

Jamaica's Implementation of the Kigali Amendment to the Montreal Protocol



INTERNATIONAL & INDUSTRY LIAISON UNIT

TRADE BEAT



The Government of Jamaica, in collaboration with the United Nations Development Programme (UNDP), has embarked on a national project dubbed “Implementing enabling activities for the ratification of the Kigali Amendment”. After reaching the minimum ratification threshold, The Kigali Amendment to the Montreal Protocol will enter into force on 1 January 2019. The threshold for the agreement was met on 17 November 2017, when a minimum of 20 Parties ratified the Kigali Amendment, triggering its impending entry into force.

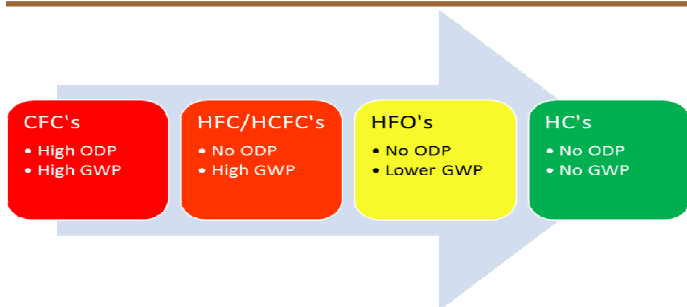
Background

The 28th Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer was held during October 2016, in Kigali, Rwanda. In the interest of building on commitments to protect the climate and the ozone layer, more than 170 countries agreed to amend the Protocol. The Kigali Amendment aims to reduce the production and consumption of hydrofluorocarbons (HFCs), as a complement to the already existing phase out of hydrochlorofluorocarbons (HCFCs) and chlorofluorocarbons (CFCs) under the Montreal Protocol. HCFCs, CFCs and HFCs are all synthetic substances that are used as refrigerants. These substances are largely used in the refrigeration cycle of air conditioning and refrigeration equipment due of their thermodynamic properties. These halogenated refrigerants have to be chemically synthesized as they do not occur in nature or only occur in trace concentrations. CFCs and HCFCs are ozone depleting substances (ODS) and are being phased out through the Montreal Protocol, due to their ozone depletion potential (ODP), as well as their global warming potential (GWP). On the other hand, HFCs have zero impact on the depletion of the ozone layer, and their use was highly encouraged as replacements for both CFCs and HCFCs. However, HFCs are powerful greenhouse gases that significantly contribute to global warming, which creates a harmful rise in the earth’s temperature. The addition of the Kigali Amendment to the Montreal Protocol seeks to phase down the use of HFCs and promote more environmentally friendly substances like natural refrigerants which are climate friendly and have very low or zero global warming potential (GWP) and zero ozone depletion potential (ODP).

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Kigali Amendment



The Kigali Amendment

The addition of the Kigali Amendment to the Montreal Protocol, strengthens the international instrument, by tackling both global warming and reducing the use of ODS. With the Kigali Amendment, the Montreal Protocol will become an even more powerful instrument in the fight against global warming, leading to the avoidance of an up to a 0.5 °C increase in global temperature by the end of the century, which is aligned with the objectives of the Paris Agreement. Parties to the Paris Agreement have committed to adopt green energy sources, cut down on climate change emissions and limit the rise of global temperatures, through cooperation in coping with the impact of unavoidable climate change. The Kigali Amendment also envisions an over 80% reduction in the consumption of HFCs by 2047. A shift from the use of HFCs to ozone and climate-friendly alternatives is being advocated across the international community, promoting energy efficiency and the use of low-carbon and low-emission technologies and practices.

The Montreal Protocol

The Montreal Protocol on Substances that Deplete the Ozone Layer is the premier multilateral environmental agreement (MEA) that regulates the production and consumption of nearly 100 manmade chemicals that have been designated ODS. This landmark MEA was adopted on 15 September 1987, and is the only United Nations treaty that has been ratified by all 197 UN Member States. The Montreal Protocol is designed to gradually phase down the consumption and production of various ODS according to timetables differentiated between developed and developing countries. Developing countries are listed under the Protocol as Article 5 countries, while developed countries are listed as Non-Article 5 countries.

Obligations of the Parties

All Parties to the Montreal Protocol have specific responsibilities relating to the phase out of the different groups of ODS, the control of trade, annual reporting of data and national licensing systems to control ODS imports, exports and all other related matters. Both developed and developing countries have equal but differentiated responsibilities under the Protocol. Nonetheless, both groups have binding, time-targeted and measurable commitments to the provisions of the Protocol. The Protocol stipulates that the production and consumption of compounds that deplete ozone in the stratosphere such as CFCs, and other ODS were to be phased out by the year 2000 for Non-Article 5 countries, while Article 5 countries were given until 2010 to complete their phase out exercises. Fumigants such as methyl bromide were given until 2015 to be phased out in Article 5 Countries, while HCFCs are scheduled for phase out by the year 2040. If no suitable alternatives were identified and the stipulated phase out deadline could not be met, allocated quantities for Article 5 countries may still be allowed. These ODSs would be regulated through the national licensing system and supported by a stringent reporting mechanism, with a view for total phase out.



The Meeting of the Parties

The Montreal Protocol is governed by the Meeting of the Parties, and is supported by an Open-ended Working Group, which provides technical support, both of which meet on an annual basis. The Ozone Secretariat, provides assistance to the Parties to the Protocol, and is based at the UN Environment headquarters in Nairobi, Kenya. The Protocol lists the substances to be controlled under Annexes A, B, C and E, and is designed to evolve over time in line with new scientific, technical and economic developments, through amendments and adjustments.

Kigali Amendment

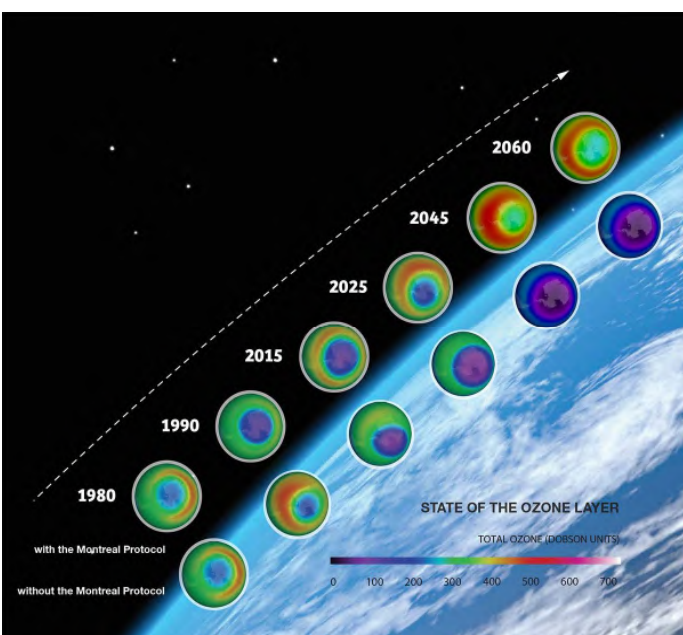
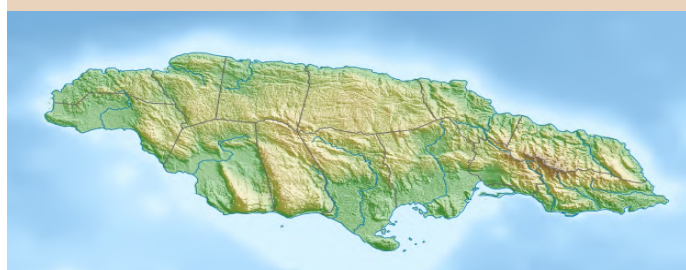
Funding Article 5 Countries

In keeping with existing developments, the Parties to the Montreal Protocol adopted the Decision XXVIII/2 related to the Kigali Amendment to phase down HFCs. As requested in paragraph 20 of the Decision, the Executive Committee should include funding of enabling activities to support Article 5 countries in the ratification process of the Kigali Amendment. At its 79th Meeting, the Executive Committee for the Implementation of the Montreal Protocol (ExCom), decided to provide funding for the implementation of the enabling activities required to support these Parties in the ratification process of the Kigali Amendment.



Licensing and Reporting of HFCs

- Article 7 requires each party to provide to the Secretariat statistical data on its production, imports and exports of each HFC listed in Annex F;
- Each party is also required to report statistical data on production, production for feed stocks, amounts destroyed, imports and exports to parties and non-parties respectively;
- Each party must report statistical data on emissions of HFC-23 per facility manufacturing Annex C or Annex F substances.
- The reporting begins for each party upon entry into force of the Kigali Amendment for the party and is to be submitted annually.
- Parties must report the establishment and operation of the licensing systems within three months of their introduction.



These enabling exercises are designed to facilitate the early implementation of the Kigali Amendment, based on the country's HCFC baseline consumption. Baselines have been established for almost all groups of ODS controlled under the Montreal Protocol. Baselines provide a benchmark or reference level for any control measures relating to the production and consumption of ODS which is typically carried out in the form of a freeze or a reduction to their trade and production. The Kigali Amendment was agreed upon with the overall objective of gradually reducing the global production and consumption of HFCs. It establishes specific targets and timetables to phase-down the production and consumption of HFCs.

Jamaica's Legal Framework

In 1993, the Government of Jamaica acceded to the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol on Substances that deplete the Ozone Layer, and has ratified all the previous Amendments to the Montreal Protocol. Jamaica is a Party to the Montreal Protocol and has enacted the Trade (Montreal Protocol) (Trade in Ozone Depleting Controlled Substances) Order that came into effect November 24, 2014. This order seeks to regulate the importation of ODS, ensuring that imports to Jamaica do not exceed the prescribed quota allotted for each entity. An annual quota allocation is given to each entity, where failure to comply constitutes a Breach of the Trade Order.

Kigali Amendment



Role of Customs

The Jamaica Customs Agency (JCA) plays a critical role relating to the control and regulation of all substances that have the potential for ozone depletion and global warming. As part of the mandate to secure and protect Jamaica's borders, the JCA recognizes that substances that have a high GWP or ODP have to be prohibited or restricted in order to preserve the environment and mitigate the adverse effects of climate change.

The JCA, on behalf of NEPA, regulates restricted and prohibited GWP and ODP substances, as well as enforces quota requirements and restrictions for companies and individuals importing HCFCs and CFCs in accordance with stipulations under the Montreal Protocol. In order to monitor the importation or exportation of these substances the JCA also has reporting obligations under the Protocol which is forwarded to NEPA. The ratification of the Kigali Amendment will see the JCA performing similar functions regarding the monitoring and control of HFCs. The JCA's use of the Automated System for Customs Data (ASYCUDA) World will contribute to greater efficiency and control using risk management techniques, over the paperless platform. To facilitate identification of HFCs, tariff classification codes will be disaggregated to allow greater distinction of substances and front line officers will receive specific training and equipment to aid in substance identification.

Jamaica's National Project

The Ratification of the Kigali Amendment should bring Jamaica in alignment with all current commitments of the Montreal Protocol. In order to facilitate enabling activities geared towards early ratification, the National Environment and Planning Agency (NEPA) of Jamaica initiated an implementation plan, as defined by the Kigali Project. The Project entitled "Implementing enabling activities for the ratification of the Kigali Amendment" began in January 2018 and is scheduled to continue for a duration of 18 months ending in June 2019.

The overall objective of the national project is to support the Government of Jamaica (GOJ) in its implementation of enabling activities to allow for the seamless ratification of the Kigali Amendment. Additionally, the project seeks to reinforce or modify legislation and policies in support of the early ratification of the Kigali Amendment. The project is being implemented through a joint effort of the GOJ and the UNDP, with the Montreal Protocol serving as the principal project donor. The project establishes a Country Working Group (CWG) which comprises key GOJ stakeholders, as well as private consultants to offer overall policy direction and technical guidance for implementation processes. The CWG is tasked with identifying the national requirements and needs for Jamaica to ratify the Kigali Amendment. This is reiterated across three major project outputs: strengthen legal and regulatory framework for the ratification and implementation of the Kigali Amendment; harmonise custom codes to be aligned with new series of pure and blended HFCs; and increase public awareness of the Kigali Amendment. In undertaking these enabling activities, the establishment of a sound foundation to undertake future work towards its implementation must be considered to ensure sustainability of the project. The Government of Jamaica is committed to the fight against global warming and supports the implementation of the Kigali Project as means to support this global initiative.

Kigali Amendment



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The International and Industry Liaison Unit is committed to raising the level of awareness on topics relating to the Caribbean Community, as well as issues concerning the wider topic of international trade, to both our internal and external stakeholders. Our monthly newsletter seeks to highlight global trade topics and their importance to Customs Administrations worldwide and specifically how they affect the Jamaica Customs Agency. As we realize our vision of becoming a modern Customs administration delivering excellent service, we recognize the importance of knowledge transfer in delivering our objectives and use this forum as our way of contributing to the vision of the JCA. The International Liaison Unit is located at the Myers Wharf head office and our officers are available to respond to your queries and clarify any points of concern.

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