

COP13/MOP36 Highlights: Wednesday, 30 October 2024

On Wednesday, the day before the high-level segment (HLS) of the thirteenth 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, delegates heard updates from contact group in a short plenary session, before spending the rest of the day rushing between 15 different contact group and informal meetings.

In the short morning plenary, budget committee Chair Sebastian Schnatz (Germany) reported on the work of the committee, noting more time will be needed.

The Co-Facilitators of the contact groups on compliance deferral, data reporting forms, life-cycle refrigerant management (LRM), hydrofluorocarbon (HFC)-23 emissions, metered-dose inhalers (MDIs), and strengthening Montreal Protocol institutions requested more time to complete their negotiations on draft decisions.

On energy efficiency in the cooling sector, the FEDERATED STATES OF MICRONESIA (FSM), on behalf of a number of small island developing states, introduced a revised draft decision (CRP.10). On unwanted imports of energy inefficient equipment, KYRGYZSTAN introduced a revised draft decision (CRP.11).

Co-Chair Miruza Mohamed (Maldives) noted that contact groups would have to meet in parallel in order for delegates to make progress, noting that 15 contact and informal groups had been established.

For the agenda item on the **consideration of membership of Montreal Protocol bodies for 2025**, the Secretariat requested parties to submit pending nominations for the Implementation Committee, the Executive Committee (ExCom) of the Multilateral Fund (MLF), and the COP and MOP bureaus.

Contact Groups

Strengthening the enabling environment to enhance energy efficiency in the cooling sector: This contact group was co-facilitated by Alain Wilmart (Belgium) and Sergio Merino (Mexico). The co-proponents of the draft decision (CRP.10) first outlined their rationale to: augment efforts under the Kigali Amendment; provide direction to the different institutional branches under the Protocol; and increase the number of energy efficiency projects submitted by parties and funded by the MLF. Many delegates agreed that energy efficiency is a very important aspect under the Protocol and referred to recent progress supported by decisions of the ExCom and a USD 100 million funding window under the MLF. Some stated that the primary objective of energy efficiency efforts should be the phase down of HFCs. Delegates also discussed the scope and role of the proposed “regional sustainable cooling centers of excellence,” to what extent the ExCom should have flexibility to define these centers, and whether these centers need additional funding.

Very short-lived substances (VSLS): Co-facilitated by Heidi Stockhaus (Germany) and Juan Jose Galaeno (Argentina), the group met to continue considering draft decision XXXVI/[A]. They agreed to request the Technology and Economic

Assessment Panel (TEAP) and the Scientific Assessment Panel (SAP) to provide additional information on VSLS alternatives. The group discussed whether to also request the Panels to provide updated information on the ozone-depleting potential and ozone-layer impact of dichloromethane (DCM), trichloromethane (TCM), dichloroethane (DCE), trichloroethylene (TCE), and perchloroethylene (PCE), with some calling to merge this with a request for information on the emissive solvent and feedstock uses and growth trends of these VSLS. Delegates also discussed a request to the Panels for a table providing VSLS information, including VSLS’ contribution to total chlorine input to the stratosphere.

Enhancing global and regional atmospheric monitoring of controlled substances: Co-facilitated by Liana Ghahramanyan (Armenia) and Alessandro Giuliano Peru (Italy), delegates converged on a number of issues in draft decision XXXVI/[C]. They debated whether the terms of reference of the Advisory Committee of the General Trust Fund for Financing Activities on Research and Systematic Observations Relevant to the Vienna Convention (GTF) would need to be updated in accordance with earlier decisions. They also discussed the proposed two-stage approach of first evaluating the suitability of sites via pilot projects before establishing the actual monitoring facilities. Delegates further engaged on whether it was for the ExCom or the Ozone Secretariat, if at all, to explore options for co-financing by other relevant institutions. Finally, they discussed whether any funding should be allocated directly from the Trust Fund for the Montreal Protocol or be transferred from there to the GTF.

Unwanted imports of energy-inefficient products and equipment: Co-facilitated by Morane Godfrin (France) and Baba Dramé (Senegal), this group focused on a proposal by Kyrgyzstan (CRP.11). Discussions centered on whether the CRP should focus only on energy inefficient equipment or whether it should also include the unwanted importation of controlled substances in line with decision XXVII/8 (phase-out of hydrochlorofluorocarbons (HCFCs)). Parties also debated provisions to create, publish, and maintain separate lists specifying equipment and products that are legally prohibited by domestic regulations, and those based on non-binding minimum energy-efficiency performance standards. One party stated that the CRP should only include a list of legally prohibited imports, making the decision binding. Another delegation suggested broadening the CRP to invite parties to share any information related to the import of unwanted products and equipment, including and beyond those related to energy efficiency, on a voluntary basis, to the Secretariat. However, one delegation noted the potential burden updating and relaying information to parties may place on the Secretariat.

Feedstock uses of controlled substances: The contact group, co-facilitated by Ryan Ooi Chean Weai (Malaysia) and Michel Gauvin (Canada), worked through most of the operative paragraphs in draft decision XXXVI/[B]. This draft decision addresses minimizing emissions of “controlled [ozone-depleting] substances” during their production, transportation, distribution, storage, handling, repackaging, and use as feedstock. Delegates were not able to agree on most of the bracketed text in the operative paragraphs, including on best practices and

technologies for minimizing emissions, unintentional production, and whether the MLF should consider establishing a funding window to support up to two production-sector-related projects to demonstrate best practices and technologies for minimizing emissions of controlled substances used as feedstock.

Possible compliance deferral for Article 5, group 2 parties:

This contact group, co-facilitated by Cornelius Rhein (EU) and Ana Maria Kleymeyer (FSM), continued discussions on draft decision XXXVI/[F], considering a request to the TEAP to report, by sector and sub-sector, on low-global-warming-potential (GWP) alternatives to HFCs. Parties debated whether this reporting should specify low, zero, or lower GWP alternatives and to what extent the draft decision should emphasize Article 5, group 2 parties. Delegates extensively debated whether to include information on “successful transitions” within group 2 parties. One delegation noted that receiving this information from the TEAP would be useful, while others stressed that including successful transitions in the scope of the document would not be relevant because there is no evidence of such success stories. Delegates queried what is defined as a successful transition and expressed their commitment to ongoing discussions.

Climate-friendly alternatives for metered-dose inhalers (MDIs): This group, co-facilitated by Henry Wöhrnschimmel (Switzerland) and Noe Megrelishvili (Georgia), met to continue discussions on draft decision XXXVI/[D] on MDIs with low-GWP propellants or other alternative products. They considered new text on awareness raising within national environment and health sectors on low-GWP MDIs. The group also debated a request to parties to voluntarily share their progress in developing these MDIs, agreeing this request should be open-ended. They also considered a request to the TEAP to provide updated information on low-GWP MDI propellants, including their availability, technical feasibility, economic viability, safety, and penetration in developing countries. The TEAP noted they usually provide this information in their assessment reports, with shorter updates contained in annual progress reports.

Emissions of HFC-23: This contact group, co-facilitated by Shontelle Wellington (Barbados) and Paul Krajnik (Austria), met in the morning and evening. Delegates agreed to a proposal to merge CRP.7 and 8. Delegates then discussed two alternatives for the first operative paragraph (one from each of the original CRPs). The first option requests parties to share HFC-23 monitoring data. Discussions focused on if this is a mandatory request, who should share the data (governments or scientific institutions), and whether the data should be shared with international monitoring networks or with the Secretariat. The second option invites relevant parties to encourage scientific institutions to cooperate internationally in undertaking research on sources of HFC-23 emissions and share the research results. Delegates discussed paragraphs on: reporting; reminders of parties’ obligations; the substantial differences between reported emissions and emissions estimates derived from atmospheric monitoring; and submitting current methodologies for reporting on HFC-23 emissions to the Secretariat.

Changes to data reporting forms on HFC-23: Co-facilitated by Obed Meringo Baloyi (South Africa) and Martijn Hildebrand (the Netherlands), delegates continued discussions on CRP.4, focusing on how to appropriately label and structure reporting forms for the domestic production and destruction of controlled substances and reporting emissions. They considered the inclusion of HFC-23 on the production reporting form, with some debating the difference between the production, manufacture, and unintentional generation of HFC-23 and its appropriateness on the production form. Some delegates insisted parties should focus on the reporting structure and synergies between the forms, rather than the names on the report headers and columns. Others emphasized the importance of ensuring the forms maximize reporting transparency. Delegates further discussed how to report production and destruction that takes place in different years, the appropriate form for this reporting, how to report stored substances that will later be destroyed, and how to account for substances transported from one facility to another.

Strengthening Montreal Protocol institutions, including combating illegal trade: Co-facilitated by Fathmath Usra (Maldives) and Jana Mašíčková (Czechia), parties continued to discuss CRP.5. They discussed a request to the Secretariat to share information on the illegal production of and illegal trade in controlled substances, to identify potential gaps in the non-compliance procedure, alongside challenges, tools, ideas, and suggestions to strengthen and enhance the implementation and enforcement of the Protocol. Delegates also parsed out the purpose of the request for the Secretariat to convene a meeting for parties to reflect on the functioning of the Protocol’s compliance mechanism. One delegation lauded the strength and effectiveness of the compliance mechanism and stated that reviewing its function is unnecessary. Another delegation proposed a paragraph requesting the Secretariat to share an analysis of non-compliance cases over the last 10 years, the source of non-compliance, and how these instances were identified and resolved.

Life-cycle refrigerant management (LRM): The group, co-facilitated by Morgan Simpson (UK) and Osvaldo Alvarez Perez (Chile), reflected on CRP.6, proposed by FSM, providing overall comments on the draft. On an invitation to the ExCom to consider ways to enhance LRM in project preparation, including providing parties with additional guidance on national plans and inventories and Kigali Implementation Plans, some delegations pointed to the existing guidelines and guidance under the ExCom. Delegates agreed to delete a request to the Secretariat to prepare an LRM “how-to” manual. They expressed preference for requests to the Secretariat to: invite parties to submit information on available financial and technological resources, tools, infrastructure, capacity-building resources, and LRM-related activity costs; and compile and regularly update information on resources, experts, good practices, country experiences, and successful business models for LRM on its website. The group tasked the proponent to revise the draft in preparation for textual negotiations.

Measures to support the sustainable management of recovered, recycled, or reclaimed halons: In this group, co-facilitated by Andrew Clark (US) and Ali Tumayhi (Saudi Arabia), delegates continued discussions on draft decision XXXVI/[E]. While there appeared to be general agreement that parties should try to refrain from any deliberate destruction of recovered and recycled halons, unless they cannot be returned to an acceptable purity for subsequent reuse, there was still disagreement over whether parties and/or stakeholders should be “urged” or “encouraged” to do so. They were unable to agree on a few issues, including what information should be submitted to the Secretariat on feedstock production and what the TEAP will be asked to assess, based on that information.

In the Corridors

Between debriefs on one contact group and preparations for another, some delegates still found time to reflect on where the international community stands on the protection of the ozone layer and the related mitigation of climate change under the Montreal Protocol. One seasoned participant explained that for any progress under the Protocol, “You need three things: scientific evidence, technical opportunities, and political will.” He mused whether political will was less forthcoming today than it was when the major milestones under the Protocol had been reached, referring to thorny issues like the discrepancy between reported emissions and measured atmospheric concentrations of HFC-23. Optimism, however, prevailed in his analysis, stating that: “in the end, the parties will sort out their differences around HFC-23, also because the major contributors to the Multilateral Fund will want accountability for how their taxpayers’ money is spent on HFC-23 destruction.” Another long-time delegate added an ounce of wisdom: “Most of the draft decisions already reflect some middle ground between the more polarized positions under this process, which means we are likely heading towards a successful conclusion of this COP-MOP, despite the hoops we still need to jump through by Friday.”