

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE OZONE SECRETARIAT
OF THE UNITED NATIONS ENVIRONMENT PROGRAMME
AND
THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
ON BEHALF OF
THE SECRETARIAT OF THE INTERNATIONAL PLANT PROTECTION
CONVENTION
ON COLLABORATION
ON ISSUES RELATED TO METHYL BROMIDE**

This Memorandum of Understanding (hereinafter referred to as the “MOU”) is concluded between:

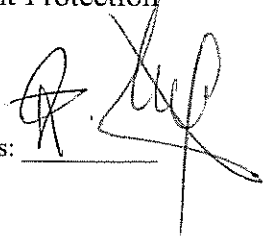
The Food and Agriculture Organization of the United Nations (hereinafter referred to as “FAO”)
on behalf of the Secretariat of the International Plant Protection Convention
(hereinafter referred to as “the IPPC Secretariat”)

and

The United Nations Environment Programme (UNEP) represented by the Ozone Secretariat
(hereinafter jointly referred to as the “Parties”)

I. BACKGROUND

1. Methyl bromide as a fumigant is an important tool for the control of some pests and diseases, particularly quarantine pests of plants and plant-derived materials. In some cases, the quarantine use of methyl bromide is critical for preventing spread of plant pests that could have huge economic or environmental consequences. However, methyl bromide is also a potent ozone-depleting gas. For these reasons, methyl bromide is of particular concern in two multilateral agreements: the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol) and the International Plant Protection Convention (IPPC).

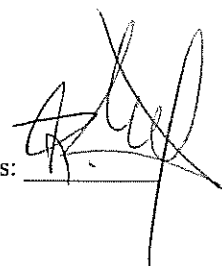
Parties' Initials: 

The Montreal Protocol on Substances that Deplete the Ozone Layer

2. The Montreal Protocol aims “to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations and bearing in mind the developmental needs of developing countries”. Typically, this is achieved through agreed controls on production and consumption of all ozone-depleting substances.
3. Methyl bromide was recognized as an ozone-depleting substance under the Montreal Protocol and control measures for the chemical was included in the Copenhagen Amendment, in 1992, under Article 2H of the Protocol. Agreed control measures required Parties to the Protocol to phase out the production and consumption of methyl bromide by 1 January 2005 for developed countries and by 1 January 2015 for developing countries. Most countries that use methyl bromide are Parties to the Copenhagen Amendment.
4. Three categories of methyl bromide use are exempted from phase-out under the control measures: (i) use as a chemical feedstock; (ii) use that the Parties to the Protocol deem ‘critical’ under Decision IX/6 of the Ninth Meeting of the Parties subsequent to complete phase out; and (iii) use for quarantine and pre-shipment (QPS). The Parties to the Protocol are required to provide the Ozone Secretariat statistical data on the annual amount of methyl bromide used for QPS purposes. Through a number of decisions taken over the years, Parties are also urged to implement procedures to monitor the uses of methyl bromide for QPS purposes by commodity and quantity.

The International Plant Protection Convention

5. The IPPC is a multilateral treaty, established under Article XIV of the Constitution of the Food and Agriculture Organization of the United Nations (FAO), which aims at cooperating on plant protection and health. First drafted in 1929, it entered into force in 1952 and has since been amended twice. The first amendment to the IPPC (1979) came into force in 1991 and the second (1997) in 2005. The IPPC is deposited with FAO and is implemented through the cooperation of Contracting Parties and regional plant protection organizations. FAO established the IPPC Secretariat in 1992. As of March 2012, the IPPC has 177 Contracting Parties. Article I, paragraph 1 of the IPPC defines its purpose as “...securing common and effective action to prevent the spread and introduction of pests of plants and plant products.”



6. The IPPC plays a prominent role in the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) of the World Trade Organization (WTO). Its role is to encourage international harmonization through the development of international standards for phytosanitary measures (ISPMs) to help ensure that phytosanitary measures are not used as unjustified barriers to trade. The latest amendment to the IPPC (1997) reflects its contemporary role, particularly with respect to its relationship with the SPS Agreement, and addresses cooperation and exchange of information toward the objective of global harmonization and the establishment and use of ISPMs.
7. In the past, several contracting parties to the IPPC had raised concerns about replacing or reducing the use of methyl bromide as a phytosanitary measure. In 2006, an Expert Working Group on Alternatives to Methyl Bromide met to develop recommendations on the use of methyl bromide and, in 2008, recommendations were presented to the governing body of the IPPC -the Commission on Phytosanitary Measures (CPM). The recommendations were adopted as the CPM Recommendation: "Replacement or reduction of the use of methyl bromide as a phytosanitary measure"¹. The Recommendation encourages Contracting Parties to put a strategy in place to reduce the use of methyl bromide for phytosanitary measures or reduce emissions of methyl bromide. The following areas for possible action were included:
 - replacing methyl bromide use
 - reducing methyl bromide use
 - physically reducing methyl bromide emissions
 - accurately recording methyl bromide use for phytosanitary measures.

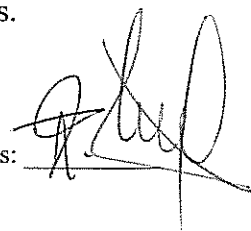
As a result, the Parties have decided to enter into the present MOU in order to facilitate the implementation of the above Recommendation within the scope of the Parties' respective regulations, rules and policies.

II. SCOPE OF COOPERATION

The Parties have agreed to cooperate as follows:

8. Within the framework of the Montreal Protocol and the IPPC, encourage national level officials and other stakeholders to cooperate and coordinate more closely to (i) ensure the objectives of both treaties are met when domestic actions are undertaken in relation to methyl bromide use for QPS purposes, and to (ii) develop positions for future decisions to be taken by parties of either agreement.
9. Encourage the parties to the Montreal Protocol and the parties to the IPPC respectively to gather data and information on quantities of methyl bromide used for QPS purposes by individual application; identify if there are feasible and approved alternatives for any of those applications; and report such data and information to the Secretariats.

¹ Report of the CPM-3 (2008), Appendix 6



10. Encourage the parties to the Montreal Protocol and the parties to the IPPC respectively to develop alternatives in QPS applications when methyl bromide fumigation is the only phytosanitary measure specified.
11. Encourage the parties to the Montreal Protocol and the parties to the IPPC respectively to (i) use alternatives in situations where methyl bromide and an alternative are both recommended for a particular quarantine treatment; and (ii) develop a statement of preference or other guidance for the non-methyl bromide alternative.
12. Promote the best fumigation practice in quarantine treatments with methyl bromide with emphasis on more efficient methyl bromide use and minimized emissions, while maintaining phytosanitary effectiveness.
13. Encourage the parties to the Montreal Protocol and the parties to the IPPC respectively the use of methyl bromide recovery and recycling technology, when technically and economically feasible, to reduce emissions of methyl bromide from quarantine treatments without alternatives, until such alternatives are available.
14. Promote and facilitate collaboration between the Montreal Protocol and the IPPC through joint participation of technical experts in the technical panels and committees of both treaties, such as the Methyl Bromide Technical Options Committee, the Technical Panel on Phytosanitary Treatments and the Expert Working Group on Alternatives to Methyl Bromide, to enhance communication and advice consistent with the aims of both agreements.
15. Exchange information and documentation with a view to maximize efficiency and effectiveness in advancing the mutual aims of the treaties, minimizing duplication of effort, and facilitating the national level coordination and consultation among relevant stakeholders. Such information includes: (i) reports and documents from the relevant technical bodies; and (ii) development and review of the methyl bromide related standards.

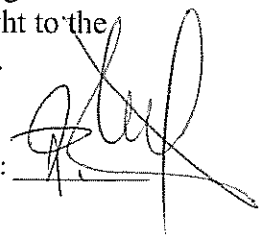
VI. GENERAL PROVISIONS

16. Nothing in this MOU or in any document or arrangement relating thereto, shall be construed as constituting a waiver of privileges or immunities of FAO or UNEP.

VII. SETTLEMENT OF DISPUTES

17. Any dispute between the Parties concerning the interpretation and the execution of this MOU, or any document or arrangement relating thereto, shall be settled by negotiation between the Parties. Any differences that may not be so settled shall be brought to the attention of the Executive Heads of the respective Parties, for final resolution.

Parties' Initials:



VIII. ENTRY INTO FORCE AND DURATION

18. This MOU shall enter into force upon signature by the representatives of the Parties and shall be valid for a period of five years. The Parties may jointly agree to extend such duration if they deem it necessary.

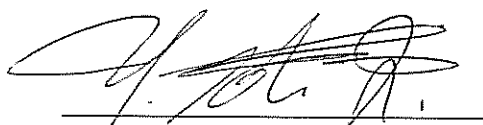
IX. AMENDMENTS

19. This MOU may be modified by the written mutual consent of the Parties, in accordance with their respective rules and regulations. Such amendments shall enter into force on the date of the last signature.
20. This MOU represents the complete understanding between the Parties and supersedes all prior MOUs, communications and representations, whether oral or written, concerning the subject matter of this MOU.
21. Any Annex to this MOU will be considered an integral part of this MOU. References to this MOU will be construed as including any Annexes, as varied or amended in accordance with the terms of this MOU.

X. TERMINATION

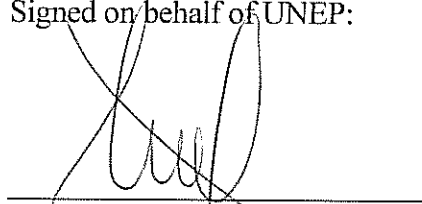
22. This MOU may be terminated by either of the two Parties upon sixty days written notice given to the other Party, provided that termination shall become effective with respect to any ongoing activities and projects only with the concurrence of both Parties.

Signed on behalf of FAO:



Yukio Yokoi
Secretary,
International Plant Protection
Convention,
Food and Agriculture Organization of
the United Nations,
Viale delle Terme di Caracalla, 00153
Rome, Italy

Signed on behalf of UNEP:



Marco A. Gonzalez
Executive Secretary,
Ozone Secretariat,
P.O. Box 30552,
Nairobi, Kenya

Date: 14 November 2012

Date: 14 NOVEMBER 2012

Parties' Initials: 