**Amendment Text:**

*To be added as paragraph 7 of Article 2J*:

“Paragraphs 1-4 of this Article will apply to calculated levels of production and consumption save to the extent that a high ambient temperature exemption applies based on criteria decided by the Parties.”

High Ambient Temperature

1. A new exemption as described shall be available to Parties with high ambient temperature conditions where suitable alternatives do not exist for the specific sub-sector of use.
2. The exemption shall be distinguished and separate from the essential use and the critical use exemptions under the Montreal Protocol.
3. The exemption shall take effect and be available at the commencement of the HFC freeze or other initial control obligation and shall have an initial duration of 4 years.
4. The exemption applies for sub-sectors contained in Annex [X] in Parties: (1) with an average of at least two months per year over 10 consecutive years with a peak monthly average temperature above 35 degrees Celsius[[1]](#footnote-2); and (2) that have formally notified use of this exemption by notifying the Secretariat no later than one year before the HFC freeze or other initial control obligation, and every 4 years thereafter should it wish to extend the exemption.
5. Any party operating under the high ambient temperature exemption shall report separately production and consumption data for the sub-sectors to which a high ambient temperature exemption applies.
6. Any transfer of production and consumption allowances for the high ambient temperature exemption shall be reported to the Secretariat under Article 7.
7. The Technology and Economic Assessment Panel (TEAP) and a TEAP subsidiary body that includes outside expertise on high ambient temperatures shall assess the suitability of HFC alternatives for use where suitable alternatives do not exist based on criteria agreed by the Parties and can recommend to add or remove sub-sectors to Annex [X], that shall include, but not be limited to, the criteria listed in paragraph 1(a) of Decision XXVI/9,[[2]](#footnote-3) and report this information to the Meeting of the Parties.
8. The assessment shall take place periodically starting 4 years from the date of the commencement of any HFC freeze or other initial control obligation and every 4 years thereafter.
9. The Parties shall review, no later than the year following receipt of the TEAP report on suitability of alternatives, the need for an extension of this exemption for specific sub-sectors for a further period(s) of up to 4 years, and periodically thereafter. The Parties shall develop an expedited process to ensure the renewal of the exemption in a timely manner where there are no feasible alternatives, taking into account the recommendation of the TEAP and its subsidiary body.
10. Amounts of Annex F substances that are subject to the HAT exemption are not eligible for funding under the Multilateral Fund while they are exempted for that Party.
11. That the Implementation Committee and Meeting of the Parties should, for 2025 and 2026, defer the consideration of the HCFC compliance status of any party operating under a high ambient temperature exemption in cases where it has exceeded its allowable consumption or production levels due to its HCFC-22 consumption or production for the sub-sectors listed in Annex [X], on the condition that the Parties concerned follow the phaseout schedule for consumption and production of HCFCs for other sectors, and the Party has formally requested a deferral through the Secretariat.
12. Parties should consider no later than 2026 whether to extend the compliance deferral in paragraph XI for an additional period of two years, and may consider further deferrals thereafter, if appropriate, for countries operating under the high ambient temperature exemption.

**Annex [X]: List of Exempted Equipment for High Ambient Temperatures**

* Multi-split air conditioners for commercial and residential
* Split ducted air conditioners (residential and commercial)
* Ducted commercial packaged (self-contained) air conditioners

1. Spatially weighted average temperatures deriving the daily highest temperatures (using the Centre for Environmental Data Archival: [http://browse.ceda.ac.uk/browse/badc/cru/data/cru\_cy/cru\_cy\_3.22/data/tmx](http://browse.ceda.ac.uk/browse/badc/cru/data/cru_cy/cru_cy_3.22/data/tmx" \t "_blank) [↑](#footnote-ref-2)
2. insert criteria from XXVI/9 para (1)(a) [↑](#footnote-ref-3)