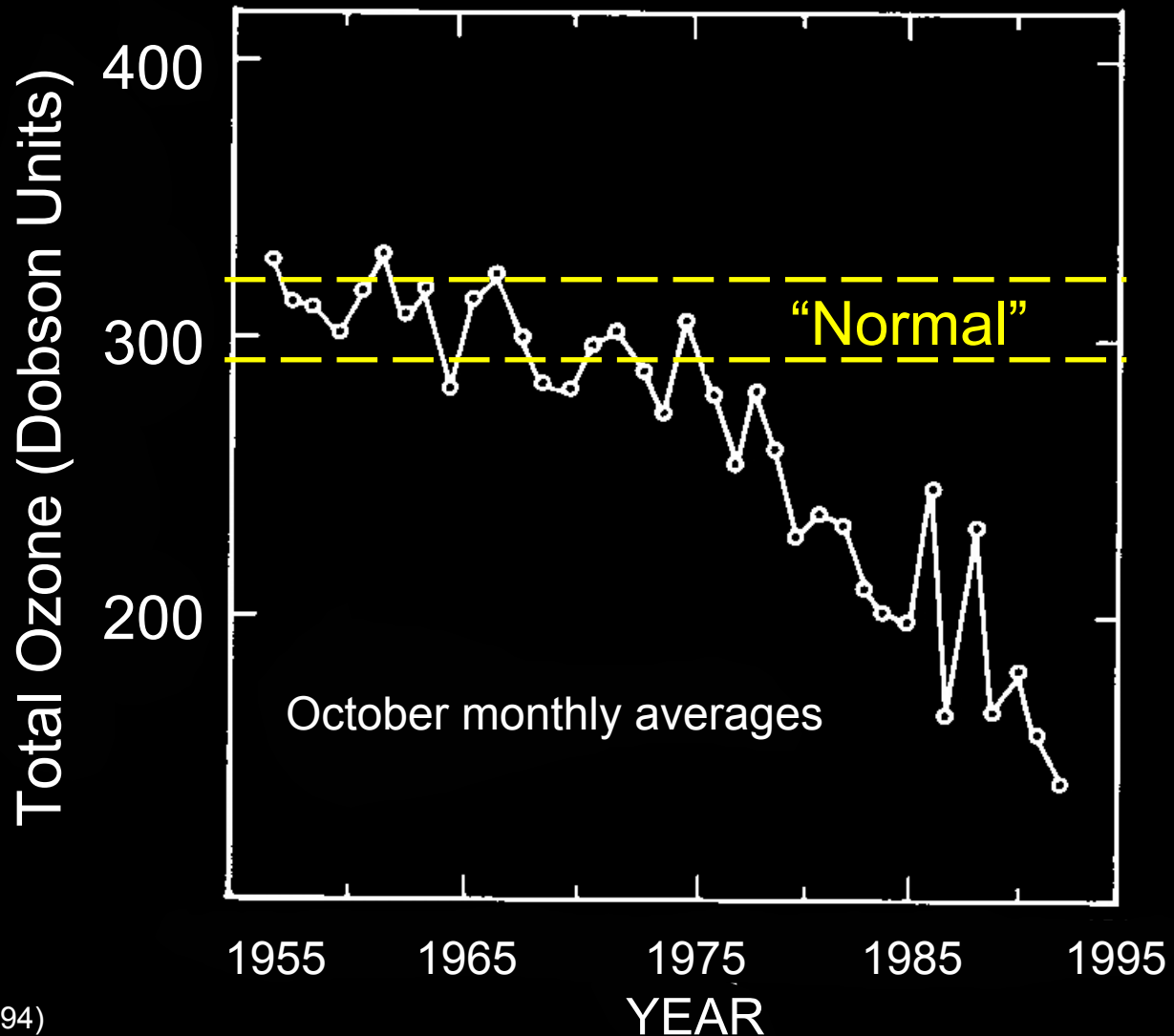
1. Policies that influenced the formation of EC Regulation
2. EC Regulation on methyl bromide (MB)
3. MB-CUE three Stages – Application / Evaluation / Licensing
4. Procedures for MB-CUE licence application and evaluation
5. How the MB-CUE quotas are used
6. Summary

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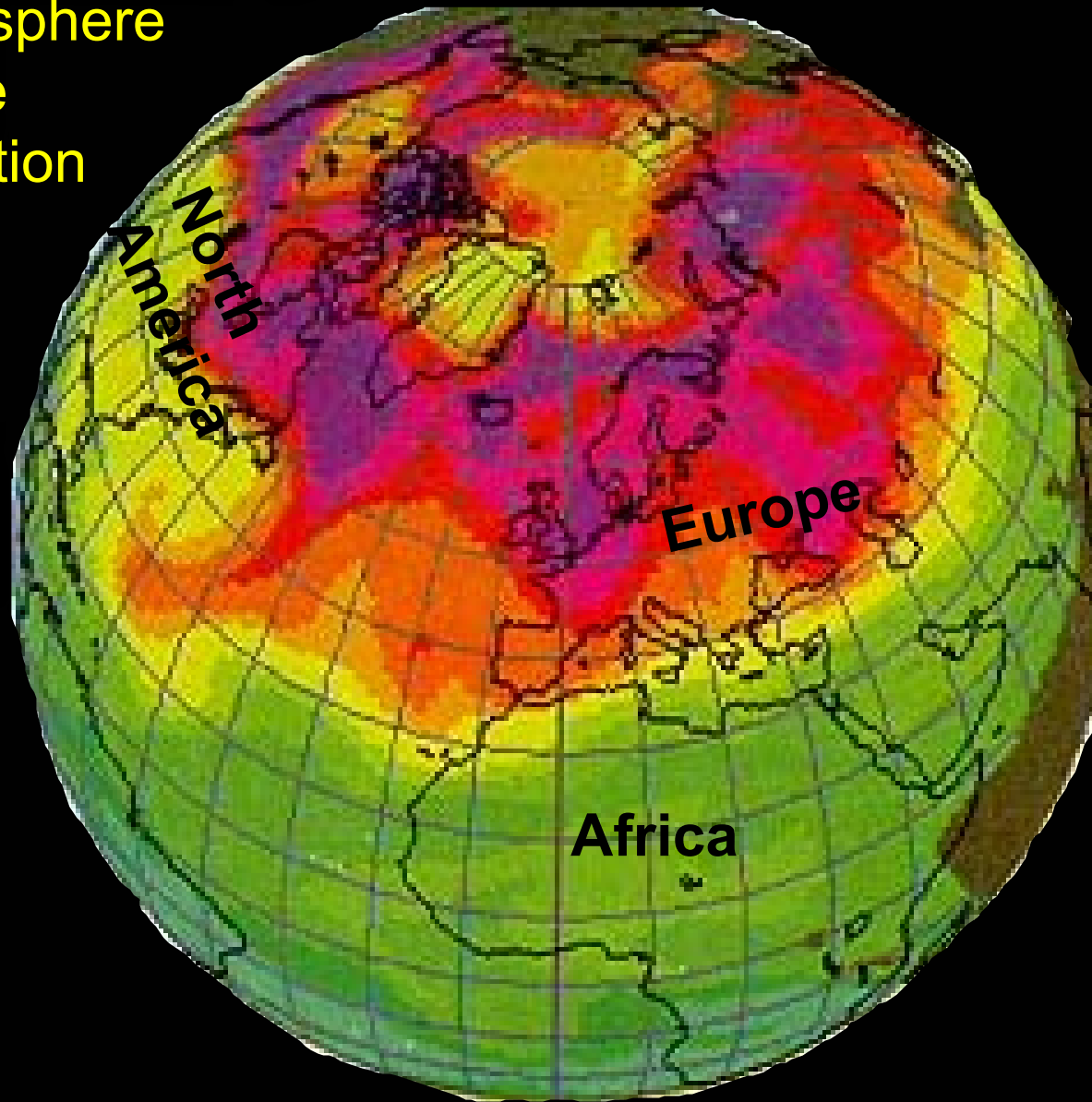
**Policies that
influenced the
formation of the EC
Regulation**



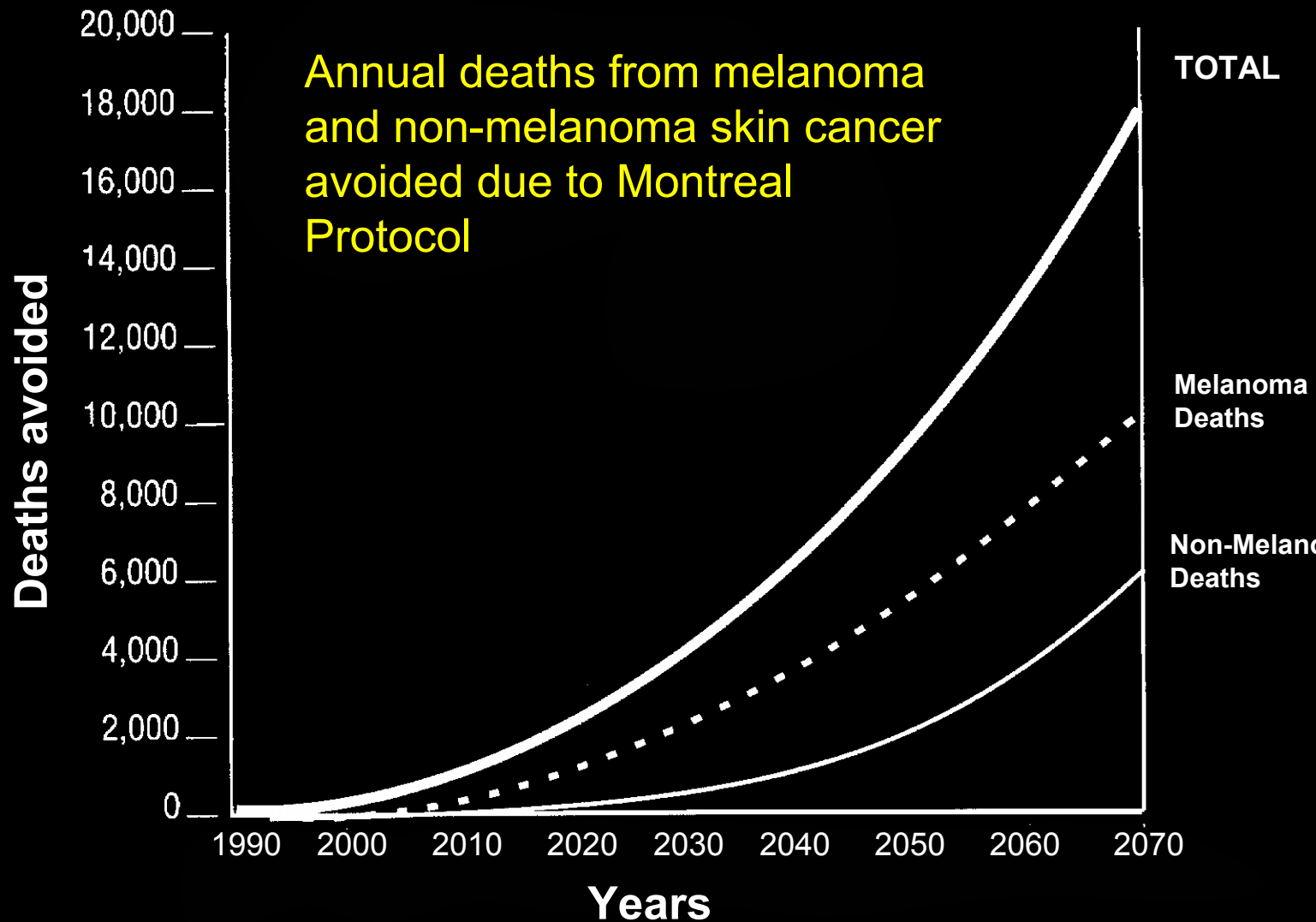
Historical Springtime Total Ozone Record for Halley Bay, Antarctica (76°S)



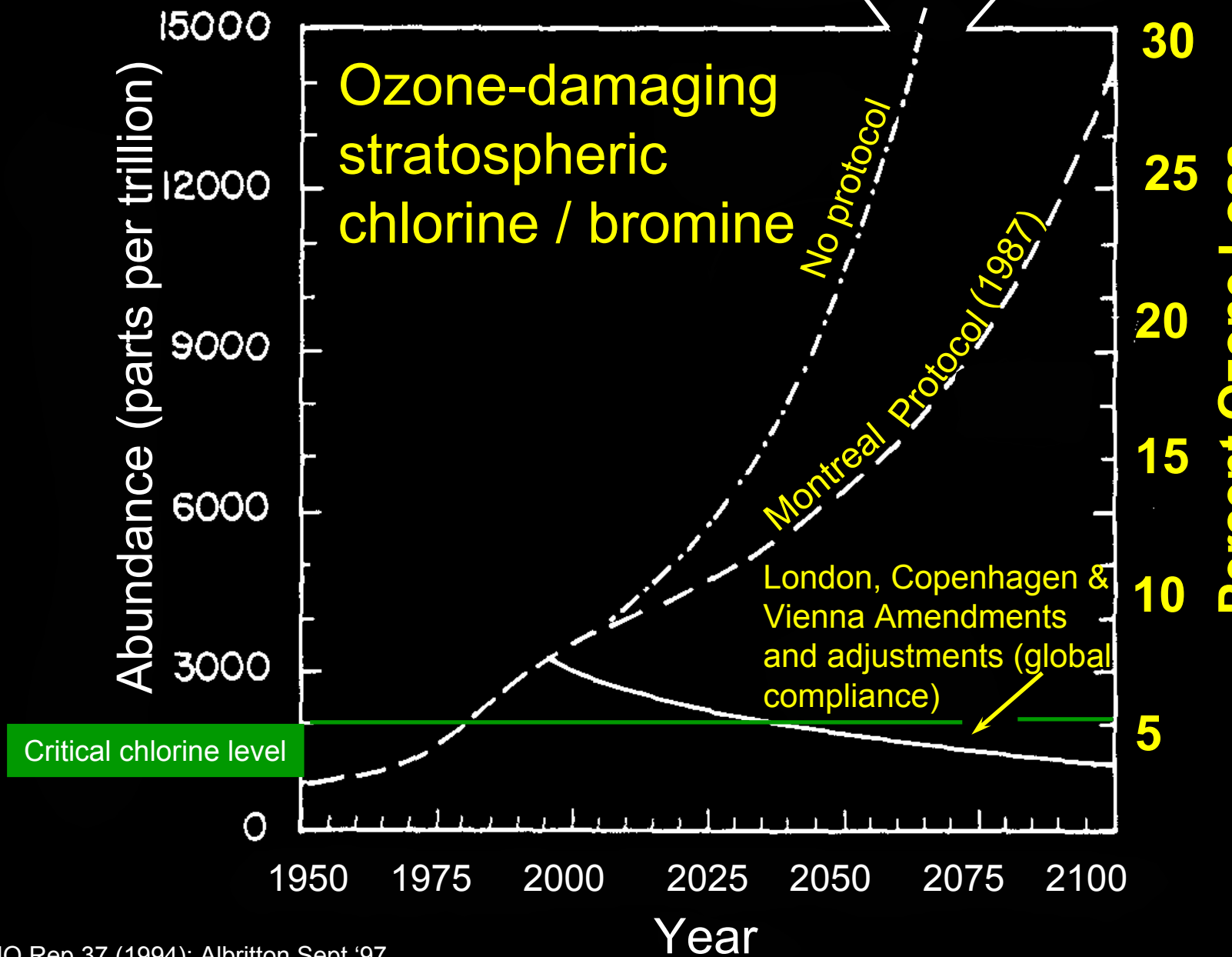
Arctic and Northern
Hemisphere
ozone
depletion



Cancer incidence increases ...



A success story...



**State of the
Ozone Layer**

**Availability
of alternatives**

**Commitment
to reduction
and phase out**

**Regulation
EC2037/00 on
Ozone Depleting
Substances**

**International
Negotiations
on Ozone
Depleting
Substances**

Stimulate alternatives development

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**EC Regulation on methyl
bromide**

EC Regulation ...

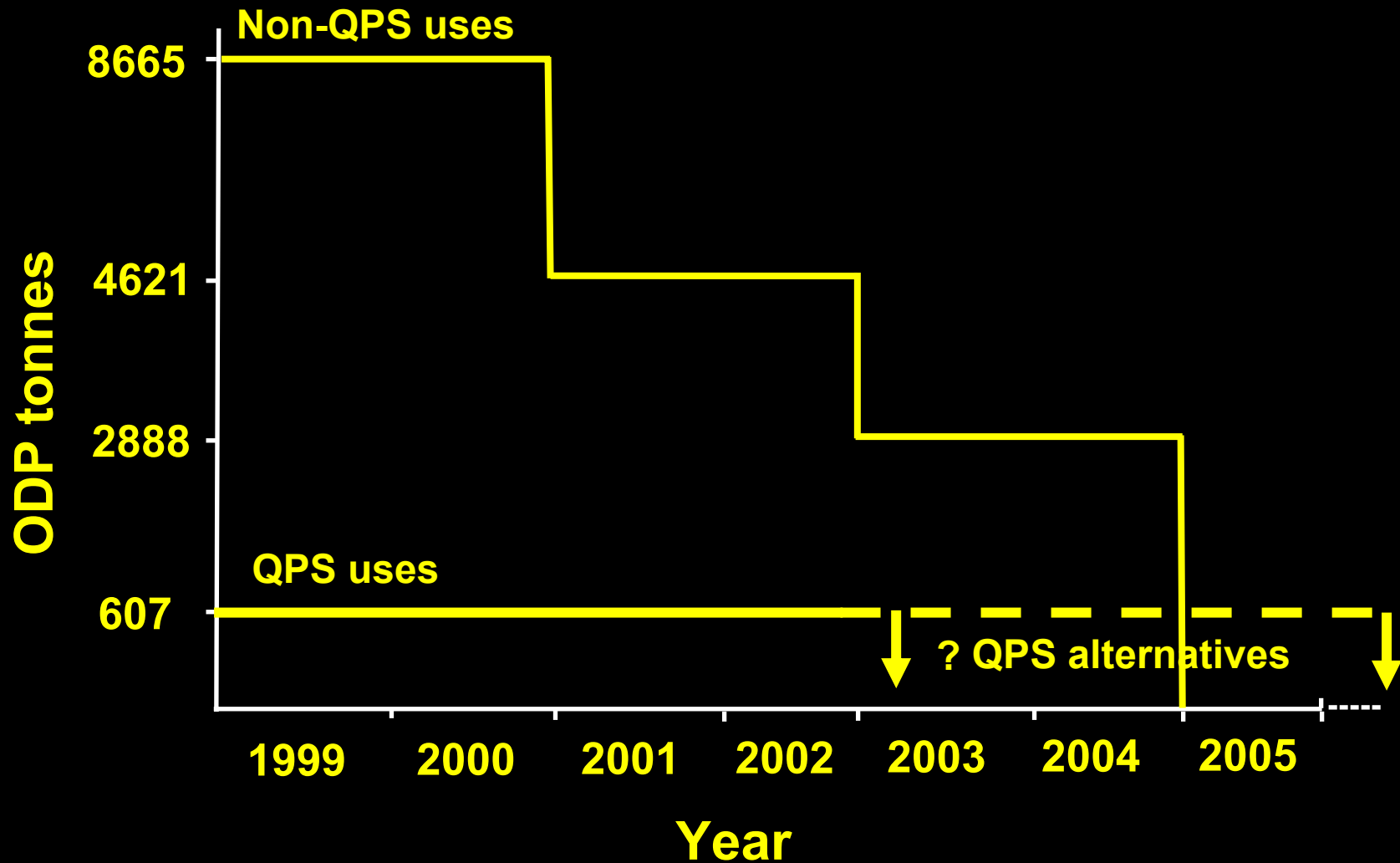
“Regulation EC 2037/2000 of the European Parliament and of the Council on Substances that Deplete the Ozone Layer”¹

- ◆ Came into force on 1 October 2000
- ◆ Now in force in 25 EC Member States
- ◆ Approximately 2 years in the making

¹ EC 2037/2000; <http://www.europa.eu.int/comm/environment/ozone/index.htm> : ‘Latest News’

YEAR	MONTREAL PROTOCOL	EC 2037/2000 REGULATION
1991	Consumption baseline	Consumption baseline
1995	FREEZE on 1991	FREEZE on 1991
1998	-----	25% reduction
1999	25% reduction	-----
2001	50% reduction -----	* 60% reduction * QPS freeze
2003	70% reduction	75% reduction
2004		31 Dec 2004 - end of MB production
2005	PHASE OUT	PHASE OUT

EC controlled consumption of MB



The EC regulation also has ...

- ◆ Ban on use of disposable MB cylinders (Art 16)
- ◆ Qualification requirements for fumigators (Art 17)
- ◆ Virtually Impermeable Film (VIF) mandatory (Art 17)
- ◆ Limits on the use of MB for QPS (Art 4)
- ◆ 20 tonne emergency exemption for pest and disease outbreak (Art 4)
- ◆ Critical Uses after phase out (Art 4)

Quarantine and pre-shipment ...

- ◆ 607 ODP tonne limit for QPS (25 MSs)
- ◆ MSs must report annually to the Commission:
 - Quantities authorised for QPS
 - Purpose of QPS treatment
 - Progress using alternatives
 - Progress on research to find alternatives
- ◆ Denmark, Finland and Sweden have either no QPS uses, prohibition or time-limited exemption

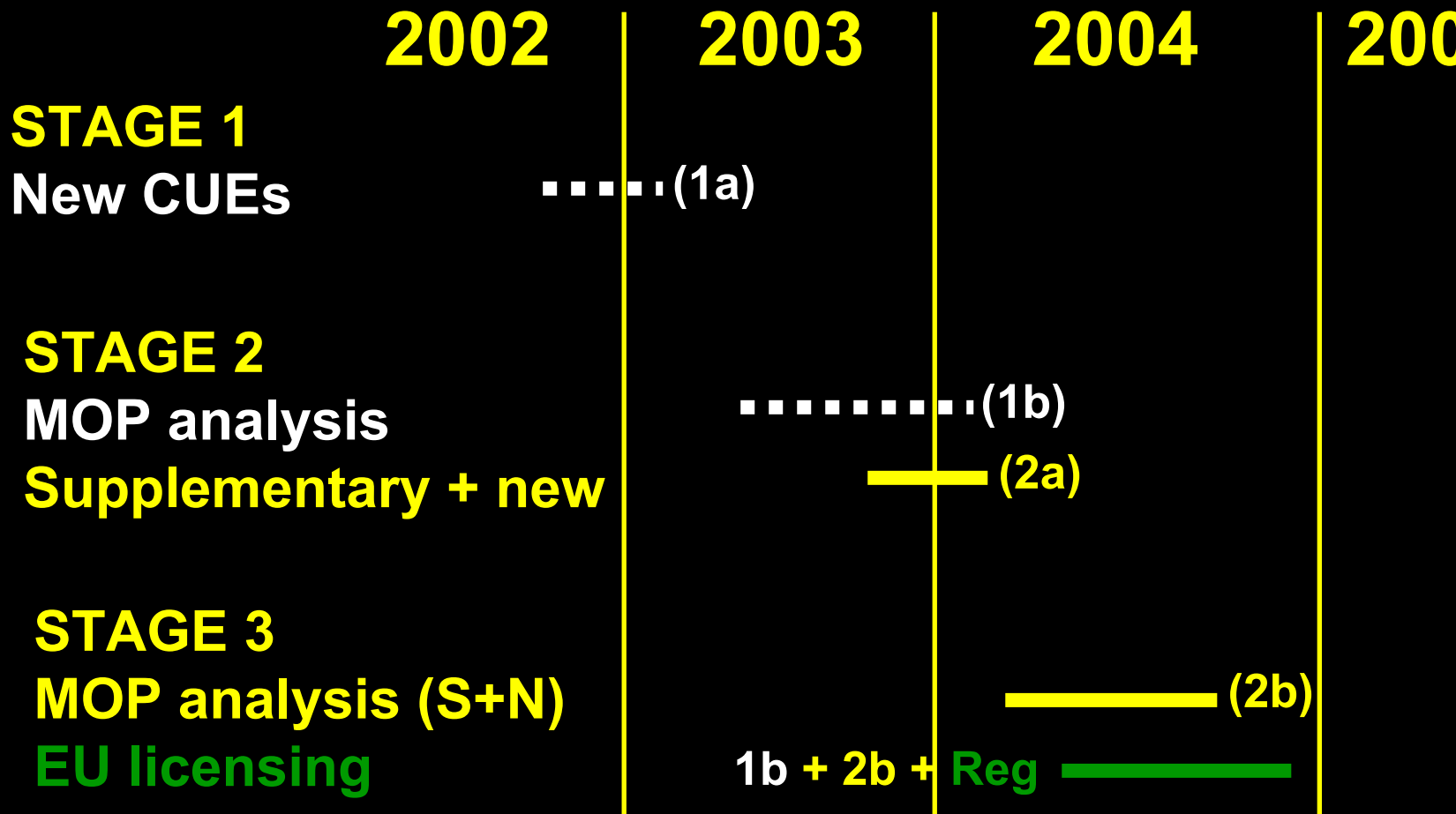
Emergency use of MB ...

- ◆ Follows Montreal Protocol
 - For an unexpected pest or disease outbreak
 - 20 tonnes over 120 day period
 - Application from official regulatory authority
- ◆ Only allocated if there is no alternative
- ◆ Must be requested in advance (more strict than Protocol)

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MB-CUE three Stages –
Application / Evaluation /
Licensing

Stages of analysis for CUEs....



Cycle of events to obtain critical uses of MB

STATE 2 ←
 STAGE 1 →

Year of use of methyl bromide	No	Actions for the technical analysis by the Parties to the Montreal Protocol	Approximate dates
2005	1	Submit to request to national authority	September- December 2002
2005	2	National authority applies to Parties	January 2003
2005	3	MBTOC report	May 2003
2005	4	Parties discuss applications	July 2003
2005	5	Clarifications by applicants	July – August 2003
2005	6	MBTOC makes recommendations	September 2003
2005	7	Parties (did not!) decide	November 2003
2005	8	Submit new requests + supplementary requests to national authorities	September 2003
2005	1-7	Repeat steps 2-6	January – November 2004

Cycle of events to obtain critical uses of MB (cont)..

STAGE 3

Year of use of methyl bromide	No	Actions for licensing MB for critical uses	Approximate dates
2005	9	Submit request to European Commission for licensing	31 May 2004
2005	10	Analysis of requests in the light of the MOP and Regulation (EC) No 2037/2000	July 2004
2005	11	Agree Quotas per fumigator in Management Committee	October 2004
2005	12	European Commission agrees quotas for new and supplementary	December 2004
2005	13	Critical uses of MB commence for specific categories and uses	1 January 2005

MOP Critical Use Exemptions for 2005, so far...

	CUE Tonnes	BaseLevel (1991)	Percentage of BL
Australia	145	704	20.6%
Belgium	47	312	15.1%
Canada	55	246	22.4%
France	407	4,195	9.7%
Greece	186	970	19.2%
Italy	2,133	6,974	30.6%
Japan	284	6107	4.7%
Portugal	50	?	
Spain	1,059	4235	25.0%
UK	128	628	20.4%
USA	7,659	25,529	30.0%
	12,153	49,965	24.3%

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Procedures for MB- CUE license applications

Why is it necessary to agree quotas for MB-CUEs?

1. **Old data:** Most applications for CUEs finished in late 2002 for submission to the Protocol by 31 January 2003
2. **Regulation is more strict:** No MB if an alternative is available in any Party
3. **Mirror the essential use process for CFCs for medical uses:** Amount licensed needs to take account of latest alternatives

Why is it necessary to agree quotas for MB-CUEs? (cont)

4. MBTOC has used a 'liberal approach' resulting in more MB recommended than if they had interpreted Dec IX more precisely
5. Illegal for the EC to authorise a quota for MB if an alternative exists

=====

Old data + new criteria + essential use
process + liberal approach + compliance =
Need to analyse requests for licence

Impact of Article 3(2)(ii) relating to on CUE volume ...

1. Proposals by MSs to the Commission
2. Commission applies Dec IX/6 criteria + other MOP criteria
3. Each year, the COM determines MB for CUEs to be imported or produced
4. Define quantities, uses and users permitted
5. Confirm no adequate alternatives in any Party
6. Must use stocks before import/production is permitted
7. The Commission seeks the views of the Management Committee

MS Critical Use Licence Applications (CULAs) to the Commission ...

- 10 MSs have applied for MB-CUE licence
- Establish transparent review process
 - ❖ Independent review of CULAs by technical experts
 - ❖ Clarification on application when necessary
 - ❖ Provision of **Draft CULA Report** to CUE applicant for comment
 - ❖ CULA Report + MS comments to Management Committee for quota decision

CULA Report ...

Does the applicant:

- Confirm significant market disruption if no MB
- Define the target pests and disease?
- Justify the amounts of MB required?
- Show that there are no technically and economically feasible alternatives in the circumstances (IX/6) and **no adequate alternatives available from any of the Parties**

CULA Report ...(cont)

- Identify steps to minimise MB emissions?
- Show effort to evaluate, commercialise and secure regulatory approval of alternatives? R&D programmes in place?
- Are stocks of MB available?
- After all these are considered, how much ME should per category should be licensed?

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How the MB-CUE
quotas are used

Fumigators ...

- ◆ **Fumigators** assigned quotas for CUEs
 - Licensed
 - Familiar with farms / facilities
- ◆ Fumigator has password access to **ODS website** to draw-down on their quota
- ◆ MB from (one) EC producer, from imports or from stocks
- ◆ Quotas transferable **within a category** by agreement with donor-receiver fumigators and MS

MB stocks ...

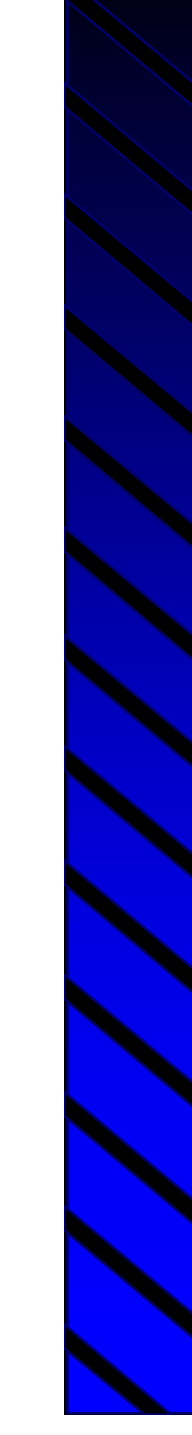
- ◆ Legal requirement in MOP and Regulation to determine stocks
- ◆ Survey of fumigators to estimate non-QPS and QPS stocks 31 December 2004
- ◆ MS Working Group developed Survey Form
- ◆ Survey due for completion 12 November 2004
- ◆ Report by COM for December **Management Committee**

Management Committee ...

- ◆ Chaired by the European Commission
- ◆ Established under Article 18 to assist with the implementation of the Regulation
- ◆ MSs responsible for implementation
- ◆ Representatives of all 25 MSs, usually from the environment department
- ◆ Meets usually twice per year, sometimes three times

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Summary

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1. EC Regulation is more restrictive on MB-CUE than the Montreal Protocol
 2. Applicants for CUEs must first apply to the Montreal Protocol and then to the European Commission for licence
 3. The Commission seeks the views of the Management Committee to agree quotas
 4. The fumigators and MSs are responsible for correctly applying the MB-CUEs
 5. Member States must monitor implementation of MB for CUEs