

MOP 35 Highlights: Monday, 23 October 2023

Delegates convened for the first day of the meeting to begin to address a packed agenda. They spent some time discussing the agenda, before establishing a budget committee which will meet throughout the meeting. They then heard the report of the Technology and Economic Assessment Panel (TEAP) replenishment taskforce (RTF), and opened discussions on, among others, stratospheric aerosol injection (SAI), destruction technologies, very short-lived substances (VSLS), hydrofluorocarbon-23 (HFC-23) emissions, and the shared responsibility to stop dumping of inefficient equipment containing obsolete refrigerants.

Opening of the Preparatory Segment

Open-ended Working Group (OEWG) Co-Chair Vidémé Amèh Djossou (Togo), opened the meeting. Megumi Seki, Executive Secretary, Ozone Secretariat, highlighted that the work under the Protocol is evolving, and informed delegates that the Secretariat would host a pavilion at the upcoming 28th Conference of the Parties (COP28) to the UN Framework Convention on Climate Change (UNFCCC), as part of the host country's Global Cooling Pledge initiative.

Seki highlighted the outstanding contributions to the Protocol of John Pyle and Paul Newman, who are retiring as Co-Chairs of the Scientific Assessment Panel (SAP). Joined by the UK and the US, Seki thanked them for their leadership and dedication. Newman and Pyle urged delegates to keep the Protocol's beacon bright for others to see.

Organizational Matters

Adoption of the agenda of the preparatory segment:

OEWG Co-Chair Ralph Brieskorn (the Netherlands) introduced the agenda for the preparatory segment ([UNEP/OzL.Pro.35/1](#) and [Add/1](#)). CHINA called to delete the US proposal on the reclassification of developing countries (agenda item 22), which proposed reclassifying China as a developed party. She opined that the proposal was an attempt to politicize the Montreal Protocol implementation, adding that it was inconsistent with the Protocol's principles, and undermined the trust built over 36 years. She proposed deletion of the item in accordance with Rule 12 of the rules of procedure (RoP).

The US justified the submission, noting that it was in accordance with Rule 9 of the RoP. He highlighted the intent was to reflect the change in circumstances of China's transition into one of the largest global economies. He also noted prior MOP decisions where reclassification of countries have taken place, and emphasized that blocking this item on procedural grounds would set a bad precedent.

Several countries opposed the proposal to reclassify China. The RUSSIAN FEDERATION, BRAZIL, and GUINEA-BISSAU stressed that reclassification should occur through states' self-nominations, adding that the US submission violated China's sovereign rights. THE GAMBIA called the proposal "trivial politicking." CUBA said the proposal sets a negative precedent, and KUWAIT stated reclassification should consider a wider set of indicators besides economic growth. Citing the principle of

sovereignty, VENEZUELA urged considering the precedent set if the MOP agreed to this reclassification. BAHRAIN recalled that all decisions adopted by the MOP have been based on states' consumption rates, according to Article 5(1).

In support of keeping the item on the agenda, AUSTRALIA opined that the request by the US was made in accordance with the RoP. CANADA expressed support for the inclusion on procedural grounds. JAPAN said the financial mechanism should take into account developments in economic standings.

Co-Chair Brieskorn proposed, and delegates agreed, to keep this agenda item between brackets, with addition of a footnote that it is pending conclusion of informal consultations. He invited concerned parties to engage in the margins of the meeting.

KUWAIT and DOMINICAN REPUBLIC requested clarification of the proposal, with ALGERIA requesting that these informal consultations be open to all parties wishing to participate.

For other matters, MOZAMBIQUE requested a discussion on the length of the sessions of the MOP due to the increased workload occasioned by Kigali Amendment implementation.

Organization of work: Delegates approved the organization of work as verbally outlined by Co-Chair Brieskorn.

Administrative Matters

Budget of the Trust Fund for the Montreal Protocol and financial reports: Co-Chair Djossou introduced this item (UNEP/OzL.Pro.35/2, 35/3, 35/4, 35/4/Corr.1, 35/5, 35/INF/1, 35/INF/2). Parties agreed to establish a budget committee, chaired by Sebastian Schnatz (Germany) to review the financial reports and prepare a draft decision.

Membership of Montreal Protocol bodies for 2024: Co-Chair Djossou introduced this agenda item (UNEP/OzL.Pro.35/2, 35/3), urging regional consultations and submission of nominations for the Implementation Committee, the Executive Committee of the Multilateral Fund (MLF), and the Co-Chairs of the OEWG for 2024.

Replenishment of the MLF for the triennium 2024–2026

Supplementary report of the TEAP RTF: Co-Chair Brieskorn introduced this item (UNEP/OzL.Pro.35/2, 35/2/Add.1, 35/3, WG.1/45/8). The RTF presented their supplementary report outlining ways in which they had addressed the 27 issues raised at OEWG 45 relating to the MLF replenishment. They stressed that the range of funding depended on which scenarios parties decided to use, combine, or discard. The EU stated that the RTF had not explored all issues regarding compliance and the cost-effective use of funds, and noted that the RTF's approach deviated from previous practice.

INDIA, with NIGERIA, reminded participants of the commitment made in MOP decision XXVIII/2 that sufficient additional financial resources will be provided by non-Article 5 parties to offset costs arising out of HFC phase-down obligations by Article 5 parties. KUWAIT called for capacity building with regards to energy-efficient technologies. THE GAMBIA emphasized the lack of facilities to address end-of-life equipment in most Article 5 countries. UK, with the US, supported more funding to address climate benefits of the Kigali amendment.

Parties agreed to re-establish the OEWG 45 contact group on this issue, co-chaired by Sergio Merino (Mexico) and Alain Wilmart (Belgium).

Extension of the fixed-exchange-rate mechanism for the triennium 2024–20: Co-Chair Brieskorn introduced this item (UNEP/OzL.Pro.35/INF/6), and the draft decision (UNEP/OzL.Pro.35/3). Parties agreed to forward this issue to the MLF replenishment contact group.

Potential areas of focus for the 2026 quadrennial reports, including synchronization with reports on HFC alternatives

Co-Chair Brieskorn introduced this issue, drawing attention to the agreement to resume discussions of the contact group on the issue of synchronizing reports on alternatives to HFC under decision XXVIII/2. He noted that the draft decision agreed on by OEWG 45 would be the basis for resumed contact group discussions, co-chaired by Leslie Smith (Grenada) and Cindy Newberg (US).

SAI and Protection of the Ozone Layer

Co-Chair Djossou introduced this item, drawing attention to OEWG 45 discussions based on the SAP 2022 assessment report, which notes the impacts of the use of SAI to reduce global warming would impact on stratospheric ozone. He further drew attention to Australia's draft decision, co-sponsored by Canada, on the topic, forwarded to MOP 35 (contained in UNEP/OzL.Pro.35/3).

Pointing to uncertainties presented at the OEWG, INDIA called on the SAP to provide quantitative information on this issue. SAUDI ARABIA drew attention to SAI-induced acid rain due to injected sulfuric and nitric acid and called for further studies on alternatives for atmospheric cooling.

AUSTRALIA said the draft decision introduced was directed to the global scientific community and the SAP to address the challenges of SAI. The US urged restricting the discussions to the mandate of the Protocol.

KENYA called for addressing the risks and uncertainties of SAI and urged responsible and ethical considerations in the use of similar geoengineered techniques. Parties agreed to amend the draft proposal in an informal group.

Destruction Technologies

Co-Chair Djossou introduced the item (contained in UNEP/OzL.Pro.35/3). The EU clarified that their proposed CRP was intended to assist parties improve implementation of the Kigali Amendment by identifying destruction technologies. The US, AUSTRALIA, and CANADA welcomed having further discussions. GUINEA cautioned these discussions consider polycyclic aromatic hydrocarbons (PAHs), which are not covered under the Protocol. Delegates agreed to continue discussions informally.

VSLs, including Dichloromethane (DCM)

Co-Chair Djossou introduced the item (contained in UNEP/OzL.Pro.35/3). INDIA, supported by RUSSIAN FEDERATION and CHINA, recalled their concerns that these substances are not controlled under the Protocol and no ozone depleting data is available for VSLs including DCM. CHINA said using the Protocol to "research everything" was unrealistic and unnecessary.

BRAZIL, CANADA, US, and GUINEA supported discussing this matter further, with the EU noting that while VSLs including DCM have indeed very low Ozone Depleting Potential (ODP), their impact can be substantial in large quantities.

Delegates agreed to continue informal discussions on this topic, co-facilitated by Liana Ghahramanyan (Armenia) and Jana Mašičková (Czech Republic).

HFC-23 Issues

Strengthening institutional processes with respect to information on HFC-23 by-product emissions: report by the TEAP (decision XXXIV/7): Co-Chair Brieskorn introduced this item (UNEP/OzL.Pro.35/2, 35/2/Add.1). Nick Campbell, TEAP, presented an overview of the report, which identifies chemical pathways generating HFC-23 as a by-product, and highlights

the considerable discrepancy between reported emissions and monitored atmospheric concentrations of HFC-23.

Responding to technical questions from BAHRAIN, RUSSIAN FEDERATION, INDIA, SAUDI ARABIA, the US, and GUINEA, the TEAP stressed that the report presents the best estimates possible but could not convey the level of confidence some parties expected. Delegates took note of the report.

Emissions of HFC-23: Co-Chair Djossou reminded delegates of the draft decision submitted by the US, also on behalf of Australia, Canada, and Norway, on unexplained emissions of HFC-23 in recent years. He reported progress by the OEWG 45 contact group and presented a revised draft set out in section II of document UNEP/OzL.Pro.35/3 as draft decision XXXV/[E].

The EU said there was need to compliment the decision with additional data to reduce discrepancies and uncertainties identified. The US said the findings presented by TEAP will enable streamlining the document.

CHINA opposed the inclusion of HFC-23-emission limits noting that it remained neither possible nor feasible to apply emissions limits universally.

Delegates agreed to resume the contact group on the matter, co-chaired by Shontelle Wellington (Barbados) and Heidi Stockhaus (Germany).

Proposed Adjustments to the Montreal Protocol

Co-Chair Djossou introduced this issue. CUBA, with MOZAMBIQUE, GRENADA, and KENYA urged for further progress on the matter and for ensuring support for countries impacted by COVID-19 to adjust their baselines. CHINA noted the need for financial support to developing countries to cope with the issue.

AUSTRALIA pointed out the need for consultations on providing relief for specific countries that experienced such difficulties.

Delegates agreed to resume contact group discussions, co-chaired by Patrick McInerney (Australia) and Juan Jose Galaeno (Argentina).

Shared Responsibility to Stop Dumping of Inefficient Equipment Containing Obsolete Refrigerants (decision XXXIV/4)

Co-Chair Brieskorn invited participants to consider the issue contained in document UNEP/OzL.Pro.35/3 as draft decision XXXV/[F].

GHANA, stressing the importance of this issue for African countries, said such a decision would help drive collaborative efforts to engage both importing and exporting countries in finding solutions to stop the dumping of obsolete and harmful equipment. Discussions will continue on Tuesday.

In the Breezeways

As MOP 35 delegates converged at the seat of the Protocol's Secretariat for the first time in 20 years, the testy matter of the reclassification of developing countries was on everybody's lips. In previous years, where reclassification of parties has occurred, the process has always involved self-nomination. This being the first time one country was nominating another, temperatures in the room rose and a polarized discussion ensued. Many suggested that this is a "dangerous discussion" because of its repercussions for other processes, particularly in light of the principle of common but differentiated responsibilities. But others saw the merit of "at least initiating discussions on reclassification," noting that realities on the ground have changed significantly since the 1987 adoption of the Protocol when China was still referred to as a "sleeping giant." The issue remains on the agenda, albeit in brackets, and some foresee that "it will remain parked within the process for a long time."

The day also saw the Montreal Protocol bid farewell to two long-standing Co-Chairs of the SAP, Paul Newman and John Pyle. In a touching tribute, the US underlined that "part of the reason we are 'can-do' in this Protocol is because of the science." And science was the cornerstone of discussions on Monday as delegates delved into the dense agenda, addressing issues ranging from geoengineering to the next MLF replenishment.