



Kigali Amendment Regulatory framework, benefits and policies for the ratification



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The Kigali Amendment to Montreal Protocol on substances that deplete the ozone layer, adopted on 15 October 2016

- Ratification
- Reasons to become a Party
- Benefits of becoming a Party
- Policies for enabling compliance with the Kigali Amendment



Ratification, Acceptance, Approval or Accession (1)

- **'Ratification'** is an act by which a State signifies an agreement to be legally bound by the terms of a particular treaty. To ratify a treaty, the State first signs it and then fulfils its own national legislative requirements. Once the appropriate national organ of the country – Parliament, Senate, the Crown, Head of State or Government, or a combination of these – follows domestic constitutional procedures and makes a formal decision to be a party to the treaty. The instrument of ratification, is then prepared and deposited with the United Nations Secretary-General in New York.
- **"Accession"** is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force.

[Arts. 2 (1) (b) and 15, Vienna Convention on the Law of Treaties 1969]



Ratification, Acceptance, Approval or Accession (2)

- **“Acceptance or Approval”**

The instruments of "acceptance" or "approval" of a treaty have the same legal effect as ratification and consequently express the consent of a state to be bound by a treaty. In the practice of certain states acceptance and approval have been used instead of ratification when, at a national level, constitutional law does not require the treaty to be ratified by the head of state.

[Arts. 2 (1) (b) and 14 (2), Vienna Convention on the Law of Treaties 1969]



Reasons to become a Party to Kigali Amendment

- The Montreal Protocol, the instrument of the Vienna Convention on the preservation of the Ozone layer succeeded to put the ozone layer on its road to recovery, mitigating also for the climate change
- Phasing down production and consumption of HFCs, it is expected **to avoid up to 0.5 °C of warming until the end of the century**
- Adopting new technologies will enable countries to gain competitive advantage on the market, as many of the latest developed **alternative technologies lead to energy efficiency** and **better products quality**
- Through the Kigali Amendment, the Montreal Protocol community undertakes responsibility for HFCs contributing to the sustainability goals, **consistent with the 2030 Agenda for Sustainable Development.**



Trade access

- **Article 4 of the Montreal Protocol restricts Parties from trading controlled substances with states not party to the Protocol.** The Kigali Amendment, when Article 4 enters into force, it will restrict trade in HFCs between parties and non-parties.
- The Amendment does not phase out the HFCs completely, but **introduces control of the listed substances** due to their impact on the atmosphere chemistry



Benefits

Article 5 parties to the Kigali Amendment will be able **to access financial support** through the Multilateral Fund mechanism of MP

Key decisions of the 28th MoP

- Article 5 parties “will have **flexibility** to prioritize HFCs, define sectors, select technologies and alternatives and elaborate and implement their meet agreed HFC obligations, based on their specific needs and national circumstances, following a country-driven approach”
- **High-ambient-temperature exemption:** There is an exemption from the HFC phase-down for Article 5 parties from the requirements to phase down HFCs for high-ambient-temperature countries.



Policies for enabling compliance with the Kigali Amendment

Setting-up the institutional framework for implementation and compliance

- designating responsible Ministry(ies) for implementation and compliance
- Establishing steering committees and national coordination mechanisms
- extending ODSs **licensing system** to cover the HFCs, and further extending the ODSs control regime to HFCs
- data collection, **monitoring and reporting requirements for HFCs** production and consumption and for HFC-23 emissions where relevant



Other policy measures to support HFCs control

Capacity building

- Identifying the relevant stakeholders
- Training in view of capacity building for customs, environmental inspectors
- Training on HFCs alternatives safe use addressing the refrigeration stakeholders
- Building expertise on alternatives other the relevant sectors using HFCs
- Liaise with standardization national bodies to prepare the market for alternative technologies

Economic incentives for HFCs alternative technologies

Use restrictions

- Specific use bans / bans on specific new equipment introduction on the market functioning on HFCs

Awareness raising

- Targeted awareness campaigns



Thank you for your attention

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