

MOP 31 Highlights: Wednesday, 6 November 2019

Delegates convened for the final day of the thirty-first Meeting of the Parties to the Montreal Protocol's (MOP 31) preparatory segment on Wednesday, 6 November 2019 in Rome, Italy. In the morning, addressed, among others: the Democratic People's Republic Of Korea's (DPRK) risk of non-compliance with HCFC reduction targets for 2019; the Rome Declaration on the contribution of the Montreal Protocol to the sustainable cold chain to reduce food loss; Montreal Protocol bodies' membership for 2020; and, the status of ratification of the Kigali Amendment.

Plenary adjourned for contact group and informal discussions to take place. Delegates gathered to discuss 2022 quadrennial assessment reports, the Multilateral Fund (MLF) Replenishment Study, and the Technology and Economic Assessment Panel (TEAP) Terms of Reference (ToR).

Plenary reconvened in the afternoon to hear an update from parties on outstanding agenda items.

In the evening, the contact group on CFC-11, and the informal group on the MLF Executive Committee (ExCom) Membership met.

As MOP 31 was unable to conclude its work in the preparatory segment, it will run in parallel to the high-level segment (HLS). One draft decision, on the status of ratification of the Kigali Amendment, was forwarded to the HLS for adoption.

Having had a very full agenda, and cognizant of time running out, delegates were constructive in their deliberations, with many recognizing that smaller settings out of plenary would be the most conducive way to make progress.

Consideration of the Membership of Montreal Protocol Bodies for 2020

In the morning, the Secretariat reported they are still expecting three nominations for the Implementation Committee (ImpCom), five for the MLF ExCom and OEWG 42 Co-Chair nominations. He said the MOP31 presidents are to be nominated by Malaysia, and the Latin America and Caribbean Region. The Secretariat and OEWG 41 Co-Chair Arciniegas urged countries to submit nominations by Wednesday afternoon.

Unexpected Emissions of CFC-11

Reporting to plenary in the morning, the contact group co-facilitators described the two mandates of the discussion: how institutional processes can be strengthened, and enhanced; and, further steps to address the situation of unexpected CFC-11

emissions. They added that parties are encouraged to provide suggestions for a concrete proposal on this matter for presentation at plenary.

OEWG 41 Co-Chair Arciniegas returned to this agenda item in the afternoon. The EU presented its CRP (UNEP/OzL.Pro.31/CRP.4), saying it attempts to deliver on the mandate of the contact group to both resolve the issue of the unexpected emissions that has "shocked the ozone family" and to look at institutional processes to prevent similar situations recurring in the future. He noted the CRP does not address longer-term measures and recommended open, intersessional discussions on these issues that should result in presentations to OEWG 42 and MOP 32.

The contact group met in the evening to further consider the CRP.

Ongoing Reported Emissions of Carbon Tetrachloride

In the afternoon, SWITZERLAND reported to plenary that there had been insufficient time to confer with other parties on the margin of the MOP, and requested OEWG 41 Co-Chair Wilmart re-open this issue in a contact group. OEWG 41 Co-Chair Wilmart requested the Secretariat to assign a time and venue for further informal discussion.

Issues related to Exemptions under Articles 2A–2I of the Montreal Protocol

Nominations for Critical-Use Exemptions (CUEs) for Methyl Bromide for 2020 and 2021: In the afternoon, AUSTRALIA informed plenary that a draft decision on the CUEs will soon be available.

Stocks of Methyl Bromide: In the afternoon, OEWG 41 Co-Chair Arciniegas informed plenary that a CRP had been prepared by the EU, co-sponsored by Chile, Ecuador, Jordan, Norway, and Switzerland (UNEP/OzL.Pro.31/CRP.5). The EU said the CRP proposes voluntary reporting on the volumes of all methyl bromide stocks by 1 July 2020. The US opposed, stating it is unclear what "all stocks" would mean and how the data will benefit all parties. CHILE and ECUADOR stated that information on stocks will encourage the search for alternatives. OEWG 41 Co-Chair Arciniegas proposed more informal discussion on the issue and parties agreed.

Process Agents: In the afternoon, the EU introduced the draft decision (UNEP/OzL.Pro.31/CRP.3), stating it seeks to update Table A on uses of controlled substances as process agents and delete process agents that are no longer required. Regarding Table B on limits for process agent uses, the EU said it aims to adjust the makeup and maximum emissions associated with the deleted process agents. CANADA and US said there had been insufficient

time to review the CRP and further discussion with the EU is needed. OEWG 41 Co-Chair Arciniegas requested that they do so and report back to plenary so that the draft decision may be forwarded to the HLS.

Article 5 Parties' Access to Energy-Efficient Technologies in the Refrigeration, Air-Conditioning and Heat-Pump Sectors

FEDERATED STATES OF MICRONESIA reported to the afternoon plenary that there is strong interest amongst parties to see this issue progress, and requested the TEAP further study the topic, noting more time is needed for informal discussions to define the specific requests to the TEAP.

Initial Assessment by the SAP and TEAP of Five Volatile Fluoroorganic and Related Compounds Found In the Arctic

Co-Chair Wilmart returned to this agenda item on Wednesday morning. NORWAY queried which sectors the ODS are being used in and requested this information be included in the next quadrennial report.

Compliance and Data Reporting Issues: the Work and Recommended Decisions of the ImpCom

In the afternoon, OEWG 41 Co-Chair Wilmart informed the plenary that part A of the original CRP (UNEP/OzL.Pro.31/CRP.2) is finalized and proposed it be forwarded to the HLS for adoption.

The US introduced UNEP/OzL.Pro.31/CRP.6 that clarifies language of part B of UNEP/OzL.Pro.31/CRP.2. Parties supported the clarifications but said more time is needed to review the latter CRP. Both draft decisions remain open for further deliberations.

Risk of Non-compliance with HCFC Reduction Targets for 2019 by the DPRK

Co-Chair Arciniegas resumed discussion on this agenda item on Wednesday morning (UNEP/OzL.Pro.31/2 and UNEP/OzL.Pro.31/CRP.1). DPRK reiterated their likely noncompliance with the requirements of the Protocol given their inability to receive funding for implementation, and questioned what kind of penalty they may expect in the event of noncompliance. AUSTRALIA, the EU, JAPAN, and US noted there has been no change in circumstances since OEWG 41, when this issue was initially raised, that would justify changing the decision to withhold funding from the DPRK. They noted their support for the ExCom's decision on this matter given it is consistent with UN Security Council resolutions.

Co-Chair Arciniegas noted a lack of consensus on this issue and proposed recording these interventions in the report of the meeting and closing the agenda item. Delegates agreed.

Status of ratification of the Kigali Amendment to the Montreal Protocol

OEWG 41 Co-Chair Arciniegas opened this agenda item on Wednesday morning (UNEP/OzL.Pro.31/2, UNEP/OzL.Pro.31/3 and UNEP/OzL.Pro.31/INF/3). She said 88 parties have ratified the Kigali Amendment. ARMENIA, BRAZIL, DOMINICAN REPUBLIC, KENYA, SUDAN, TANZANIA, TUNISIA, and ZIMBABWE reported that ratification is underway. ARGENTINA, GUINEA, MALAYSIA and MOZAMBIQUE emphasized their intention to deposit instruments of ratification with the UN shortly. ARGENTINA and MALAYSIA urged progress on matters of funding to ensure an effective HFC phase down. OEWG 41 Co-Chair Arciniegas urged parties that have not yet done so, to ratify, and noted the draft decision will be forwarded to the HLS for adoption.

Other matters

In the morning, OEWG 41 Co-Chair Wilmart opened this agenda item, inviting Italy to speak on the Rome Declaration. ITALY noted the Declaration, on the contribution of the Protocol to the sustainable cold chain to reduce food loss, is linked not only to the mandate of the Protocol but also several of the Sustainable Development Goals (SDGs). He said the Declaration, the text of which was finalized at OEWG 41, will appear as an annex to the MOP 31 meeting report. ITALY reminded delegates that the topic will be discussed at the ministerial roundtable during the HLS and parties are invited to sign the Declaration on a voluntary basis up until MOP 32.

Many parties thanked Italy for this initiative, stating their intention to sign the Declaration and urging other parties to do so.

Contact Groups

2022 Quadrennial Assessment: Parties continued their work, addressing topics for the TEAP and the SAP. Parties aimed to provide detailed recommendations for the assessment panels, ensuring that the requests are within their ToRs and are reasonable under the requirements of the Montreal Protocol. The contact group is expected to address Environmental Effects Assessment Panel-related issues on Thursday.

MLF Replenishment Study Contact Group: Parties discussed their request that the TEAP prepare a report for MOP 32 on the appropriate level of funding for the 2021-2023 replenishment of the MLF. They deliberated on, *inter alia*: identifying scenarios to increase funding for low-volume-consuming countries and how this funding could be used; limiting the TEAP's reporting burden and workload while satisfying party requests; streamlining and simplifying the draft decision text; and, addressing the Kigali Amendment in the decision text in such a way to account for the different potential scenarios with respect to ratification status, and support to prepare for and implement the HFC phase-down.

TEAP ToR Contact Group: Parties considered language to ensure that there is sound, clear and transparent implementation of the TEAP ToR. They also discussed the need for the TEAP to provide a summary outlining the actions the TEAP and its Technical Options Committees (TOCs) undertook to ensure implementation of Decision XXIV/8 (ToR, code of conduct and disclosure and conflict of interest guidelines for the TEAPs, and its TOCs and temporary subsidiary bodies), as well as ensuring that the matrix of needed expertise is compiled in line with Decision XXIV/8.

In the Corridors

On the third day of MOP 31, delegates—now fully immersed in negotiations—charged forward, each uniquely focused on their topic of priority. As one delegate observed, there has been a realization that the only way to sufficiently tackle the many issues at hand is to divide and conquer, and, “thankfully in the ‘ozone family,’ there is the trust and maturity to do so.”

Whether it was the continued issue of unexpected CFC-11 emissions or Norway's continued pursuit to better understand the ODS usage in the Arctic, delegates maintained that scientific vigilance and commitment to push the boundaries of science itself, which is a trademark for this Protocol, will not be abandoned. As Heraclitus once said, “Everything flows and nothing abides, everything gives way and nothing stays fixed.”

The state of science relevant to the Protocol is never still, but how things will flow for the remainder of the week remains to be seen, particularly as parties begin to tackle Kigali Amendment implementation, which is expected to permeate discussions.