Outcome of the resumed thirty-sixth meeting of the Open-ended Working Group

Note by the Secretariat

1. At the final plenary session of its thirty-sixth meeting, held in Paris from 20 to 24 July 2015, the Open-ended Working Group agreed to suspend the meeting and to resume it before the Twenty-Seventh Meeting of the Parties for the sole purpose of continuing its work under item 7 of the agenda of the thirty-sixth meeting, on the report of the intersessional informal discussions on the feasibility and ways of managing hydrofluorocarbons (HFCs).

2. The resumed thirty-sixth meeting of the Working Group was held at the Conrad Hotel, Dubai, United Arab Emirates, on 29 and 30 October 2015.

3. The Working Group agreed on a “mandate for a possible contact group on feasibility and ways of managing HFCs”. The agreed text is set out in the annex to the present note, without formal editing, for consideration and appropriate action by the Twenty-Seventh Meeting of the Parties.
Annex

Mandate for a possible contact group on the feasibility and ways of managing HFCs

The Open-ended Working Group of the Parties to the Montreal Protocol at its thirty-fifth meeting held in Bangkok from 22 to 24 April 2015, agreed that “it would continue to work inter-sessionally in an informal manner to study the feasibility and ways of managing HFCs, including, inter alia, the related challenges set out in annex II to the [report of the thirty-fifth meeting of the Open-ended Working Group], with a view to the establishment of a contact group on the feasibility and ways of managing HFCs at the thirty-sixth meeting of the Open-ended Working Group” (paragraph 128, UNEP/OzL.Pro.WG.1/35/6).

The informal meeting was convened on the 12-13 of June in Vienna on the above mentioned basis.

The parties have recognised in their interventions the success of the Montreal Protocol and its institutions in phasing out ODSs.

The management of HFCs is applicable to both A5 and non-A5 parties.

Parties agree that nothing should be considered agreed until everything is agreed.

Parties agree that they shall first resolve the challenges mentioned below by generating solutions in a contact group.

- Relevance and recognition of the special situation of developing countries and the principles under the Montreal Protocol which have enabled sufficient additional time in the implementation of commitments by A5 countries,

- Maintain the MLF as the financial mechanism, and to agree that additional financial resources will be provided by non-A5 parties to offset costs arising out of HFC management for A5 parties if obligations are agreed to. In this regard, key elements for financial support from the MLF for A5 parties will be developed by the contact group to provide guidance to the ExCom of the MLF, taking into account the concerns of parties.

- The elements in paragraph 1(a) of decision XXVI/9 including IPR issues in considering the feasibility and the ways of managing HFCs,

- Flexibility in implementation that enables countries to set their own strategies and set their own priorities in sectors and technologies,

- Exemption process and a mechanism for periodic review of alternatives including the consideration of availability or lack of availability of alternatives in all sectors in A5 countries and special needs for high ambient countries, based on all the elements listed in paragraph 1(a) of decision XXVI/9,

- Relationship with the HCFC phase out,

- Non-party trade provisions, and

- Legal aspects, synergies and other issues related to the UNFCCC in the context of HFC management under the MP.

Then, the parties will discuss in the contact group the ways of managing HFCs including the amendment proposals submitted by the parties.