

## COP 9/MOP 23 HIGHLIGHTS: WEDNESDAY, 23 NOVEMBER 2011

The preparatory segment of COP 9 to the Vienna Convention and MOP 23 to the Montreal Protocol convened for its third day in Bali, Indonesia, on Wednesday, 23 November 2011.

Throughout the day, delegates worked in contact groups on replenishment, ODS alternatives, process agents and feedstocks, QPS use of methyl bromide, ODS service to ships, and TEAP nominations.

In the late afternoon, delegates attended the opening of the high-level segment. In the evening, plenary convened to hear reports from the contact groups and consider associated draft decisions.

### CONTACT GROUPS

**REPLENISHMENT:** Co-chaired by Jozéf Buys (Belgium) and Donnalyn Charles (Saint Lucia), the group met in the morning, afternoon, and evening.

In the morning, TEAP presented a new table on all the non-HCFC production elements of replenishment from 2012-2014, with amendments made based on Tuesday's discussions. The total funding requirements are US\$314.13-337.03 million. The group agreed on US\$1.3 million for CFC production by India, and US\$7.91 million for methyl bromide. Delegates did not agree on ODS destruction (US\$15.25 million), with Article 5 parties supporting the line and figure, and non-Article 5 parties asking for its deletion. Regarding the figure of US\$4.8 million for Stage II preparation of HPMPs, non-Article 5 parties stated that since significant experience had been accumulated in the first stage, this figure should be lowered, while Article 5 parties supported it, with one party stating the figure is too low.

In the afternoon, the group discussed supporting activities (US\$67.47 million). Non-Article 5 parties suggested lowering the figure while other parties supported maintaining it. On Future HPMPs (US\$27.43 - 50.33 million), TEAP explained that it was based on 10%-20% reduction of the 2009-2010 average consumption. Article 5 parties supported the higher figure, while non-Article 5 parties supported the lower one. On institutional strengthening (US\$22 million), one Article 5 party introduced a draft decision (CRP.7) on accounting for inflation in funding for institutional strengthening projects and, supported by other Article 5 parties, suggested increasing the figure to US\$24.27 million, to which non-Article 5 parties objected. One non-Article 5 party raised the issue of double accounting with the line of "HPMP commitments", and asked for its removal. TEAP presented a revised table on production sector scenarios and funding, and this was briefly discussed.

In the evening, TEAP delegates discussed the above-mentioned tables on funding and presented requirements from 2012-2014 with further amendments.

**QPS USES OF METHYL BROMIDE:** The group chaired by Alice Gaustad (Norway) met on Wednesday to discuss a draft decision on QPS uses of methyl bromide (CRP.6). Parties clarified the type of data recorded and collated on current usage of methyl bromide for phytosanitary purposes and agreed to include this in the draft decision.

Parties also agreed to include reference to the process of collating data on quantities of methyl bromide used for QPS, descriptions of any articles fumigated, and to distinguish between methyl bromide used on import or export commodities.

The group discussed and agreed to include references to the sharing of information on alternatives approved by their respective national plant protection organizations, with parties to the IPPC. They noted the importance of disseminating accurate data.

**ODS ALTERNATIVES:** The Contact Group, co-chaired by Mikkel Sørensen (Denmark) and Leslie Smith (Grenada), met in the morning and evening. Participants discussed elements of the draft decision on additional information on alternatives to ODS (UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3[J]). They deliberated on the content of a proposed report to be prepared by the TEAP for consideration by the OEWG at its 32nd meeting.

Parties discussed asking the TEAP to report on low-GWP and high-GWP alternatives to ODS. Some parties preferred the TEAP focus on only high-GWP alternatives, but most parties preferred the TEAP look at both low- and high-GWP alternatives. Several non-Article 5 parties emphasized the need to integrate costs of alternative technologies in the report.

Parties deliberated references to the UNFCCC and IPCC in the text, and ways to incorporate their work into the TEAP report.

**PROCESS AGENTS AND FEEDSTOCKS:** The Contact Group, chaired by Blaise Horisberger (Switzerland) met in the morning. Deliberations focused on the two CRPs submitted to the COP 9/MOP 23 on process agents (CRP.5) and feedstocks (CRP.4).

Participants first focused on uses of controlled substances as process agents. The EU introduced its proposed decision (CRP.5), noting that Tables A and B, contained in the draft decisions annex, and which the draft decision seeks to update, contain lists of uses of controlled substances as process agents and limits for process agents uses.

One party expressed concern about the classification of its use of carbon tetrachloride (CTC) in vinyl chloride monomer (VCM) production for process agent purposes, arguing that it is actually used as feedstock. Another party highlighted that the only difference in treatment of controlled substances considered as process agents and feedstocks was that the Protocol requires emission reporting for process agents. After protracted discussion, parties agreed to ask TEAP to assess the situation and for the issue to be considered again at MOP 24. In the

interim, it was agreed that the party's CTC use in VCM would be classified as a feedstock. The Contact Group will convene again on Thursday.

**ODS SERVICE TO SHIPS:** The contact group, co-chaired by Marissa Gowrie (Trinidad and Tobago) and Cornelius Rhein (EU), discussed the draft decision (UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3[K]) on reporting and regulation responsibilities of ODS consumption on ships in the morning and afternoon. Participants agreed to use "ships from other flag states" rather than the term "flags-of-convenience" throughout the document. The Secretariat stated that intersessional communication from 18 parties illustrates the diverse ways in which parties treat deliveries of ODS and HCFCs to ships, with the majority considering deliveries as exports. Parties agreed in principle that more information is needed on how parties treat sales in serving ships; and the Secretariat could consult with relevant bodies, particularly the IMO and World Customs Organization, to collect information on how they regulate trade in and reporting of ODS onboard ships, though text on the latter remains bracketed. Parties agreed to request the Secretariat to prepare a document for the 32nd meeting of the OEWG on current ODS sales to ships for onboard servicing and use, including how parties calculate consumption. Parties also discussed, *inter alia*: jurisdictional concerns on ODS management on ships; classification of ODS as imports versus exports; and under-reporting of import consumption because some flag ships do not enter national waters.

**TEAP NOMINATIONS:** Co-Chairs Masami Fujimoto (Japan) and Javier Camargo (Colombia) facilitated discussion on nominations to TEAP, Technical Options Committees (TOCs) and temporary subsidiary bodies, especially on how to ensure balanced perspectives and geographic representation, in the draft decision (UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3, XXIII/[D]). Parties introduced text stipulating that experts with "appropriate expertise" may be nominated only by their passport countries. On length of service, they agreed to limit terms of experts nominated at this meeting to four years, with options for re-nominations.

Parties also discussed formalizing the relationship of the Executive Secretary in relation to the TEAP, the type of advice he/she would provide, and the Secretariat's ability to give support. Some parties expressed concern regarding potential for intervention by the Secretariat in parties' decision making. Parties agreed that the Ozone Secretariat should attend TEAP meetings wherever possible and provide ongoing institutional advice on administrative matters.

They also suggested that appointments to TEAP, but not TOCs, be approved by the MOPs and that parties consider membership sizes of subsidiary bodies, to ensure consistency with their respective workloads.

### OPENING OF THE HIGH-LEVEL SEGMENT

Anak Agung Alit Sastrawan, representing the Governor of Bali, welcomed delegates and explained that the increasing population in Bali is putting pressure on the island's ecosystems. He said that ODS are still used in Bali due to lack of widespread awareness. Sastrawan wished COP 9/MOP 23 a successful meeting and expressed hope that effective recommendations will be made.

Marco Gonzáles, Executive Secretary, Ozone Secretariat, noted that the Protocol is nearing its 25th year of implementation. He underscored that the Protocol is grounded in core sustainable development principles, including the precautionary principle, and common but differentiated responsibilities. Gonzáles reflected on the Protocol's successful "start and strengthen" approach, highlighting numerous adjustments and amendments to strengthen the Protocol. Despite its success, he said the Protocol still faced several challenges including the battle to comply with HCFC phase-out targets over the next four years. Acknowledging the economic challenges faced by many parties, Gonzales encouraged parties to approach the replenishment negotiations with a sense of understanding and compromise.

Indonesian Minister of Environment Balthasar Kambuaya opened the high-level segment of the meeting with a call to delegates to ensure that phase-out programmes for ODS are comprehensively and effectively implemented, emphasizing the linkages between measures needed for recovery of the ozone layer as well as reduction of GHG emissions and low-carbon development.

### PLENARY

Delegates convened in plenary during the evening and considered decisions to be forwarded to the high-level segment.

Parties forwarded the draft decision on adoption of new destruction technologies for ODS by Australia and Canada (CRP.1/Rev.1) to the high-level segment for consideration.

Parties agreed to further discuss the following CRPs on Thursday: mobilization of financing for the accelerated phase-out of HCFCs in Africa (CRP.2); sustained mitigation of emissions of ODS from feedstocks (CRP.4); uses of controlled substances as process agents by the EU (CRP.5); and QPS uses of methyl bromide (CRP.6).

INDIA introduced a draft decision (CRP.11) on funding for HCFC production facilities to confirm the intent of decision XIX/6, to provide stable and sufficient funding through the MLF for accelerated HCFC phase-out and to urge the Executive Committee to finalize guidelines on this matter urgently. The US, AUSTRALIA, and CANADA noted that the Executive Committee is working on this and questioned which agenda item this decision was classified under. After lengthy discussion on the matter Co-Chair Sylla recommended, and delegates agreed, that India should raise the issues addressed in this CRP in the Contact Group on Replenishment.

The EU introduced a draft decision on potential areas of focus in 2014 quadrennial reports of the Scientific Assessment Panel, the Environmental Effects Assessment Panel and the TEAP (CRP.12). Interested parties agreed to discuss informally with the EU.

CHINA introduced a draft decision on essential-use nominations for controlled substances for 2012 (CRP.13), proposing Bangladesh lead the follow-up of work where consensus has not been reached, and parties agreed to revisit the issue on Thursday.

On the phase-out of HFC-23, the US presented the draft decision on HFC-23 emissions from HCFC- 22 production (UNEP/OzL.Conv.9/3-UNEP/OzL.Pro.23/3, XXIII/[C]). INDIA, CHINA, BRAZIL, ARGENTINA, and VENEZUELA said the issue is outside the Protocol. The EU and CANADA emphasized the value of addressing both climate and ozone issues. The chair noted consensus could not be reached on this matter and the matter was deferred.

### IN THE CORRIDORS

On a day crammed with back-to-back contact groups, delegates were seen running from one room to the next in an attempt to keep up with parallel deliberations on key substantive matters. Reports on progress from the MLF replenishment group indicated parties were facing "many differences."

As participants arrived for the opening of the high-level segment they were greeted by high-level hopes that parties can overcome their differences – drawing on the spirit of understanding and compromise that the Protocol has come to be known for.

The opening ceremony also provided delegates a surprise opportunity to literally "get in tune" with each other, with a lesson from a musician in the playing of the traditional Balinese *angklung*. Each participant received a bamboo *angklung* and a quick lesson in technique. COP 9/MOP 23 participants then played "You Raise Me Up", made famous by Josh Groban.

As the fun subsided and the plenary got back down to business in the early evening Co-Chair Sylla observed with optimism, that delegates "may not be able to play every single note" but could still endeavour to be harmonious. As the evening plenary got under way, however, it appeared that musical accord may have given way to diplomatic discord.