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SPREP's Climate Change and Adaptability

Key Result Area III (KRA 3)

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**Report on the Workshop  
for the Implementation  
of the Montreal Protocol in  
Pacific Islands Countries**

**21 – 23 May, 2002**

**Nadi, Fiji Islands**

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*November 2002*

*This meeting was supported by SPREP, UNEP DTIE, UNEP ROAP, Australia, and New Zealand.*

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## **Acronyms & Terms**

CFCs	Chlorofluorocarbons
DTIE	Division of Technology, Industry, and Economics
EPA	Environmental Protection Agency
ExCom	Executive Committee of the Multilateral Fund
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit, German Development Agency
HCFCs	Hydrochlorofluorocarbons
HFCs	Hydrofluorocarbons
NCAP	National Compliance Action Plan
ODS	Ozone Depleting Substances
OEWG	Open Ended Working Group
PICs	Pacific Island Countries
POPs	Persistent Organic Pollutants
ROAP	Regional Office for Asia and the Pacific
SPREP	South Pacific Regional Environment Programme
UNEP	United Nations Environment Programme
UNON	United Nations Office at Nairobi

## **Acknowledgements**

This project has been undertaken with the aid of grants provided by United Nations Office at Nairobi (UNON) and the Government of New Zealand. Our appreciation goes to all the participants of this workshop who were not only fully engaged in discussions during the meeting, but also provided the necessary information needed for implementing the Montreal Protocol in Pacific island countries.

## **Abstract**

This report describes the proceedings of the Workshop on the Implementation of the Montreal Protocol in the Pacific region held in Nadi, Fiji 21 – 23 May 2002 at the Fiji Mocambo Hotel. This workshop was attended by representatives from South Pacific Regional Environment Programme (SPREP), United Nations Environment Programme's Division of Technology, Industry and Economics (UNEP DTIE), UNEP's Regional Office for Asia and the Pacific (UNEP ROAP), representatives from governments of Australia, and the Pacific island countries: Cook Islands, Fiji, Nauru, Niue, Papua New Guinea, Republic of the Marshall Islands, Palau, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

The purpose of this workshop was to facilitate the process of implementing the Montreal Protocol in each participating country through the Regional Strategy. One aim was to introduce the Regional Strategy and gain support from each participating country. Another aim of the workshop was to obtain data of ODS consumption from each participating country in compliance with the Montreal Protocol.

The workshop featured presentations from resource people on issues related to the implementation of the Montreal Protocol and presentations from participants on the state of implementation of the Montreal Protocol in each country. Topics relevant to implementing the Montreal Protocol were also discussed, including an update on the status of the ozone layer, an overview of the Regional Strategy, progress of work in each participating country, impacts of developed countries' phase-out strategies on PICs, good practices in refrigeration training, and draft agreements and implementation of NCAPs.

During the discussions, the need for each country to develop an ODS import licensing system and training for those monitoring imports was highlighted as a requirement for importing ODS. This requires collective efforts from both owners of premises where ODS are stored and the people who actually use ODS (such as refrigeration technicians). The importance of regulations to support phase-out plans and controls to ensure compliance was also discussed. Countries such as Australia, Fiji, New Zealand, and Tonga agreed to guide other countries in preparing their regulation. The need for reliable internet access to enable communications on issues related to the Montreal Protocol was also highlighted. Countries were assured that funds would be available for internet access under the Regional Strategy.

A total of 5 action points were made by the workshop to facilitate implementation of the Regional Strategy. These are:

SPREP will circulate electronic copies of legislation from Australia, Fiji, New Zealand and Tonga to all PICs. PICs, with the assistance of the SPREP International Consultant, should use these as a model to begin development of their own national legislation as soon as possible as Customs training cannot commence until national controls are in place.

SPREP will prepare draft financial agreements to transfer funds under the Regional Strategy to individual countries and circulate these for comments to each country before the end of June.

SPREP will send a letter to the Government of each country explaining in detail what funds had been allocated to their country under the Regional Strategy and how these would be disbursed.

Participants agreed to submit all outstanding consumption data to the Ozone Secretariat by the end of June 2002 using data presented in their NCAPs. SPREP agreed to assist in this and provide advice where necessary.

SPREP will continue to encourage all countries to ratify the Montreal Protocol and all of its amendments. They will provide advice to Governments on this where necessary.

# Contents

<i>Contributors/Affiliations</i> .....	ii
<i>Acronyms &amp; Terms</i> .....	iii
<i>Acknowledgements</i> .....	iii
<i>Abstract</i> .....	iv
<b>1. Introduction</b> .....	1
<b>1.1 Background</b> .....	1
<b>1.2 Purpose and agenda of the workshop</b> .....	1
<b>1.3 Opening and Closing Addresses</b> .....	3
<b>2. Workshop Presentations</b> .....	3
<b>2.1 Update on the status of the Ozone Layer – latest report from the Scientific Assessment Panel</b> .....	3
<b>2.2 Overview of the Pacific Regional Strategy</b> .....	3
<b>2.3 Status of Countries in the Region: ratification, current ODS consumption and status of data reporting obligations</b> .....	4
<b>2.4 How developed country phase-out strategies may affect PICs?</b> .....	4
<b>2.5 Country reports</b> .....	5
<b>2.5.1 Cook Islands</b> .....	5
<b>2.5.2 Fiji</b> .....	5
<b>2.5.3 Marshall Islands</b> .....	5
<b>2.5.4 Nauru</b> .....	5
<b>2.5.5 New Zealand</b> .....	6

2.5.6	<i>Niue</i>	6
2.5.7	<i>Palau</i>	6
2.5.8	<i>Papua New Guinea</i>	6
2.5.9	<i>Samoa</i>	7
2.5.10	<i>Solomon Islands</i>	7
2.5.11	<i>Tonga</i>	8
2.5.12	<i>Tuvalu</i>	8
2.5.13	<i>Vanuatu</i>	8
2.5.14	<i>Discussions after country presentations</i>	8
<b>2.6</b>	<b>Good Practices in Refrigeration Training from Fiji’s perspective. (Including practical demonstrations)</b>	<b>9</b>
<b>2.7</b>	<b>Draft Agreements and Implementation of National Compliance Action Plans (NCAPs)</b>	<b>10</b>
<b>2.8</b>	<b>National Legislation - Fiji’s Experience on the Control of ODS under the ODS Act and Regulations</b>	<b>11</b>
<b>2.9</b>	<b>UNEP Training activities</b>	<b>12</b>
<b>2.10</b>	<b>Other issues</b>	<b>12</b>
<b>2.11</b>	<b>UNEP’s Compliance Assistance Programme</b>	<b>13</b>
<b>2.12</b>	<b>Data Reporting</b>	<b>13</b>
<b>2.13</b>	<b>Participation of an PIC country representative on the ExCom</b>	<b>14</b>
<b>2.14</b>	<b>Endorsement of the approved Regional Strategy</b>	<b>15</b>
<b>3.</b>	<b>Action Points</b>	<b>15</b>
	<i>Appendix I: List of participants</i>	16
	<i>Appendix II: Workshop agenda</i>	19

- a. NCAPs: Kiribati, Palau, Marshall Islands, Solomon Islands, Tonga, Tuvalu, Vanuatu .....
- b. ODS Legislation: Australian Ozone Protection Act 89, DRAFT Tonga Ozone regulations, NZ OLPA 1996, NZ Ozone Layer Protection Regulations (final) .....
- c. Refrigeration Code of Practices (COP): Australia Refrigeration and Air-conditioning COP Parts 1-3, Refrigerant Handling and Decanting COP, NZ97CODE of Practice .....
- d. Regional Strategy Documents: Final Regional Strategy, Reporting ExCom Decisions to PICs .....
- e. Useful Publications from UNEP and others: Composition of ODS mixtures, DRAFT INSTRUMENT OF ACCESSION (as drawn up by Ozone Sect), Implications of becoming a party 2000 from Gilbert Bankobeza, Montreal Protocol Handbook 2000, MP Data reporting handbook, ODS Import export licence schemes handbook, Tradenames of ODS from UNEP .....
- f. Workshop Presentations: Session 01 - Science Presentation, Session 02 - Introduction to Regional Strategy, Session 03 - Australian Phaseout Strategy, Session 03 - NZ and US HCFC and MB Phase-out schedules, Session 05 - UNEP training and CB Activities, Session 09 - Data Reporting under the MP, Session 09 - Introducing the Compliance Assistance Programme, Session 10 - Australian National Halon Bank – notes .....



# **1 Introduction**

## **1.1 Background**

The Montreal Protocol is an international agreement that is designed to eliminate the production and consumption of ozone depleting substances (ODS). Globally adopted in 1987, the Montreal Protocol has undergone several adjustments to strengthen its control provisions through the following amendments: London (1990), Copenhagen (1992), Vienna (1995), Montreal (1997), and Beijing (1999). Eventually, the Montreal Protocol aims to eliminate the emissions of man-made ODS.

The ozone layer is present in the upper atmosphere and plays an important role in protecting the earth's surface from harmful ultraviolet-B radiation (UV-B) emitted from the sun. Depletion of the ozone layer was first detected in the 1980's over the Antarctic region where scientists discovered a steady thinning of the ozone layer accompanied by increases in the amount of UV-B reaching the earth's surface. Since then, the protection of the ozone layer has always been addressed by the United Nations Environment Programme (UNEP). Substances that deplete the ozone layer include chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), methyl chloroform, carbon tetrachloride, halons, and methyl bromide that have various uses ranging from industrial and laboratory to household applications. Excessive emissions of such substances enhance the faster depletion of the ozone layer, allowing harmful UV-B rays to reach the earth having direct harmful effects on humans and the environment (terrestrial and marine ecosystems, biogeochemical cycles and some man-made materials).

Currently, a total of 185 countries are Parties to either the Convention or Protocol and the amendments to the Protocol. Of these 185, 12 countries from the Pacific Region are Parties and are undertaking activities to implement the phase-out of ODS. The remaining two are working to become Parties. Since 1998, the South Pacific Regional Environment Programme (SPREP) in close collaboration with UNEP DTIE has carried out activities to introduce PICs to the Montreal Protocol. Over the years, tremendous progress has been noted in PICs participation in international meetings and collective efforts in contributing to the Regional Strategy – a workable tool in achieving the objectives of the Montreal Protocol. In 2001, at a Workshop for the Implementation of the Montreal Protocol in Pacific Island Countries held in Apia, Samoa, the need to effectively make progress with implementation work was highlighted and the potential for collaboration stressed. To date, two countries are model examples having taken the lead role in undertaking ODS phase-out activities while the remaining countries have yet to begin. It is hoped that work in these remaining countries will begin during early 2003.

## **1.2 Purpose and agenda of the workshop**

The workshop was held from 21 – 23 May 2002 at the Fiji Mocambo Hotel, Nadi, Fiji. This workshop was attended by SPREP, UNEP DTIE, UNEP ROAP, representatives from Governments of Australia, Cook Islands, Fiji, Nauru, Niue, Papua New Guinea, Republic of the Marshall Islands, Palau, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu. The sessions were chaired by Mr Sakaria Taituave and Mr Iain McGlinchy.

The purpose of this workshop was to facilitate the process of implementing the Montreal Protocol in each participating country, party to the Montreal Protocol, through the Regional Strategy. The overall aims of the workshop were to:

- i. Introduce the Regional Strategy and gain support from each participating country;
- ii. Obtain data of ODS consumption from each participating country in compliance with the criteria set out by the ExCom;
- iii. Obtain inputs on the following topics relevant to this process:

Topic 1: Overview of the Pacific Regional Strategy;

Topic 2: Status of countries in the region;

- What is the status of ratification, current ODS consumption, and data reporting obligations?
- What are the actions taken and experiences faced in implementing the Montreal Protocol?

Topic 3: How developed country phase-out strategies may affect PICs?

Topic 4: Future directions

- Draft framework between SPREP and PICs in implementing phase-out activities;
- Obligations for PICs in data collection and reporting to Ozone Secretariat;
- Assistance from UNEP – training activities and compliance programme;
- Possible PIC representative to ExCom.

The agenda of the workshop covered the topics and aims listed above. The main agenda items were: (the detailed programme is attached in Annex II).

- Opening Address (Opening remarks, Welcome & Opening Speech, Keynote & Official Opening Address)
- Introduction of Resource Persons and participants. Selection of Chairperson and rapporteurs.
- Update on the status of Ozone Layer – latest report from the Scientific Assessment Panel
- Discussions on Topics 1 – 4
- General discussions and recommendations

- Closing statements

### **1.3 Opening and Closing Addresses**

Mr Joe Reti, on behalf of the Director of the South Pacific Regional Environment Programme (SPREP), opened the workshop. Mr Suresh Raj also spoke briefly on behalf of the UNEP DTIE Director. Following the opening addresses, the participants, with the assistance of Mr Taituave from SPREP, introduced themselves to the group and spoke briefly about their background in the area.

The final session featured a round table discussion with all of the participants providing comments on the workshop and on the Regional Strategy. The workshop closed with short speeches by Mr Suresh Raj on behalf of the Director of UNEP DTIE and Mr Joe Reti on behalf of the Director of SPREP.

## **2 Workshop Presentations**

### **2.1 Update on the status of the Ozone Layer – latest report from the Scientific Assessment Panel**

Following the introductory sessions, Mr Iain M<sup>c</sup>Glinchy gave a presentation on the state of the Ozone Layer to bring participants up to date with the current science and understanding.

A copy of the presentation is attached.

### **2.2 Overview of the Pacific Regional Strategy**

The science update was followed by a further presentation by Mr M<sup>c</sup>Glinchy about the Regional Strategy as it was approved by the Executive Committee of the Montreal Protocol Multilateral Fund. A copy of the final, approved strategy and budget was circulated to all participants.

Mr M<sup>c</sup>Glinchy explained that the ExCom had approved a budget of US\$788,000 over three years for the whole region. Of this, some of the funds would be paid directly to the eight countries involved in the Regional Strategy and some would be held by SPREP. The Funds held by SPREP will be used to pay for activities such as this workshop, technical assistance and customs and refrigeration sector training. Countries will receive funds for salary, office set up costs (including communications) and public awareness. They will also receive funds for purchase of equipment for good practices in the refrigeration. The funds will be paid in three instalments. The first instalment of 60% will be paid to the countries upon signature of a financial agreement with SPREP (see discussion on MOUs below). The second instalment of 30% will be paid after completion of the bulk of the tasks set out in the individual NCAPs and the final 10% will be paid upon completion.

Although the ExCom allocated funds to specific tasks in their budget, countries have flexibility on allocating these funds in their country. This is on two conditions:

1. The Government will carry out the tasks set out in their NCAP and the Regional Strategy; and
2. That the countries will not ask the ExCom for more funds to phase out CFCs.

Payment of the second instalment of funds is also conditional that at least 25% of the current ODS consumption in the eight countries has been phased out. As only four of the eight countries (FSM, Palau, Solomon Islands and RMI) consumed CFCs in 2001, the successful implementation of the Regional Strategy will require good regional co-operation.

A copy of the presentation is attached.

### **2.3 Status of Countries in the Region: ratification, current ODS consumption and status of data reporting obligations**

Mr Sakaria Taituave, of SPREP, gave a presentation on the status of ratification and data reporting by the individual countries. There was a wide-ranging discussion about data reporting and country obligations after this session. The notes from these discussions are recorded under the separate discussion on data reporting from the last day. A copy of the presentation is attached.

### **2.4 How developed country phase-out strategies may affect PICs?**

In the afternoon Mr Ben Stapley and Mr Iain M<sup>c</sup>Glinchy gave presentations on the phase-out schedules for ODS in developed countries, including Australia, New Zealand and the US. These three countries are significant because most of the PICs import their HCFCs from these countries, so they will be affected by their phase-out schedules. Both presenters stressed that although it would be legal under the Montreal Protocol to continue to import HCFCs into PICs until 2040, there may be difficulties obtaining supplies of these well before that date (possibly as early as 2015). This is because restrictions on the import (and manufacture in the case of the US) of HCFCs for their own consumption will mean that the amounts available in the developed countries will be declining. Exporting companies may not have sufficient supplies to send to PICs. Mr Stapley also pointed out that countries that had ratified the Beijing Amendment would be required to stop exports of HCFCs to countries that had not ratified the 1992 Copenhagen Amendment. This restriction comes into effect in 2004.

While there was no cause for immediate concern about the supply of HCFCs for countries that have ratified the Copenhagen Amendment, PICs must ensure that they do not remain reliant on HCFCs any longer than absolutely necessary. They should ensure their industries adopt non-ODS alternative refrigerants wherever possible.

The rest of the first day was spent with reports from the individual countries on activities since the last workshop in Apia in April 2001.

## **2.5 Country reports**

### **2.5.1 Cook Islands**

The Cook Islands have been working on the ratification of the Montreal Protocol and its amendments. One of the problems identified, is the difficulty for the Cook Islands to ratify in their own right since New Zealand's ratification of the Vienna Convention on Cook Islands behalf in 1986.

Significant progress towards raising the profile of the issue was made with the visit of the (former) President of the Bureau of the Montreal Protocol, Milton Catelin of Australia. His visit was widely publicised on radio and TV and he met with many senior Government people while there. The representative expressed her thanks to Mr Catelin and the Ozone Secretariat for organising and funding the visit. She assured the Secretariat of her Government's continued efforts to work closely with New Zealand to resolve their situation for full ratification of the Montreal Protocol and its amendments in due course.

### **2.5.2 Fiji**

Nirupa Ram is the main contact in Fiji. She also has two assistants, Ms Penina Solomona and Mr Shakil Kumar, who participated in the workshop.

They plan to ratify the outstanding amendments (Montreal and Beijing) this year if possible.

Recent activities have focussed on the training of refrigeration sector technicians and Customs Officers. This is "Phase 2" training where those "trainers" who were trained at the initial "Train-the-Trainer" workshops are now carrying out further training for others in Fiji. The Ozone Office is assisting with this. They estimate that more than 300 refrigeration sector refrigeration technicians have now been trained. As well as assistance with refrigeration sector training, another four or five workshops are planned to complete training of all Customs Officers under Phase 2 of that project, with the first workshop being held that same week in Nadi.

They have also produced a supplement for one of the local newspapers to continue to raise awareness in Fiji.

### **2.5.3 Marshall Islands**

The contact on ODS issues remains Mr John Bungitak of the RMI EPA.

The SPREP International Consultant visited the Marshall Islands in August 2001 and conducted several workshops to raise awareness. Since then the EPA has been actively involved in preparing their NCAP and getting approval for this from their Government.

They are having ongoing discussions with the operators of the US military facility at Kwajalein Atoll to ensure that any ODS being used on the base are being used in accordance with US EPA standards and requirements.

### **2.5.4 Nauru**

The contact on ODS issues in Nauru is Mr Joseph Cain of the Department of Industry and Economic Development. This is the first meeting on the Montreal Protocol that Nauru has

attended. They only ratified the Montreal Protocol in December 2001 and are still learning about their obligations. To assist them, SPREP's APO visited Nauru in April to conduct an awareness-raising workshop and to help collect data on ODS consumption. The report is not yet complete, but revealed a very high use of HCFC-22 for servicing air-conditioning equipment, and some ongoing use of CFC-12 to service car-air conditioning and domestic refrigeration equipment.

#### **2.5.5 New Zealand**

The New Zealand Government was unable to send a representative, but Iain M<sup>c</sup>Glinchy distributed copies of the recently revised code of practice for the refrigeration industry for countries to use if they wished. He also distributed material on a new, voluntary, accreditation system for refrigeration technicians that was launched in NZ at the same time as the workshop was being held in Nadi.

#### **2.5.6 Niue**

Sione Talagi remains as the contact for ODS issues. There has not been significant progress in Niue with the implementation of the Montreal Protocol as they have been working on their ratification. Following the visit by Mr Milton Catelin the (former) President of the Bureau of the Montreal Protocol, appropriate documents were signed and sent to the UN Treaty Office, but, for complex reasons, their ratification was rejected. The Government of Niue is now working with the Government of New Zealand through the Legal Division of the New Zealand Ministry of Foreign Affairs and Trade to seek a way forward. A lawyer will be visiting Niue in the week after the Nadi workshop to discuss this issue, among others.

#### **2.5.7 Palau**

There is a new contact for ODS issues in Palau. Mr Ethan Daniels has taken over responsibilities from Youlsau Bells.

Following the workshop in Apia in 2001, Palau ratified the Vienna Convention, the Montreal Protocol and all of the Amendments. The SPREP international Consultant visited in August 2001 and conducted several workshops to raise awareness. Since then a committee of the heads of the environmental agencies has been established to advise the President on issues such as the Montreal Protocol.

#### **2.5.8 Papua New Guinea**

The ODS focal point is Mr Gabriel Luluaki.

The Ministry of Foreign affairs has prepared a paper to get PNG to accede to the 1992 Copenhagen Amendment. The new Minister of Foreign Affairs will sign this once he or she has been appointed after the elections which are being held in June 2002.

The Government has engaged the German development agency, GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit) to develop their RMP. They have just held a workshop in Port Moresby with GTZ and SPREP's international consultant that launched the process of data collection and policy development. GTZ has engaged a local consultant to collect consumption data as there is uncertainty if trends in consumption that have been reported are real, or a result of different ways of collecting data. The consultant is expected to report with revised consumption data in the near future.

There is already a licensing scheme in place in PNG to control POPs (persistent organic pollutants) and the Government is looking to see if this can be modified to control ODS consumption.

### **2.5.9 Samoa**

A new ODS officer, Ms Filomena Nelson has been appointed to replace Ms Faainoino Laulala. Ms Nelson started at the Department of Lands, Surveys and Environment in October 2001. Since then she has been involved in a wide range of activities to implement the Montreal Protocol. Among the tasks have been collecting data on Samoa's 2001 ODS consumption which will be reported to the Ozone Secretariat shortly. They established that a small amount of CFC-12 was imported in 2001, but most imports were now of alternatives.

Samoa has ratified all of the amendments to the Montreal Protocol with effect from December 2001.

A draft NCAP was developed for Samoa, as part of the Regional Strategy, even though Samoa will not receive any additional funds. This was submitted to UNEP at the same time as the other country's strategies.

Draft regulations to control CFCs and other ODS in Samoa have been submitted to the Samoan Cabinet, but have not been agreed by them. The Department hopes to carry out the first phase of the Customs training in September 2002, but this depends on the approval of the draft regulations. Under rules for the funding, Customs training cannot go ahead until there are regulations.

### **2.5.10 Solomon Islands**

The contact on ODS issues is Kenneth Bulehite from the Ministry of Mines and Energy.

The Solomon Islands have ratified all of the Amendments to the Montreal Protocol, except the Beijing Amendment. He pointed out that the Regional Strategy contained a mistake as it failed to note that the Solomon Islands had ratified the Montreal Amendment. A draft instrument to ratify the Beijing Amendment has been prepared and submitted to the Cabinet for approval.

Regulations have been drafted under the Customs and Excise Act to make ODS imports "Restricted Imports". These have not yet been passed due to the political unrest in the country. If it was not possible to amend the Customs Act, they may consider regulations under the "Safety at Work Act" which is used to control toxic substances in the Solomon Islands.

The Solomon Islands is one of the few countries to have collected and reported their ODS consumption data for 2001. Most imports were of HCFC-22 which had increased from 2 tonnes in 1999 to 8 tonnes in 2001 and non-ODS refrigerants. 600 kg of CFC-12 was imported.

In the past the fishing companies in the Solomon Islands have been largely foreign owned. However, since the "tensions", these have been sold to local companies. As most refrigeration training had been provided by the foreign companies there may be implications for future training on ODS issues now that companies are locally owned.

### **2.5.11 Tonga**

Tukia Lepa is acting as the ODS co-ordinator.

He has been busy preparing a 20 minute documentary in Tongan on the ozone layer and about how the phase-out of ODS will affect Tonga. This is being done using local resource materials and small amount of funding from SPREP. He said it was proving difficult to translate some of the ideas about ozone depletion into Tongan as it lacked equivalent terms.

Tonga has prepared draft ODS regulations that will be implemented under their new Environment Act. The regulations were prepared with assistance from SPREP as part of a wider programme of assistance, rather than under the Regional Strategy. The ODS regulations are based on a simplified version of the New Zealand ODS controls. The meeting discussed the regulations briefly and Mr Lepa agreed to circulate these to other PICs. He thought they could be a good model for others to follow.

There has been no progress on the ratification of the Copenhagen Amendments. A Cabinet Submission was prepared to enable this, but this has not been approved. The participants suggested that other countries in the region might like to raise the issue of ratification with senior officials in Tonga to encourage them to take the necessary steps for ratification.

He had tried to collect data on ODS imports for 2001, but had difficulty collecting data from Chinese traders who reportedly import CFCs from Hong Kong. The importer did not have any stock at the time of the visit, but expected another shipment soon. This trade will be controlled by the new regulations once they become law.

### **2.5.12 Tuvalu**

They have a new contact point for ODS issues: Ms Pepetua E Latasi who has taken over from Mataio Tekinene. The Government is currently actively considering ratification of the Montreal and Beijing Amendments and their agency has submitted a paper to their cabinet on this.

They have carried out a survey of consumption for 2001 and established that there were no CFC imports. The main imports were HFC-134a, HCFC-22 and R507. The data will be sent to the Ozone Secretariat shortly.

### **2.5.13 Vanuatu**

The contact on ODS issues in Vanuatu is Ernest Bani. This was the first meeting on the Montreal Protocol which he had been able to attend, although he had been dealing with the Montreal Protocol in Vanuatu for a number of years.

The Government approved their NCAP which was developed with assistance from the International Consultant in late 2001. They are awaiting the result of their recent elections before any progress can be made on issues such as ratification of amendments.

### **2.5.14 Discussions after country presentations**

After the individual country presentations there were discussions on a range of topics



The participants asked about licensing system and training in Fiji. Ms Ram said it is a legal requirement in Fiji to attend the training courses in order to be licensed to purchase ODS. Ms Ram stressed the need for awareness among the technicians of the need for training and the need for a licence in order to continue to operate. The Fijian legislation is very broad in its definition of who needs to be trained. The regulations require training (and licensing) of owners of premises where ODS are stored, as well as people who use ODS (such as refrigeration technicians). Ms Ram said that it was a good idea for as wide a range of people as possible to be aware of how to handle ODS safely, but it had proved complex to implement the regulations as the definition of “premise” and “storage” was very broad.

The meeting also discussed the importance of regulations to support phase-out plans and agreed that all countries would need controls to ensure compliance. SPREP said it would circulate a CD ROM with electronic copies of regulations from Australia, Fiji, New Zealand and Tonga as examples for the countries to use. It was likely that the Tonga’s regulations would be the best example as they were the simplest, but countries could adopt whatever controls they wished.

The IC also circulated copies of the cover pages from the UNEP DTIE publications “*Regulations to Control Ozone Depleting Substances: A Guidebook*” and “*ODS Import/Export Licensing Systems: Resource Module*”. He noted that these contained a lot of useful material and that they had been given to all participants at the previous workshop in 2001. If participants could not find copies in their offices, they should request additional copies from SPREP or UNEP DTIE.

## **2.6 Good Practices in Refrigeration Training from Fiji’s perspective. (Including practical demonstrations)**

Mr Narendra Reddy of J Kevi Refrigeration and Air-Conditioning in Nadi gave the first session. Mr Reddy had taken part in the “train-the trainer” training sessions carried out in Fiji in 2001. He spoke about his experiences with the training and demonstrated some of the equipment that he used to minimise leakage and ensure good practice.

The training included coverage of good practice and ozone protection. In particular Mr Reddy said that it dealt with techniques to improve good practice by technicians so they did not release the substances to the atmosphere, both during manufacture and during servicing. He said it was important for the public to be aware that the training was going on, so that they would support technicians who were qualified. Technicians following good practice sometimes had to charge more, especially if the tasks took a longer time, so customers had to be prepared to support the “good” technicians. It was noted that most of the NCAPs said the government would promote trained technicians through newspaper advertisements.

He said that for most of the training, only simple facilities were needed. He did not think it was necessary to teach people in fully equipped training facilities because the techniques and tools might not be available to them in their own workshops.

One concern he noted was that for many companies and particularly for smaller companies it can be difficult to get the time off during a working day to attend a course. He thought evening courses should also be provided, especially if training is to be mandatory.

Among the questions asked, was what to do with CFCs that have been recovered. The resource people explained that the Montreal Protocol Multilateral Fund will not pay for destruction of CFCs (or other ODS). This is partly because production is still occurring so destruction would not necessarily reduce global consumption. Also, the cost of destroying CFCs is more than the Fund can afford.

Most developed countries have established industry-based funds to collect a levy on the sale of refrigerants that is then used to pay for destruction. Such schemes exist in New Zealand, Australia and Canada.

In smaller countries the “best” use of recovered CFCs is to re-use them in car air conditioners. Because of their design car air-conditioning units are much more tolerant of impurities than most other forms of refrigeration equipment.

Several participants raised the issue of involving the informal sector in the training. The size of this problem is largely a function of the size of the country. Smaller countries can usually identify all participants. In other countries it is usually best to work through ODS importers and suppliers. Also, most service companies know who their competitors are, so they can be useful in identifying people, although this can be time consuming.

If there is a national training facility that teaches refrigeration it is important that they include the material on good practices in any future national training programmes, so that new entrants are aware of good practices. It will be important to involve any tutors in the initial “train the trainers” programmes. The funding provided from the Multilateral Fund is only intended to cover the initial “train the trainers” training. No specific funds have been allocated for the “Phase 2” ongoing training in the eight countries. If countries wish, they can use some of their funding to subsidise any additional training and not spend these funds in other areas.

It may also be useful to look at combining training in good practices with general training under other aid programmes. Any arrangements would need to be made with the individual countries, but it would be reasonable, especially in the smaller countries that did not have training organisations, to take the opportunity to upgrade their skills. Requests for this additional training could be made either to SPREP or to traditional aid and development agencies.

## **2.7 Draft Agreements and Implementation of National Compliance Action Plans (NCAPs)**

Following a presentation from Mr Taituave about the framework for an agreement between SPREP and the countries there was a series of small group discussions. These small groups concentrated on discussing how the Regional Strategy would be implemented in each country and what administrative procedures will be needed to ensure the transfer of funds from SPREP to the individual countries. In particular the groups looked at the administrative arrangements that would be needed to transfer the funds approved under the Regional Strategy.

Among the key points to emerge from the discussions were that because each country already had a detailed NCAP setting out what activities they would undertake they would not need a complicated legal document to transfer the funds. The actual agreement with SPREP could be

very simple and then contain the NCAP as an annex that sets out the activities countries will undertake.

It will be necessary for each country to identify which agency will sign the agreement with SPREP. In many cases this will be a Minister, but can be a Head of Department, depending on the usual practices in that country. It will also be necessary for each country to establish a specific bank account for the project, which may be difficult in some countries. Countries may wish to start work on this now to ensure rapid implementation.

SPREP will prepare draft financial agreements and circulate these for comments to each country before the end of June. SPREP also agreed to send a letter to the Government of each country explaining in detail what funds had been allocated to their country and how these would be disbursed.

## **2.8 National Legislation - Fiji's Experience on the Control of ODS under the ODS Act and Regulations**

Fiji is the only country in the Pacific to have legislation to control ODS consumption. Ms Nirupa Ram gave a short presentation on the key features of their Act and regulations. This was followed by a discussion of the Fiji legislation and of the process of drafting controls in general.

The Fiji Government introduced their first Act to control ODS in 1998 and followed this up with regulations in 2000. Among the key features of the Fijian controls are that all imports of CFCs stopped in 2000 as a result and that HCFCs are to be phased out by 2030 under current regulations. The Fiji Government places a levy of FJ\$1 per kg of HCFC imported and this fund is held in a special trust account. The regulations place strict criteria on how this money can be spent. Possible activities include the costs of enforcement and operation of their office and awareness raising activities. At this time it cannot be used to pay for the destruction of ODS, but the Office is considering this matter.

In answer to questions, Ms Ram said that countries must keep their legislation very short and simple. It was also vital to the successful implementation of the legislation that ODS officers be able to understand their own laws. This meant that, as far as possible, the controls should be written in "plain English". She suggested that one way of overcoming the complexity of legal language during drafting is to initially draft the controls into a simple form that can be easily interpreted. The simplified instructions can then be given to the government drafters or solicitors to convert it into legal language. She also recommended that, because of the long time it takes to write and pass Acts, countries should try to modify existing controls, rather than write new Acts. Several other participants also made comments on this, and stressed the need for simple, clear controls. Mr Tukia Lepa from Tonga said that although their new regulations had been drafted by another agency, they were clear and easy to read and may be a good model for other countries. As noted above, these will be circulated to all PICs on a CD-ROM in the next few months.

Penalties should be kept high, especially for illegal imports as a deterrent. High penalties in legislation can act as a deterrent to bad behaviour. The penalties should be kept in line with other environmental or border control offences where these exist.

Ms Ram made reference to the need to actively involve people from the refrigeration service industry in holding workshops to raise awareness of the controls. It was important to achieve good compliance. Mention was also made that the FJ\$200 cost for a licence to register as a technician was seen as too high by many, especially by smaller companies, or where companies had refused to pay the costs for their workers. To help workers, the Government is allowing workers to spread payments over a longer period. They also noted that the FJ\$200 was a one off cost, and it only cost FJ\$10 per year to be re-registered.

Under the more general discussions that followed there was an enquiry about possible training in good practices in fumigation using methyl bromide. It was explained that no funds had been allocated under the Regional Strategy for this as the consumption was exempted from phase-out where it was used for quarantines and pre-shipment fumigation. If countries wanted additional training in this area, they should contact the aid/development agencies, either directly or through SPREP, as there are a range of other programmes that may be able to assist with this type of training.

## **2.9 UNEP Training activities**

Mr. Suresh Raj, UNEP's Capacity Building Manager & PIC Project Co-ordinator gave a presentation about the training schemes implemented by UNEP in other countries and what assistance might be available under the PIC Regional Strategy.

A copy of the presentation is attached.

## **2.10 Other issues**

### ***2.10.1 Use of internet among PICs to communicate on Montreal Protocol***

Mr Taituave highlighted the importance of having access to internet by Pacific Island countries to facilitate communication on issues related to the Montreal Protocol. While many, such as had direct access to the email, others had great difficulties. Many said they could only use the internet at certain times of the day, often after office hours when phone lines were free or they had to go to another place to use a machine. The representative from PNG said that because of financial problems in their department, they did not have any access to the internet or to telephone lines at their offices at present. Both Solomon Islands and Tonga said that access was limited. Others, such as Palau, FSM and Vanuatu said they had no difficulties in accessing the email.

Most participants said that while sending and receiving small text messages was not difficult, they often had great difficulties in downloading attachments, especially those larger than 100kb as they take too long to download.

Under the Regional Strategy funding countries will be able to buy computers and modems, and establish their own email accounts, if this is allowed under their own national financial controls. One person suggested that it could be a part of the agreements with SPREP that the Governments must provide internet access for the project.

## 2.11 UNEP's Compliance Assistance Programme

Mr Suresh Raj explained the new Compliance Assistance Programme (CAP) that is being implemented by UNEP DTIE. Under this strategy more assistance will be provided from regional offices, such as the UNEP office in Bangkok. This reflects the shift in activities among all of the implementing agencies towards those intended to ensure ongoing compliance by all Parties with the Montreal Protocol.

## 2.12 Data Reporting

Mr Thanavat Junchaya, Regional Network Co-ordinator for South-East Asia and the Pacific from UNEP's Regional Office in Bangkok, gave a presentation on data reporting obligations. Under the Montreal Protocol data reporting is important to the PICs for several reasons. It is an obligation for all countries to report annual consumption data to the Ozone Secretariat in Nairobi and failure to report can see countries listed as being in non-compliance. It is also important because the ExCom made it a condition of receiving the second instalment of funds:

- “That the [eight] Governments present information to the Executive Committee annually on progress being made in the implementation of the national compliance strategies, in accordance with the decision of the Executive Committee on implementation of country programmes.
- The initial report, covering the period 1 April 2002 to 31 December 2002, should be submitted to the Fund Secretariat no later than 1 May 2003”

In his presentation on the first day, Mr Taituave reported that according to the Ozone Secretariat, many PICs had not reported their annual data, as required by the Montreal Protocol. In some cases countries had not submitted any data, and in others, it was only certain years that were missing. In particular many countries had not reported data for 1986. This data is required by the Montreal Protocol because it is the base year for Developed Countries for CFC phase-out. Article 5 countries, such as the PIC must still report this data, but it has no significance for them. However, if countries do not submit some data, the Ozone Secretariat will continue to request it. Mr M<sup>c</sup>Glinchy, the International Consultant, explained that as none of the PICs had actual data for 1986, countries should simply report the oldest year they have data for (usually 1995) and say it was the same in 1986. As the data has no implications for compliance these is no need to be accurate.

The presentation by Mr Junchaya gave a detailed account of what each country has to report to the two Secretariats (the Ozone Secretariat and Multilateral Fund Secretariat) and when it has to be submitted. Following his presentation the participants held small group discussions about their own data reporting obligations and methods they could use to ensure accurate and timely reporting. The following summarises the key points that were reported back from the groups.

There may have been some confusion about data reporting for methyl bromide consumption in the PICs. Although the consumption of methyl bromide for quarantines and pre-shipment fumigation is exempted from all controls under the Montreal Protocol, Parties must still

report on the amounts they consumed (i.e. imported). They must report this information annually on the appropriate forms to the Ozone Secretariat.

A number of participants raised concerns that they had reported data, but they were still reported as not having done so. The group discussed this and said that the best thing was to send the data directly, by email and request a confirmation from the Ozone Secretariat that they had received it. If the data is kept electronically, it is then easily able to be re-sent if there is a problem. The participant from the Solomon Islands said that he emailed a copy and then posted a hard copy of his data and had had no problems with the Ozone Secretariat not accepting his data. It was also noted that the Ozone Secretariat would only accept data on the appropriate forms. Also, even if the consumption is zero, countries must send the correct form to report this.

Several participants and resource people noted that the introduction of a licensing system for imports of ODS would help data collection significantly. Although customs departments collect data on imports, their data is not precise enough to use to report to the Ozone Secretariat. It will therefore be necessary for the new National Compliance Centres (approved under the Regional Strategy) to collect the data themselves.

Many of the countries said that they had begun to collect their consumption data for 2001, but only the Solomon Islands had actually transmitted this to the Ozone Secretariat. If countries need assistance with the collection or analysis of the data they can contact SPREP or the International Consultant for help.

All participants agreed to send the Ozone Secretariat all outstanding data that they are required to report. As this data can be found in their NCAP documents, this was only a case of entering the data on the correct forms and emailing it to Gilbert Bankobeza at the Ozone Secretariat (Gilbert.Bankobeza@unep.org).

### **2.13 Participation of an PIC country representative on the ExCom**

The possibility of a PIC being represented on the ExCom has been raised on a number of occasions in the past including at the last PIC meeting on the Montreal Protocol in Apia in 2001, and at the meeting held in the margins of the OEWG in Geneva. The ExCom (or to give it its full title, the Executive Committee of the Multilateral Fund of the Montreal Protocol is the decision making body for the allocation of funds under the Multilateral Fund. It meets three or four times a year to consider funding proposals, such as the Regional Strategy. So far there has been no representation from the Pacific region on this committee.

The participants discussed this matter for some time. In particular there was a concern that the workload of the committee is substantial and that if the Pacific was to nominate a person, that person would have to be able to devote sufficient time to the task to justify them taking part.

The participation of “article 5 countries”, (e.g. the PICs) on the ExCom is decided on a regional basis. At present China is on the ExCom representing the Asia and Pacific region. While the Pacific could request to be part of the ExCom as a full member it might be easier to take part as a co-opted member as part of another country’s delegation. This means that the person would participate as part of another delegation. This is a common practice, as the ExCom will fund up to three participants per delegation, including co-opted members.

The decision of who will sit on the ExCom from the Article 5 countries is made at the Meeting of the Parties. The decision is usually made in a small group discussion. There is no automatic right of participation so if a PIC wanted to be on the ExCom, they would have to attend the Open Ended Working Group (OEWG) in Montreal in July to lobby for this position.

After further discussions, the workshop agreed that participation at the ExCom was a useful activity, but was potentially time consuming. The Workshop participants recommended that the Government of Samoa or Fiji, which have been involved in the Montreal Protocol process for the longest, nominate a participant. The process of nomination to the ExCom required greater clarification and this should be discussed with other delegates by those PICs that are attending the up coming OEWG being held in Montreal in July 2002.

#### **2.14 Endorsement of the approved Regional Strategy**

As a final item, the participants discussed the endorsement of the Regional Strategy by the SPREP Ministers at their upcoming meeting in the Marshall Islands. SPREP has already included an item on the agenda to request their endorsement so that the strategy is seen to have regional, as well as national level approval. They will circulate a copy of the paper to all participants after the workshop. After some discussions about the possibilities of signing the various memorandums that are needed to commence the project at the SPREP Ministers meeting, the participants agreed that this could be resolved between SPREP, UNEP and the Government of Australia. The only action that was required from the participants was for them to brief their Ministers on their own NCAPs and that the Ministers should support the Regional Strategy when the issue is raised.

### **3 Action Points**

SPREP will circulate electronic copies of legislation from Australia, Fiji, New Zealand and Tonga to all PICs. PICs, with the assistance of the SPREP International Consultant, should use these as a model to begin development of their own national legislation as soon as possible as Customs training cannot commence until national controls are in place.

SPREP will prepare draft financial agreements to transfer funds under the Regional Strategy to individual countries and circulate these for comments to each country before the end of June.

SPREP will send a letter to the Government of each country explaining in detail what funds had been allocated to their country under the Regional Strategy and how these would be disbursed.

Participants agreed to submit all outstanding consumption data to the Ozone Secretariat by the end of June 2002 using data presented in their NCAPs. SPREP agreed to assist in this and provide advice where necessary.

SPREP will continue to encourage all countries to ratify the Montreal Protocol and all of its amendments. They will provide advice to Governments on this where necessary.