

Legal advice to support the implementation of the Montreal Protocol and its Kigali Amendment in Article 5 countries on the pilot basis

Law Branch, Law Division, UNEP



The **Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law** (Montevideo Programme V) is a ten-year intergovernmental programme designed to promote the development and implementation of environmental rule of law, strengthen the related capacity in countries and contribute to the environmental dimension of the 2030 Agenda.

Key objectives of the Montevideo Programme V include:

- Supporting the development of adequate and effective environmental legislation and legal frameworks at all levels to address environmental issues;
- Strengthening the effective implementation of environmental law at the national level; and
- Supporting enhanced capacity-building for increased effectiveness of environmental law for all stakeholders at all levels.

The Montevideo Programme V delivers technical legal assistance in support of its key objectives.

The Law Branch, in collaboration with OzonAction's Compliance Assistance Programme, offers this technical legal assistance to **Article 5 Parties** to support the development, updating and/or revision of their national compliance frameworks under the Montreal Protocol on Substances that Deplete the Ozone Layer and its Kigali Amendment.



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Advice offered to National Ozone Units (NOUs) through the Montevideo Programme is **complementary** to the existing policy and technical assistance provided by the Compliance Assistance Programme (CAP) team of OzonAction. It brings together the **specialised legal expertise** of the Law Division and the OzonAction Branch, thereby supporting Parties to the Montreal Protocol in a **coordinated manner**. The proposed assistance is not intended to **duplicate or overlap** with existing projects already being implemented by Article 5 countries—particularly those under the Institutional Strengthening Programme, HCFC Phase-out Management Plans, and HFC Phase-down Kigali Implementation Plans—and may, based on national context, extend **beyond the lifetime of projects** to support the adoption or amendment of legislation.

For the first 12 months, such support will be provided on a pilot basis.

Technical legal advice may include the following:



- **Advice on the scope and structure** of a legislative and policy review to **integrate the Montreal Protocol and Kigali Amendment** into national legislation, including on **enforcement mechanisms**, and the **process for conducting such review**.
- **Capacity building** to support responsible institutions to better understand and **implement Montreal Protocol legislation**.
- **Assistance** in preparing **terms of references** for a **legislative and policy review** and/or preparing **key elements** of terms of references for the use by **NOUs**.
- **Outreach to potential experts** who could conduct the legislative and policy review and **screening of possible experts**.
- **Review of draft national and regional legal and policy instruments**.
- **Review of existing legislation** to identify **gaps** and **recommendations** to address them.
- **Examination of draft legislation** (bills and regulations), with a view to ensuring that the provisions of these legislative instruments **align with the legal requirements under the Montreal Protocol** and other relevant guidance (e.g., decisions of the Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer), are **clear, implementable**, and are **consistent with general principles of legal drafting**.
- **Information on legal and regulatory options**, drawing, among others, from **examples from other Parties to the Montreal Protocol**.



Examples of Technical Legal Support:

Support available under the Montevideo Programme



- ✓ **Legal advice** on adopting standalone **HFC regulations** versus amending **ODS regulations** to include HFC management.
- ✓ **Review of Refrigerant Management Regulations** and associated schedules to ensure alignment with **Montreal Protocol obligations** and **best practices** for enforcement.
- ✓ **Drafting or reviewing licensing and quota systems** for the import, export, and use of controlled substances to ensure compliance and effective monitoring.

In recent years, the Montevideo Programme has successfully assisted countries by drafting new environmental legislation, reviewing existing legal frameworks, and providing access to model laws and legal tools. Such support has enabled governments to strengthen national policies, align with multilateral environmental agreements, and enhance enforcement capacities.



During the pilot phase, requests for technical legal assistance should be sent to the **Regional Networks Coordinators** with the **copy to the Capacity Building Manager** in the global CAP team, who will liaise with the **Law Branch** for the follow-up actions.

If the request involves substantial or longer-term support (potentially with financial implications), follow-up actions will be discussed.

As a pilot, the legal assistance is currently available in English, French, and Chinese, with future efforts aimed at extending it to other UN languages.

For further questions please contact:

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OzonAction Branch:

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- **Regional Network Coordinators** of the OzonAction Branch for the relevant regions.