

**Montreal Protocol
on Substances that
Deplete the Ozone Layer**

Distr.: Limited
15 July 2026
English only

**Open-ended Working Group of the Parties
to the Montreal Protocol on Substances
that Deplete the Ozone Layer
Forty-eighth meeting
Bangkok, 13–17 July 2026**

**Draft report of the forty-eighth meeting of the Open-ended
Working Group of the Parties to the Montreal Protocol on
Substances that Deplete the Ozone Layer****Addendum****I. Report of the Technology and Economic Assessment Panel on the
2027–2029 replenishment of the Multilateral Fund for the
Implementation of the Montreal Protocol (decision XXXVII/6)
(agenda item 3)****Discussion**

[continued]

1. Subsequently, the representative of Cuba introduced a draft decision set out in a conference room paper. He said that the report by the replenishment task force confirmed that low-volume-consuming countries and very low-volume-consuming countries faced challenges in meeting their obligations under the Kigali Amendment and that their implementation costs were not proportional to their consumption or to the financing that they received. In addition to requesting the Executive Committee of the Multilateral Fund to incorporate the conclusions of chapter 6 of the report into its 2028 review of the cost guidelines, the draft decision requested the preparation of a document, for review by the Executive Committee at its first meeting of 2027 – its 100th meeting, that summarized the challenges faced by low-volume-consuming and very-low-volume-consuming countries in meeting their HFC phase-down obligations; identified the preparatory activities that could be carried out to support the development of stage II of HFC phase-down management plans for those countries; and presented potential funding methodologies, including possible enhanced support levels to address the distinct and immediate needs of low-volume-consuming and very low-volume-consuming countries in preparing for stage II of their HFC phase-down management plans.

2. All the representatives who took the floor were supportive of the intention of the draft decision, namely to help struggling low-volume-consuming and very low-volume-consuming countries to meet their obligations under the Kigali Amendment. One representative confirmed, from personal experience, the assertion that costs were not proportional to consumption or in line with financing and that Article 5 parties, especially low-volume-consuming and very low-volume-consuming countries, required increased financing and continuous capacity-building. Some representatives supported the draft decision as it had been presented by Cuba, while others raised procedural concerns, stating that the purpose of the task force's report was to enable the parties to

adopt a decision on the level of the replenishment of the Multilateral Fund for the triennium 2027–2029, in accordance with the terms of reference approved by the Thirty-Seventh Meeting of the Parties. The Open-ended Working Group therefore needed to request the task force to look at specific additional issues in its supplementary report to enable the Meeting of the Parties to adopt a replenishment decision; a request to the Executive Committee was not within that mandate. One representative recalled that the Executive Committee already had a special funding modality for low-volume-consuming and very low-volume-consuming countries as opposed to applying to them the standard methodology on cost-effectiveness.

3. One representative said that the very need for a request to the Executive Committee and the type of any request would in any case be dependent on the outcome of the discussions in the contact group. He therefore suggested that the representative of Cuba and other interested parties seek to engage in the existing process to provide guidance to the replenishment task force to ensure that their concerns were addressed. Other representatives pointed out that the proposed preparation of a report for the Executive Committee and the 2028 review of the funding guidelines would take place only after a decision on the replenishment had been taken.

4. One representative, seeking to move forward with a draft decision, sought an opportunity to introduce some textual changes and suggested that the draft decision be considered in the contact group set up to discuss guidance to the replenishment task force. Another representative stressed that the report for the Executive Committee requested in the draft decision would ensure that the Executive Committee was in possession of comprehensive data and was well informed when undertaking its review of the funding guidelines in 2028, and in no way prejudged the outcome of the review.

5. Although there was no agreement to forward the draft decision to the Thirty-Eighth Meeting of the Parties, the Working Group agreed that the representative of Cuba would engage in informal consultations with interested parties in the margins of the meeting to clarify the way forward and report back to the Working Group later in the meeting. The Co-Chair urged interested parties to work within the replenishment contact group to incorporate the principles and the ideas in the draft decision into the guidance for the task force for the preparation of its supplementary report.

6. [to be completed]

II. Presentations by the Technology and Economic Assessment Panel on its 2026 progress report and discussions on (agenda item 4)

Question-and-answer session

7. [continued]

8. Responding to questions on per- and polyfluoroalkyl substances (PFAS), Mr. Woodcock stressed that the advice given by the Panel was always policy-neutral and the Panel had no intention of interfering with any party's political or regulatory processes. Nevertheless, it was a fact that regulatory decisions, and delays in regulatory decision-making, could have an impact on the range of alternative substances and technologies available. He also clarified that the Scientific Assessment Panel and the Environmental Effects Assessment Panel, with whom the Technology and Economic Assessment Panel remained in close contact, would report on the processes involved in the breakdown of refrigerant gases into trifluoroacetic acid, and its environmental impacts.

9. Ms. Walter-Terrinoni added that the Panel was aware of only two broad definitions of PFAS that had been adopted, in two states of the United States of America, that could affect substances controlled under the Montreal Protocol and their replacements. Mr. Rajendran clarified further that regulations on PFAS would affect the availability not only of refrigerants but also of the fluoropolymers used in gaskets, seals and bearings in refrigeration, air-conditioning and heat pump equipment.

10. Mr. Chattaway stated that in terms of delays caused by regulation, the main issue was not with HFCs but with halon 1301. There was currently only one serious alternative to its use in fire suppression, namely a 2BTP/CO₂ blend, but the aviation industry remained unwilling to commit the substantial resources necessary to develop that alternative fully while there remained uncertainty over whether forthcoming regulations would prevent its use.

11. Responding to questions on the organization of the Panel, Ms. Pizano confirmed that the Panel had considered options for restructuring its technical options committees rather than retaining the existing structure, and their recommendations reflected their discussions; Ms. Marañon added that the matter remained under review. The Panel had also considered the possibility of all the committees

meeting together for in-person meetings, but that was complicated by the fact that the committees sometimes combined their meetings with field visits. Responding to a question on travel costs for Panel members from non-Article 5 parties, Ms. Pizano clarified that no overall estimate had been made; sometimes such members were able to access funding from other sources.

12. On the use of experts and subsidiary bodies, Ms. Maranion commented that the Panel was considering the possibility of a standing task force on replenishment, given the difficulties faced in putting together a new task force every three years. She also confirmed that the annual in-person meeting of the Panel involved only the co-chairs of the technical options committees and the senior experts, and not the full membership of all the committees. She agreed that the Panel faced challenges in reaching an appropriate balance of membership in terms of age as well as geographical origin and gender, just as the parties did; the Panel relied on nominations from the parties to help resolve them. Mr. Woodcock added that the Panel would keep under review options such as using individual experts or convening less frequent meetings when there was less technical progress on which to report; the Panel was keen to remain fit for purpose to meet the needs of the parties.

13. Responding to questions on the organization of the Medical and Chemicals Technical Options Committee, Ms. Tope confirmed that the Committee's two sub-groups regularly discussed cross-cutting issues, including when discussing the Committee's workplan and when reaching consensus on its reports. Those discussions were very important and would not be helped by separating out the two subcommittees. They were roughly the same size, although the chemicals subcommittee was slightly larger than the medical subcommittee. Given that the total size of the Committee was about 40 people, she expressed the hope that parties would consider applying the same model as in the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee, and appoint four co-chairs.

14. Mr. Rajendran added that the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee also had two subcommittees, each of which had about 20 members. The bulk of their work lay in cross-cutting issues, such as life cycle refrigerant management or energy efficiency, where there was a substantial overlap in expertise. He expressed the view that the new structure was working extremely well, as the parties would see when the assessment report was produced at the end of the year. He also clarified that the 'other' category in the title of the cold chain and other subcommittee referred to not-in-kind technologies and data centre cooling.

A. Halon 1301 and its continuing use in the aviation industry; management of other controlled substances used for fire suppression (decision XXXVII/4)

15. Introducing the item, the Co-Chair recalled that, in addition to requesting the Technology and Economic Assessment Panel to submit a report on halon availability and the global distribution of halon banks, in decision XXXVII/4, the Thirty-Seventh Meeting of the Parties had requested parties to submit to the Secretariat, on a voluntary basis, available information regarding the development of suitable alternatives for fire suppression. She thanked the 35 parties that had made submissions; they would be considered by the Panel, together with any other further submissions from parties, for its 2027 progress report.

16. She also noted that the Secretariat, in collaboration with the secretariat of the Basel, Rotterdam and Stockholm conventions, and the Multilateral Fund secretariat, had prepared a practical guide on the transboundary movement of controlled substances and the equipment containing them. A draft version of the guide had been posted on the meeting portal for review and use by the parties.

17. All the representatives who took the floor thanked the Technology and Economic Assessment Panel and its Fire Suppression Technical Options Committee for their hard work. Several representatives, including one speaking on behalf of a group of parties, also welcomed the collaboration between the Secretariat and the secretariat of the International Civil Aviation Organisation (ICAO) to assess global halon availability. Some representatives commented on their parties' ongoing efforts to assess the remaining uses of halons in their countries, the availability of suitable alternatives and future supply arrangements consistent with the objectives of decision XXXVII/4.

18. Several representatives expressed concern over the approaching run-out date for halon 1301, of 2035, plus or minus four years, and the risks that it posed to the phase-out of halons and the phase-down of HFCs if no alternatives could be developed. One representative drew attention to ICAO Resolution A42-11, in which the Council had been directed to develop a proposal for a revised sustainable effective cut-off date for halon replacement in cargo compartments and fire suppression systems in new aircraft designs; in practice this could mean that the global civil aviation industry was

committing to at least an additional 50 years' use of halons. They recognized that work on alternatives was ongoing and expressed the hope that it would continue so that stocks of existing halons could be preserved for those uses for which there were no alternatives.

19. One representative, speaking on behalf of a group of parties, reported that an alternative to halon 1301 – a 2BTP/CO₂ blend – was already available for several critical applications, including for use in handheld extinguishers, engine nacelles and cargo compartments; this had already been approved for use in her party. Her party had also prohibited the installation of new halon systems in aircraft cargo compartments from the end of 2024, and would require all existing systems to be retrofitted by the end of 2040, which also applied to some other applications, such as use in military vehicles. Furthermore, her party had already committed to include exemptions in forthcoming PFAS regulations for critical sectors in which no suitable non-PFAS alternatives were available; the aviation sector would be considered in that context. Since the introduction of alternatives would increase the availability of halon 1301 for uses where no alternatives existed, and in older aircraft, the end dates for availability that had been discussed in the report of the Technology and Economic Assessment Panel would be affected. She welcomed the Panel's commitment to reexamine their scenarios.

20. One representative reported that the use of 2BTP had already been approved in her party, and the use of the 2BTP/CO₂ blend was in the process of assessment. She called for clear information on regulatory frameworks in different parties so that manufacturers could plan accordingly.

21. One representative of an Article 5 party stressed the importance of ensuring that the management of existing banks did not compromise the fire suppression capabilities of current fleets. She called for the burden of expediting the development, certification and deployment of alternatives to lie primarily with the original equipment manufacturers and the global aerospace industry. She also stressed the need for the alternatives to halon 1301 to be not only technically viable but also commercially available and economically affordable for airlines in developing countries, and for the transition to be accompanied by capacity-building and technology transfer.

22. Several representatives commented on the need to maximize the recovery and reuse of halons, and to avoid the destruction of halons which could be recycled and reused. One said that it would be useful to have globally recognized guidelines distinguishing between contaminated halon and usable reclaimed halon, which would help to ensure that airlines could access necessary stocks without turning Article 5 parties into dumping grounds for waste. Another observed that the destruction of halons was forbidden in her party, thereby incentivizing recovery and reuse.

23. A number of representatives commented on the potential application of the Protocol's essential-use exemption procedure to halon 1301. They expressed the view that since shortages were not expected imminently, there was no urgency in starting work on a potential revision. One representative highlighted the fact that since individual parties would not know in advance the quantities of halon 1301 required to be produced and consumed on an annual basis to meet the servicing needs of civil aviation within their jurisdictions, the current essential-use exemption process would probably not be adequate to address their needs for halon 1301. It would therefore be worthwhile to begin considering the issue in case an essential-use nomination did become necessary in the future.

24. Several representatives said that they would appreciate the opportunity for more in-depth technical discussions with the Technology and Economic Assessment Panel, together with further clarifications on the assumptions and figures presented in the Panel's report.

25. The Working Group concluded its discussion of the sub-item. In closing the sub-item, the Co-Chair suggested that interested parties could find time for informal discussions in the margins of the meeting, observing that the issue could be taken up again in 2027 after the publication of the quadrennial assessment report.

B. Metered-dose inhalers with low-global-warming-potential propellants (decision XXXVI/6)

26. Introducing the item, the Co-Chair recalled that, in decision XXXVI/6, the Thirty-Sixth Meeting of the Parties had requested the Technology and Economic Assessment Panel to continue to provide updated information on low-GWP metered-dose inhalers in its annual progress reports. It had updated parties on the issue during its presentation earlier in the week.

27. Thanking the Panel for its report, one representative, speaking on behalf of a group of parties, observed that it highlighted several positive developments that had taken place since the previous year's report. The use of dry powder inhalers was becoming more common in many countries, and

several manufacturers, including in some Article 5 parties, had developed new generation metered-dose inhalers with lower-GWP propellants. In his party, the HFC quota system introduced in 2025 provided a policy driver for the replacement of high-GWP HFCs. He encouraged other parties to submit information on developments in their countries to the Secretariat, and looked forward to further discussions on the issue after the next quadrennial assessment report.

28. Another representative, while agreeing that progress was encouraging, cautioned that low-GWP alternatives were still at an early stage of development and were not yet readily available in many parties. He also agreed with the request to parties to share information on technological developments, regulatory approvals, manufacturing considerations and transition planning in their own countries and asked the Secretariat whether it would be possible to make the submissions that had been made by two parties available on the Secretariat's website. The representative of the Secretariat responded that it would be, if those parties gave their permission.

29. A representative of an Article 5 party commented that health considerations were just as important as environmental issues in the transition. Given that metered-dose inhalers accounted for approximately 70 per cent of global inhaler doses, it was important not to disrupt access to life-saving medications or disproportionately to burden patients in low- and middle-income countries with increased costs. Parties must retain the sovereign right to determine their own transition pathways based on their healthcare frameworks, the maturity of alternatives and the time required for national approval processes. Observing that intellectual property and technology transfer constraints posed significant barriers to the cost-effective availability of alternative propellants, she called for measures to avoid patents restricting generic manufacturing in Article 5 parties, and for technical and financial support for those parties.

30. A number of representatives agreed, calling for encouragement for continued efforts by industry, parties and other relevant stakeholders to ensure that low GWP metered-dose inhalers were made available at affordable prices, supported by adequate technology transfer and capacity-building for Article 5 parties. One observed that the manufacture of metered-dose inhalers in his party accounted for 30 per cent of his country's total consumption of HFC-134a. Another representative, noting that a manufacturer of inhalers in her country had claimed that no alternatives to HFC-134a were available, called for more information on the availability and cost of alternative propellants.

31. One representative recalled that, since not all patients could tolerate alternative substances as propellants in metered-dose inhalers, it would be vital to ensure that the use of HFC-134a could be continued after 2030. It would therefore be important to retain the Kigali Amendment's requirement for a phase-down rather than a phase-out of HFCs.

32. The Working Group concluded its discussion of the sub-item. In closing the sub-item, the Co-Chair observed that the issue could be taken up again in 2027 after the publication of the quadrennial assessment report.

C. Options for the organization of the Panel and its technical options committees (decision XXXV/20)

33. Introducing the sub-item, the Co-Chair drew attention to paragraphs 20–22 of the note by the Secretariat on issues for discussion by and information for the attention of the Open-ended Working Group at its forty-eighth meeting (UNEP/OzL.Pro.WG.1/48/2), paragraphs 49–56 of the addendum thereto (UNEP/OzL.Pro.WG.1/48/2/Add.1), and chapter 8 of and annex III to the report of the Technology and Economic Assessment Panel, May 2026, volume 1. She recalled that, at the forty-seventh meeting of the Open-ended Working Group, an informal group of interested parties had met, in the margins of the meeting, with the co-chairs of the Panel and its technical options committees to discuss the options for the organization of the Panel and its technical options committees that been presented by the Panel in chapter 8 of its 2025 progress report. At the Thirty-Seventh Meeting of the Parties, the informal group had concluded that the time was not right to restructure the Panel and its technical options committees, and the parties had agreed to include the item in the agenda of the current meeting. In chapter 8 of its 2026 progress report, the Panel presented further analysis and highlighted preferred options for reorganization. A summary of that analysis was set out in the addendum to the note by the Secretariat. There had also been an initial exchange on the matter in the question-and-answer session that had followed the presentations given by the Panel on its 2026 progress report at the current meeting.

34. In the ensuing discussion, several representatives, including one speaking on behalf of a group of parties, expressed their appreciation for the work of the Panel, its technical options committees and its subsidiary bodies, and all the information that it provided to the parties. They thanked the Panel for its consideration of the Panel's organization as well as that of the technical options committees and for

recognizing the importance of sustainability and the difficulties associated with change management. Several representatives, including one speaking on behalf of a group of parties, pointed out that discussions on possible reorganization had been going on for several years. Some of them, including the representative speaking on behalf of the group of parties, said that they appreciated the fact that the Panel had highlighted its preferred options for reorganization, which had not been the case in previous reports.

35. One representative said that he was broadly supportive of the Panel's preferred option for the configuration of the Refrigeration, Air Conditioning and Heat Pumps Technical Options Committee, namely two subcommittees. There were differing views, however, on the configuration of the Medical and Chemicals Technical Options Committee. While one representative expressed support for the concept of two subcommittees, another representative said that there was a strong case for exploring the separation of the technical options committee into two discrete committees, as its current remit on medical and aerosol issues and chemical issues fell into two increasingly different work streams. The separation of those functions would help ensure appropriate focus and delivery; overlaps between the technical options committees could be managed by the Panel.

36. One representative noted the similarities between the current sub-item and agenda item 6 on ensuring the viability of Montreal Protocol by making its processes more efficient and effective. The current discussion should also focus on the long-term viability of the Panel, including how to sustain a diverse and balanced expert base, ensure appropriate support for participation and build a future pipeline of experts. Another representative noted that, although online meetings led to savings, they did not promote the mutual respect and trust that came from personal interaction. The same representative noted the difficulties caused by senior experts also being members of technical options committees and supported the proposals to reduce the number of senior experts and for the remaining senior experts not to be members of technical options committees. Another representative underscored the need to ensure equitable geographical representation within the Panel and all of its technical options committees and the importance of increasing the participation of experts from developing countries, including in Africa.

37. Several representatives suggested that the matter be discussed further in an informal group, in which the Panel should also participate to answer further questions.

38. The Open-ended Working Group agreed to establish an informal group, to be co-facilitated by Heidi Stockhaus (Germany), and Camilla Noel (Vanuatu), to discuss further options for the organization of the Panel and its technical options committees.

39. [To be completed]

D. Changes in the membership of the Panel

40. Introducing the sub-item, the Co-Chair drew attention to paragraphs 23 and 24 of the note by the Secretariat on issues for discussion by and information for the attention of the Open-ended Working Group at its forty-eighth meeting (UNEP/OzL.Pro.WG.1/48/2), paragraphs 57–62 and table 3 of and annex III to the addendum thereto (UNEP/OzL.Pro.WG.1/48/2/Add.1) and annexes II and III to the report of the Technology and Economic Assessment Panel, May 2026, volume 1. She recalled that table 3 of the addendum to the note by the Secretariat listed nine Panel members whose term expired at the end of 2026 and whose reappointment required a decision by the Thirty-Eighth Meeting of Parties. The terms of some members of the technical options committees also expired at the end of 2026, but their reappointment did not require a decision by the Meeting of the Parties. As the nominations to technical options committees could be made at any time, the issue need not be taken up by the Open-ended Working Group or the Meeting of the Parties. Regarding the nine Panel positions that required a decision, the Secretariat was collecting nominations and would post them on the meeting portal of the Thirty-Eighth Meeting of the Parties as they became available.

41. One representative stressed that any future changes in the Panel or its technical options committees should preserve the bodies' technical expertise, equitable geographical representation and the representation of Article 5 parties, particularly from the high-ambient-temperature countries. Any future proposals should be developed through large-scale consultations with parties and should be based on a clear impact assessment.

42. The Working Group concluded its discussion of the sub-item. In closing the sub-item, the Co-Chair encouraged interested parties to consult one another and with the Panel in the margins of the current meeting with a view to continuing discussions on the matter at the Thirty-Eighth Meeting of the Parties.

E. Any other issues

Evaluation of a destruction technology

43. Introducing the sub-item, the Co-Chair drew attention to paragraph 25 of the note by the Secretariat on issues for discussion by and information for the attention of the Open-ended Working Group at its forty-eighth meeting (UNEP/OzL.Pro.WG.1/48/2) and paragraphs 63–71 of the addendum thereto (UNEP/OzL.Pro.WG.1/48/2/Add.1).

44. The representative of Canada introduced a draft decision set out in a conference room paper. He thanked the Technology and Economic Assessment Panel and the Medical and Chemicals Technical Options Committee for their thorough evaluation of the steam plasma arc destruction technology and for the recommendation that parties approve it as a new generic category of destruction technology. As described in the Panel's report, the technology was distinct from other plasma-based technologies, because superheated steam served as the main plasma-forming gas, as opposed to argon or nitrogen, which were already processes included in the list of approved destruction technologies. He noted that, on the basis of the information in the evaluation by the technical options committee of submitted performance data relating to the destruction technology, the destruction and removal efficiency achieved for CFC-11, CFC-12, HFC-22 and HFC-134a was greater than 99.9 per cent by at least one order of magnitude. The evaluation had also shown that the technology resulted in emissions levels of dioxins and furans, acid gases, particulate matter and carbon monoxide that were far below the recommended advisory thresholds established by the Panel. As far as he knew, there had been only minor use of the destruction technology as it had yet to be deployed in full commercially. Tests had been carried out on the aforementioned substances only, but it was possible that there would be tests on other substances in the future. The representative of Canada noted that the destruction technology was physically very small, taking up some 15–25 square metres, and that its operation was all-electric and did not require the direct use of fossil fuels. The addition of the steam plasma arc destruction technology to the list of approved destruction technologies would provide parties with another option for the disposal of end-of-life controlled substances in accordance with the Montreal Protocol. The draft decision was simple and administrative in nature, following the standard approach for adding technologies to the list. Approval would be for use of technology for the destruction of substances in Annex A Group 1, Annex C Group 1 and Annex F Group 1. The decision would also invite parties to continue to submit to the Ozone Secretariat information relevant to the review of destruction technologies.

45. Representatives thanked Canada for the draft decision and the Technology and Economic Assessment Panel for the information relating to the review process and for its conclusion to recommend that the technology be added to the list of approved destruction technologies. There was universal support among representatives who spoke for the draft decision.

46. One representative, while expressing appreciation for the inclusion of an additional option for parties for the destruction of ozone-depleting substances, noted that it was extremely expensive as far as capital investment was concerned, and energy-intensive, and required specialized technical expertise for its operation. The use of the new technology would not therefore be possible in a number of Article 5 parties without sufficient financial support from the Multilateral Fund to cover the capital expenditure costs, long-term technical support and an integrated capacity-building programme.

47. One representative proposed that a form, to be filled out when parties provided the information requested in the draft decision, be included as an annex to the draft decision to ensure that the information provided was harmonized. The representative of Canada explained that the Technology and Economic Assessment Panel would advise parties on the specific information to be submitted to the Ozone Secretariat and ways of doing so.

48. The Working Group agreed to forward the draft decision on destruction technologies for controlled substances, as set out in section [–] of annex [–] to the present report, to the Thirty-Eighth Meeting of the Parties for further consideration.

III. Enhancing regional atmospheric monitoring of substances controlled by the Montreal Protocol (decision XXXVII/1) (agenda item 5)

49. Introducing the item, the Co-Chair recalled that, in decision XXXVII/1, the Thirty-Seventh Meeting of the Parties had requested the Ozone Secretariat to report to the Open-ended Working Group at its forty-eighth meeting on progress in and any outcomes of the evaluation of the suitability

of potential sites situated within the regions and locations identified by the Advisory Committee of the General Trust Fund for Financing Activities on Research and Systematic Observations Relevant to the Vienna Convention for the Protection of the Ozone Layer and on possible next steps towards establishing monitoring activities at the potential sites. Information on progress in implementing the decision was set out in paragraphs 26–30 of the note by the Secretariat on issues for discussion by and information for the attention of the Open-ended Working Group at its forty-eighth meeting (UNEP/OzL.Pro.WG.1/48/2) and paragraphs 83–88 of the addendum thereto (UNEP/OzL.Pro.WG.1/48/2/Add.1). The Working Group also had before it an information document containing decision 98/62 of the Executive Committee, on matters relating to pilot projects to enhance regional atmospheric monitoring of substances controlled by the Montreal Protocol (UNEP/OzL.Pro.WG.1/48/INF/5).

50. The representative of the Secretariat and member of the Advisory Committee of the Vienna Convention General Trust Fund, Sophia Mylona, and A. R. Ravishankara, Co-Chair of the Advisory Committee, gave a presentation on the progress made in implementing decision XXXVII/1, including the development of an online costing tool, the ten regions and locations identified by the Advisory Committee to fill gaps in regional atmospheric monitoring of controlled substances, the continuation of the evaluation of the suitability of five prioritized regions and locations, the establishment of a funding window under the Multilateral Fund, and emerging considerations.

51. In the ensuing discussion, many representatives thanked the Advisory Committee and the Ozone Secretariat for the presentation and for their continued work on moving the initiative forward. Several representatives, including one speaking on behalf of a group of parties, noted with particular appreciation the Secretariat's development of a costing tool, which parties were encouraged to test.

52. Several representatives, including one speaking on behalf of a group of parties, recalled the origins of the initiative in 2018, when parties had fully realized how crucial atmospheric monitoring was to safeguarding the Protocol's legacy and enabling its effective implementation, and acknowledged with appreciation the substantial progress made since that time. One, summarizing the progress made in the previous two years alone, recalled that the Advisory Committee had conducted Observing System Simulation Experiments (OSSEs) and approached Governments, that several Governments had indicated their interest in hosting a station and that the European Union had pledged to contribute €4.5 million to support the establishment of three new monitoring stations. Furthermore, the Executive Committee of the Multilateral Fund, at its most recent meeting, had decided to create a \$9.25 million funding window for three pilot projects to enhance regional atmospheric monitoring, as well as an additional \$1.8 million for the continuation of operation of three atmospheric monitoring stations to be established, presumably thanks to the contribution from the European Union. Some representatives, including one speaking on behalf of a group of parties, drew attention to other positive aspects of the Executive Committee's decision, with one noting the adoption of guidelines for the preparation and implementation of pilot projects to enhance regional atmospheric monitoring and another, speaking on behalf of a group of parties, welcoming the identification of the World Meteorological Organization (WMO) as a Multilateral Fund implementing agency under the new funding window.

53. One representative took the opportunity to provide an update on his party's intended contribution, which, he recalled, equated to about \$5.2 million. Notwithstanding some administrative delays, those funds were still expected to be made available before the end of 2026.

54. Several representatives voiced some concern with respect to the proposed new stations. Several stressed the need to ensure that sites were established solely on a voluntary basis and that dedicated funding was provided to ensure station sustainability. Some called for clear data governance, including one who specified that all raw and validated data generated by monitoring stations hosted in Article 5 parties should be shared first with the national ozone unit. The same representative cautioned that the regional atmospheric monitoring network should function strictly as a supportive instrument for local scientific capacity-building and domestic policy formulation and not as an external compliance policing or enforcement mechanism. Another representative recommended that authorization for stations be obtained from all the countries within the sampling coverage area, in addition to the host country.

55. During the discussion, the representatives of Bangladesh, Brazil and Mexico each indicated their country's interest in hosting a monitoring station. Another representative suggested that existing monitoring sites like the one in the East Africa region be considered for upgrading under the initiative.

56. In terms of next steps, a representative speaking on behalf of a group of parties said that parties' interest and potential locations should be further explored, and he encouraged developing countries who had not yet done so to indicate any interest they might have in establishing monitoring

sites. He also highlighted the need to formalize structures as the initiative moved into the operating stage, including defining a role for the Advisory Committee and providing for consistency in the processes of the General Trust Fund, the Multilateral Fund and the implementing agencies. He announced his intention to submit a draft decision on the matter for consideration by the Thirty-Eighth Meeting of the Parties, and said that he was open to holding informal discussions at the current meeting and intersessionally with all interested parties as well as the Multilateral Fund secretariat, the Ozone Secretariat, the Advisory Committee and WMO, with the goal of elucidating a clear path forward.

57. Other representatives also acknowledged the need to clarify the differences between the two funding streams and the responsibilities of the Advisory Committee and the Executive Committee, as well as to coordinate the work of the Meeting of the Parties and the Executive Committee.

58. Responding to representatives' questions and comments, Mr. Ravishankara said that the Advisory Committee stood ready to help in any way it could with the preparation of a draft decision on the matter. Turning to the questions surrounding potential sites, he noted with appreciation that the Advisory Committee had already benefited from testing of the Bhola Island site in Bangladesh thanks to pilot project funding from the European Union. There had been some issues with local emissions, but the Bhola Island experience had provided about 18 months of data and had been extremely helpful, and there remained other potentially suitable sites in Bangladesh to be investigated. He stressed that site selection and testing was solely aimed at quantifying emissions as accurately as possible in order to keep the Montreal Protocol on track, and remained completely voluntary for countries. Asked what costs would be covered by the funding, he suggested that parties try using the costing tool to help address that question. He also noted that the European Union funds were slated for at least three stations, meaning that they could cover more depending on the costs involved. The question of funding for sustainability was also important, although it was clear that once a site was determined to be suitable parties would want to sustain it for as long as possible, which was where the Multilateral Fund resources came into play. Addressing the suggestion that approval would need to be obtained from all countries to be affected by sampling at a given site, he suggested that countries in the same regions come together to consider the question. As a rough guide to the extent of the affected area, he indicated a radius of 500–1,000 kilometres, depending on the prevailing winds. Finally, he acknowledged with appreciation that many stations were being set up in China, which would cover the region of central-western Asia. In addition, the Government of China was setting up a calibration facility and had indicated its interest in doing so elsewhere; the Advisory Committee was very appreciative of those efforts and was coordinating with the scientists in China on that initiative.

59. Ms. Mylona added a clarification regarding the prioritized sites, noting that they had been identified based on the OSSE results, which indicated how capable the sites were of detecting regional emissions, as well as on emission patterns, available infrastructure and expertise. They were thus based solely on scientific considerations, although it was clear that nothing could be done without the permission of the national Government involved. She also addressed a question regarding cooperation with WMO, noting that the Advisory Committee had for many years enjoyed excellent cooperation with WMO in connection with the implementation of ozone and ultraviolet monitoring projects, for which WMO was responsible. In terms of atmospheric monitoring, she noted that additional discussions between the Ozone Secretariat, the Advisory Committee and WMO and its scientific advisory group on greenhouse gases would be needed to streamline and better define that cooperation.

60. Based on the discussion, the Working Group agreed that the parties would continue informal discussions in the margins of the current meeting and during the intersessional period, including consultations on a draft decision, and would pursue their discussions at the Thirty-Eighth Meeting of the Parties.

IV. Ensuring the viability of Montreal Protocol operations (decision XXXVII/7) (agenda item 6)

61. [to be completed]

V. Further strengthening Montreal Protocol institutions (UNEP/OzL.Pro.37/9, para. 166) (agenda item 7)

62. Introducing the item, the Co-Chair recalled that, at the Thirty-Seventh Meeting of the Parties, an informal group had been established to clarify and exchange views on a draft decision introduced at that meeting and other key issues raised during the informal meeting of the parties on facilitating the implementation of the Montreal Protocol convened prior to the Thirty-Seventh Meeting of the Parties.

Representatives had expressed interest in continuing the dialogue on the outcomes of the informal meeting and the parties had agreed to include the matter in the agenda of the current meeting.

63. In addition to the summary of the outcomes of the informal meeting (UNEP/OzL.Pro.37/7), parties had before them a compilation of information provided by parties on illegal trade practices and approaches taken by national authorities to identify and address such cases (UNEP/OzL.WG.1/48/3), which updated a similar compilation made available for the Open-ended Working Group at its forty-seventh meeting and included information received from parties since 22 April 2025. Since the preparation of that note, information on an additional 27 cases had been submitted to the Secretariat.

64. The representative of Cameroon introduced a conference room paper setting out a draft decision on strengthening Montreal Protocol operations, submitted by his delegation on behalf of the African States. He explained that in the light of the information gathered on illegal trade since 2002, as compiled by the Ozone Secretariat, the African States had seen a need for more concrete action than what was presented in the compilation document. Thus, the draft decision included requests to the Secretariat to prepare a report on the tools available to enhance tracking of illegal trade, including online marketplaces and e-commerce platforms; to develop standard operating procedures to support a harmonized approach for the detection of illegal trade, handling of cases, management of seizures, reporting and sanctions; to prepare a checklist defining the core features of effective licensing systems; and to explore the feasibility and cost of developing open-source licensing software that could be integrated into customs and single-window systems. In addition, the Executive Committee would be requested to assess the additional training and capacity needs in Article 5 parties in relation to illegal trade, licensing systems and data reporting, in consultation with national ozone officers, the Compliance Assistance Programme and the World Customs Organization, as appropriate.

65. The representative of Canada, speaking also on behalf of Australia, the European Union, Norway and Switzerland, introduced a conference room paper setting out a draft decision on strengthening licensing systems and data reporting to prevent illegal trade. He noted that, much like the draft decision of the African States, his group's submission was aimed at addressing key issues identified in recent years, mainly by strengthening parties' licensing systems for the import and export of controlled substances and strengthening data reporting, although it also reiterated decisions that might have been forgotten or were not implemented systematically by the parties. The draft decision began with a request to the Ozone Secretariat to prepare a checklist on core features of licensing systems, intended to serve for information purposes. The group also proposed to urge parties that had not yet done so to inform the Secretariat whether their licensing systems cover used, recycled and reclaimed controlled substances in addition to new substances, which was an obligation under Article 4B of the Protocol. Parties would further be encouraged or requested to ensure that their licensing systems covered controlled substances in transshipment, including substances that were re-exported and substances in free trade zones; to strengthen verification practices for imports and exports and consider establishing automated systems and standardized procedures where feasible; to report the sources of imports and destination of exports of controlled substances; and to use the online reporting system for Article 7 data reporting. In addition, national ozone units and customs officers would be encouraged to share data to better track and monitor imports of controlled substances. The draft decision included a reminder that the Compliance Assistance Programme was available to support Article 6 parties in designing and implementing their national licensing systems. Finally, it contained requests to the Ozone Secretariat to inform parties about those parties that did not report data required under Article 7 by the 30 September deadline, and to liaise with the Multilateral Fund secretariat on possible options for creating a coordinated approach to data reporting.

66. In the ensuing discussion, several representatives, including one speaking on behalf of a group of parties, thanked the Secretariat for the compilation of information provided by parties on illegal trade practices and approaches taken by national authorities to identify and address such cases.

67. Many representatives expressed their gratitude to the proponents of both conference room papers for their efforts in proposing ways to strengthen licensing systems, enhance customs cooperation and combat illegal trade in controlled substances under the processes of the Montreal Protocol, and said that they would welcome the opportunity to discuss both draft decisions further.

68. One representative, speaking on behalf of a group of parties, noted that the fact that two conference room papers had been submitted on the matter, both of which built on previous discussion and on the draft decision submitted in a conference room paper at the Thirty-Seventh Meeting of the Parties, demonstrated the need and willingness of parties to further discuss the strengthening of the Montreal Protocol institutions.

69. Several representatives underscored the need for any proposed measures to respect national laws, circumstances and institutional mandates. Given the differences in national legislation for

implementing the provisions of Article 4B of the Montreal Protocol, it was important to recognize that there would therefore always be differences in the national licensing systems and that a flexible approach must be taken to the way in which a party implemented its obligations under the Protocol. In that regard, one representative, who noted that her party's national licensing system had been in place for over 25 years, said that it was critical that no proposals be made that obliged parties to make substantive changes to their licensing systems where such changes were not necessary for compliance under the Montreal Protocol.

70. One representative stressed that an effective licensing system was one of the most important tools for parties in ensuring compliance with their obligations under both the Montreal Protocol and the Kigali Amendment. She welcomed the emphasis placed on strengthening licensing systems through improved verification practices, closer coordination between national ozone units and customs, and greater use of automated and digital systems. Noting that she saw value in particular in developing guidance on the core features of the effective licensing systems, she said that promoting practical, interoperable and cost-effective licensing solutions would greatly benefit many Article 5 parties. Another representative stressed that any licensing checklists should be voluntary and reflect national legal and administrative frameworks.

71. A number of representatives emphasized that any guidance, software tools or standard operating procedures that were developed should remain flexible enough to accommodate different national circumstances, capacities, as well as existing systems, and that practical support should be provided to parties seeking to strengthen their licensing and enforcement frameworks. One representative noted that work on licensing software should be undertaken through the Executive Committee and should address cybersecurity compatibility with existing systems and national ownership and control of data.

72. Many representatives stressed that any new measures, including reporting requirements, operational procedures and implementation arrangements, should remain voluntary, facilitative and take into account in particular the national capacities of Article 5 parties. Many representatives underscored that no additional burdens should be placed on parties, especially Article 5 parties, and any enhanced activities should be accompanied by adequate technical and financial support through the Multilateral Fund.

73. Several representatives said that any discussions on the further strengthening the Montreal Protocol institutions should focus on supporting parties, especially Article 5 parties, in meeting their existing obligations under the Montreal Protocol rather than on introducing any new obligations. A number of representatives said that they did not support the proposed provision on import and export data from free trade zones, noting that those data were already included in national reporting data and did not require separate reporting. One representative stressed that the reporting of information on used, recycled and reclaimed substances, as well as on trans-shipments, re-export and sources of imports should remain voluntary. Another representative highlighted the fact that the proposal in the draft decision presented by the representative of Canada to make the reporting of the sources of imports of controlled substances mandatory for all parties would create a substantial administrative and reporting burden for Article 5 parties. One representative said that some of the proposed actions in the draft decisions appeared to be beyond the scope of the Montreal Protocol.

74. One representative noted the importance of considering the burden that would be placed on the Secretariat by the need to ensure compliance with any new measures, especially given the existing significant pressure on Secretariat human resources.

75. One representative noted that work was already taking place through the regional networks and through the initiative of OzonAction of the United Nations Environment Programme (UNEP) to analyse and help customize licensing systems and it was therefore important not to duplicate that work. Another representative also drew attention to the importance of taking into consideration the work currently being undertaken by UNEP and the United Nations Office on Drugs and Crime on producing a comprehensive report on illegal trade under the Montreal Protocol.

76. The Working Group agreed to establish a contact group, to be co-chaired by Liana Ghahramanyan (Armenia) and Paul Krajnik (Austria), to discuss the matter further, including by considering the two draft decisions set out in conference room papers.

77. [to be completed]

VI. Status of preparations for the Thirty-Eighth Meeting of the Parties, to be held in Kigali (agenda item 8)

78. Introducing the item, the Co-Chair recalled that, in its decision XXXVII/22, the Thirty-Seventh Meeting of the Parties had decided to convene the Thirty-Eighth Meeting of the Parties in Kigali from 2 to 6 November 2026, together with the seventy-seventh meeting of the Implementation Committee and a meeting of the Bureau of the Thirty-Seventh Meeting of the Parties, as well as other related events.

79. In decision XXXVII/5, the Thirty-Seventh Meeting of the Parties had also invited parties to submit to the Secretariat information related to centres of excellence for sustainable cooling and testing centres for energy efficiency related to the implementation of the Kigali Amendment. The information provided by 23 parties, compiled by the Secretariat, was available on its website.

80. The representative of Rwanda reported on progress in preparations for the Thirty-Eighth Meeting of the Parties, which, she said, her party was honoured to host. The meeting would be an opportunity to celebrate what the Montreal Protocol had achieved while strengthening parties' collective commitment to implementation on the tenth anniversary of the Kigali Amendment. It would include a workshop, on 1 November, to mark the tenth anniversary, and an industry exhibition showcasing practical technologies, programmes and partnerships supporting sustainable cooling and cold-chain development, both hosted at the Africa Centre of Excellence for Sustainable Cooling and Cold-chain.

81. A concise briefing note outlining the achievements, challenges and future opportunities associated with the first decade of the Kigali Amendment was in preparation by the Secretariat; a draft was available on the dedicated meeting website. Parties and stakeholders were invited to submit case studies celebrating the achievements of the past ten years under the Kigali Amendment to help inspire continued ambition for the decade ahead. She also informed the parties that the Group of African States was preparing a declaration designed to celebrate the Kigali Amendment, reinforce the Multilateral Fund, advance sustainable and energy-efficient cooling and strengthening implementation capacity.

82. The representative of Senegal, speaking on behalf of the Group of African States, stressed the importance of the proposal for a declaration to mark 10 years of implementation of the Kigali Amendment. He welcomed its focus on universal ratification and implementation of the Amendment, the strengthening of the Multilateral Fund, measures to combat illegal trade, improve energy efficiency, promote sustainable cooling and expand access to affordable climate-friendly technologies. For Africa, sustainable cooling was both an environmental priority and an imperative for development, essential for public health, food security, economic resilience and adaptation to climate change. He reiterated the importance of ensuring appropriate and predictable financial and technological support so that Article 5 parties could fully implement their commitments under the Kigali Amendment. He encouraged all parties to align themselves with the declaration.

83. All the representatives who took the floor congratulated Rwanda on its preparations for the meeting and said that they were looking forward to visiting once again the venue where the Kigali Amendment had been agreed. Many shared their happy memories of the intensive negotiations that had taken place at the time.

84. Responding to questions, the representative of Rwanda said that her party was working together with the Secretariat to produce an information note on logistics, including visas and travel arrangements. The Government of Rwanda was taking all necessary measures to ensure that nothing hindered the organization of the meeting. She also committed to sharing the draft of the declaration with parties and said that she would engage with them over its contents.

VII. Other matters (agenda item 9)

A. Participation of the Central Asian States in the Group of Eastern European States

85. Introducing the sub-item, the representative of Kazakhstan, speaking also on behalf of Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, introduced a conference paper containing a draft decision on the continued participation of those countries in the Group of Eastern European States. Under the draft decision, the Thirty-Eighth Meeting of the Parties would invite the parties to continue recognizing and engaging the Central Asian States within the Group of Eastern European States and request the Secretariat to notify the parties of that decision.

86. Recalling that, at the Thirty-Seventh Meeting of the Parties, some parties had proposed excluding the Central Asian States from the Group of Eastern European States, he noted that there was no legal basis for that exclusion, which would also contradict established practice under the Montreal Protocol, the principles of the United Nations and international law. No party had ever raised any formal objection to the continued recognition of the Central Asian States as members of the Group. Moreover, the uninterrupted participation of those States in the Group since 1991 implied acquired rights and legitimate expectations which merited due respect under international law. Any initiative to change the composition of regional groups under the Montreal Protocol would represent a clear violation of the equal rights of Member States of the United Nations and would be inconsistent with the principles of fairness, inclusiveness and consensus that had long guided the work under the Montreal Protocol.

87. He stressed that the draft decision was not intended to set a precedent but solely to ensure that the current issue would be settled once and for all.

88. Several representatives expressed their support for the draft decision. One representative noted that the adoption of the decision would strengthen the Montreal Protocol, as it would ensure the continued and effective participation of all parties and underscore the importance of consensus-based decision-making, equitable participation and institutional continuity.

89. Several representatives underlined the fruitful and positive contributions made by the Central Asian States within the Group of Eastern European States, including through being nominated to represent the Group in various bodies under the Montreal Protocol. Several representatives said that excluding the Central Asian States from a regional group without their consent could constrain their ability to participate in the nomination and election of representatives to the various bodies of the Montreal Protocol, which was not in line with the principles of sovereign equality and inclusivity and the equal representation of all States. In that regard, a number of representatives drew attention to the significant contribution of the Central Asian States in ensuring that the Eastern European States had been able to reach consensus on their recent nomination of Azerbaijan to serve as a member of the Implementation Committee until 31 December 2027.

90. One representative said that the only relevant question to ask those who proposed changing the composition of the Group of Eastern European States was how that change would contribute to more effective implementation of the obligations of parties under the Montreal Protocol and its Kigali Amendment. Any geographical considerations regarding the composition of the Group were irrelevant. Moreover, some representatives cautioned against politicizing the matter of regional representation. Several representatives expressed the view that any changes affecting the participation of States in regional groups needed to be carried out on the basis of transparent dialogue and consensus, as well as taking into account the interests of all the parties concerned.

91. One representative highlighted the geographical situation within the regions covered by the current membership of the Group of Eastern European States, as well as the long-standing historical, economic and environmental connections, including the close links between the Central Asian and South Caucasus regions, and shared experiences in the implementation of the Montreal Protocol, which, she said, supported the current composition of the Group.

92. Some representatives stressed that the Central Asian States were active and constructive members of the Montreal Protocol Network for Europe and Central Asia, which provided a strong institutional framework for cooperation in the region, in particular among technical experts. That cooperation had fostered the exchange of expertise, strengthened regional capacity and contributed significantly to the effective implementation of the Montreal Protocol and its Kigali Amendment across the region.

93. Several other representatives, including one speaking on behalf of a group of parties, expressed the view that it was not appropriate for the Open-ended Working Group to discuss the composition of the regional groups or for the Meeting of the Parties to make any decisions in that regard. In the context of the United Nations, the regional groups operated on an informal basis. Each regional group should determine its own membership, when it should meet and its nomination processes. One of the representatives noted, however, that, on the basis of the principle of fairness, all the parties should belong to a regional group and the groups of Eastern European States and Asia-Pacific States should continue consultations on the matter of ensuring that the Central Asian States were part of a regional group under the Montreal Protocol.

94. Some representatives, including one speaking on behalf of a group of parties, said that a decision of the Meeting of the Parties on the membership of regional groups would not be in line with

the customs and practices of the United Nations and might set a precedent that could have unforeseen implications for other regional groups under the multilateral environmental agreements.

95. One representative clarified that no party had ever sought to change the membership of a regional group in the context of the United Nations. He said that his party had always been careful to base its actions on the neutral advice provided by the Secretariat. In that regard, he drew attention to the note by the Secretariat containing a summary of background information on membership of the Group of Eastern European States (UNEP/OzL.Pro.WG.1/48/INF/4/Rev.1–UNEP/OzL.Pro.ExMOP.6/INF/1/Rev.1) and highlighted that the document included a complete list of the Eastern European States.

96. One representative underscored that the composition of the regional groups under the General Assembly of the United Nations should not affect the composition of such groups under the Montreal Protocol and the Vienna Convention for the Protection of the Ozone Layer. A number of representatives, also drawing attention to the compilation of information in the note by the Secretariat, said that one of the conclusions of the Secretariat was that other multilateral environmental agreements and forums had their own categorizations of regional groups and different rules on membership in their treaty bodies; some used the five United Nations regional groups, while others did not. In the light of that fact, established practice under the Montreal Protocol should guide consideration of the matter.

97. One representative said that both points of view, namely that the Central Asian States had historically been active members of the Group of Eastern European States of the Montreal Protocol and should remain so, and that those States were in Asia and were part of the Group of Asia-Pacific States in other United Nations forums, so should also be in that Group under the Montreal Protocol, were valid but reaffirmed that the issue needed to be resolved by means of dialogue and consultation among the interested parties.

98. One representative said that his party, which was not a member of the Group of Eastern European States, would be willing to help facilitate the ongoing discussions on the issue, upon invitation by the Group. Another representative, speaking on behalf of a group of parties, expressed the view that the participation of parties that were not members of the Group in discussions on the margins of the current meeting would be helpful. Extensive discussions had taken place within the Group with no sign of positions changing.

99. One representative said that the decision as to whether to remain in a given regional group or to move to another group was the sovereign decision of a State, and all five Central Asian States had made it clear that they wished to remain in the Group of Eastern European States. No further discussion on the matter was therefore needed. In that regard, another representative said that, given the importance of the sovereign rights of Member States, it seemed wrong that a regional group, which was secondary in importance to a Member State under international law, should be permitted to deny the sovereign right of a Member State to belong to its chosen regional group.

100. Several representatives cautioned against allowing a change to the membership of the Group, as that could set a precedent for a multitude of similar changes.

101. In response to a question from one representative, the Senior Legal Officer noted that the Secretariat did not participate in the meetings of the regional groups, nor did it keep any records of their meetings. Each regional group had the responsibility of determining, among other things, which States were members of that group and decisions regarding admission to a regional group were made on the basis of consensus. He clarified that a party could not be forced out of a regional group. In the light of the response, a number of representatives said that it was clear that the Central Asian States should remain members of the Group of Eastern European States and the matter should be considered closed.

102. One representative, speaking on behalf of a group of parties, suggested that further consultations on the matter could be undertaken. One representative proposed that the name of the Group of Eastern European States be changed to the Eastern European, Caucasian and Central Asian States.

103. The Working Group agreed that members of the Group of Eastern European States and other interested parties would continue their discussions informally in the margins of the current meeting and that one of the proponents of the conference room paper would report back in plenary session on the progress made.

104. [to be completed]

B. Nitrous oxide

105. The representative of Lesotho said that his proposal to discuss nitrous oxide stemmed from Annex I to the Vienna Convention, which defined nitrous oxide as an ozone-depleting substance, and from the 2022 quadrennial assessment report of the Scientific Assessment Panel, which had described a very large increase in levels of nitrous oxide, threatening stratospheric ozone. Nevertheless, following discussions in the margins of the current meeting among the members of the Group of African States, he was withdrawing his proposal to enable further consultations to be held, with a view to submitting a proposal at a future meeting.

106. Many representatives cautioned against any decision that would increase the scope of the Montreal Protocol and the already extremely heavy workload of Article 5 parties and could divert resources away from efforts to phase down HFC and to phase out HCFCs. Resources and capacity-building for those tasks were already vastly insufficient. One representative said that, although nitrous oxide could have an impact on the environment, the main sources were largely agricultural and were thus outside the scope of the Protocol. Limiting the use of nitrous oxide could have an impact on fertilizer production and increase the cost of agricultural production, food security and countries' economic capacities. He said that he could never agree to proposals that created new commitments outside the scope of the Montreal Protocol; such issues could be addressed by other multilateral environmental agreements. Another representative recalled the existence of the Convention on Long-range Transboundary Air Pollution and its Protocol Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes. Rather than adding to the burden of the Montreal Protocol experts, it would be better to use the information already gleaned by experts under other processes.

107. Other representatives including one speaking on behalf of a group of parties, thanked Lesotho for raising the matter and stressed the importance of taking a science-led and evidence-based approach, staying informed about emerging issues and seeing how their resolution could benefit from the experiences built up under the Montreal Protocol. The representative speaking on behalf of the group of parties recalled that nitrous oxide would likely feature in the next quadrennial assessment report of the Scientific Assessment Panel, meaning that additional information would be available at that point.

108. One representative said that he looked forward to further consultations among representatives of African States with a view to a new proposal being submitted in the future.

109. The Working Group concluded its discussion of the sub-item on the understanding that the issue could be added to the agenda of future meetings of the Open-ended Working Group or a future Meeting of the Parties, in accordance with the rules of procedure.

C. Implementation of paragraphs 2 and 4 of Article 2J of the Montreal Protocol in respect of Azerbaijan

110. Introducing the item, the Co-Chair drew attention to the addendum to the note by the Secretariat setting out a submission on consideration of the implementation of paragraphs 2 and 4 of Article 2J of the Montreal Protocol in respect of Azerbaijan (UNEP/OzL.Pro.WG.1/48/2/Add.2), which had been circulated at the request of Azerbaijan.

111. The representative of Azerbaijan introduced a conference room paper containing the text of a proposed draft decision. She explained that the recent ratification by Azerbaijan of the Kigali Amendment had given rise to a number of practical implementation issues arising from the new control measures for HFCs needing to be implemented in parallel with existing HCFC control measures, which aimed at phase-out by 2030. Those included, among others, the establishment of HFC baselines, the development of regulatory frameworks and licensing systems, sectoral transition planning and technology choices.

112. She said that she recognized that paragraphs 2 and 4 of Article 2J of the Montreal Protocol established differentiated implementation pathways for HFC phase-down commitments, which were designed to support a smooth transition while parties completed their HCFC phase-out obligations. The application of those provisions had in practice been addressed by Meetings of the Parties through decisions, including decision XXVIII/2 of the Twenty-Eighth Meeting of the Parties. Her party considered that the implementation factors arising in its own case were relevant to those mechanisms, and she therefore wished to propose that those two paragraphs should apply also to Azerbaijan.

113. A number of representatives stated their agreement with the proposal. Others, however, while not necessarily disagreeing, asked for a more detailed justification. They said that they were open to the proposal but would appreciate receiving more information on its rationale.

114. One representative observed that the parties had never established criteria for the application of paragraphs 2 and 4 of Article 2J; those parties wishing to apply them had self-identified. It was therefore difficult to judge whether Azerbaijan should also qualify for the slightly different baseline formula and phase-down schedule set out in the paragraphs. He noted that while the other parties to which those paragraphs applied were in a similar situation to Azerbaijan, namely that they were non-Article 5 parties that had received support for implementation through the Global Environment Facility, he was not sure whether that in itself would provide sufficient justification.

115. Another representative added that there were other ways in which parties in a similar position could request assistance, for example by requesting support through the Implementation Committee. He also observed that since the HFC phase-down schedules in paragraphs 2 and 4 converged with those in the rest of Article 2J from 2029 onwards, it was not clear how much difference the decision would actually make.

116. The Co-Chair requested Azerbaijan to provide more information to those representatives who had asked for it, with the aim of deepening their understanding of the situation. The Working Group could then return to the discussion at a later stage.

117. [to be completed]

VIII. Adoption of the report of the meeting (agenda item 10)

118. [to be completed]

IX. Closure of the meeting (agenda item 11)

119. [to be completed]
