

Summary of the Combined Twelfth Meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer (Part I) and Thirty-Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer: 23-27 November 2020

The President of the thirty-second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP 32), Paul Krajnik, in his closing remarks, stated the Vienna Convention and the Montreal Protocol “sent an important signal that despite difficulties, the goals of the Montreal Protocol are well on track and, while hard, we have clearly showed that if something should be done, it can be done.” These sentiments echoed throughout the week by participants, who convened for the combined twelfth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer (Part I) (COP 12(I)) and MOP 32.

The most important agenda item was the replenishment of the Multilateral Fund (MLF) for the triennium 2021-2023. Since the current fiscal period concludes in December 2020, parties had to ensure the MLF Secretariat could continue operating in 2021 and fulfill its mandate to assist Article 5 (developing) countries in meeting their obligations under the Montreal Protocol. After four days of virtual contact group discussions, parties agreed to roll over any unspent funds from the 2018-2020 triennium and allow the rollover balance to be used as an interim budget for the 2021-2023 triennium. They also agreed to authorize the Secretariat to arrange for an extraordinary MOP in 2021 to take a decision on the final programme budget for 2021-2023, should circumstances allow.

The other agenda items that were addressed, with concomitant decisions adopted, for the continued functioning of the Vienna Convention and the Montreal Protocol included:

- the financial reports and budgets of the Vienna Convention and the Montreal Protocol;
- critical-use exemptions for methyl bromide for 2021-2022;
- compliance and data reporting issues;
- membership of the Montreal Protocol bodies and assessment panels; and
- dates and venue of the next Montreal Protocol meetings.

COP 12(I)/MOP 32 was held online from 23-27 November 2020 due to the COVID-19 pandemic, with the preparatory segment convening from 23-26 November, and the high-level segment convening on 27 November. Delegates dealt with a discreet number of issues—only those that are essential

to keeping the Convention and the Protocol on track and achieving its goals. Non-essential issues, such as a proposal on strengthening the Technology and Economic Assessment Panel and its Technical Options Committees, were postponed until 2021.

Throughout the week, parties met congenially and mindful of the need keep the Protocol on track. Each daily session was three hours long and used the Interprefy platform, necessitated by a virtual meeting attended by delegates from a multitude of different time zones. They worked hard to overcome the varying technological capacities to ensure they could take the necessary decisions. Participants did, however, acknowledge that face-to-face negotiations are easier and expressed hope that MOP 33 could take place in a more normal setting.

A Brief History of the Ozone Regime

Concerns that the Earth’s stratospheric ozone layer could be at risk from chlorofluorocarbons (CFCs) and other anthropogenic substances first arose in the early 1970s. At that time, scientists warned that releasing these substances into the atmosphere could deplete the ozone layer, hindering its ability to prevent harmful ultraviolet (UV) rays from reaching the Earth. This would adversely affect ocean ecosystems, agricultural productivity, and animal populations, and harm humans through higher rates of skin cancers, cataracts, and weakened immune systems. In response, a UN Environment Programme (UNEP) conference held in March 1977 adopted a World Plan of Action on the Ozone Layer and established a Coordinating Committee to guide future international action.

In this Issue

| | |
|--|----|
| A Brief History of the Ozone Regime | 1 |
| COP 12(1)/MOP 32 Report. | 2 |
| Preparatory Segment. | 2 |
| High-Level Segment. | 3 |
| COP 12(I)/MOP 32 Outcomes | 4 |
| A Brief Analysis of COP 12(1)/MOP 32 | 9 |
| Upcoming Meetings | 11 |
| Glossary. | 11 |

Key Turning Points

Vienna Convention: Negotiations on an international agreement to protect the ozone layer were launched in 1981 under the auspices of UNEP. In March 1985, the Vienna Convention for the Protection of the Ozone Layer was adopted. It called for cooperation on monitoring, research, and data exchange, but it did not impose obligations to reduce use of ozone depleting substances (ODS). The Convention now has 198 parties, which represents universal ratification.

Montreal Protocol: In September 1987, efforts to negotiate binding obligations to reduce ODS usage led to the adoption of the Montreal Protocol, which entered into force in January 1989. The Montreal Protocol introduced control measures for some CFCs and halons for developed countries (non-Article 5 parties). Developing countries (Article 5 parties) were granted a grace period, allowing them to increase their ODS use before taking on commitments. The Protocol has been ratified by 198 parties.

Since 1987, several amendments and adjustments have been adopted, adding new obligations and additional ODS and adjusting existing control schedules. Amendments require ratification by a certain number of parties before they enter into force; adjustments enter into force automatically. All amendments except its newest, the Kigali Amendment, have been ratified by 197 parties.

London Amendment and Adjustments: At MOP 2, held in London, UK, in 1990, delegates tightened control schedules and added ten more CFCs to the list of ODS, as well as carbon tetrachloride (CTC) and methyl chloroform. MOP 2 also established the MLF, which meets the incremental costs incurred by Article 5 parties in implementing the Protocol's control measures and finances clearinghouse functions. The Fund is replenished every three years.

Copenhagen Amendment and Adjustments: At MOP 4, held in Copenhagen, Denmark, in 1992, delegates tightened existing control schedules and added controls on methyl bromide, hydrobromofluorocarbons, and hydrochlorofluorocarbons (HCFCs). MOP 4 also agreed to enact non-compliance procedures. It established an Implementation Committee (ImpCom) to examine possible non-compliance and make recommendations to the MOP aimed at securing full compliance.

Montreal Amendment and Adjustments: At MOP 9, held in Montreal, Canada, in 1997, delegates agreed to: a new licensing system for importing and exporting ODS, in addition to tightening existing control schedules; and banning trade in methyl bromide with non-parties to the Copenhagen Amendment.

Beijing Amendment and Adjustments: At MOP 11, held in Beijing, China, in 1999, delegates agreed to controls on bromochloromethane, additional controls on HCFCs, and reporting on methyl bromide for quarantine and pre-shipment (QPS) applications.

Kigali Amendment: At MOP 28, held in Kigali, Rwanda, in 2016, delegates agreed to amend the Protocol to include hydrofluorocarbons (HFCs) as part of its ambit and to set phase-down schedules for HFCs. HFCs are produced as replacements for CFCs and thus a result of ODS phase-out. HFCs are not a threat to the ozone layer but have a high global warming potential. To date, 112 parties to the Montreal Protocol have ratified the Kigali Amendment, which entered into force on 1 January 2019.

Recent Meetings

COP 11/MOP 29: COP 11 and MOP 29 met in November 2017, in Montreal, Canada. COP 11/MOP 29 adopted decisions including on future availability of halons and energy efficiency. They also agreed on a USD 540 million replenishment of the MLF for the triennium 2018-2020.

MOP 30: Convening in November 2018 in Quito, Ecuador, MOP 30 adopted decisions on, *inter alia*: issues important to the January 2019 entry into force of the Kigali Amendment; approved destruction technologies to be used for HFCs; the MLF Executive Committee's (ExCom) progress in developing guidelines for the financing of the HFC phase-down; Article 5 parties' access to energy-efficient technologies in the refrigeration, air conditioning, and heat pump sectors; a proposal to permit essential use exemptions for HCFCs for specific uses by certain parties; and unexpected increases in CFC-11 emissions.

MOP 31: MOP 31 met in November 2019 in Rome, Italy. The MOP adopted several decisions, the most significant of which were on the terms of reference for the study on the 2021-2023 MLF replenishment, the unexpected CFC-11 emissions, and the areas of focus for the 2022 quadrennial assessment reports. MOP 31 also addressed: ongoing reported emissions of CTC; critical-use exemptions (CUEs); and issues of non-compliance. Parties were invited to sign the Rome Declaration on the Contribution of the Montreal Protocol to Food Loss Reduction through Sustainable Cold Chain Management.

OEWG 42: The 42nd meeting of the Open-ended Working Group (OEWG 42) convened on 14, 15 and 16 July 2020 for three identical three-hour sessions to address the Technology and Economic Assessment Panel (TEAP) Replenishment Task Force's report on the 2021-2023 MLF replenishment. The sessions were held online due to the COVID-19 pandemic. Parties heard the MLF replenishment needs to take into account not only the HCFC phase-out but also the HFC phase-down. Estimated funding requirements put forward by the TEAP's Replenishment Task Force ranged from USD 376,697,000 to USD 808,706,000. Parties could submit queries during and after the online sessions. Work on the methyl bromide CUEs took place online.

COP 12(1)/MOP 32 Report

Preparatory Segment

The preparatory segment convened from 23-26 November 2020. The Co-Chair of the forty-second meeting of the Open-ended Working Group (OEWG 42), Obad Baloyi (South Africa), welcomed delegates and explained the steps and procedures for the virtual session.

Meg Seki, Acting Executive Secretary, Ozone Secretariat, noted the passing of Mario Molina, whose Nobel Prize winning research with Sherwood Roland showed that CFCs can deplete stratospheric ozone, calling for a moment of silence. She outlined the Bureau's plans for meetings in 2021 but added that given the current uncertainties, the situation will be reassessed in December 2020. She lauded COP 12(I)/ MOP 32 as the first virtual intergovernmental meeting organized by UNEP to adopt decisions. Seki noted that non-Article 5 parties required to cut their HFC consumption by 10% in 2019 had done so and she reported 111 Parties had ratified the Kigali Amendment as of the start of the meeting. She congratulated the ozone family for always rising to the challenge.

Organizational Matters: OEWG 42 Co-Chair Baloyi introduced the provisional agenda for the preparatory segment (UNEP/OzL.Conv.12(I)/1–UNEP/OzL.Pro.32/1). He reminded delegates the agenda prioritized only those urgent matters requiring decisions in 2020; all other issues will be deferred until 2021.

Several parties suggested adding items for consideration under “Other Matters.” Morocco asked to have its proposal on strengthening the TEAP and its Technical Options Committees (TOCs) (UNEP/OzL.Pro.32/CRP.1) considered. Italy requested parties to consider its proposal to extend the deadline for signing the Rome Declaration on the Contribution of the Montreal Protocol to Food Loss Reduction through Sustainable Cold Chain Management, which was adopted at MOP 31. Canada asked to discuss a proposal to host an extraordinary MOP (ExMOP) in 2021 to resolve the issue of the MLF replenishment for 2021–2023. Mexico asked to consider a declaration commemorating Mario Molina.

After discussion, delegates agreed to defer consideration of the Moroccan and Mexican proposals until 2021, to add the Rome Declaration signature extension under “Other Matters,” and to consider the 2021 replenishment meetings under the replenishment agenda item. The agenda was adopted as amended.

Delegates agreed to the organization of work as outlined orally by OEWG 42 Co-Chair Alain Wilmart (Belgium).

Other Matters: On Thursday, Italy recalled the Rome Declaration on the Contribution of the Montreal Protocol to Food Loss Reduction through Sustainable Cold Chain Management signed at MOP 31, which recognized the role the cold chain has in implementing the 2030 Agenda for Sustainable Development and the part the Montreal Protocol and its Kigali Amendment play in providing sustainable and efficient solutions in the refrigeration and air conditioning sector. He further recalled that at MOP 31 Ministers decided to keep the Declaration open for signature until the start of MOP 32. Noting several countries have recently indicated interest in signing the Declaration, he requested extending the signature deadline until the start of MOP 33 in November 2021. He also asked the Secretariat to report on the number of current signatories to the Declaration, either during the MOP or in its meeting report. Co-Chair Wilmart indicated that both requests would be reflected in the meeting report.

High-Level Segment

On Friday, 27 November, COP 11 President Nicole Folliet (Canada) opened the high-level segment (HLS).

UNEP Executive Director Inger Andersen commended the Montreal Protocol community’s commitment and hard work during the difficult challenges posed by COVID-19. She said the Protocol exemplified the truth that science is an essential basis for environmental policy and decision making. She urged that as the ozone community celebrates the 35th anniversary of the Vienna Convention, everyone reflect on “the history of the science and the scientists on whose shoulders we stand today,” as this formed the foundation of both the Convention and the Protocol. She lauded the Kigali Amendment, noting 112 parties had acceded to the Amendment by the opening of the HLS, and called for its universal ratification.

COP 11 President Folliet recalled the history of the Vienna Convention and its Montreal Protocol. She highlighted the role science and industry has played in the treaties’ development,

stating these actions are healing the ozone layer, which should return it to its pre-1970s levels by the middle of the 21st century. She called on countries to persuade the 86 states that have not yet ratified the Kigali Amendment to do so.

MOP 31 President Alvin Dabreo (Grenada) noted the meeting’s organization was guided by the limitations imposed by COVID-19, hence the use of the online platform, which necessitated limited hours and thus a restricted agenda. He praised delegates for their positive spirit and sense of common purpose. Dabreo stated the Kigali Amendment will not only bring significant climate benefits but also offer opportunities to increase energy efficiency in refrigeration and cooling and reduce costs to consumers and business. He urged universal ratification of the Amendment.

Organizational Matters: Election of Vienna Convention COP 12 officers: COP 12 elected by acclamation: Cheikh Ndiaye Sylla (Senegal) as President; Ir. Ruandha Agung Sugardiman (Indonesia), Claudia Dumitru (Romania), and Daniel Heredia (Ecuador) as Vice Presidents; and Ulrika Raab (Sweden) as Rapporteur.

Election of Montreal Protocol MOP 32 officers: MOP 32 elected by acclamation: Paul Krajnik (Austria) as President; Ezzat Lewis (Egypt), Roxanne Blesam (Palau), and Tatjana Boljević (Montenegro) as Vice Presidents; and Juliana Arciniegas (Colombia) as Rapporteur.

Adoption of the agenda and organization of work: COP 12 President Cheikh Ndiaye Sylla introduced the agenda (UNEP/OzL.Conv.12(I)/1–UNEP/OzL.Pro.32/1, section II), which was adopted without amendment. On the organization of work, he noted that the preparatory segment would have to reconvene for a brief period to conclude its work.

Credentials of representatives: The Secretariat reported on the credentials, saying that as it is an online meeting, scanned copies will be accepted provided the originals are mailed. He said the Bureaus had reviewed submissions and concluded that 61 of the 131 parties had presented proper credentials. He asked parties to make their best effort to submit credentials on time, saying that in the future parties not presenting credentials in the correct form could be prevented from participating fully in meetings.

Presentations by the Assessment Panels on the Status of their Work: MOP 32 President Krajnik introduced this agenda item (UNEP/OzL.Conv.12(I)/2–UNEP/OzL.Pro.32/2, para. 60 and UNEP/OzL.Conv.12(I)/2/Add.1–UNEP/OzL.Pro.32/2/Add.1, paras. 16–22).

The Scientific Assessment Panel (SAP) outlined the work undertaken to begin its portion of the 2022 quadrennial assessment, saying a discussion paper has been sent out to the broader scientific community to reflect on the scope and contents of the assessment. On the report on increased CFC-11 emissions, he stated the Panel requested a delay in the report delivery as two papers are being released, which provide an update on global and regional emissions. He closed with the comment that the ozone hole is the 12th largest in history and the most persistent on record.

The Environmental Effects Assessment Panel (EEAP) highlighted the interactive effects of stratospheric ozone, solar ultraviolet radiation, and climate change, saying that snow melt in the Arctic and Antarctic has accelerated. She expressed concern that photosensitivity in some oral medications poses a significant public health risk as these drugs may induce skin cancer. She also

noted any disinfecting effect UV radiation may have on COVID-19 particles is far less significant than the positive effects the Montreal Protocol has for life on earth.

The TEAP said that the Rigid and Flexible Foams TOC noted that transitions away from ODS and substances with high global warming potential continue but are slowing due to high costs and the availability of alternatives. He stated that approximately 84% of man-made methyl bromide has been phased out, leading to a similar proportion of reduced emissions, and said this has contributed to approximately 33% of the present ozone layer recovery. He suggested that reducing methyl bromide use for QPS uses can achieve the best short-term benefit to ozone recovery.

Presentation by the Chair of the MLF ExCom: Juliet Kibera, Rwanda, as president of the MLF ExCom, provided an overview of work undertaken during 2020. She said that due to the pandemic, the ExCom was only able to meet once in December 2019 for its 84th meeting. She summarized that the meeting, *inter alia*: looked at a revised format for country data reports and agreed to use it for a trial period of 2020-2022; approved USD 35 million in projects; and made progress in further developing cost guidelines for HFCs. She announced that the 85th and 86th meetings were postponed to 2021, and that the ExCom has agreed to implement, on an exceptional basis and without setting a precedent, an intersessional approval process.

She provided an overview of the work of the implementing agencies highlighting: the UN Development Programme (UNDP) is providing technical support to 47 countries to meet HCFC targets; UNEP, through OzoneAction, assists all Article 5 parties with meeting and sustaining their compliance with Protocol obligations through ensuring continuity of national ozone units through enhancing communication; the UN Industrial Development Organization (UNIDO) is assisting in implementing HCFC phase-out management plans (HPMPs) in 69 countries; and the World Bank assists its partners in delivering Stage II of their HPMPs.

Report of the Co-Chairs of the Preparatory Segment and Consideration of the Decisions Recommended for Adoption by COP 12(I)/MOP 32: OEWG 42 Co-Chair Wilmart reported on the work of the Preparatory Segment, noting all agenda items were concluded and forwarded to the HLS. He paid tribute to the hard work of all delegates under difficult circumstances.

Closing Session: Adoption of COP 12(I)/MOP 32 decisions and the meeting report: COP 12 Rapporteur Raab reviewed the draft decisions forwarded by the Preparatory Segment (UNEP/OzL.Conv.12/L.2-UNEP/OzL.Pro.32/L.2 and L.2/Add.1), which the HLS adopted. MOP 32 Rapporteur Arciniegas reviewed the draft report of the meeting (UNEP/OzL.Conv.12(I)/L.1-UNEP/OzL.Pro.32/L.1) paragraph by paragraph. Delegates adopted the report with one minor textual amendment.

MOP 32 President Krajnik congratulated delegates on a productive session despite challenging circumstances, saying the Montreal Protocol's work, despite difficult times, continues and remains on-track. He expressed hope the next MOP will be in-person rather than virtual.

Aligning himself with MOP 32 President Krajnik's remarks, COP 12 President Sylla closed the meeting at 5:31 pm East African Time (UTC+3).

COP 12(I)/MOP 32 Outcomes

All decisions were adopted without amendment by the HLS on Friday.

Combined Vienna Convention and Montreal Protocol Issues: Financial reports and budgets of the Vienna Convention and Montreal Protocol trust funds: OEWG 42 Co-Chair Wilmart introduced this agenda item on Monday (UNEP/OzL.Conv.12(I)/2-UNEP/OzL.Pro.32/2, paras. 13-24, UNEP/OzL.Conv.12(I)/4/Rev.1, UNEP/OzL.Pro.32/4/Rev.1, UNEP/OzL.Conv.12(I)/5-UNEP/OzL.Pro.32/5, UNEP/OzL.Conv.12(I)/INF/1-UNEP/OzL.Pro.32/INF/1, UNEP/OzL.Conv.12(I)/INF/2-UNEP/OzL.Pro.32/INF/2, and UNEP/OzL.Conv.12(I)/3-UNEP/OzL.Pro.32/3). He noted that owing to current circumstances, only the 2020 and 2021 budgets are being discussed. He outlined work taken place thus far using the online forum. He proposed establishing a budget committee to meet from Tuesday through Thursday, outside of the normal session hours, to further consider the budgets. Delegates agreed.

Final Outcome: In its decision on the **financial reports and budgets for the Vienna Convention (XII/[A])**, the COP:

- approves the revised budget of USD 794,918 for 2020 and the budget of USD 1,370,000 for 2021 as set out in Table 1 of the decision's annex;
- reaffirms a working capital reserve equivalent to 15% of annual operational budgets for 2021 to be used to meet the final expenditures under the Trust Fund;
- approves the contributions to be paid by the parties of USD 986,000 in 2021, as set out in Table 2 of the decision's annex;
- authorizes the Secretariat to draw down from the cash balance the funds required to cover the shortfall between the level of contributions and the approved budget for 2021;
- urges all parties to pay their outstanding contributions as well as their future contributions promptly and in full;
- requests the Executive Secretary, and invites the COP President, to enter into discussions with any party whose contributions have been outstanding for two or more years to find a way forward;
- agrees to consider further, at its meeting to be held in 2021, how to address outstanding contributions to the Trust Fund;
- requests the Secretariat to indicate in future financial reports of the Trust Fund, the amounts of cash on hand, in addition to contributions that have not yet been received; and
- requests the Executive Secretary to prepare budgets and work programmes for the triennium 2022-2024, presenting a zero nominal growth scenario and a scenario based on further recommended adjustments to the first scenario and the added costs or savings related thereto.

In its decision on the **financial reports and budgets for the Montreal Protocol (XXXII/[J])**, the MOP, *inter alia*:

- approves the revised budget of USD 3,166,945 for 2020 and the budget of USD 5,348,855 for 2021, and takes note of the indicative budget for 2022, as set out in Table 1 of the decision's annex, for further consideration by MOP 33;
- authorizes the Executive Secretary, on an exceptional basis, to draw on the available cash balance for 2021 in an amount of up to USD 1,126,941 for the ExMOP, as called for in decision XXXII/[I], OEWG 42 Part II on replenishment and funding the post of a Website Officer for a third year;

- approves the contributions to be paid by the parties in the amount of USD 3,743,099 for 2021, and takes note of the contributions for 2022, as set out in Table 2 of the decision's annex;
- authorizes the Secretariat to draw down from the cash balance the funds required to cover the shortfall between the level of contributions agreed upon and the approved budget;
- reaffirms that a working capital reserve shall be maintained at a level of 15% of the annual budget, to be used to meet the final expenditures under the Trust Fund;
- encourages parties and other stakeholders to contribute financially and by other means to assist the members of the three assessment panels and their subsidiary bodies;
- requests the Executive Secretary to enter into discussions with any party whose contributions are outstanding for two or more years to find a way forward, and report to the MOP in 2021;
- requests the Executive Secretary to continue providing regular information on earmarked contributions and include that information in the budget proposals of the Trust Fund to enhance transparency about the actual income and expenses of the Trust Fund;
- requests the Secretariat to ensure the full utilization of programme support costs available to it in 2021 and later years, and offset those costs against the administrative components of the approved budget;
- requests the Executive Secretary to prepare budgets and work programmes for the years 2022 and 2023, presenting a zero-nominal-growth scenario and a scenario based on further recommended adjustments to the zero-nominal-growth scenario and the added costs or savings related thereto, based on projected needs; and
- stresses the need to continue to ensure budget proposals are realistic and represent the agreed priorities of all parties, to help ensure a sustainable and stable fund and cash balance.

Montreal Protocol Issues: Replenishment of the MLF for the implementation of the Montreal Protocol: This item was introduced by OEWG 42 Co-Chair Baloyi on Monday. He stated the agenda item needs to address how to keep the MLF Secretariat operating in 2021, since the current fiscal period ends in December 2020. He stressed this was imperative as parties have maintained that the 2021-2023 MLF replenishment decision cannot be taken without face-to-face negotiations, which could not take place in 2020. Baloyi suggested that parties may wish to authorize the rollover of unspent funds from the current fiscal period to allow MLF operations to continue until a final decision is taken.

The US noted that the globe is currently facing exceptional circumstances and, as such, the normal replenishment negotiations procedure has not taken place. He said a temporary solution is needed to allow the MLF to continue its work uninterrupted to continue supporting Article 5 parties. He noted that the MLF currently has more than USD 200 million available to roll over, which is enough to allow expenditures for at least one year.

He introduced a proposal setting out a way forward (UNEP/OzL.Pro.32/CRP.3), stating the draft decision would set, on an exceptional basis and without setting a precedent, a temporary MLF programme budget for the triennium 2021-2023 using the remainder of funds from the 2018-2020 budget. He noted a placeholder in the operative paragraph was left for the interim budget figure, which would be filled based on a rollover amount

to be provided by the MLF Chief Officer. He emphasized much of the language used in the draft decision is based on previously agreed language to avoid heavy textual negotiations. He suggested the proposed decision on an interim budget for the MLF and Canada's proposal on convening an ExMOP in 2021 to take a final decision on the MLF replenishment (UNEP/OzL.Pro.32/CRP.5) be dealt with separately to avoid any negotiating pitfalls that may occur due to a virtual setting.

Eduardo Ganem, MLF Chief Officer, told delegates the Fund has been working intersessionally and has approved over USD 35 million worth of projects. He reported as of 31 October 2020, USD 327 million was available in monetary resources. He said USD 67 million dollars is needed for the remainder of 2020, so the balance remaining to roll over into 2021 is estimated to be USD 260 million.

Egypt and Kuwait underscored the importance of enabling the MLF to assist Article 5 parties to meet their obligations under the Protocol. Japan supported the proposed decision, noting the importance of facilitating the continued operation of the MLF. Norway, supported by Switzerland, suggested including language that a decision will be taken in 2021 on the final triennial budget for the MLF. The US proposed such language on a final budget be included in Canada's forthcoming proposal. Canada indicated it would be open to adding such language.

Germany, on behalf of the European Union (EU), Palau, and China supported the draft decision in CRP.3. Armenia queried whether the rules and procedures of the Protocol allow such a process to happen. China suggested merging both proposals, but OEWG 42 Co-Chair Baloyi responded the Co-Chairs prefer considering the CRPs separately.

Nigeria queried if the unspent funds from the current fiscal period are sufficient. MLF Chief Officer Ganem said the remaining funds are sufficient to complete projects underway and cover initial operations in 2021. The US added the MLF averages spending USD 200 million per year, and currently there remains "quite a bit more" so it should be able to operate throughout 2021 if authorized to do so.

Responding to questions from delegates, the US explained that the language about this decision not setting a precedent was something many parties had requested during consultations on CRP.3.

On Thursday, Canada explained the premise of CRP.5 was to give the Secretariat the authority it might need to arrange for an in-person ExMOP during 2021 to adopt a decision on replenishment, should conditions allow.

Delegates established a replenishment contact group to discuss both proposals. The contact group was moderated by Ralph Brieskorn (Netherlands) and Leslie Smith (Grenada) and met from Tuesday through Friday.

Delegates were provided with an overview of the draft proposal to set an interim programme budget for the MLF for the triennium 2021-2023 and noted the MLF Chief Officer had confirmed there were sufficient funds for the MLF Secretariat to continue operations in 2021. Addressing the draft decision text, several delegates supported reference to the three-year fiscal period since this is how many donors frame their contributions to the MLF. Some parties expressed concern that the funds balance being rolled over may be used for the entire upcoming triennium, without new or additional contributions occurring. One party noted the proposed text does state that a final budget

decision needs to be taken in 2021. Many still, however, expressed reservations. Such concerns persisted throughout the week. Proposals to overcome these reservations included saying the interim budget is for the year 2021 as part of the 2021-2023 triennium.

Another suggestion to allay any concerns regarding the final programme budget decision for the MLF was to reference the intent to adopt a final budget in 2021 in the preamble. Observing that intent is not the same as committing to a decision, some proposed amending the preambular language to say “recognizing that parties will take a decision,” with one suggesting the language should also explicitly note that any replenishment decision must be taken at an in-person meeting. Some parties indicated it might be too strongly worded and perhaps “anticipating” or “recognizing the need for” such a decision might be a better formulation. They highlighted while parties wanted to take a final decision in 2021, given the uncertainty due to the global pandemic, it may not be possible.

During discussions on the sole operative paragraph, some suggested parties should stay with the original formulation to adopt an interim budget for the 2021-2023 triennium until a final decision on replenishment is taken, or instead specify that the rollover amount is only for 2021 use “as part of” the triennium. Several donor countries indicated comfort with the original language, while Article 5 countries preferred clearly stating that the amount is not for use for the entire triennium.

Ultimately, parties agreed to formulate the single operative paragraph calling for adopting an interim budget that prioritized the funds for 2021 as part of the triennium 2021-2023. After consulting the MLF Chief Officer, the group inserted the figure USD 268 million into the paragraph.

The group also agreed to note a decision will be taken to adopt the final budget and added a phrase in the preamble that such a decision would include regular contributions to the MLF.

The contact group also discussed Canada’s proposal for a decision authorizing the Secretariat to convene an ExMOP in 2021, should conditions allow, so parties could set a final programme budget for the MLF for the triennium 2021-2023 (UNEP/OzL.Pro.32/CRP.5). The group first considered an amendment proposal to add an operative paragraph authorizing the Secretariat to organize an OEWG ahead of the ExMOP to initiate discussions on the replenishment. Some noted the Secretariat does not ordinarily require specific authorization to organize an OEWG and expressed concern that this paragraph might set an accidental and unfortunate precedent. This was underscored by the Secretariat who confirmed it did not require specific authorization to organize an OEWG. To avoid such a precedent, parties opted not to include the proposed addition.

Parties did, however, agree to a proposal to amend the operative text to clarify that the ExMOP would be organized “to enable parties to take a decision on” the MLF replenishment. The CRP was forwarded to the plenary with the two amendments.

The revised version of the ExMOP decision (UNEP/OzL.Pro.32/CRP.5/Rev.1) was submitted to the Preparatory Segment on Thursday; the revised version of the MLF interim budget decision (UNEP/OzL.Pro.32/CRP.3/Rev.1) was submitted on Friday. Both were forwarded to the HLS for adoption.

Final Outcome: In its decision on convening an ExMOP (XXXII[I]), the MOP authorizes the Secretariat to organize an ExMOP in 2021 to enable parties to take a decision on the

replenishment of the Multilateral Fund for the triennium 2021–2023 if and when the circumstances related to the global COVID-19 pandemic permit.

In its decision on the **interim budget for the MLF** (UNEP/OzL.Conv.12/L.2/Add.1-UNEP/OzL.Pro.32/L.2/Add.1), the MOP adopts an interim budget for the MLF for the triennium 2021-2023 of USD 268 million, prioritizing these funds for the year 2021 as part of the triennium 2021-2023, until such time as the parties adopt a final decision on replenishment, including a revised budget, on the understanding that the interim budget will be provided from “anticipated contributions due to the MLF and other sources for the triennium 2018-2020.”

Nominations for methyl bromide CUEs for 2021 and 2022:

This item was introduced by OEWG 42 Co-Chair Wilmart on Wednesday (UNEP/OzL.Conv.12(I)/2/Add.1-UNEP/OzL.Pro.32/2/Add.1). Methyl bromide TOC (MBTOC) Co-Chairs Ian Porter and Marta Pizano presented the MBTOC’s recommendations on the CUEs requested by Australia, Canada, Argentina, and South Africa. The MBTOC recommended reduced amounts for CUEs be granted to Canada, Argentina, and South Africa. They also stated two emergency use applications had been submitted by Canada and Australia. This is in accordance with Decision IX/7(Emergency methyl-bromide use), which, upon notification to the Secretariat and in response to an emergency event, allows parties to use up to 20 tonnes of methyl bromide.

The MBTOC also noted: amounts nominated for critical use continue to fall; atmospheric concentrations are declining; and reporting of stocks shows there have been higher levels of production than consumption for a number of years, leading to unknown quantities of unreported stocks.

Australia reported that the alternative, methyl iodide, will likely be registered in the first half of 2021, which is too late for fumigation use that year. He also noted Australia’s work on technological alternatives, such as the use of microwaves, but reported these have not yet resulted in practical uses.

South Africa stated that given methyl iodide’s possible high global warming potential, the application for its use is still under careful consideration. Canada noted research into non-chemical alternatives such as organic pretreated soil and use of greenhouses. Argentina said it is committed to reducing its methyl bromide use.

Kuwait inquired why methyl bromide atmospheric concentrations are declining if QPS uses are rising, given that QPS uses usually involve venting to the atmosphere. He also asked for an estimate of current QPS uses at this time. Porter responded that while QPS use is increasing in some parties, it is decreasing in others, so methyl bromide emissions continue to decline globally. He noted emissions could be reduced further as QPS alternatives are being introduced.

The EU reminded delegates that EU member states had phased out methyl bromide use since 2018, including both critical and QPS uses, expressing hope other parties will follow suit. He expressed concern about unreported stocks and rising QPS use and noted the MBTOC has said alternatives could reduce current critical uses by 30-40%. He said the EU would be raising these issues at OEWG 43.

Australia introduced a draft decision, cosponsored with Argentina, Canada, and South Africa (UNEP/OzL.Pro.32/CRP.9), noting it follows language from prior MOP decisions except for a new operative paragraph reminding future applicants that

the MBTOC will evaluate critical use nominations on the basis of information provided by nominated parties on the expected rate of adoption of registered alternatives. He also noted several preambular paragraphs, such as one noting that Argentina and South Africa have not yet submitted detailed methyl bromide management plans. Delegates agreed to forward the CRP to the HLS for adoption.

Final Outcome: The MOP decision on CUEs for 2021 and 2022 (XXXII/[A]) contains an annex with two tables. Table A covers agreed critical use categories: for 2021, for Australia for strawberry runners; and for 2022 for Argentina for strawberry fruit and tomatoes, for Canada for strawberry runners, and for South Africa for mills and houses. Table B covers corresponding permitted levels of production and consumption. The MOP:

- permits, for each party and for the agreed critical-use categories for 2021 and 2022, the levels of production and consumption for 2021 and 2022, which are necessary to satisfy critical uses;
- decides that parties shall endeavor to license, permit, authorize, or allocate quantities of methyl bromide for the critical use categories set out in the decision's annex;
- decides that each party that has an agreed CUE shall renew its commitment to ensure that the criteria in paragraph 1 of decision IX/6 (CUEs for methyl bromide) are applied in licensing, permitting, or authorizing critical uses of methyl bromide, and to request that each party report on these to the Secretariat;
- decides that parties submitting future requests for methyl bromide CUEs also comply with the provisions of decision IX/6, and that non-Article 5 parties shall demonstrate that research programmes are in place to develop and deploy alternatives to and substitutes for methyl bromide;
- reminds parties submitting future requests for methyl bromide CUEs that the MBTOC will evaluate nominations on the basis of information provided by "nominated parties" on the expected rate of adoption or registered alternatives, as well as information on any significant changes to underlying economics; and
- requires Article 5 parties requesting CUEs to submit their national management strategies in accordance with paragraph 3 of decision Ex.I/4 (Conditions for granting and reporting CUEs for methyl bromide).

Consideration of the membership of Montreal Protocol bodies for 2021:

On Tuesday, OEWG 42 Co-Chair Baloyi introduced the agenda item (UNEP/OzL.Conv.12(I)/2-UNEP/OzL.Pro.32/2). The Secretariat reported that while nominations had been submitted for both the COP and MOP officers, members of the ImpCom and MLF ExCom, and the OEWG 43 Co-Chairs, some regional groups still needed to conclude their deliberations.

On Thursday, the Secretariat reported to the Preparatory Segment the results of the regional groups' consultations on nominations for the Montreal Protocol bodies. The draft decisions (UNEP/OzL.Conv.12/L.2-UNEP/OzL.Pro.32/L.2) were forwarded to the HLS, which adopted them on Friday.

Final Outcome: In decision XXXII/[F], the MOP confirms the positions of Australia, China, Dominican Republic, Poland, and Uganda for one further year, and to select Bhutan, Chile, European Union, North Macedonia, and Senegal as members of the Implementation Committee for a two-year period beginning on 1 January 2021. The MOP also notes the selection of Cornelius

Rhein (EU) to serve as President and Margaret Aanyu (Uganda) to serve as Vice President and Rapporteur of the Committee for one year beginning on 1 January 2021.

In decision XXXII/[G], the MOP endorses the selection of Armenia, Bahrain, China, Djibouti, Paraguay, Suriname, and Zimbabwe as members of the MLF ExCom representing Article 5 parties; and the selection of Australia, Belgium, Czech Republic, Japan, Switzerland, UK, and US as members representing non-Article 5 parties for one year beginning 1 January 2021. The MOP also notes the selection of Alain Wilmart (Belgium) to serve as Chair and Hassan Mubarak (Bahrain) to serve as Vice-Chair of the Committee for one year beginning 1 January 2021.

In its decision (XXXII/[H]), the MOP endorses the selection of Martin Sirois (Canada) and Vizminda Osorio (Philippines) as Co-Chairs of OEWG 43.

Consideration of the membership of the assessment panels: On Tuesday, OEWG 42 Co-Chair Wilmart explained the situation regarding TEAP membership, noting that the membership of the SAP and EEAP are not changing. He stated the terms of seven TEAP members expire at the end of 2020.

The US introduced its proposal (UNEP/OzL.Pro.32/CRP.2), cosponsored with Canada and the UK and supported by Australia, endorsing the appointment of Bella Maranion (US) as TEAP Co-Chair, Daniel Verdonik (US) and Adam Chattaway (UK) as Halon TOC Co-Chairs, and Ray Gluckman (UK) as a senior expert. She explained the proposal would also confirm that TEAP's temporary subsidiary bodies, such as the Replenishment Task Force, could continue their work up to and including MOP 33.

Costa Rica confirmed its nomination to reappoint Marco Gonzalez as a TEAP senior expert. Senegal and Zimbabwe endorsed this nomination. Brazil, supported by Australia, confirmed its nomination to reappoint Paulo Altoé as Co-Chair of the Foams TOC. Colombia endorsed both nominations.

India introduced its proposal (UNEP/OzL.Pro.32/CRP.6), cosponsored with Armenia, Georgia, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, endorsing Rajendra Shende (India) for a four-year appointment as a TEAP senior expert. Senegal, Zimbabwe, the Gulf Cooperation Council (GCC) countries, and the Asia-Pacific Group endorsed this proposal.

The EU expressed reservations about confirming nominations for four years at a virtual meeting, cautioning against "locking ourselves into skill sets now that may not be the best thing for the long term." He suggested seeking a compromise that allows for consideration of longer terms when delegates can next meet in-person.

Noting Morocco's proposal calling for restructuring TEAP has been deferred until 2021 (UNEP/OzL.Pro.32/CRP.1), Australia suggested it might be better to discuss long-term appointments to TEAP in 2021 after first discussing the Moroccan proposal. She pointed out some experts being nominated are on temporary subsidiary bodies whose work would be extended through MOP 33 under CRP.2, so TEAP would still have access to their expertise.

Co-Chair Wilmart proposed creating an informal group to discuss the length of mandates and other matters to reach consensus on a way forward.

On Thursday the EU reported on the results of the deliberations of the informal group on TEAP membership, noting consensus had been achieved on a revised draft decision (UNEP/OzL.Pro.32/CRP.10) that would reappoint the TEAP Co-Chairs for four years, appoint several senior experts for one year, and extend the work of TEAP temporary subsidiary bodies for another year.

India asked for another session of the informal group to discuss the matter further. Australia, Canada, Costa Rica, and the US objected, saying that the draft decision was a carefully crafted compromise among the various parties proposing CRPs on TEAP, and given the limited time left, they could not support spending time to reopen the compromise. COP President Sylla invited India to explain its concerns in plenary, rather than seek a new session of the informal group. India asked instead to make its statement during Friday's session of the Preparatory Segment.

On Friday, OEWG 42 Co-Chair Baloyi invited India to make its statement. India said it had agreed to the draft decision in the spirit of compromise and building consensus, but, as India felt strongly about the need to strike a balance between experts from Article 5 and non-Article 5 parties on the TEAP, it would be raising its concerns again at the next OEWG and MOP. Baloyi assured India its position would be reflected in the meeting report. Delegates forwarded the draft decision to the HLS for adoption.

Final Outcome: In decision XXXII/[E], the MOP:

- endorses the reappointment of Bella Marañon (US) as TEAP Co-Chair for a four-year term;
- endorses the reappointment of Paulo Altoé (Brazil) as Foam TOC Co-Chair for a four-year term;
- endorses the reappointment of Adam Chattaway (UK) and Daniel Verdonik (US) as Halon TOC Co-Chairs for a four-year term;
- endorses the reappointment of Marco Gonzalez (Costa Rica) and Rajendra Shende (India) as senior experts for a one-year term;
- endorses the appointment of Ray Gluckman (UK) as senior expert for a one-year term; and
- confirms that the temporary subsidiary bodies established by the Panel to address decisions XXXI/1, XXXI/3, and XXXI/7 may continue their work up to and including MOP 33.

Compliance and reporting issues considered by the ImpCom:

This item was introduced by OEWG 42 Co-Chair Baloyi on Wednesday. Implementation Committee President Maryam Al-Dabbagh, Saudi Arabia, reported on the 64th and 65th meetings of the ImpCom, noting both meetings took place online. She noted Kazakhstan, Libya, and Ukraine are now in compliance with their obligations under the Protocol; Mali, San Marino, and Yemen failed to report for 2019, placing them in non-compliance with their data reporting obligations; and a new case of non-compliance by the Democratic People's Republic of Korea (DPRK) was considered.

She introduced UNEP/OzL.Pro.32/CRP.4, which contained three draft decisions on: data and information provided by the parties in accordance with Article 7 of the Montreal Protocol; non-compliance by the DPRK; and reporting of information on the use of controlled substances as process agents.

She said that the DPRK had warned parties of the risk of non-compliance, the ImpCom has established a case of non-compliance at its 64th meeting, and the ImpCom agreed it is best to follow standard procedure for cases of non-compliance. She

outlined that the draft decision includes a plan of action submitted by the DPRK to return to compliance but stated that it depends on the technical and financial assistance available from the MLF.

Chile suggested replacing wording that the DPRK is eligible to receive appropriate assistance to meet its commitments "subject to" UN Security Council resolutions, with receiving appropriate assistance "notwithstanding" UN Security Council resolutions.

The DPRK also emphasized they are fully eligible to receive international assistance while their commitments remained unchanged, stating external conditions should not be the premise for not providing assistance from implementing agencies. He said they have actively sought to meet their obligations by implementing the right structures in a national context to implement the Protocol.

The US, supported by Canada, Japan, Australia, and the EU, underscored that any decision and action must be "subject to" UN Security Council resolutions. He urged that steps be taken to ensure that any MLF funding that is disbursed is not diverted by the DPRK to use in other non-sanctioned programmes. He closed saying that the Protocol does not have the authority to circumvent UN Security Council resolutions, and also that such resolutions do not absolve the DPRK of its obligations to comply with the measures set out by the Protocol.

OEWG 42 Co-Chair Baloyi said the discussion will be recorded in the meeting report. The draft decisions were forwarded to the HLS for adoption.

Final Outcome: In the decision on **data and information** provided by the parties in accordance with Article 7 of the Montreal Protocol (XXXII/[B]), the MOP notes:

- 195 of 198 parties have reported data for 2019, and 176 of those parties had reported their data by 30 September 2020 as required under paragraph 3 of Article 7 of the Montreal Protocol;
- 108 parties had reported their data by 30 June 2020, in accordance with the encouragement in decision XV/15;
- Mali, San Marino, and Yemen have not reported their 2019 data as required and this places them in non-compliance with their data reporting obligations under the Montreal Protocol;
- the DPRK, a party to the Kigali Amendment to the Montreal Protocol, submitted data for other controlled substances but not for HFCs as required, placing it in non-compliance with its data reporting obligations; and
- a lack of timely data reporting impedes the effective monitoring and assessment of parties' compliance;

The MOP also urges those parties to report the required data to the Secretariat as quickly as possible and requests the ImpCom to review the situation of those parties at its 66th meeting.

In its decision on the **DPRK** (XXXII/[C]), the MOP:

- notes the submission by the DPRK explaining its non-compliance and providing its plan of action to ensure its return to compliance with the Protocol's HCFC consumption and production control measures in 2023;
- notes the DPRK commits itself to achieving the targets set out in its plan of action;
- urges the DPRK to work with the relevant implementing agencies to explore options for implementing its plan of action subject to the application of the relevant UN Security Council resolutions;
- decides to closely monitor the DPRK's progress with regard to implementing its plan of action and the phase-out of HCFCs.

- invites the DPRK to establish additional national policies facilitating HCFC phase-out; and
- cautions the DPRK that in the event the DPRK fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures, including actions such as ensuring that the supply of HCFCs that are the subject of non-compliance is ceased so exporting parties do not contribute to a continuing situation of non-compliance.

On the **reporting of information on the use of controlled substances as process agents** (XXXII/[D]), the MOP requests the Secretariat:

- review the annual reports submitted by parties that are allowed to use controlled substances as process agents;
- seek clarification from the parties if any deviations of the reported data are identified;
- bring to the attention of the ImpCom any deviations still remaining after clarification, without disclosing the reported data; and
- inform the ImpCom if the reports contain data on make-up or consumption amounts.

Dates and venues for the resumed session of COP 12 and the Thirty-Third Meeting of the Parties to the Montreal Protocol: On Friday, Uzbekistan addressed the HLS, noting it had been unable to host MOP 32 due to COVID-19, but indicated it still intended to host the next in-person MOP when conditions permit.

COP 12 President Sylla expressed hope that pandemic conditions would allow Uzbekistan to host the next MOP. Acting Executive Secretary Seki noted the Secretariat had tentatively booked COP 12 Part II and MOP 33 for 25-29 October 2021 at the UN complex in Nairobi, Kenya. Noting no objections, Sylla requested the Secretariat to include the selections in decision language.

Final Outcome: In its decisions (UNEP/OzL.Conv.12/L.2/Add.1-UNEP/OzL.Pro.32/L.2/Add.1), the COP decided that the second part of COP 12 will meet back-to-back with MOP 33, while the MOP decided that MOP 33 will meet in Nairobi from 25-29 October 2021, unless other arrangements are made by the Secretariat in consultation with the Bureau.

A Brief Analysis of COP 12(1)/MOP 32

Time and times are but cogwheels, unmatched, grinding on oblivious to one another. Occasionally - oh, very rarely! - the cogs fit; the pieces of the plot snap together momentarily and give men faint glimpses beyond the veil of this everyday blindness we call reality. ~ Robert E. Howard

Lauded as arguably the most successful multilateral environmental agreement, the Montreal Protocol has proven that its cogs fit and turn, grinding on since the treaty's adoption in 1987. It has given the world great hope that strides will continue to be made to restore the ozone layer back to pre-1980 levels. But the global COVID-19 pandemic threatened to stop those cogs.

The twelfth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer (Part I) (COP 12(I)) and the thirty-second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP 32) became the first body serviced by the United Nations Environment Programme (UNEP) to hold a virtual meeting that took multiple legally binding decisions. This achievement was

born out of necessity as there were crucial decisions that needed to be taken to ensuring the proper functioning of the Vienna Convention and the Montreal Protocol beyond 2020.

Delegates met from 23-27 November 2020 in a virtual setting, with negotiating sessions lasting only three hours each day to reach agreements to ensure the continued operation of the Secretariat, the Multilateral Fund (MLF), and the various bodies of the Protocol. A pared down agenda dealing with only essential issues—replenishment of the Multilateral Fund for the triennium 2021-2023, methyl bromide critical-use exemptions (CUEs) for 2021 and 2022, financial reports and budgets, and membership of the various Protocol bodies and assessment panels—facilitated the process.

But even with a pared down agenda and the goodwill of the ozone family, negotiating decisions in a virtual environment sometimes proved challenging. COP 12 (Part I)/MOP 32 did succeed in adopting decisions on each agenda item, which will help keep the Protocol on track beyond 2020. This analysis looks at the decisions taken by the parties to keep all the cogwheels turning and assesses how using a virtual environment impacted the process.

Keeping the MLF Cogs Turning

Parties to the Montreal Protocol were expected to take a decision in 2020 on the final MLF programme budget for the 2021-2023 triennium. This was essential since the current budget is due to expire on 31 December 2020, and if no agreement had been reached, the cogs would stop turning.

Throughout the meeting delegates reaffirmed the importance of the MLF and its work, which is seen as essential to help Article 5 parties (developing countries) meet their obligations under the Protocol. Parties had also long held that they would not take a final decision on the next MLF programme budget if negotiations continued in a virtual setting. Presenting a draft decision to the plenary on setting an interim budget to keep the MLF cogs grinding, the US reiterated that the final budget decision was too important, too in-depth, and too intricate to be adopted without face-to-face negotiations.

Parties generally welcomed the proposal for an interim budget. There are still substantial funds from the last replenishment to roll over (USD 268 million) to keep everything going for at least another year. During the virtual contact group discussions, it became clear that some parties were concerned about the implication and precedence that agreeing to an interim budget could set, particularly since the Montreal Protocol is a body that works off of precedence.

One of the biggest concerns voiced by Article 5 parties was if they set an interim budget using the rollover balance, would that absolve donors from contributing new and additional funds? The non-Article 5 parties very quickly pointed out that the intention of the draft proposal was merely to allow the MLF to continue with its work. They sought to allay concerns by noting parties “will take a decision” on the MLF replenishment in 2021 to adopt a final budget for the 2021-2023 triennium, and by referencing that the final replenishment decision will include regular contributions. These amendments, coupled with a proposal to hold an extraordinary MOP (ExMOP) in 2021 to take the final decision, seemed to provide sufficient indication to Article 5

parties that donors will not use the rollover balance to either avoid new contributions or lower the ambition for the final budget negotiations.

The non-Article 5 parties on the other hand were concerned with Article 5 parties' proposal to limit the rollover balance for use only in 2021, saying that the uncertainty faced in today's world is just too large to not have a contingency plan should the final budget negotiations not be able to take place.

Delegates managed to work out a compromise that states while the interim budget is for the triennium, the rollover should prioritize these funds for 2021. In effect, Article 5 parties chose to place their trust in donor parties to ensure that the MLF can continue with its work, and that not only will a way be found to take a replenishment decision during 2021, but that the non-Article 5 parties will not count the rollover amount against their 2021-2023 commitments.

Keeping the Protocol Cogs Turning

Methyl bromide CUEs for 2021 and 2022, financial reports and budgets, compliance and reporting issues, and membership of the various Protocol bodies and assessment panels—all of these need to be addressed annually to ensure the various cogs of the Protocol keep grinding. Thus, with the continuing pandemic, a virtual COP/MOP was ultimately inevitable.

But, as more and more intergovernmental meetings have found, constructive negotiations have to overcome the severe limitations a virtual meeting can pose, such as disparate time zones, varying technological capacities, abbreviated sessions, limits on the number of contact groups, and the length of their deliberations. Co-Chairs and delegates alike bemoaned the inability to quickly resolve issues through informal discussions on the sidelines or over coffee in the delegates' lounge. The usual tactics of negotiations (e.g., last-minute horse-trading, brinkmanship, personal diplomacy) are far less effective in a virtual setting. There is also less flexibility when more time is needed to resolve a particularly contentious issue.

More intersessional work is an option. The Protocol used this methodology, as it did for the OEWG in July, using online forums. This was a useful process, particularly for the methyl bromide CUEs, where the nominees were able to converse with the methyl bromide Technical Options Committee (MBTOC) on their recommendations. But this does not replace the time needed for negotiations. Parties also complained that some issues, like appointments to the Technology and Economic Assessment Panel (TEAP), would be easier to fill for the usual term of four years if face-to-face negotiations were possible. Ordinarily TEAP is consulted when appointing members, to ensure that the right balance of expertise is achieved. Concerned with possibly overlooking the particular needs of the panel and not being able to consult with panel members in person meant parties compromised on appointing senior experts for a one-year term so work could continue while avoiding any unintended oversight in terms of expertise required. To ensure leadership and continuity in the panel's work, parties appointed Co-Chairs for the full four-year term.

Even with a reduced agenda, time was a precious commodity. Delegates were heard saying during negotiations on several issues that there was not enough time to accommodate new proposals, and consensus was often achieved by shunting proposals to the next meetings of the OEWG and MOP in 2021. Already several

issues originally planned for MOP 32, such as energy efficiency, have been postponed. Now some, such as Morocco's proposals for TEAP reform, raised on the first day, have been added to the list. If COVID-19 conditions persist and they force more virtual meetings in 2021, the question is whether the virtual format can be tweaked to deal with the additional workload.

It was clear that the uncertainty of whether a virtual format could work for the Protocol's meetings in 2021 was clearly on delegates' minds. During the discussion about holding an ExMOP to tackle the MLF replenishment budget, some delegates wanted to confirm that the ExMOP could only take place as an in-person meeting, while others wanted flexible ambiguity in case the COVID-19 pandemic does not allow it. The need for extra preparations before an ExMOP, through a virtual OEWG and/or other forums or preparatory meetings, was front and center in delegates' proposals. Time and again many participants emphasized the need to plan for all contingencies but provide for maximum flexibility. The compromise was to authorize the Secretariat to organize an ExMOP in 2021 "if and when the circumstances related to the global COVID-19 pandemic permit it."

Keeping the Ozone Regime Running

In her speech to the high-level segment, UNEP Executive Director Inger Andersen commended the Montreal Protocol community's commitment and hard work during the difficult challenges posed by COVID-19 to make significant achievements for which it can be proud. Indeed, many delegates considered the virtual COP 12(I)/MOP 32 successful as it had achieved what it set out to do: adopt decisions that will keep the ozone regime running smoothly for the coming year. It also proved that despite the fundamental difficulties of virtual meetings, they can work. Some delegates even posited that virtual meetings are a boon for transparency, as more parties can participate without incurring high travel costs.

That said, delegates also agree that virtual meetings do not make up for in-person negotiations. Many felt the lack of opportunity to resolve issues quickly and quietly without stalling the overall negotiation process was a great loss. The adoption of interim budgets and the use of intersessional work led to a concern that unforeseen consequences could occur due to precedents being set. This did not sit well with parties as the Montreal Protocol has been known in the past to operate based on precedence.

The inherent uncertainty of the times we are living in requires flexibility and understanding, and ensuring there are contingency plans in case circumstances change—something 2020 has shown can and will happen, and then plans are required to turn on a dime. Many delegates concluded that the Montreal Protocol has been able to adapt as necessary to the cogwheels grinding. However, they cautioned that in doing so, any unintended consequences will not be clear until much further down the road.

Upcoming Meetings

Fifth Session of the UN Environment Assembly (UNEA-5) Part I: The fifth session of UNEA is expected to adopt a “two-step” approach that will convene virtually in February 2021 with a revised and streamlined agenda. This session will be complemented by a second component in the form of a resumed UNEA-5 to be held in person in Nairobi in February 2022 in a format to be defined and agreed upon. **dates:** 22-26 February 2021 (TBC) **location:** virtual **www:** <http://web.unep.org/environmentassembly/>

85th and 86th MLF ExCom Meetings: Due to the COVID-19 pandemic, the Multilateral Fund (MLF) Executive Committee (ExCom) agreed to hold its 85th and 86th meetings back-to-back, noting that: the 85th meeting will be a short meeting (up to two hours) to, *inter alia*, take note of Secretariat activities and the status of contributions and disbursements; and the 86th meeting will commence immediately after the 85th meeting’s closure. Relevant information and the decisions from an intersessional approval process established for the 86th meeting will be included in the report of the 86th meeting. The ExCom will look at reports with specific reporting requirements and status of contributions and disbursements. **dates:** 8-12 March 2021 (TBC) **location:** Montreal, Canada (TBC) **www:** <http://www.multilateralfund.org>

11th Meeting of the Ozone Research Managers: The in-person portion of the 11th meeting of the Ozone Research Managers (ORM-11) was postponed due to COVID-19. An online session was held in October 2020 to allow initial discussions on the agenda item “Identification of gaps in the global coverage of atmospheric monitoring of controlled substances and options to enhance such monitoring issues.” **dates:** 14-16 April 2021 **location:** Geneva, Switzerland **www:** <https://ozone.unep.org/>

Fifth Meeting of the International Conference on Chemicals Management (ICCM5): The top decision-making body of the Strategic Approach to International Chemicals Management (SAICM) will consider a possible post-2020 platform for addressing chemicals and waste. **dates:** 5-9 July 2021 **location:** Bonn, Germany **www:** <http://www.saicm.org>

High-level Political Forum on Sustainable Development (HLPF): The ninth session of the HLPF will take place over eight days in July 2021 under the theme “Sustainable and resilient recovery from the COVID-19 pandemic, that promotes the economic, social, and environmental dimensions of sustainable development: Building an inclusive and effective path for the achievement of the 2030 Agenda in the context of the decade of action and delivery for sustainable development.” It will discuss, in depth, SDGs 1 (no poverty), 2 (zero hunger), 3 (good health and well-being), 8 (decent work and economic growth), 10 (reduced inequalities), 12 (responsible consumption and production), 13 (climate action), 16 (peace, justice and strong institutions), and 17 (partnerships for the Goals). The Forum will also consider the integrated, indivisible and interlinked nature of the SDGs. **dates:** 6-15 July 2021 **location:** UN Headquarters, New York (TBC) **www:** <https://sustainabledevelopment.un.org/hlpf/2021>

Basel Convention COP15, Rotterdam Convention COP10 and Stockholm Convention COP10: The 15th meeting of the COP to the Basel Convention, the 10th meeting of the COP to the Rotterdam Convention, and the 10th meeting of the COP to the Stockholm Convention will convene back-to-back. The

meetings will include joint sessions covering matters of relevance to at least two conventions and separate sessions of the meetings of the each of the three COPs and will feature a high-level segment. The theme of the meetings and the high-level segment is “Global Agreements for a Healthy Planet: Sound management of chemicals and waste.” **dates:** 19-30 July 2021 **location:** Geneva, Switzerland **www:** <http://www.brsmeas.org/>

66th ImpCom: The Implementation Committee of the Montreal Protocol meets regularly to assess parties’ status of compliance with their obligations under the Protocol. **dates:** 11 July 2021 **location:** Bangkok, Thailand **www:** <https://ozone.unep.org/>

43rd Meeting of the Open-Ended Working Group (OEWG 43): OEWG 43 will convene to prepare for COP 12(II)/MOP 33. **dates:** 12-16 July 2021 **location:** Bangkok, Thailand **www:** <https://ozone.unep.org/meetings>

67th ImpCom: The Implementation Committee of the Montreal Protocol meets regularly to assess parties’ status of compliance with their obligations under the Protocol. **dates:** 23 October 2021 **location:** Nairobi, Kenya (TBC) **www:** <https://ozone.unep.org/>

COP 12(II)/ MOP 33: MOP 33 and the second part of COP 12 will meet to address issues and decisions postponed from 2020, such a proposals for TEAP reform, as well as other matters involving implementation of the Montreal Protocol and its Kigali Amendment. **dates:** 25-29 October 2021 (TBC) **location:** Nairobi, Kenya (TBC) **www:** <https://ozone.unep.org>

For additional meetings, see <http://sdg.iisd.org>

Glossary

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| CFCs | Chlorofluorocarbons |
| CFC-11 | Trichlorofluoromethane |
| COP | Conference of the Parties |
| CUEs | Critical-use exemptions |
| DPRK | Democratic People’s Republic of Korea |
| EEAP | Environmental Effects Assessment Panel |
| ExCom | Executive Committee (MLF) |
| ExMOP | Extraordinary MOP |
| HCFCs | Hydrochlorofluorocarbons |
| HFCs | Hydrofluorocarbons |
| HLS | High-level segment |
| ImpCom | Implementation Committee |
| MBTOC | Methyl Bromide Technical Options Committee |
| MLF | Multilateral Fund |
| MOP | Meeting of the Parties |
| ODS | Ozone depleting substances |
| OEWG | Open-ended Working Group |
| QPS | Quarantine and pre-shipment |
| SAP | Scientific Assessment Panel |
| TEAP | Technology and Economic Assessment Panel |
| TOC | Technical Options Committee |
| UNEP | United Nations Environment Programme |
| UV | Ultraviolet |