

Introduction

At the 28th Meeting of the Parties to the *Montreal Protocol on Substances that Deplete the Ozone Layer* in October 2016 in Kigali, Rwanda, agreement was reached to add the phase-down of hydrofluorocarbons (HFCs) to the substances controlled by the Protocol.

Since the required number of countries have ratified the Kigali Amendment¹, it entered into force in January 2019. This historic amendment commits countries to phase-down the production and consumption of HFCs according to agreed schedules. While not ozone depleting, HFCs have high global warming potentials, of up to almost

15,000 times more powerful at warming the atmosphere than carbon dioxide. So, the Montreal Protocol is set to achieve a significant contribution in combatting climate change, avoiding up to 0.4°C of global temperature rise by the end of the century², thus contributing to the climate protection aspirations of the Paris Agreement. One of the important commitments of the Protocol is that of reporting the consumption and production of substances controlled under the Montreal Protocol. Following ratification of the Kigali Amendment, this commitment is now extended to HFCs. This short factsheet provides some useful information on relevant reporting dates and deadlines.



“All countries that have ratified the Kigali Amendment before October 2019 will need to report 2019 HFC consumption and production data by 30 September 2020”

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Ratification

In terms of data reporting requirements, the Kigali Amendment³ added the following text, related to HFCs (Annex F) to the Montreal Protocol⁴ under Article 7 (Reporting of data) in paragraph 2 where it explains that each Party shall provide the Ozone Secretariat with statistical data on controlled substances:

“in Annex F for the years 2011 to 2013, except that Parties operating under paragraph 1 of Article 5 shall provide such data for the years 2020 to 2022, but those Parties operating under paragraph 1 of Article 5 to which subparagraphs (d) and (f) of paragraph 8 qua of Article 5⁵ applies shall provide such data for the years 2024 to 2026

... or the best possible estimates of such data where

actual data are not available, not later than three months after the date when the provisions set out in the Protocol with regard to the substances in Annexes B, C, E and F respectively enter into force for that Party.”

This new sub-paragraph provides the detail of the national requirements for data reporting for HFC consumption and production which will be used to establish the HFC baselines for both groups of Article 5 countries. The following paragraph (3) includes another small but very important addition, that is the addition of Annex “F” [HFCs] to the list of Annexes referred to. Therefore, countries that have ratified the Kigali Amendment are committed to provide to the Secretariat

statistical data separately for substances in Annexes A, B, C, E and F on annual production, **and** on :

“imports from and exports to Parties and non-Parties respectively, for the year during which provisions concerning the substances in Annexes A, B, C, E and F respectively entered into force for that Party and for each year thereafter⁶.”

The important consequence of this text is that 90 days⁷ after the date of ratification of the Kigali Amendment, the Amendment will enter into force for that Party and it is required to report HFC production and consumption data **for that year**.

For example, if a country ratified the Kigali Amendment on 25 September 2019, the country’s ratification will enter into force on 24 December 2019. As per Article 7 paragraph 3 of the Montreal Protocol, the country is required to report HFC data starting from the year during which the Kigali Amendment entered into force for that country (i.e. 2019), and for each year thereafter. Data shall be forwarded no later than nine months after the end of the year to which the data relate. All countries that have ratified the Kigali Amendment before October 2019, will need to report HFC consumption data for 2019, by 30 September 2020⁸. See the examples below:

Example Ratification Dates and Article 7 Reporting Commitments

Ratification date	Date of entry into force [^]	First year for which data must be reported	Date by which data should be reported [^]
25 September 2018	1 January 2019*	2019	30 September 2020
25 September 2019	24 December 2019	2019	30 September 2020
25 October 2019	23 January 2020	2020	30 September 2021
10 July 2023	8 October 2023	2023 ⁹	30 September 2024

[^] 90 days after Ratification date

*Entry into force of Kigali Amendment

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References

1. See: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-2-f&chapter=27&clang=en
2. Scientific Assessment of Ozone Depletion: 2018, World Meteorological Organization Global Ozone Research and Monitoring Project – Report No. 58
3. Decision XXVIII/1: Further Amendment of the Montreal Protocol (on HCFCs)
4. Handbook for the Montreal Protocol on Substances that Deplete the Ozone Layer, Thirteenth edition (2019)
5. This applies to “Article 5 Group 2”: Bahrain, India, Iran, Iraq, Kuwait, Oman, Pakistan, Qatar, Saudi Arabia & UAE
6. The paragraph also specifies that amounts used for feedstocks and amounts destroyed should also be reported.
7. If a state ratifies the Amendment after it enters into force, the Amendment enters into force for that state on the 90th day following the date of its ratification. See: conf.montreal-protocol.org/meeting/owwg/owwg-39/pre-session/briefingnotes/ratification_kigali.pdf
8. Parties encouraged to report data as soon as available and preferably by 30 June
9. Production /consumption data for baseline years of 2020, 2021 and 2022 are also required to be reported for Article 5 Group 1 Parties