

Summary of the Fourth Extraordinary Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and the 43rd Meeting of the Open-ended Working Group of the Parties to the Montreal Protocol: 21, 22 and 24 May 2021

With one crucial item on the agenda, parties and stakeholders convened online for the Fourth Extraordinary Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (ExMOP 4). The COVID-19 pandemic delayed negotiations on the replenishment of the Multilateral Fund for Implementation of the Montreal Protocol for the period 2021-2023, but some donor countries are required by domestic financial regulations to make payments for their fiscal year by the end of June 2021. At this one-day meeting, parties needed to take a decision that would facilitate these payments and ensure the continued functioning of the Multilateral Fund during 2021.

Parties based their discussions on a conference room paper submitted by Australia, the European Union, New Zealand, and Norway, which proposed, *inter alia*, that any contributions made in advance of the 2021-2023 replenishment decision should count toward future contributions and should not affect the overall level of the replenishment or the agreed level of contributions by parties.

Discussions were swift, with many parties emphasizing the importance of funding for implementation of the Montreal Protocol, and parties adopted a decision on this issue and closed the meeting within 90 minutes.

The following day, delegates convened online for the first part of the 43rd meeting of the Open-ended Working Group (OEWG) of the Parties to the Montreal Protocol. Over two days, parties discussed the scope and content of guidance to the Technology and Economic Assessment Panel (TEAP) Replenishment Task Force on further work on its replenishment report. This report will provide important information to parties when they undertake negotiations on replenishment of the Multilateral Fund later in 2021. Due to the impact of the COVID-19 pandemic, these negotiations have been delayed by a year, and OEWG 43 sought to determine what information would best serve parties as they negotiate and how much work could realistically be carried out by the TEAP members ahead of these negotiations.

While parties engaged in extensive preparation for both ExMOP 4 and OEWG 43 in an online forum for exchange of comments and information ahead of the meetings, reaching agreement at the

OEWG meeting was significantly more challenging. Despite efforts to achieve a compromise on possible elements of guidance to the TEAP, parties were only able to agree on an updated report, rather than a more comprehensive supplemental report.

OEWG 43 highlighted some of the challenges of virtual negotiations, where time is limited, internet connections can be unreliable, and communications are constrained. The task of achieving consensus on complicated issues seems to be even greater when delegates are meeting across time zones and have little opportunity to exchange views more informally. While not all delegates achieved their preferred outcome, they did achieve consensus on some elements of a critical and multifaceted issue, perhaps learning lessons that will inform future negotiations.

Over 300 participants joined each meeting, including parties, observers, and experts representing the TEAP. The meetings were scheduled from 2:00–4:00 pm and 4:30–6:30 pm Nairobi time (GMT+3) on 21, 22 and 24 May 2021.

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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 United Nations 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.

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 calls for cooperation on monitoring, research, and data exchange, but does 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 the second Meeting of the Parties (MOP), 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 Multilateral Fund (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 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 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 phasedown schedules for HFCs. HFCs are produced as replacements for HCFCs 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, 120 parties to the Montreal Protocol have ratified the Kigali Amendment, which entered into force on 1 January 2019.

Recent Meetings

COP 11/MOP 29: The eleventh meeting of the Conference of the Parties to the Vienna Convention (COP) 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, 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 needed to consider 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/MOP 32: Due to the COVID-19 pandemic, the first part of COP 12 and MOP 32 convened online in November 2020. Delegates addressed only those issues deemed essential, including the replenishment of the MLF for 2021-2023. Parties authorized

the Secretariat to arrange an extraordinary MOP in 2021 to take a decision on the final programme budget for 2021-23. MOP 32 also addressed, *inter alia*: methyl bromide CUEs for 2021-2022; compliance and data reporting issues; and membership of the Montreal Protocol bodies and assessment panels.

ExMOP 4 Report

Amidst the ongoing disruption caused by the COVID-19 pandemic, on Friday, 21 May, MOP 32 President Paul Krajnik (Austria) welcomed participants and congratulated Megumi Seki on her appointment as Executive Secretary of the Ozone Secretariat.

Executive Secretary Seki thanked participants for joining online from time zones around the world and emphasized the need to reach a decision at ExMOP 4 that will facilitate payments by some parties, underscoring that in the absence of a decision, the Multilateral Fund would lose valuable contributions from a number of donor parties. Seki also noted that while COVID-19 vaccine programmes are accelerating in some countries, most are continuing to experience difficulties related to the pandemic. Underscoring her hope that in-person meetings will soon be possible, she stated that the situation remains uncertain and suggested that parties may wish to reach agreement about negotiating online to avoid further delaying negotiations into 2022.

MOP 32 President Krajnik highlighted the impact of the pandemic on negotiations, underlining that stakeholders are likely to continue meeting online until the international community achieves a clear path to containing the pandemic. He explained that the meeting will focus on a decision to facilitate the payment of national contributions for 2021, as outlined in documents available to parties prior to the meeting, and that some parties had suggested changes. He encouraged parties to be flexible and adopt a decision by the end of the meeting, bearing in mind that negotiations on the replenishment of the Multilateral Fund for the triennium are not yet complete.

Organizational Matters

Adoption of the agenda and organization of work: President Krajnik introduced, and delegates adopted, the provisional agenda (UNEP/OzL.Pro.ExMOP.4/1). Delegates agreed to the organization of work as outlined orally by President Krajnik.

Credentials: The Secretariat reported that the Bureau had reviewed and approved the credentials of parties' representatives to this meeting, noting that this included provisional approval of the participation of six parties on the understanding that they would forward their credentials to the Secretariat as soon as possible.

Replenishment of the Multilateral Fund for the Period 2021-2023: Payment of National Contributions for 2021

President Krajnik introduced this item, noting that Australia, the European Union (EU), New Zealand, and Norway had submitted a conference room paper (CRP.1) on this agenda item.

Australia presented CRP.1, emphasizing that it demonstrates donor countries' commitment to continue with their contributions and keep the important work of the Montreal Protocol going. She added that the draft decision proposes that any contributions made in advance of the 2021-2023 replenishment decision should count towards future contributions, and that parties should await recommendations from TEAP to inform levels of funding contributions needed.

Japan, China, Canada, and the UK expressed support for CRP.1 and its proposed arrangement for interim contributions counting towards 2021-2023 replenishment contributions.

Malaysia thanked parties for drafting CRP.1 and underscored that contributions from donor countries should be sufficient to ensure countries are in compliance with the Montreal Protocol's work towards phasing down HFCs and phasing out HCFCs. Bangladesh emphasized the importance of this funding to support ongoing projects.

Emphasizing that this meeting comes at "just the right time," Bahrain supported adoption of the draft decision.

Kuwait underscored the risks of a gap in contributions to the Multilateral Fund and supported the draft decision.

Highlighting the need to provide incentives for conversions of some of its ice-producing factories to phase down HCFCs, The Gambia called for parties to increase their contributions to enable additional funding for Article 5 parties.

Samoa, Palau, and Bhutan also expressed support for the draft decision.

ExMOP 4 agreed to adopt the draft decision as submitted by Australia, the EU, New Zealand, and Norway.

Final Outcome: In the final decision (UNEP/OzL.Pro.ExMOP.4/CRP.1), Ex-MOP 4, *inter alia*:

- adopts the level of contributions for the parties listed in Table A for 2021 on an interim basis in advance of a decision from the MOP on the final budget for the Multilateral Fund for the triennium 2021-2023; and
- agrees any contributions by parties made in advance of a decision on the final budget for the Multilateral Fund for the triennium 2021-2023 shall be without prejudice to the overall level of the replenishment or to the agreed level of contributions by parties.

Adoption of the Report and Closure of the Meeting

President Krajnik reminded delegates that, due to the short duration of the meeting, the Secretariat would prepare a report in English and post it to the meeting portal for comments by the end of the next week. Following submission of any comments, the Secretariat would finalize the report and post it in all UN official languages.

In closing, President Krajnik highlighted the extensive preparation that made the successful outcome of ExMOP 4 possible, and said the conclusion of this second virtual meeting signals that parties' dedication to phase out ozone-depleting substances and phase down greenhouse gases continues despite the constraints of the pandemic. He maintained that negotiations for the next MOP would continue, expressed hope that in the near future participants can gather face-to-face, and wished all participants good health. President Krajnik closed the meeting at 3:24 pm East Africa Time (UTC+3).

OEWG 43 Report (Part One)

Co-Chair Vizmindia Osorio (Philippines) opened OEWG 43 on Saturday, 22 May, welcoming delegates and noting that since the meeting must be held online due to the COVID-19 pandemic, it has been divided into three parts and will be held in both May and July 2021.

Executive Secretary Megumi Seki thanked delegates for the swift decision taken the day before at ExMOP 4 regarding replenishment payments to the Multilateral Fund. She added that, thanks to the preparations and collaboration of parties, parties are now in a stronger position to make progress on crucial matters of the Protocol. Noting the implications of the COVID-19 pandemic on travel and uncertainty about when in-person meetings can resume, Seki encouraged parties to consider the possibility of further virtual negotiations.

OEWG 43 Co-Chair Martin Sirois (Canada) welcomed delegates and congratulated Executive Secretary Seki on her recent appointment.

Organizational Matters

Adoption of the agenda: Co-Chair Sirois reiterated that, due to the online format, the prioritized agenda items of OEWG 43 had been divided across multiple sessions. He reminded participants that this session would focus exclusively on Agenda Item 3 on the replenishment of the Multilateral Fund for the Implementation of the Montreal Protocol for the period 2021–2023. Delegates adopted the agenda (UNEP/OzL.Pro.WG.1/43/1).

Organization of work: Co-Chair Osorio outlined the organization of work and noted that, should the need for informal groups, contact groups, or regional meetings arise, the Secretariat could arrange virtual meeting rooms for delegates. Delegates agreed to the organization of work as proposed.

Replenishment of the Multilateral Fund for the Period 2021-2023: Guidance to the Task Force of the Technology and Economic Assessment Panel on Further Work on the Replenishment Report

Co-Chair Sirois introduced this agenda item on Saturday, drawing delegates' attention to the pre-session document (UNEP/OzL.Pro.WG.1/43/2/Add.1), in which the Ozone Secretariat set out potential options for further work on the replenishment report, including:

- (A) To prepare a supplementary report based on a list of issues agreed on by the parties. The list of issues could include one or more of the following: (i) elements of additional scenarios and activities, selected from the task force response document; (ii) new elements of additional scenarios and activities not contained in the task force response document; (iii) corrections and clarifications identified and addressed in the task force response document; and (iv) updates based on decisions, rules, and guidelines agreed on by the Executive Committee at its eighty-sixth meeting;
- (B) To prepare a supplementary report without an agreed list of issues, but on the basis of a request to the Replenishment Task Force to take into account, to the extent possible, the comments provided by the parties as compiled in the task force response document, with a view to refining the estimated funding range for the triennium 2021–2023;

- (C) To prepare an updated report that would take into account the corrections and clarifications identified and addressed in the task force response document and/or take into account the decisions, rules, and guidelines agreed by the Executive Committee at its eighty-sixth meeting; and
- (D) Not to prepare an additional report, if parties determine that there is already sufficient information available in the replenishment report.

Co-Chair Sirois stressed that the discussion on this item would not be a substantive discussion of the comments and responses to the TEAP Replenishment Task Force Report from October 2020, as parties had the opportunity to provide comments in the meeting portal before the meeting. He explained that this meeting would instead focus on identifying which option or combination of options parties preferred to move forward with guidance to the Replenishment Task Force for updating or supplementing its report. Sirois emphasized that the greater the convergence achieved in the options proposed, the greater the chances of a successful meeting conclusion.

Acknowledging the restrictions arising from the COVID-19 pandemic, Portugal, on behalf of the EU, emphasized the need to focus on the essentials, keep the Montreal Protocol functional, and use resources wisely and efficiently. He expressed support for options A (prepare a supplementary report) and C (prepare an updated report), saying a combination of an updated and supplementary report with new analyses and scenarios could provide the best guidance for the TEAP.

New Zealand supported preparation of an updated report (option C), characterizing this as a pragmatic approach that ensures the panel can complete its task and parties will have development guidance within the time available.

Norway supported an updated report at a minimum, and preferred that the TEAP Replenishment Task Force also assess the comments provided by parties in 2020 (Option B). He also called for information about how different parties have been affected by the COVID-19 pandemic, noting that many activities have been on hold and compliance deadlines are looming.

Argentina, supported by Kuwait, asked whether it would be possible within the time available to OEWG 43 to analyze the over 200 comments in the response document prepared by the TEAP and whether the TEAP has capacity to address these comments. Co-Chair Sirois clarified that OEWG 43 would not reopen discussion of those comments.

Australia supported option C. She also noted that while there were 80 pages of comments, only a few were specifically related to the TEAP terms of reference, and suggested asking the TEAP directly whether it has the capacity to address these. She underscored that the OEWG does not have provision to create new terms of reference or augment the existing terms.

Noting that many parts of the report need to be reviewed and updated, Japan said a supplementary report was necessary. He clarified that option B was a realistic approach given the challenges of a virtual meeting, but added that his country could support option C if it would avoid a situation in which there is no updated report because parties could not come to agreement.

Kuwait emphasized the need to ask TEAP directly about their capacity to provide a range of analyses.

The US expressed its support for option C that would take into account points of clarification provided over the past year and also posed the question of the feasibility for the Replenishment Task Force (RTF) to extend beyond its current extended mandate period.

Colombia, Brazil, Nigeria, China, Chile, and Mauritius all expressed support for option C, with China seeking clarification if the proceedings from the 87th ExCom meeting would be taken into account in the supplementary or updated report.

Switzerland and Barbados moved to recommend a combination of options B and C, which would consider comments from parties, and also take into account the current circumstances of the pandemic.

Kenya stated its support for a combination of options A and C.

Co-Chair Sirois provided a summary of the interventions of parties and asked the TEAP if it had the capability to take on the proposed work, and if and how it would incorporate recommendations made in the upcoming 87th ExCom meeting.

TEAP Replenishment Task Force (RTF) Co-Chair Sueli Carvalho (Brazil) clarified that the terms of reference for the Task Force do not include decisions beyond the 85th meeting of the Executive Committee, so the TEAP would not take them on board unless instructed to do so. She also noted that in a new report the TEAP would model different scenarios that account for new ratifications. She underscored that the extension of the timeline for the task force beyond its original one-year mandate—originally given in November 2019—has created substantial additional work for members who now have other commitments, and that writing a new report would be a challenge. She said that taking on the 200 comments received since July 2020 would be very difficult, and pointed out that some of the requests made by parties exceed the terms of reference for the task force.

Co-Chair Sirois encouraged parties to take RTF Co-Chair Carvalho's comments into account, and thanked the TEAP for its hard work under exceptional circumstances.

Egypt expressed support for option C and previous parties' comments on how to pursue option C.

Canada said that some of the options would be challenging, and cited as an example option A, which does not identify which comments are pertinent for the RTF to address.

With the encouragement of the Co-Chairs, Canada proposed compromise text that would ask the TEAP to:

- update the May 2020 report with corrections and clarifications identified by parties;
- take into account decisions, rules, and guidelines agreed by the ExCom up to the 87th meeting;
- provide any relevant data on HFC consumption and production submitted by Article 5 parties under Article 7 of the Montreal Protocol and Country Programmes submitted under the Multilateral Fund; and
- where the TEAP deems warranted and consistent with the terms of reference established by Decision XXXI/1, consider providing alternative scenarios and additional analysis in a supplementary report, taking into account comments made by parties and any other new relevant information.

India, Kuwait, Portugal, Egypt, and Trinidad and Tobago supported Canada's proposed text.

Colombia supported considering both the Canadian text and Option C in a contact group, emphasizing that countries are in a critical period to phase down HCFCs and that fairness and equity for developing countries should be taken into account.

China said the Canadian proposal could provide a good basis for future work but preferred Option C as it was set out in the pre-meeting documents. She called for flexibility and pragmatism to provide guidance to the RTF and expressed concern that OEWG 43 did not have time to discuss the comments and feedback already provided by parties.

Noting that there were no objections to starting discussions on Canada's text, Co-Chair Sirois informed delegates that it was being prepared as a conference room paper (CRP). He asked delegates to review the text before Monday, and suspended plenary.

On Monday, delegates resumed discussions, using the text proposed by Canada (CRP.1) as a starting point. Canada introduced its proposed text, noting that, like Option C in the document produced by the Secretariat, the first part of the proposal (paragraph (a)) was to update the May 2020 report, taking into account the corrections and clarifications identified by the RTF documents and the rules and guidelines decided by the ExCom through its 87th meeting. He also noted that the proposal would take into account any relevant data on HFC consumption and production submitted by Article 5 parties. In paragraph (b), the proposed text suggested the TEAP consider providing alternative scenarios and additional analysis in a supplementary report, taking into account comments made by parties and any other new relevant information.

Chair Sirois invited delegates to reach agreement on paragraph (a) before turning to paragraph (b).

Kuwait asked the TEAP to comment on whether they were comfortable with the text of paragraph (a).

TEAP RTF Co-Chair Bella Marañon (US) responded that the points are clear, and noted that considering the rules, guidelines, and decisions from the 87th meeting of the ExCom in time to update the report might be challenging as the meeting will not take place until June 2021.

Welcoming the proposal by Canada, Colombia, supported by Kuwait and Mauritius, emphasized that HFC consumption in 2020 was very low and further drew attention to the fact that data from this abnormal year should not be considered a baseline for scenario modeling. Mauritius emphasized that usage of data figures from 2020 and 2021 would not accurately reflect HFC consumption, given the slowdown of economic activity and imports caused by the pandemic.

Norway applauded Canada's ability to capture all the elements of option C. However, he noted the omission of his previous request for the RTF to consider how the COVID-19 pandemic has impacted the estimates and the appropriate range of replenishment for 2021-2023. At the suggestion of Co-Chair Sirois, Norway submitted draft text to be added to the CRP.

The US stated its support for the CRP in capturing the key elements of option C and further noted that while the suggestion by Norway has merit, he was not sure that it was realistic for the RTF to capture the impacts of the pandemic on consumption and replenishment given the uncertainty about the duration of the pandemic.

China and Australia supported the US reaction to Norway's draft text, stressing the complexities of the pandemic and questioning the ability of the RTF to assess the multiple impacts of COVID-19 in a short period of time. Australia added that a later report by the RTF on the impacts of the pandemic could be considered and said parties should also be prepared to provide some insights on this topic.

Switzerland, India, and the UK supported Norway's suggestion. Barbados supported the CRP and pronounced its flexibility in accepting the request for data on HFC consumption and production by Article 5 parties.

Kuwait asked that the Chief Officer of the Multilateral Fund Secretariat take the floor to explain how the potential outcomes of the 87th meeting could impact the workload of the RTF.

In response to Colombia and Mauritius, Canada said it was not tied to the request for data if it is met with hesitation by Article 5 parties. He explained this request for data was a conduit to better understand HFC consumption and production by sector and its accompanying trends and demands.

On Norway's request for the RTF to better understand the impacts of COVID-19 on the triennium, Canada maintained that it is ultimately for the RTF to determine its capacity to respond to this request.

Argentina expressed concern that certain countries would be negatively affected by the difference between a low baseline in 2020-2022 and potential recovery-related increases in consumption in 2023.

Co-Chair Sirois asked representatives of the TEAP and MLF to address the questions posed by delegates. The Chief Officer of the Multilateral Fund reported on the work undertaken since the start of the COVID-19 pandemic, noting that several projects had been approved to support Article 5 parties with implementation. He also said that Multilateral Fund Secretariat is taking into consideration the impact of the pandemic on implementation activities, and that some projects have been or could be extended.

In response to Kuwait's question about whether the scenarios presented in the May 2020 report captured ratifications of the Kigali Amendment, TEAP RTF Co-Chair Carvalho clarified that TEAP included three scenarios. Scenario 1 includes only countries that have ratified the amendment, and will have to be updated to include new ratifications. She said that Scenarios 2 and 3 capture both the ratifications and letters of intent received by the Multilateral Fund Secretariat, and thus includes 142 out of 144 parties. On the draft text in paragraph a(ii), Carvalho cautioned that, in light of the many policy documents schedule to be addressed at the 87th meeting of the ExCom, the RTF would need to confirm afterwards that there is time to account for these outcomes prior to the October MOP. On the reference to data reporting under a(iii), Carvalho underscored apparent inconsistencies in data, which she said would need to be verified before this information is taken into consideration.

TEAP RTF Co-Chair Marañon added that the TEAP is very interested in the impacts of the COVID-19 pandemic, but questioned the availability of information that would allow the TEAP to update its estimates in a meaningful way.

Co-Chair Sirois asked delegates if they could agree on the text of paragraphs a(i) and a(ii).

Kuwait said it could agree to a(i) but, expressing concern about the uncertainty about what and how many policies would be approved at the 87th meeting of the ExCom, said it could not agree to a(ii).

Co-Chair Sirois asked if all delegates could agree to a(i), and there were no objections. With regard to a(ii), he clarified that the TEAP was going to take into consideration everything that would be approved up to the 87th meeting, and that they expressed comfort with this approach. He explained that paragraph a(ii) is about policies, guidelines, decisions, and rules, and that removing this text would mean that TEAP would not consider the rules that have a bearing on the document.

On paragraph a(ii), Kuwait sought clarification from Co-Chair Sirois as to why he was suggesting it be removed, as Kuwait had suggested that the text should be amended, not removed. Co-Chair Sirois responded that if parties do not provide alternative text suggestions, it would have to be deleted. With that explanation, Canada moved to adjust the text to requesting decisions, rules, and guidelines agreed to by ExCom up to its 86th meeting. Kuwait agreed that this would suffice for the time being and, at the request of Co-Chair Sirois, the Secretariat updated the CRP text.

Co-Chair Sirois reminded delegates that they would also need to consider Norway's suggested text. Norway informed the OEWG that, in the spirit of compromise, it would rescind its submission, but highlighted Australia's comments that the RTF and parties should re-visit the impacts of the pandemic at a later date.

Canada offered to remove text in its CRP on data on HFC consumption and production by Article 5 parties. Co-Chair Sirois accepted this suggestion and thanked Canada for its flexibility on this issue.

After a short pause, Co-Chair Osorio asked parties for comments on paragraph (b) of CRP.1. The UK, Portugal on behalf of the EU, Norway, Kuwait, and Barbados supported keeping some version of this text, which called for providing additional analysis in a supplementary report, taking into account comments made by parties.

The UK suggested, *inter alia*, that language should be amended to reflect that parties, not the TEAP, determine what information is most relevant and should be addressed by the TEAP. Switzerland supported keeping paragraph (b), noting that work to be undertaken by the TEAP would be more streamlined if comments by parties were organized by common themes and categories.

Australia, Colombia, and the US called for removal of the paragraph altogether, given the limited capacity of the TEAP to address all the parties' comments. Kuwait responded that it is important to address the more than 200 comments provided by parties, and said deletion of this paragraph would significantly reduce the substance of the CRP submitted by Canada. TEAP RTF Co-Chair Marañon underscored the need for guidance on alternative scenarios, noting that the TEAP takes seriously the comments and work parties have done, and that it would be difficult to determine which comments to take on board.

Kuwait requested clarification from the TEAP on how the panel has addressed the needs of least developed countries (LDCs). TEAP RTF Co-Chair Carvalho explained that the TEAP had taken the needs of LDCs into account in the May 2020 report, which includes an annex with a suggested approach and outlines why the TEAP

suggested the figures in its replenishment report. She noted it was not possible to take energy efficiency into account, as there were no decisions or guidance from the ExCom.

Portugal, on behalf of the EU, asked delegates to consider the language proposed by the UK before considering deletion of paragraph (b). He highlighted that many parties had asked for both Option C and a supplementary report, and emphasized that the report would be an added value that could be used for decision-making in October when the MOP is expected to convene.

Kuwait said it could accept paragraph a(ii), asked that his comments regarding energy efficiency be reflected in the meeting report, and expressed acceptance of paragraph (b) with the changes proposed by the UK and Portugal.

Canada said that while it would be ideal to provide more specific guidance to the TEAP on a supplementary report, doing so was not possible in the current circumstances, and said the choice before delegates was to ignore the comments submitted by parties or to find a compromise.

The US, supported by Colombia, said asking the TEAP to consider alternative scenarios without further guidance could be too difficult, as parties whose scenarios are not considered would likely be disappointed.

On paragraph a(ii), Colombia suggested including a footnote clarifying that 2020 should be understood as a non-standard, non-benchmark period. Co-Chair Sirois suggested footnote text stating that “with the understanding that the year 2020 should be considered as an abnormal year, due to the pandemic situation.” Colombia supported this suggestion.

In an effort to soften the potential demands on the TEAP set out in the proposed paragraph (b), Portugal, on behalf of the EU, suggested changing “alternative scenarios” to “additional analysis.” Noting that phrase “alternative scenarios” can be defined broadly. China suggested deleting this text altogether.

Kuwait, Canada, Portugal on behalf of the EU, and China each provided suggestions on how the text could be amended while still instructing the TEAP to provide a supplemental report. The US, Trinidad and Tobago, and Australia could not accept the proposed text given the ambiguity in requests being made the TEAP and the inability of the TEAP to take on the significant task of producing an additional report. Argentina and Norway both echoed support of parties to preserve this paragraph, noting that when option proposals were received, reference was made to supplementary reports being provided by the TEAP.

Co-Chair Sirois announced the meeting only had interpretation for 15 more minutes. He thanked those parties who had tried to achieve compromise on paragraph (b), noted that some delegations had continued to express reservations, and asked if any wished to signal agreement.

The US said he was still not in a position to support inclusion of paragraph (b), explaining that while he appreciated the efforts to improve the language, the problems had not been resolved.

Co-Chair Sirois said that, in the absence of consensus, the way forward would be to delete paragraph (b), leaving only the previously agreed text in paragraphs a(i) and a(ii).

Kuwait objected, emphasizing that nothing is agreed until everything is agreed, and said he was not in favor of adopting the CRP. He called for clarification from the Legal Advisor.

Chair Sirois apologized to Kuwait, saying his intent was not to displease any delegation. He clarified his understanding that the text in paragraph (a) had been agreed, and that because delegates were running out of time and there was no way to achieve consensus on paragraph (b), it had to be deleted. He said this approach was common practice, and said that if delegates could not support this approach, there would be no guidance for the TEAP.

The Legal Advisor to the Ozone Secretariat affirmed that Co-Chair Sirois’ approach was the correct procedure and is common practice, since the proposal by Canada consisted of multiple elements but was not a package. He explained that since the OEWG will not have a chance to revisit this document after the meeting, the text should either be dropped or reflected in the report in brackets. He noted that because bracketed text is not agreed, it would not inform the TEAP action.

Kuwait also clarified his view that the document did constitute a package, and that his acceptance of the text of paragraph a(ii) was a compromise framed by the text in paragraph (b). He thanked the Legal Advisor for his intervention and asked that the Advisor’s statement be reflected in full in the meeting report, to serve as the basis for future deliberations. Co-Chair Sirois said that Kuwait’s comment was noted and would be reflected in the report of the meeting.

Delegates concluded this agenda item on the understanding that the text in paragraph a(i) and a(ii) had been agreed and the text in paragraph (b) had not. The text therefore guides the TEAP to update the May 2020 report, as needed, to take into account the corrections and clarifications identified in the TEAP Task Force Responses document, as well as decisions, rules, and guidelines agreed by the ExCom up to and including its 87th meeting.

Adoption of the Report and Adjournment of the Meeting

On Monday, OEWG-14 adopted the report of its meeting (UNEP/OzL.Pro.WG.1/43(I)/L.1) without amendment.

In her closing remarks, Co-Chair Osorio thanked the delegates for their active participation in the meeting. She noted that parties could continue to share comments via the online forum in the run-up to the second part of OEWG 43, which will be held in July.

Co-Chair Sirois thanked participants for working in a spirit of cooperation and compromise, emphasizing that this approach allowed parties to agree on text to produce an updated replenishment report. He wished participants well and adjourned the meeting at 7:06 pm (UTC+3).

A Brief Analysis of ExMOP 4 and OEWG 43

Amidst the upheaval of the COVID-19 pandemic, parties to the Montreal Protocol convened virtually to address an issue central to achieving this agreement’s objectives: replenishment of the Multilateral Fund (MLF). The MLF is designed to assist developing countries with implementation of their obligations under the Protocol. The replenishment was delayed by the pandemic, meaning that parties need to negotiate funding for the triennium 2021-23 during the first year of that financial period.

There were two goals for this set of meetings. First, parties convened the Fourth Extraordinary Meeting of the Parties (ExMOP 4), a one-day meeting aiming to enable some parties to make payments to the MLF in 2021, as per their national financial regulations. If parties were unable to make these payments, the MLF

could have missed out on critical funding to support the activities of Article 5 parties to phase out ozone depleting substances and phase down certain greenhouse gases.

Second, parties convened the first part of the 43rd meeting of the Open-ended Working Group (OEWG 43) to provide clear guidance to the Replenishment Task Force (RTF) of the Technology and Economic Assessment Panel (TEAP), an advisory body tasked with providing technical information to support parties' decision-making. With negotiations on the replenishment scheduled for October 2021, OEWG 43 had to determine what technical information would best support parties in their decision-making, while also being mindful of the short timeline and the heavy workload of TEAP members.

This brief analysis considers the outcomes of this set of meetings and their implications for upcoming negotiations, including the second part of OEWG 43, which is scheduled for July 2021.

Paving the Way for Replenishment

ExMOP 4 opened on a positive note, with parties warmly welcoming the recent appointment of Megumi Seki as Executive Secretary of the Ozone Secretariat. Seki served as Acting Executive Secretary for the past year and has been part of the Ozone Secretariat since 1988, and has earned the confidence of parties. Her appointment was characterized by many stakeholders as a seamless and strong choice for the leadership of the Secretariat.

Thanks in part to extensive pre-meeting collaboration via an online forum, delegates to ExMOP 4 quickly decided to enable some parties to make payments toward replenishment of the MLF before negotiations on the actual replenishment levels are concluded. In fact, ExMOP 4 lasted only 90 minutes, with delegates readily agreeing to a text proposed by Australia, Norway, the European Union, and New Zealand that would enable early payments without prejudice to the overall level of the replenishment or to the agreed level of contributions by parties. This decision was both straightforward and of crucial importance to the smooth functioning of the Protocol; it was in all parties' interests to ensure that contributions to the MLF would not be negatively affected by the pandemic.

While delegates to ExMOP 4 breezed through their work, those who participated in first part of OEWG 43 encountered thornier challenges. The first two days of this meeting were held immediately following ExMOP 4 and also addressed issues related to MLF replenishment. However, the task before this body was more complicated, requiring delegates to balance the priorities and needs of parties with the capacity of the TEAP to carry out additional work. Reaching agreement on what constituted necessary and feasible work proved difficult.

During the first part of OEWG 43, parties were tasked with providing guidance to the TEAP to carry out further work on its May 2020 report on funding requirements for the 2021-2023 MLF replenishment. Specifically, parties needed to determine whether the report needed to be updated or supplemented with a new report to support the replenishment negotiations that will take place later in 2021.

As with ExMOP 4, parties had begun their collaboration months ahead of the actual meeting by posting comments on pre-meeting documents on the online forum. Using a list of potential options prepared by the Secretariat as a starting point for discussions, parties shared a wide range of preferences, ranging from limited updates to

the TEAP's May 2020 assessment of funding requirements to the production of a new, supplementary report with additional scenarios, analyses, and consideration of comments and clarifications submitted by parties in response to the original assessment.

Determining what would be feasible for members of the Replenishment Task Force was particularly challenging, as these volunteers had already extended their mandates by a year due to the pandemic and were managing exceptionally heavy workloads. With this concern in mind, some parties sought to balance preferences for additional information with capacity by suggesting that TEAP be given latitude to determine what work it could and should do. Others objected to the prospect of asking the TEAP to interpret parties' needs without guidance, noting the advisory body had received over 200 comments from parties, some of which proposed new scenarios for analysis. One delegate pointed out that this was likely to lead to disappointment among those parties whose preferences were not addressed.

This debate highlighted an important distinction between the work of the OEWG, which is responsible for negotiating political issues, and the TEAP, which is responsible for providing expert advice and analysis of technical issues. This attempt to provide flexibility risked shifting responsibility for politically important choices onto the TEAP, a situation that was unacceptable to some parties, even if the consequence would be more limited information to inform the negotiations.

On Monday, OEWG delegates convened for the second and final day, using a conference room paper submitted by Canada as a starting point for discussions. While earlier discussions indicated some degree of convergence among delegates, with many explicitly referencing the need for flexibility, Monday's work to finalize guidance to the TEAP revealed irreconcilable fissures in parties' preferences.

For example, several parties highlighted the value of assessing the impact of the COVID-19 pandemic on hydrofluorocarbon (HFC) consumption and production by Article 5 parties (developing countries). Others questioned the feasibility of such an assessment given both the capacity constraints of the TEAP and uncertainty about when the pandemic will end and economic recovery will fully begin. Despite some strong preferences for pursuing this work, parties agreed to defer it to a future date. Many stakeholders cited this as just one example of the flexibility parties demonstrated as they worked to achieve an agreement at this session, knowing that failure to do so would leave them with no guidance for the TEAP and thus no new information to support replenishment negotiations.

However, other concerns were not so easily resolved. As noted above, several parties strongly supported some form of a supplementary report that would provide alternative scenarios and additional analyses, based in part on parties' previously submitted comments on and responses to TEAP's May 2020 report, as well as any other new, relevant information. Many parties sought to provide language that would be acceptable to all, while giving the TEAP greater discretion. These efforts could not win universal support, however, as efforts to provide the TEAP with greater flexibility led to commensurately increasing concern among parties who felt that guidance should be clear and specific.

It was this final issue that revealed one of the most significant limitations of online negotiations: the heightened risk of miscommunication. In the context of an in-person meeting,

Chairs can more easily “read the room,” and delegates have more opportunities to pause discussions, meet in small groups, and work through complex problems collaboratively. In a virtual setting, delegates must work quickly, overcoming the constraints of time zone differences and unreliable internet connections as they seek to reach common ground. These challenges were manifested late in the meeting, when it became clear that two participants had very different understandings of what had been agreed and under what terms. While this issue was resolved, and OEWG 43 concluded with agreement on limited updates to the existing TEAP report, it clearly illustrated the “Achilles Heel” of virtual meetings.

Looking Ahead

Delegates’ work during ExMOP 4 and OEWG 43 will have direct impacts on upcoming negotiations on replenishment of the Multilateral Fund. Successful negotiations are crucial to effective implementation of the Montreal Protocol, and parties will rely on the work of the TEAP to inform their deliberations. Having a clear and robust assessment of funding needs will be essential to facilitating agreement on this complex, multifaceted issue, especially if delegates are working virtually.

At the start of both ExMOP 4 and OEWG 43, Executive Secretary Seki encouraged delegates to engage in discussions with flexibility and in the spirit of compromise, noting that online negotiations may be necessary for the foreseeable future. In July, OEWG 43 will reconvene virtually to discuss two technical issues: energy efficiency and unexpected emissions of the ozone-depleting substance CFC-11. Later this year, parties will convene for the combined meetings of the resumed 12th meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer (part I) and the thirty-third Meeting of the Parties to the Montreal Protocol. Over a year into the pandemic, parties will find it increasingly difficult to postpone negotiations of complex issues, and will need to draw on their growing experience with virtual collaboration to ensure that these meetings can reach a successful conclusion.

Upcoming Meetings

Partnering for Green Growth and the Global Goals 2030 (P4G) Summit: This Summit, hosted by the Republic of Korea and P4G, will bring together high-level government officials, CEOs, and civil society leaders to deliberate on how scalable and replicable market-based solutions can advance increased ambition on climate action and sustainable development. **dates:** 30–31 May 2021 **location:** virtual **www:** <https://p4gpartnerships.org/content/p4g-seoul-summit>

May-June 2021 Climate Change Conference: The UN Framework Convention on Climate Change’s Subsidiary Body for Implementation and Subsidiary Body for Scientific and Technological Advice will convene virtually to prepare for the 26th meeting of the Conference of the Parties in Glasgow. **dates:** 31 May – 17 June 2021 **location:** virtual **www:** <https://unfccc.int/event/may-june-2021-climate-change-conference-sessions-of-the-subsidiary-bodies>

60th Meeting of the GEF Council: The Council is the GEF’s main governing body, and meets twice annually to develop, adopt, and evaluate the operational policies and programmes for GEF-

financed activities. **dates:** 14–18 June 2021 **location:** virtual **www:** <https://thegef.org/council-meetings/gef-60th-council-meeting>

High-level Political Forum on Sustainable Development (HLPF) 2021: The UN Economic and Social Council (ECOSOC) will convene the 2021 session of the HLPF under the theme “Sustainable and resilient recovery from the COVID-19 pandemic that promotes the economic, social and environmental dimensions of sustainable development.” Following the first five days, the HLPF’s three-day ministerial segment takes place jointly with ECOSOC’s high-level segment. **dates:** 6–15 July 2021 **location:** UN Headquarters, New York **www:** <https://sustainabledevelopment.un.org/hlpf/2021>

Sixty-sixth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol: The sixty-sixth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol will be held online. **dates:** 12–13 July 2021 **location:** virtual **www:** <https://ozone.unep.org/meetings>

43rd meeting of the Open-ended Working Group of the Parties to the Montreal Protocol: OEWG 43 will resume to convene two technical meetings on unexpected emissions of CFC-11 and energy efficiency. Each meeting is comprised of two substantially identical sessions to facilitate participation from different time zones. An online forum on CFC-11, energy efficiency, and critical-use nominations for methyl bromide to enable parties to comment and ask questions on the relevant reports of Assessment Panels will be opened on 31 May and will be closed to comments on 21 June. **dates:** 14–15 July 2021 (CFC-11) and 16–17 July 2021 (energy) **location:** virtual **www:** <https://ozone.unep.org/meetings/43rd-meeting-open-ended-working-group-parties-montreal-protocol>

Combined COP12(II)/MOP33: An in-person meeting of the combined 12th meeting (part II) of the Conference of the Parties to the Vienna Convention and 33rd Meeting of the Parties to the Montreal Protocol (COP12(II)/MOP33) is tentatively scheduled to be convened to accommodate deferred issues from 2020. The 67th meeting of the Implementation Committee and the Joint Bureaux meeting will be held on 23 and 24 October 2021, respectively.

dates: 23–29 October 2021 **location:** Nairobi, Kenya (tentative) **www:** <https://ozone.unep.org/meetings/thirty-third-meeting-parties>

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

Glossary

CFCs	Chlorofluorocarbons
COP	Conference of the Parties
CRP	Conference room paper
ExCom	Executive Committee
ExMOP	Extraordinary Meeting of the Parties
HCFCs	Hydrochlorofluorocarbons
HFCs	Hydrofluorocarbons
MLF	Multilateral Fund
MOP	Meeting of the Parties
ODS	Ozone depleting substances
OEWG	Open-ended Working Group
RTF	Replenishment Task Force
TEAP	Technology and Economic Assessment Panel