

## MOP-22 HIGHLIGHTS: MONDAY, 8 NOVEMBER 2010

The preparatory segment of the twenty-second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (MOP-22) opened in Bangkok, Thailand, on Monday, 8 November 2010.

In the morning, delegates agreed on the organization of work and initiated discussions on issues related to the financial mechanism, status of HCFCs blended in polyols and environmentally sound management (ESM) of banks of ODS.

During the afternoon, delegates began consideration of the proposals to amend the Montreal Protocol to include HFCs.

### OPENING OF THE PREPARATORY SEGMENT

Prepat Vanapitaksa, Director General, Department of Industrial Works (Thailand), opened MOP-22 and called for stronger cooperation between parties, industry, civil society and business to enhance the implementation of the Protocol.

Lauding developing countries for their efforts to meet the 2010 target by phasing out a majority of the substances under the Protocol, Marco González, Executive Secretary, Ozone Secretariat, suggested that the focus of parties shift to proposals for the phase-out of HCFCs, methyl bromide and methyl chloroform. He also highlighted the need to resolve outstanding issues on, *inter alia*: the evaluation of the financial mechanism; the phase-out of HFC-23 as a by-product of HCFC-22; synergies with other bodies including the International Civil Aviation Organization (ICAO), International Treaty on Plant Genetic Resources (ITPGR) and the UN Framework Convention on Climate Change (UNFCCC); and critical use exemptions, using guidance from the TEAP.

### ORGANIZATIONAL MATTERS

Preparatory Segment Co-Chair Martin Sirois (Canada) introduced the provisional agenda (UNEP/OzL.Pro.22/1). Stating HFCs are not ODS, INDIA, supported by CHINA and BRAZIL but opposed by the US, proposed removing the agenda item on the phase-out of HFC-23 as a by-product of HCFC-22 production. The agenda was adopted with an amendment proposed by KAZAKHSTAN, to add discussion on ratification of the amendments. Co-Chair Sirois outlined, and participants agreed to, the proposed organization of work.

### CONSIDERATION OF MEMBERSHIP OF MONTREAL PROTOCOL BODIES FOR 2011

**Co-chairs of the assessment panels:** Co-Chair Freznel Díaz (Venezuela) introduced draft decisions on new co-chairs of the TEAP (UNEP/OzL.Pro.22/3, XXII/[A]) and Environmental Effects Assessment Panel (EEAP) (UNEP/OzL.Pro.22/3, XXII/[B]). The US, supported by the UK and COLOMBIA, proposed merging the proposals submitted by COLOMBIA, the UK and the US on nominations to the TEAP and the EEAP, with COLOMBIA noting that some elements of their proposal may

require separate discussion.

### FINANCIAL REPORTS OF THE TRUST FUNDS FOR THE VIENNA CONVENTION AND THE MONTREAL PROTOCOL AND BUDGETS OF THE MONTREAL PROTOCOL

Co-Chair Díaz introduced the documents UNEP/OzL.Pro.22/4 and Add 1, noting that the document contains a provision for upgrading the post of the Executive Secretary. Delegates then mandated a Budget Committee to begin work.

### ISSUES RELATED TO THE FINANCIAL MECHANISM UNDER ARTICLE 10 OF THE MONTREAL PROTOCOL

**Terms of Reference (ToR) for an evaluation of the financial mechanism and ToR for a study on the 2012–2014 replenishment of the Multilateral Fund (MLF):** Delegates heard a report on the status of discussion on the TORs and the contact group Co-Chair Paul Krajnik (Austria) requested additional time to complete discussions. A contact group on the financial mechanism was established, with CHINA reiterating that HFCs should not be discussed.

**Assessment of the HCFC guidelines:** Contact Group Co-Chair Krajnik introduced the draft decision (UNEP/OzL.Pro.22/3, XXII[E]) on Executive Committee of the MLF's (Excom) HCFC guidelines and the financing of low global warming potential (GWP) alternatives. The US suggested further discussion on this issue in a contact group. Brazil stressed that the issue of HFCs should not be dealt with by this group.

### STATUS OF HCFCs BLENDED IN POLYOLS AS CONTROLLED SUBSTANCES UNDER THE MONTREAL PROTOCOL

Co-Chair Díaz introduced draft decision UNEP/OzL.Pro.22/3, XXII/[F], proposed by India, on the status of HCFCs preblended in polyols as controlled substances, explaining that the ExCom had agreed on funding for phasing out these HCFCs. INDIA and DENMARK, as co-chairs of the OEWG-30 contact group, clarified that while the ExCom had resolved questions of funding, definitional issues still remained. The US proposed meeting with India and interested parties to resolve outstanding issues.

### ENVIRONMENTALLY SOUND MANAGEMENT (ESM) OF ODS BANKS

**Technologies and related facilities for the destruction of ODS:** AUSTRALIA reported on the OEWG-30 consolidation of proposals by Australia and Nigeria, draft decision UNEP/OzL.Pro.22/3, XXII[I], and a contact group was established for further discussion.

**Environmentally sound management of ODS banks:** AUSTRALIA introduced a consolidated draft decision (UNEP/OzL.Pro.22/3, XXII/[L]) of proposals by the EU and Mauritius. Co-Chair Díaz established a contact group on the issue.

## PROPOSED AMENDMENTS TO THE MONTREAL PROTOCOL AND PHASE-OUT OF HFC-23 AS A BY-PRODUCT EMISSION OF THE PRODUCTION OF HCFC-22

Two draft decisions on amendments to the Montreal Protocol to address HFCs were presented by the US, on behalf of Canada and Mexico (UNEP/OzL.Pro.22/5), and the FEDERATED STATES OF MICRONESIA (FSM) (UNEP/OzL.Pro.22/6).

Emphasizing that HFCs are potent greenhouse gases, the US stressed that including HFCs in the Montreal Protocol would build on efforts of the UNFCCC to address climate change and of the ExCom to provide incentives for low-GWP alternatives to ODS. MEXICO added that the amendment aims to assist parties with the requisite technical, financial and institutional support for developing alternatives to HFCs. The FSM underscored that parties have a moral and legal responsibility to address HFCs.

On behalf of Canada and Mexico, the US also introduced a draft decision on the phase-out of HFC-23 as a by-product of HCFC-22 (UNEP/OzL.Pro.22/3, XXII/[M]). He explained the draft decision requests the ExCom to update information on HCFC-22 production facilities and further efforts to implement projects to mitigate HFC-23 emissions, and asks the TEAP and Scientific Assessment Panel (SAP) to study the costs and benefits of HCFC-22 by-product control. The US requested that a formal contact group be established.

In the ensuing discussion diverse views were expressed. CUBA noted that HFCs are under the mandate of the UNFCCC, and called on delegates not to prejudge decisions on this issue that may be taken at UNFCCC COP 16 in Cancún later this year. INDIA said that discussion of this issue was an attempt to deviate from the Montreal Protocol's mandate, noting its view that the proposals were recommending "an amalgamation of the Vienna Convention and the UNFCCC." Noting that the resources for the Montreal Protocol are limited, ARGENTINA objected to the proposed amendment. BRAZIL, with CHINA, called on parties to consider the proposals submitted in informal consultations only, as HFCs are already covered under the UNFCCC. VENEZUELA objected to the initiation of a contact group. Others supported the establishment of a contact group including SWITZERLAND, JAPAN, AUSTRALIA, GABON, ARMENIA, INDONESIA, CAMEROON and the EU.

General support for the proposals was expressed by the FORMER YUGOSLAV REPUBLIC OF MACEDONIA, the PHILIPPINES, KENYA, Tuvalu, on behalf of PACIFIC ISLAND COUNTRIES, GREENPEACE and EIA. CANADA recalled the Montreal Protocol's history of addressing HFCs, and suggested discussing the proposal by Brazil and other Latin American countries on the ExCom's HCFC guidelines in conjunction with the amendment proposals.

## ISSUES RELATED TO EXEMPTIONS FROM ARTICLE 2 OF THE MONTREAL PROTOCOL

**Nominations for critical use exemptions for 2011 and 2012:** The TEAP presented their final recommendations on critical use exemptions (CUEs), proposed in the Methyl Bromide Technical Options Committee (MBTOC) workplan for 2011 and quarantine and pre-shipment (QPS). They discussed an overview of the final recommendations of the methyl bromide pre-plant soil use; and structural and commodity critical use nominations (CUNs) in 2010.

In the ensuing discussion, TEAP responded to inquiries on, *inter alia*: funding for pilot projects in Article 5 countries on alternatives to methyl bromide; efficacy of methyl iodide in treating high-moisture content dates and other post-harvest commodities; and guidance to the TEAP on emergency uses of methyl bromide, with reference to a recent application for strawberries in Canada.

Co-Chair Díaz then introduced the nominations for critical use exemptions for methyl bromide use as proposed by the TEAP MBTOC. CANADA, highlighting progress by parties on reducing methyl bromide use, introduced a conference room paper (CRP) on these nominations for methyl bromide production and consumption CUEs for 2011-2012 (UNEP/OzL.Pro.22/CRP.1).

The US outlined its efforts to reduce methyl bromide use, questioned the process by which the MBTOC evaluated the requests for CUEs, and called for increased transparency in MBTOC's review process.

In response to queries from Cuba and the EU on how methyl bromide stockpiles are considered in evaluations of CUE requests from parties, the TEAP clarified that it does not consider stockpiles in its assessments and Executive Secretary González emphasized that parties are responsible for determining how stockpiles are managed. The EU and CUBA agreed to have bilateral discussions on the issue of stockpiles.

The Natural Resources Defense Council (NRDC) noted that CUEs are sometimes reduced when countries have large stockpiles, and encouraged the reduction of the US's exemption accordingly. He also suggested the US establish a date by which it would end its requests for exemptions.

**Quarantine and pre-shipment (QPS) uses of methyl bromide:** New Zealand reported on the work of an OEWG-30 contact group considering QPS uses of methyl bromide included in draft decision XXII/[L], UNEP/OzL.Pro.22/3. She noted that a proposal submitted by the EU had been bracketed and submitted to MOP-22 for further deliberation. Co-Chair Díaz suggested, and delegates agreed, that a contact group on QPS finalize this matter.

**Nominations for essential use exemptions for 2011-12:** IRAN and INDIA discussed their phase-outs of CFCs, and delegates considered Bangladesh's nomination of CFCs for MDIs. The TEAP reported its recommendation of 37 tonnes of CFCs for MDI, requesting that Bangladesh consider the use of alternatives in the manufacture of some pharmaceutical products. BANGLADESH requested that the TEAP reconsider its nomination. Executive Secretary González reported an emergency use exemption of CFC-113 called for by the Dominican Republic.

**Laboratory and analytical use exemptions:** Co-Chair Sirois outlined that TEAP had recommended that global exemptions for 15 laboratory and analytical uses with alternatives be eliminated, and three uses be exempted. CHINA noted that since no alternative technologies were available in developing countries, exemptions should be considered and a grace period required. Sirois noted that TEAP would look at laboratory and analytical uses in Article 5 parties and produce a report.

**Issues relating to the use of ODS as process agents:** Co-Chair Sirois noted that OEWG-30 considered the TEAP's recommendation on possible deletions of some uses from tables of approved process agent uses. CANADA introduced a draft decision on the use of controlled substances as process agents (UNEP/OzL.Pro.22/CRP.2), which, *inter alia*, requested TEAP to report in 2013, and every second year thereafter, on progress made in reducing process agent uses, and to make any additional recommendations to parties on further actions to reduce process agent uses or their emissions.

## CONTACT GROUPS

**Financial Mechanism:** The contact group on the financial mechanism, co-chaired by Paul Krajnik, Austria, and David Bola Omotosho (Nigeria) met on Monday evening and agreed to first address the ToR on the evaluation of the MLF on Tuesday.

**ODS Destruction:** Co-chaired by Annie Gabriel (Australia) and Javier Ernesto Camargo Cubillos (Colombia), the contact group met for a preliminary reading of the decision on destruction technologies with regard to ODS, and highlighted, *inter alia*, the need to define "criteria" to quantify ODS to be destroyed.

## IN THE CORRIDORS

As delegates entered the first day of MOP-22 at the UN Center in Bangkok, conversations outside plenary halls were lively, with some participants discussing whether progress might be made on HFCs at this round of talks. While many were circumspect about their predictions for the issue, others detected a gain in momentum from the previous discussions in Geneva at the OEWG-30. Citing the potential for the formation of a formal contact group to consider HFCs, they noted that although agreement on amending the Protocol at MOP-22 remains unlikely, one said "incremental steps" may be taken in addressing HFCs.