

COP13/MOP36 Highlights: Tuesday, 29 October 2024

Delegates returned to the joint preparatory segment of the twelfth meeting of the Conference of the Parties to the Vienna Convention (COP13) and the thirty-sixth Meeting of the Parties (MOP36) to the Montreal Protocol on Tuesday, completing a first reading of all agenda items, debating issues around compliance and data reporting, discussing matters relating to the General Trust Fund for Financing Activities on Research and Systematic Observations Relevant to the Vienna Convention (GTF), and continuing their work in contact groups on various items.

Plenary Updates from Contact Groups

The plenary heard reports from contact group deliberations on Monday on feedstock uses of controlled substances, very short-lived substances, and the future availability of halons and their alternatives, and from discussions on Tuesday morning on enhancing the global and regional atmospheric monitoring of controlled substances. Co-facilitators of all four contact groups requested more time.

Montreal Protocol (MP) Issues: Work and Recommendations of the Implementation Committee (ImpCom) on Compliance and Data Reporting Issues

Open-ended Working Group (OEWG) Co-Chair Ralph Brieskorn (the Netherlands) introduced this item. Osvaldo Alvarez-Perez (Chile), ImpCom President, reported on party compliance issues considered during the Committee's 72nd and 73rd meetings, and outlined UNEP/OzL.Pro.36/CRP.1, with four draft decisions emanating from those meetings.

The first draft decision updates on the reporting requirements under MP Article 7, noting 191 of 198 parties have reported data for 2023, and three parties have not yet submitted hydrofluorocarbon (HFC) baseline data for 2020-2022 under the Kigali Amendment. The second draft decision addresses the repeated non-compliance by one party with control measures for hydrochlorofluorocarbons (HCFCs) and proposes to caution this party.

The third draft decision updates on import and export licensing system requirements under MP Article 4B, noting that 154 of 160 parties have such systems in place, but three parties have not yet reported on the establishment and operation of their licensing systems. KENYA clarified they are in the process of finalizing their licensing system and will report to the ImpCom before its next meeting.

The fourth draft decision proposes to approve the request by two parties to revise their HFC consumption data for the 2020-2022 and 2022 baselines, respectively.

Alvarez-Perez also drew attention to the practice of parties indicating their submission of "provisional" data via a checkbox on the online reporting form. He said this creates a challenge for the ImpCom since without final data it is impossible to ascertain parties' compliance with the Protocol. The Secretariat clarified that the checkbox had already been deleted from the online form based on the ImpCom's discussions. The US noted the online checkbox was inconsistent with MOP-approved data forms.

GRENADA, with KUWAIT, regretted the removal of the checkbox without prior consultation with parties. BENIN requested a correction of the relevant years for which their data was considered provisional.

ARMENIA described data reporting challenges, referring to online trade and the absence of customs declarations in the Eurasian Economic Union. She expressed willingness to cooperate with the ImpCom, but cautioned all parties should have been made aware of the checkbox. KUWAIT and CANADA asked whether the ImpCom requested additional data from all parties that adjusted their data, or only specific parties.

Alvarez-Perez clarified that the Committee had not requested the Secretariat to delete the checkbox. He suggested this was done to ensure consistency in reporting formats.

ARGENTINA, with the EU, US, and SAUDI ARABIA, expressed concern about the lack of clarity around the ImpCom's review process for provisional data as well as how the ImpCom arrives at its decisions. The RUSSIAN FEDERATION suggested that parties should be able to report provisional data in good faith, but conceded that further discussion is needed. The Secretariat clarified that the checkbox for provisional data had been provided in good faith, based on the existing practice of parties submitting provisional data. He acknowledged that by adding the box the Secretariat may have encouraged the submission of provisional data.

Delegates agreed with Co-Chair Brieskorn's proposal to forward UNEP/OzL.Pro.36/CRP.1 to the high-level segment and to establish an informal group to further discuss concerns raised around the status and submission of provisional data.

(MP) Emissions of HFC-23

Co-Chair Brieskorn reopened this item, noting two draft decisions had been circulated. The US introduced UNEP/OzL.Pro.36/CRP.7, which, *inter alia*, notes with concern that emissions estimates derived for eastern China indicate emissions substantially higher than expected on the basis of reporting, and requests relevant parties to undertake requisite actions to implement HFC-23 emissions obligations and investigate the potential reasons for deviations between their reported emissions and emissions estimates derived from atmospheric monitoring.

CHINA introduced UNEP/OzL.Pro.36/CRP.8 related to strengthening research on global HFC-23 emissions and data reporting, which, among others, invites parties with HCFC-22 production facilities to voluntarily report their current methodologies for accounting for and reporting HFC-23 emissions, including fugitive emissions, to the Ozone Secretariat by 31 March 2025, and requests the Secretariat to establish an expert task force to research and develop technical guidelines to account for and report on HFC-23 emissions.

CHINA then opined that the US proposal "framed a global issue as the problem of one party," and that the US proposal was "unscientific," "impractical," and "disrespectful."

The US clarified that any requests of parties outlined in CRP.7 is not a mandatory requirement. He acknowledged that HFC-23 emissions are a global issue, but there is scientific data on regional emissions that must be closely considered.

KUWAIT and the EU noted similarities in elements between CRP.7 and CRP.8, and the need to clarify significant reporting discrepancies from the Scientific Assessment Panel (SAP) and the Technology and Economic Assessment Panel (TEAP).

Delegates agreed to establish a contact group to discuss both CRP.7 and CRP.8 to see how elements of both can be merged.

Vienna Convention (VC) Issues: Report of the Twelfth Meeting of the Ozone Research Managers (ORM12) of the Parties to the Vienna Convention

OEWG Co-Chair Miruza Mohamed (Maldives) opened the discussion on the ORM12 report. The ORM12 Co-Chairs, Maria Del Carmen Cazorla Andrade (Ecuador) and Wolfgang Steinbrecht (Germany), presented the [report](#) of the ORM meeting held in April 2024, which focused on: the state of the ozone layer and expected recovery; the ozone layer and climate change; monitoring of ground-based ozone, UV radiation, and controlled substances; space-based monitoring; and national and regional reports on ozone research and monitoring. They highlighted ORM12's recommendations presented in the report, which revolve around improving various aspects of global ozone projections, observation and monitoring capabilities, capacity building, and finance.

ORM12 Co-Chair Steinbrecht stated that observations need to tell where the emissions are coming from, noting the Montreal Protocol "put up the speed signs, but we need radar to ensure everyone follows the speed limits."

FINLAND, also on behalf of Ecuador and Indonesia, the three COP Bureau members at ORM12, presented UNEP/OzL.Conv.13/CRP.1, and suggested this proposal should be discussed in the contact group on global and regional atmospheric monitoring, which delegates accepted.

AUSTRALIA welcomed the ORM12 report, noting it largely pointed to the need to expand and improve global monitoring networks, and looked forward to working with other parties in the contact group.

(VC) Status of the General Trust Fund for Financing Activities on Research and Systematic Observations Relevant to the Vienna Convention (GTF)

OEWG Co-Chair Brieskorn introduced this item ([UNEP/OzL.Conv.13/7](#)). A.R. Ravishankara, GTF Advisory Committee, reported on the [Committee's work since COP 12](#). Sophia Mylona, Ozone Secretariat, briefed delegates on the [status of the GTF](#), reporting that USD 308,453 is currently available for future activities. She noted that the Advisory Committee had received seed-funding proposals amounting to USD 4,685,170. Paolo Laj, World Meteorological Organization, presented on the [activities on research and systematic observations relevant to the Convention](#).

FINLAND introduced UNEP/OzL.Conv.13/CRP.2. AUSTRALIA noted some research and monitoring activities are on hold due to political instability, and asked if the Advisory Committee would cancel these activities and reallocate the funding.

NORWAY welcomed the increase in voluntary contributions, urging more parties to contribute to the Fund. KYRGYZSTAN called for training a new generation of scientists, particularly from Article 5 countries, and supported financing for data archiving. Delegates agreed to forward this CRP to the contact group on enhanced global and regional atmospheric monitoring.

Other Matters

Isomers of HFCs not explicitly listed in Annex F of the Protocol: As proponent of this new agenda item, SWITZERLAND recalled document [UNEP/OzL.Pro.36/INF/6](#), which the Secretariat introduced.

CANADA, with the US and AUSTRALIA, noted the document on this complex issue had been submitted late, requesting to postpone discussions until OEWG 47, and requested the Secretariat to focus the information document on the possible import of the isomer HFC-245cb. SWITZERLAND underlined the need for clarity on the global-warming potential of HFC-245cb, noting the isomer is commercially relevant for at least one party. With NORWAY, he suggested informal discussions on this issue on the margins of this meeting. Co-Chair

Brieskorn proposed that this item be reintroduced at OEWG 47 and requested the Secretariat to revise the information note as suggested.

Changing the cut-off date indicated in paragraph 17 of decision XXVIII/2: OEWG Co-Chair Mohamed noted this item was added to the agenda on Monday. EGYPT, as proponent, introduced UNEP/OzL.Pro.36/CRP.9, noting it contains a request to revise the pertinent decision to reflect that the cut-off date for eligible capacity is 1 January 2024 for those parties with baseline years from 2024-2026. Delegates agreed to address this issue later in the week.

Contact Groups

Enhancing Global and Regional Atmospheric Monitoring of Controlled Substances: The contact group met in the morning, co-facilitated by Liana Ghahramanyan (Armenia) and Alessandro Giuliano (Italy). The discussion revolved around the specific modalities for identifying and evaluating the suitability of potential monitoring sites; the process for consulting site host countries and interested parties; and the terms of reference for the GTF Advisory Committee.

Possible compliance deferral for Article 5, group 2 parties: Meeting during the lunch break, the contact group was co-facilitated by Cornelius Rhein (EU) and Ana Maria Kleymeyer (Federated States of Micronesia). Participants sought precision on the language in the draft decision in terms of what additional information the proponents were requesting from the TEAP and if the title of the draft decision was reflective of its content.

Climate-friendly alternatives for metered-dose inhalers (MDIs): Co-Chaired by Henry Wöhrnschimmel (Switzerland) and Noe Megrelishvili (Georgia), the group opened discussions on a draft proposal, originally submitted by the EU, basing their considerations on alternative text proposed at the end of OEWG 46. Discussions included a proposed request to the TEAP to continue "monitoring" and updating parties on developments with respect to HFC-based MDIs and their alternatives.

Potential changes to data reporting forms for reporting on HFC-23: In the late afternoon, co-facilitated by Obed Meringo Baloyi (South Africa) and Martijn Hildebrand (the Netherlands), delegates discussed the relationship between the different forms so that generation, import and export, and destruction can be appropriately reflected even if they occur over more than one reporting year for the same material.

Strengthening Montreal Protocol institutions, including combating illegal trade: Co-chaired by Fathmath Usra (Maldives) and Jana Mašíčková (Czechia), the group based their discussions on a revised proposal. The EU introduced their proposed amendments, including a request to the Secretariat to extract common elements of licensing systems and to provide a compilation of these elements for discussion at a future meeting of the OEWG. The Secretariat noted that parties voluntarily share regulations covering their licensing systems. Delegates called for clarification on the purpose of compiling common elements, with some sharing that a compilation of best operational licensing systems would be more useful. Discussions continued.

A contact group on **life-cycle refrigerant management** convened in the evening.

In the Corridors

After zipping through multiple agenda items on Monday, the pace slowed on Tuesday as discussions on data, compliance, monitoring, and financing took center stage. A running theme is that without accurate data, it is impossible to ascertain parties' compliance with the Protocol. But without capacity building and additional financial assistance for monitoring and data collection, many developing country parties face challenges collecting this data. As the ORM Co-Chair noted, the Montreal Protocol "put up the speed signs, but we need radar to ensure everyone follows the speed limits."

Meanwhile, China and the US/Canada submitted two contrasting decisions on HFC-23 emissions, which are scheduled to be discussed in one of the 12 contact groups established to negotiate the many draft decisions. With only one more day before the high-level segment begins, delegates will have to pick up the pace and possibly exceed speed limits to finalize negotiations.