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**United Nations
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**Open-ended Working Group of the Parties to
the Montreal Protocol on Substances that
Deplete the Ozone Layer
Resumed thirty-eighth meeting
Kigali, 8 October 2016**

Report of the resumed thirty-eighth meeting of the Open-ended Working Group of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer

I. Opening of the meeting

1. The resumed thirty-eighth meeting of the Open-ended Working Group was held at the Radisson Blu Hotel and Convention Centre in Kigali on 8 October 2016. The meeting was co-chaired by Mr. Paul Krajnik (Austria) and Mr. Leslie Smith (Grenada).
2. The meeting was opened at 10.20 a.m. on Saturday, 8 October 2016, by Mr. Smith.
3. At the invitation of the Co-Chair the Executive Secretary of the Ozone Secretariat, Ms. Tina Birmpili, made an opening statement. A year after the adoption of the Dubai pathway, she said, there was no longer any question about whether HFCs should be phased down. That was already understood by all 197 parties to the Protocol. With the growth of air-conditioning in developing countries and more energy expected to be used for cooling than heating by mid-century, cutting HFCs was essential to reducing climate change and could avoid up to 0.5°C of global warming by the end of the century.
4. Nor was the kind of agreement that was needed in doubt: all concurred that it should be comprehensive, pragmatic, feasible and flexible, taking into account the needs of all countries, including the special circumstances of developing countries, who sought a greener development path without sacrificing growth. No country should be left behind.
5. The aim of the current meeting in Kigali, therefore, and of the Meeting of the Parties to follow in two days' time, was to agree on the details of how such an agreement should be constructed, and success would be judged on the basis of how quickly developed countries cut their HFC emissions, how quickly they provided financial and technical assistance to developing countries, and how quickly the latter followed with their own phase-down schedules.
6. The Montreal Protocol, furthermore, was the right vehicle for tackling HFCs. Time and again the parties to the Protocol had proven its effectiveness in phasing out ozone-depleting substances, and they had done that by recognizing the differing circumstances of differently-placed parties, providing financial and technical assistance where it was needed and proceeding with ambition while allowing for adaptation to continuing improvements in technology through the Protocol's adjustment procedure. Through their decisions the parties had time and again sent the clear market signals needed to guide industry, thus sparking research, development and innovation, all in service of healing the ozone layer. It was time to do the same in respect of the world's climate.
7. For the benefit of their citizens and the generations to come, the parties at the current meeting needed to compromise, to listen and to be flexible, in short to demonstrate the excellence that they had on many past occasions proven to be their habit.

II. Organizational matters

A. Attendance

8. The resumed thirty-eighth meeting of the Open-ended Working Group was attended by representatives of the following parties: Afghanistan, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Czechia, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, European Union, Fiji, Finland, France, Gabon, Gambia (the), Georgia, Germany, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger (the), Nigeria, Norway, Pakistan, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Zambia and Zimbabwe.

9. Representatives of the following United Nations bodies and specialized agencies also attended: Secretariat of the United Nations (New York), secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, secretariat of the United Nations Framework Convention on Climate Change, United Nations Development Programme, United Nations Environment Programme, United Nations Industrial Development Organization and World Bank.

10. The following intergovernmental, non-governmental, industry, academic and other bodies were also represented: AGRAMKOW Latin America, Air-conditioning, Heating and Refrigeration Institute, Alliance for Responsible Atmospheric Policy, Asahi Glass Co., Centre for Climate and Energy Solutions, Centre for Energy Efficiency and Sustainability, Centre for Science and Environment, Chemours Company, Christian Aid, Climate Action Network International, Commercial Refrigeration Services, Council on Energy, Environment and Water, Daikin Europe, N.V., Daikin Industries, Ltd., Edelman India Pvt. Ltd., Energy and Resources Institute, Environmental Investigation Agency, European Climate Foundation, Fotochem, GIZ Proklima, Global Green Growth Institute, Global Strategic Communications Council, Green Africa TV, Greenpeace International, Gujarat Fluorochemicals Limited, HEAT GmbH, Honeywell, Inc., Honeywell Japan, Inc., Industrial Technology Research Institute, Ingersoll Rand, Institute for Governance and Sustainable Development, International Institute of Refrigeration, JEFS Consults Limited, Johnson Controls, JSC HaloPolymer, Lawrence Berkeley National Laboratory, League of Arab States, Lennox International, Mebrom, Mediator Express Company Ltd., Mexichem UK Limited, Midea Group, Natural Resources Defense Council, NGF Consult Ltd., Palfridge Limited, Pan African Climate Justice Alliance, Refrigerant Gas Manufacturers Association, Refrigerants Australia, Rwanda Development Board, Rwanda Environment and Climate Change Fund, Rwanda Green Initiative, Rwandan Patriotic Front secretariat, Shecco, SRF Limited, United Technologies Climate, Controls & Security, World Avoided Project.

B. Adoption of the agenda

11. The Working Group adopted the following agenda on the basis of the provisional agenda set out in document UNEP/OzL.Pro.WG.1/resumed.38/1:

1. Opening of the meeting.
2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of work.
3. Dubai pathway on hydrofluorocarbons (decision XXVII/1).
4. Adoption of the report of the meeting.
5. Closure of the meeting.

C. Organization of work

12. The Working Group decided that, as at previous meetings at which it discussed proposals to amend the Montreal Protocol in respect of HFCs, it would conduct the bulk of its discussions during the current meeting in the contact group on the feasibility and ways of managing HFCs, co-chaired by Mr. Patrick McInerney (Australia) and Mr. Xia Yingxian (China), which had been established at the Twenty-Seventh Meeting of the Parties and continued at the thirty-seventh and thirty-eighth meetings of the Open-ended Working Group. Informal discussions would also take place as needed. It was agreed that in accordance with decision XXVII/1 the focus of the discussions would be the feasibility and ways of managing HFCs and that the discussions would be taken up where they had been suspended at the thirty-eighth meeting of the Open-ended Working Group. It was also agreed that interpretation in the six official languages of the United Nations would be provided for two 3-hour sessions (including both plenary and contact group sessions) and that any additional discussion would be conducted in English only.

III. Dubai pathway on hydrofluorocarbons (decision XXVII/1)

13. In accordance with the agreed arrangements on the organization of work during the current meeting (see section II. C. above), the Open-ended Working Group decided that the discussions on agenda item 3 should take place in the contact group on the feasibility and ways of managing HFCs.

14. At the final plenary session of the meeting, on the evening of 8 October, the co-chair of the contact group reported that the contact group had made good progress on a range of issues but had not reached final agreement on any aspect of the proposals to amend the Montreal Protocol in respect of HFCs. He also reported that the members of the contact group had reached agreement on the formation of a legal drafting group to develop text on matters on which tentative agreement had been reached in the contact group. It was agreed in that context that the contact group would continue to be the forum in which the negotiations on the amendment proposals took place; that no such negotiations would take place in the legal drafting group; that the role of the legal drafting group would be solely to give written expression to agreements reached by the contact group; and that the work product of the legal drafting group would be subject to approval and revision by the contact group. It was also reiterated in the context of the establishment of the legal drafting group that no element of a possible amendment to the Protocol was to be considered agreed until everything was agreed.

15. Following the report of the contact group co-chair, the Open-ended Working Group decided that the contact group should continue its work during the Twenty-Eighth Meeting of the Parties, which would begin on 10 October 2016.

IV. Adoption of the report of the meeting

16. It was agreed that the report of the meeting would be prepared by the Secretariat working in consultation with the Co-Chairs.

V. Closure of the meeting

17. The resumed thirty-eighth meeting of the Open-ended Working Group of the Parties to the Montreal Protocol was declared closed at 8 p.m. on Saturday, 8 October 2016.