

EXPLANATORY MEMORANDUM ON THE KIGALI AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

Title of Treaty

Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer

Command Paper Number:

Subject Matter

This explanatory memorandum refers to the proposed ratification by the United Kingdom of an amendment to the United Nations' Montreal Protocol. The amendment requires a phase down of the production and use of hydrofluorocarbon greenhouse gases (HFCs) in order to mitigate climate change.

The Montreal Protocol is the international treaty to protect the stratospheric ozone layer. It has so far succeeded in phasing out 98% (by potency) of the chemicals responsible for causing damage and, as a result, the ozone layer is showing the first signs of recovery. Those chemicals were principally used in refrigeration, air conditioning, aerosols, insulation foams, fire extinguishers and various other industrial applications. The main family of replacement chemicals, HFCs, do not damage the ozone layer but are potent greenhouse gases. As part of global efforts to tackle climate change, countries agreed at the Montreal Protocol meeting in Kigali, Rwanda in October 2016 to phase down the production and use of HFCs. Developed countries agreed to an 85% phase-down between 2019 and 2036; most developing countries agreed to 80% between 2024 and 2045; and ten developing countries (India, Pakistan, Saudi Arabia, Bahrain, Kuwait, Oman, Qatar, The United Arab Emirates, Iran and Iraq) agreed to 85% between 2028 and 2047.

The growth of refrigeration and air conditioning in developing countries means that without this agreement, HFC use could have amounted to as much as 11% of global greenhouse gas emissions by 2050. It is estimated that this deal will avoid cumulative emissions equivalent to between 74 and 84 billion tonnes of carbon dioxide by 2050, which equates to the output of over 700 coal fired power stations operating between now and 2050. In turn that is likely to avoid close to 0.5 degrees Celsius of global warming by the end of this century, making a major contribution to the Paris climate agreement goal of keeping the global temperature increase well below 2 degrees.

The amendment will enter into force on 1 January 2019 provided at least 20 parties have ratified it by then. If there are not 20 ratifications by that date it will enter into force 90 days following the 20th ratification.

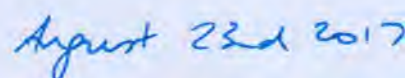
The European Union and each of its Member States, including the UK, are parties to the Protocol in their own right and each will need to ratify individually.

(iv) Implementation

The 2014 EU Fluorinated Greenhouse Gases Regulation is directly applicable which means the legislation is already in place to enable the UK to meet the new UN obligations up to 2030. A scheduled review of the EU Regulation in 2022 will be used to determine how the EU meets the Montreal Protocol's final step of an 85 per cent cut by 2036. The Government intends, subject to parliamentary approval, to incorporate EU law into UK law, where appropriate, following our exit from the EU. This would mean that after exit there would continue to be legislation in the UK to enable the UN obligations up to 2030 to be met. It would, in addition, mean that the Government would undertake a review in 2022 which could be used to determine how to meet the final phase down step in the UK. On the assumption that the final step would involve new regulatory requirements, it may be subject to the "one in, three out" rule.

(v) Consultations

UK industry, environmental stakeholders and the devolved administrations were kept informed of the Montreal Protocol negotiations and are broadly supportive of the outcome, which helps level the global playing field for UK businesses and brings significant global environmental benefits. Industry and environmental groups took part as observers during the negotiations and expressed their views to the negotiators from the UK and other countries. The Overseas Territories and Crown Dependencies were also informed of the negotiations and will be consulted about their own ratification, which is a decision for the Governments of those territories and dependencies.



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