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**Implementation Committee under the
Non-compliance procedure for the
Montreal Protocol
Forty-first meeting**
Doha, 12–14 November 2008

**Report of the Implementation Committee under the Non-compliance
Procedure for the Montreal Protocol on the work of its forty-first
meeting**

I. Opening of the meeting

1. The forty-first meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Sheraton Hotel and Conference Centre in Doha, Qatar, from 12 to 14 November 2008.

A. Opening statements

2. Mr. Hassen Hannachi, President of the Implementation Committee, opened the meeting at 10 a.m. on Wednesday, 22 November, welcoming the Parties and expressing thanks to the Government of Qatar for hosting the current meeting.

3. Mr. Marco González, Executive Secretary of the Montreal Protocol, welcomed the members of the Committee and others and thanked both the members and the Government of Qatar for embracing the Ozone Secretariat's proposal to conduct the current meeting and the forthcoming meetings of the Meeting of the Parties and the Conference of the Parties to the Vienna Convention on the Protection of the Ozone Layer as a "paperless solution" that would pioneer a paperless culture in the United Nations.

4. He noted that the current meeting was taking place shortly before a major milestone in the implementation of the Protocol: the total phase-out of chlorofluorocarbons (CFCs), halons and carbon tetrachloride by all Parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 Parties). The Committee's work, which had helped many Parties over the years return to compliance with their obligations under the Protocol in a supportive and non-adversarial manner, would be instrumental to the efforts to reach that milestone.

5. He reported with pleasure that 187 of the 191 Parties to the Protocol that were required to report 2007 data on consumption and production of ozone-depleting substances in accordance with Article 7 of the Protocol had done so, bringing the rate of compliance to over 97 per cent. Noting that cooperation with the regional compliance assistance teams had been key to the successful implementation of the Protocol and its compliance mechanism, he announced that the Secretariat had established a new administrative structure that would focus on compliance, featuring a legal affairs and compliance unit that would work with the Compliance Assistance Programme regions toward the goal of achieving 100 per cent compliance with the Protocol.

6. He then outlined the issues to be taken up by the Committee and wished the members luck in their deliberations.

B. Attendance

7. Representatives of the following members of the Committee attended the meeting: Georgia, India, Jordan, Mauritius, Mexico, Netherlands, New Zealand, Russian Federation and Tunisia. The representative of Bolivia was unable to attend. A list of participants is set out in annex II to the present report.

II. Adoption of the agenda and organization of work

8. The Committee adopted the following agenda, based on the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/41/1:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Report by the Secretariat on data under Article 7 of the Montreal Protocol.
4. Information provided by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) to facilitate compliance by Parties.
5. Follow-up on previous decisions of the Parties and recommendations of the Implementation Committee on non-compliance-related issues:
 - (a) Data-reporting obligations: Tuvalu, United Arab Emirates and Vanuatu (decision XIX/25 and recommendation 40/2);
 - (b) Existing plans of action to return to compliance:
 - (i) Albania (decision XV/26);
 - (ii) Bangladesh (decision XVII/27 and recommendation 40/6);
 - (iii) Bosnia and Herzegovina (decision XV/30 and recommendation 40/9);
 - (iv) Botswana (decision XV/31 and recommendation 40/10);
 - (v) Ethiopia (decision XIV/34 and recommendation 40/16);
 - (vi) Fiji (decision XVII/33 and recommendation 40/18);
 - (vii) Honduras (decision XVII/34 and recommendation 40/21);
 - (viii) Islamic Republic of Iran (decision XIX/27 and recommendation 40/22);
 - (ix) Kenya (decision XVIII/28 and recommendation 40/23);
 - (x) Kyrgyzstan (decision XVII/36 and recommendation 40/24);
 - (xi) Lesotho (decision XVI/25 and recommendation 40/25);
 - (xii) Libyan Arab Jamahiriya (decisions XV/36 and XVII/37 and recommendation 40/26);
 - (xiii) Maldives (decision XV/37 and recommendation 40/27);
 - (xiv) Nigeria (decision XIV/30 and recommendation 40/30);
 - (xv) Paraguay (decision XIX/22 and recommendation 40/32);
 - (xvi) Uganda (decision XV/43 and recommendation 40/36);
 - (c) Plans of action for establishment and operation of licensing systems for ozone-depleting substances (decision XIX/26, paragraph 2, and

- recommendations 40/39 and 40/40): Barbados, Cook Islands, Equatorial Guinea, Eritrea, Haiti, Nauru, Somalia and Tonga;
- (d) Other recommendations and decisions on compliance:
- (i) Bangladesh (recommendation 40/6);
 - (ii) Chile, Cuba, Ecuador, El Salvador and Solomon Islands (recommendation 40/1);
 - (iii) Somalia (recommendation 40/35);
 - (iv) United Arab Emirates (recommendations 40/2 and 40/38).
6. Consideration of other non-compliance issues arising out of the data report:
 - (a) Data-reporting obligations;
 - (b) Production and consumption control measures.
 7. Consideration of the report of the Secretariat on Parties that have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol and recommendation 40/40).
 8. Difficulties faced by some Parties operating under paragraph 1 of Article 5 manufacturing metered-dose inhalers which use chlorofluorocarbons (decision XVIII/16, paragraph 5 and paragraph 262 of the report of Implementation Committee at its fortieth meeting, document UNEP/OzL.Pro/ImpCom/40/6).
 9. Review of decisions of Meetings of Parties on recurrent actions or activities which should be monitored or reviewed on a regular basis by the Implementation Committee.
 10. Reports of the Parties submitted under Article 9 of the Montreal Protocol on research, development, public awareness and exchange of information.
 11. Information on compliance by Parties present at the invitation of the Implementation Committee.
 12. Other matters.
 13. Adoption of the report of the meeting.
 14. Closure of the meeting.

9. Following proposals from the Secretariat and a Committee member from Jordan, the Committee agreed to consider two issues under item 12, "Other matters", a document by the Secretariat on *de minimis* quantities of ozone-depleting substances when reviewing compliance and the issue of substances with low ozone-depleting potential (UNEP/OzL.Pro/ImpCom/41/INF/4). The Committee also agreed to consider the issue raised by Jordan regarding recording and reporting to the Secretariat destinations of exports of ozone-depleting substances by the Parties.

III. Report of the Secretariat on data under Article 7 of the Montreal Protocol

10. The representative of the Ozone Secretariat provided a summary of the information set out in the report of the Secretariat on information provided by Parties in accordance with Article 7 of the Protocol (UNEP/OzL.Pro/ImpCom/41/2 and 41/2/Add.1). He outlined the data-reporting requirements that Parties had to meet and explained that the report contained information on the data reported for 2006 as well as for 2007, as the 2007 meeting of the Parties had taken place earlier than usual, before the deadline for data reporting for 2006, and therefore before several parties had been able to report their data.

11. He reported that all Parties required to report base-year and baseline data had by the time of the current meeting reported their base-year and baseline data for all controlled substances. Two Parties (Saudi Arabia and Ukraine) had requested changes in their baseline data for methyl bromide. At its last meeting the committee had decided to recommend the acceptance of Saudi Arabia's request, but Ukraine's request could not be considered further without additional information.

12. In addition, all required Parties had submitted their consumption and production data for 2006, while 187 out of 191 Parties had submitted data for 2007; the four remaining Parties, which were still in non-compliance with their data-reporting obligations, were Nauru, Saudi Arabia, Solomon Islands and Tonga.

13. With regard to deviations from the control schedules, he outlined the applicable control measures for the two years 2006 and 2007, as well as the exemptions, allowances and special cases taken into account when assessing compliance with the control measures for production and consumption of substances controlled under the Montreal Protocol. These included essential-use exemptions for CFCs, critical-use exemptions for methyl bromide, the global exemption for laboratory and analytical uses for non-Article 5 Parties and allowances for production to meet the basic domestic needs of Article 5 Parties. Deviations attributable to stockpiling under the terms of decision XVIII/17 had been deferred for consideration until the 2009 Meeting of the Parties and, for Article 5 Parties, deviations attributable to laboratory uses of carbon tetrachloride had been deferred for consideration until 2010. For Parties operating under plans of action included in decisions of the Parties, the phase-out benchmarks set out in those plans were used to determine those Parties' adherence to their commitments.

14. Taking into account the control measures and all those permitted deviations, no non-Article 5 Party was in non-compliance with its production or consumption limits for either 2006 or 2007. Similarly, no Article 5 Party was in non-compliance with its production limits for 2006 or 2007.

15. With respect to consumption, just two Article 5 Parties were in a state of non-compliance for 2006: Solomon Islands, with respect to CFCs, and Somalia, with respect to halons. Similarly, two Article 5 Parties were in a state of possible non-compliance with regard to 2007 consumption: Ecuador, with respect to methyl bromide, and Somalia, with respect to halons.

16. In accordance with decision XVII/12 the Secretariat's report included information on the level of production of CFCs in non-Article 5 Parties to meet the basic domestic needs of Article 5 Parties, as compared to their allowed production. In 2006 Parties using the basic domestic needs provision produced 3,254 ODP-tonnes of ozone-depleting substances under their allowances, while their allowed production was 15,408 ODP-tonnes. In 2007 such Parties produced 1,725 ODP-tonnes against allowed production of 4,622 ODP-tonnes. Information on the transfer of CFC production rights between Parties, which had also been requested by decision XVII/12, was also included. In 2006, a total of 3,257 ODP tonnes of CFCs was transferred between three Parties while in 2007, four Parties transferred between them a total of 1,457 ODP tonnes.

17. Paragraph 2 of decision XVII/12 had also requested the Secretariat to include copies of the written affirmations received by exporting Parties from the prospective importing Parties that the CFCs exported to meet their basic domestic needs were required and would not result in non-compliance. Only Spain had submitted copies of such affirmations, for 2006 and 2007. Information from Spain had been included in information note UNEP/OzL.Pro/ImpCom/41/Inf.5, but copies of the affirmations were not included owing to confidentiality concerns.

18. Finally, the report also included information provided in accordance with decision XVIII/17, which had requested the Secretariat to maintain a record of cases in which Parties had explained that their excess production was attributable to stockpiling of ozone-depleting substances for future use or disposal. For 2007 four Parties had stockpiled a total of 1,956.8 ODP-tonnes.

19. Thanking the representative of the Secretariat for his report, the President of the Committee said that the excellent record of data reporting and compliance with the phase-out obligations was evidence of a real commitment to the aims of the Montreal Protocol by the Parties and to many years of hard work by the Implementation Committee.

IV. Information provided by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) to facilitate compliance by Parties.

20. A representative of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol presented a report under the item. Addressing the compliance-related decisions of the Executive Committee at its fifty-fifth and fifty-sixth meetings, he noted first that by its decision 55/4 the Executive Committee had requested the Multilateral Fund Secretariat to revise the indicators of risk of non-compliance, taking into account comments by Parties. He added that at its fifty-sixth meeting the Executive Committee was continuing its consideration of the indicators, focusing on their continued operation and whether Parties should continue submitting comments on them prior to the Executive Committee's fifty-seventh meeting.

21. Continuing on decisions related to compliance, the Senior Programme Management Officer recalled that the Executive Committee had approved, on a case-by-case basis, funding for institutional strengthening for one year instead of two for countries declared to be in non-compliance. At its fifty-sixth meeting the Executive Committee was considering one-year funding for Ecuador in the light of its potential non-compliance with methyl bromide controls.

22. He said that some Article 5 Parties had requested assistance with respect to CFC-based metered-dose inhaler production. At its fifty-fifth meeting the Executive Committee had decided not to approve requests by seven Parties for the preparation of metered-dose inhaler investment projects or transition strategies but had approved all such requests submitted at its fifty-sixth meeting. The Committee had also decided at its fifty-sixth meeting that it would not consider the approval of metered-dose inhaler projects at future meetings in view of the proximity of the final CFC phase-out deadline of 1 January 2010.

23. Turning to the issue of country programme data, the representative said that 113 of the 142 Article 5 Parties had reported data for 2007 and that 110 had used the new format for data presentation and had included information on regulatory measures. Of the 131 countries that had submitted country programme data, 123 (94 per cent) reported having operational licensing systems, with 89 per cent functioning satisfactorily or very well. Eighty per cent of reporting countries had quota systems in place.

24. He presented data on the prices of ozone-depleting substances and their substitutes, including several new substances evaluated for the first time, pursuant to Executive Committee decision 54/4. Average prices of CFC-11, CFC-12, R-502 and HCFC-22 had increased since the last country programme report but the average price of HFC-134a had fallen.

25. Turning to the status of and prospects for compliance, he noted that the Executive Committee had provided assistance to all countries that might need it to meet their compliance targets except Somalia, where support could be made available as soon as security conditions permitted.

26. With respect to updated information on countries that were the subject of compliance decisions, he drew attention to document UNEP/OzL.Pro/ImpCom/41/INF/7 on the status of implementation of delayed projects and prospects of Article 5 countries achieving compliance with the Protocol's control measures, noting that 61 of the 75 issues raised in that document had already been resolved. He also presented a short summary of additional information received from the implementing agencies on the status of countries being considered by the Implementation Committee at its current meeting.

27. He noted that three countries (Bosnia and Herzegovina, the Solomon Islands and Somalia) had exceeded their 2007 CFC consumption targets; that Somalia had exceeded its 2007 halon consumption target; that Ecuador had exceeded its 2007 methyl bromide consumption target; and that four countries (Bolivia, Chile, Cuba and Indonesia) had exceeded their 2007 carbon tetrachloride consumption targets.

28. Finally he noted that the Multilateral Fund secretariat's assessment of compliance risk factors indicated that 78 countries were either very confident or confident of achieving or maintaining compliance. Of the 17 factors used to compile the assessment, the one that put most countries at risk of

non-compliance was “projects approved less than one year ago”. Sixty-four projects addressing CFC consumption had been approved less than a year previously, which might mean that there was insufficient time to avoid non-compliance. Concluding, he noted that the compliance risk assessment was periodically updated to ensure that it remained current and affirmed that the Multilateral Fund Secretariat would strive to encourage countries that had not done so to respond to the risk assessment questionnaire.

29. In the ensuing discussion, one Implementation Committee member called on implementing agencies to ensure that they corresponded with Parties effectively and contributed to country reports to the Multilateral Fund punctually to ensure that country reporting obligations were met in a timely manner. Another member agreed that the need to include implementing agency comments in country reports, as well as the need to submit both paper and electronic documents and the procedures for doing so, created problems and needed to be simplified. Another, however, suggested that difficulties could be avoided by maintaining good communications with the implementing agencies. Responding, the representative of the Multilateral Fund Secretariat said that the Secretariat was aware of difficulties with the existing reporting processes and was continually trying to improve them.

30. On the issue of the price of ozone-depleting substances and their substitutes, one member affirmed that the low cost of some ozone-depleting substances, notably CFC-12 and HCFC-22, was a matter of considerable concern. Agreeing, another member noted that in his country HCFC-22 cost just \$3 and another said that in addition to considering the price of ozone-depleting substances it was important to check their quality. The representative of the Multilateral Fund Secretariat noted that the low average costs of individual substances sometimes disguised large variations between countries. The representative of UNEP added that experience suggested that in many cases substances were mislabeled, raising a risk that prices and consumption were being falsely reported.

V. Follow-up on previous decisions of the Parties and recommendations of the Implementation Committee on non-compliance-related issues

A. Data-reporting obligations: Tuvalu, United Arab Emirates and Vanuatu (decision XIX/25 and recommendation 40/2)

1. Compliance issue

31. The Secretariat recalled that by decision XIX/25 and recommendation 40/2 Tuvalu, the United Arab Emirates and Vanuatu, which had not yet reported their ozone-depleting substance data for 2006, had been urged to report the required data to the Secretariat in accordance with the provisions of Article 7 of the Montreal Protocol, preferably by 1 September 2008 following the Implementation Committee’s review of their situations in July 2008. The three Parties had subsequently submitted their ozone-depleting substances data for 2006 to the Secretariat, confirming their implementation of their obligations in relation to the control measures of the Montreal Protocol for that year.

2. Recommendation

32. The Committee therefore agreed to note with appreciation that Tuvalu, United Arab Emirates and Vanuatu, in accordance with decision XIX/25 and recommendation 40/2, had reported their ozone-depleting substances data for the year 2006 in accordance with Article 7 of the Montreal Protocol.

Recommendation 41/1

B. Existing plans of action to return to compliance

1. Albania (decision XV/26)

33. Albania had been listed for consideration with regard to its implementation of decision XV/26 and recommendation 40/3.

(a) Compliance issue subject to review: CFC consumption reduction commitment

34. Albania had committed itself, as recorded in decision XV/26 of the Fifteenth Meeting of the Parties, to reducing consumption of chlorofluorocarbons (CFCs) from 15.2 ODP-tonnes in 2006 to 6.2 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/3 of the fortieth

meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XV/26.

(b) Status of compliance issue

35. Albania had subsequently submitted its ozone-depleting substance data for 2007, reporting consumption of 4.1 ODP-tonnes of CFCs. Those data placed the Party in advance of both its commitment contained in decision XV/26 and its CFC phase-out obligations under the Montreal Protocol for 2007.

(c) Recommendation

36. The Committee therefore agreed to congratulate Albania on its reported data for the consumption of Annex A, Group I, substances (CFCs) in 2007, which showed that it was in advance of its commitment contained in decision XV/26 to reduce CFC consumption to no greater than 6.2 ODP-tonnes in that year and its obligations under the CFC control measures of the Montreal Protocol for that year.

Recommendation 41/2

2. Bangladesh (decision XVII/27 and recommendation 40/6)

37. Bangladesh had been listed for consideration with regard to its implementation of decision XVII/27 and recommendation 40/6.

(a) Compliance issues subject to review: methyl chloroform consumption reduction commitment and notification of potential future CFC phase-out non-compliance

(b) Methyl chloroform consumption reduction commitment

38. Bangladesh had committed itself, as recorded in decision XVII/27 of the Seventeenth Meeting of the Parties, to maintaining its consumption of the Annex B, group III, controlled substance (methyl chloroform) at no greater than 0.550 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/6 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XVII/27.

(c) Notification of potential future CFC phase-out non-compliance

39. Bangladesh had notified the Implementation Committee at its thirty-seventh meeting that it anticipated non-compliance with its phase-out schedule for the years 2007, 2008 and 2009 for Annex A, group I, controlled substances (CFCs). The Party had subsequently been requested, in recommendation 39/4 of the thirty-ninth meeting of the Implementation Committee, to submit to the Ozone Secretariat, no later than 29 February 2008, a report on the implementation of its national phase-out plan and any revisions that could be made, for consideration by the Committee at its fortieth meeting.

40. After further consideration of the matter at its fortieth meeting, the Implementation Committee had urged Bangladesh in recommendation 40/6 to continue working with the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP) to expedite the implementation of projects to phase out CFCs in the manufacture of metered-dose inhalers, including, as an immediate first step and as a matter of urgency, the signing of project document agreements with UNDP and UNEP. The Party had also been requested to provide the Implementation Committee at each of its meetings, through the Ozone Secretariat, updates on its implementation of its metered-dose inhaler transition strategy. Bangladesh had also been reminded to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XVII/27.

(d) Status of compliance issues

(i) Methyl chloroform consumption reduction commitment

41. Bangladesh had submitted its ozone-depleting substance data for 2007 on 14 October 2008, reporting consumption of 0.5 ODP-tonnes of methyl chloroform. Those data had placed the Party in compliance with its commitment contained in decision XVII/27 to maintain its consumption of methyl chloroform at no greater than 0.550 ODP-tonnes in 2007 and its obligations under the methyl chloroform control measures of the Montreal Protocol in that year.

(ii) Notification of potential future CFC phase-out non-compliance

42. As noted above, Bangladesh had notified the Implementation Committee at its thirty-seventh meeting that, despite having made its best bona fide efforts, it anticipated that it would be unable to comply fully with the Protocol's consumption control measures for CFCs as prescribed by Articles 2A and 5 of the Protocol for the years 2007, 2008 and 2009. At that meeting, the Committee had requested Bangladesh to submit to the Secretariat, as recorded in recommendation 37/45, a copy of the 2007 and 2008 annual implementation programmes for the Party's national ozone-depleting substance phase-out plan and estimates of the total amount by which Bangladesh expected to exceed its annual maximum allowable consumption of CFCs in each of the years 2007–2009, for consideration by the Implementation Committee at its thirty-eighth meeting. The Party had also been asked to submit to the Secretariat its transition strategy for the phase-out of CFC-based metered-dose inhalers for consideration by the Implementation Committee.

43. The Implementation Committee had considered the information submitted by Bangladesh in response to recommendation 37/45 at its thirty-eighth meeting. That information, originally contained in the annex to document UNEP/OzL.Pro/ImpCom/38/INF/3 and reproduced in document UNEP/OzL.Pro/ImpCom/41/INF/3 for ease of reference, had suggested that the Party had not complied fully with all of the above requests. Subsequently the Committee, taking also into consideration information provided by an invited representative of Bangladesh, had requested the Party, as stated in recommendation 38/3, to submit three additional pieces of information to the Secretariat to assist the Committee in formulating a recommendation to the Meeting of the Parties.

44. The additional information had included a copy, following its approval by the Executive Committee, of the Party's transition strategy for the phase-out of metered-dose inhalers using CFCs, including a description of planned regulatory measures intended to restrict the consumption of CFC-based metered-dose inhalers and to expedite the adoption of CFC-free alternatives.

45. Another piece of information that had been required was a report on the implementation of the Party's national phase-out plan and any revisions that could be made, in the light of the progress made in the implementation of the plan, to the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years 2007–2009. In addition, Bangladesh had been requested to submit a summary of its project to convert its CFC-based metered-dose inhaler manufacturing sector, should the project be approved by the Executive Committee at its fifty-second meeting, including details of the planned duration of the project and any revisions that could be made to the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years 2007–2009.

46. In response to recommendation 38/3, Bangladesh had submitted to the Secretariat the information originally contained in the annex to document UNEP/OzL.Pro/ImpCom/39/INF/3 and reproduced in document UNEP/OzL.Pro/ImpCom/41/INF/3 for ease of reference. That information had included copies of its national transition strategy for the phase-out of CFC-based metered-dose inhalers and its project for the conversion of its CFC-based metered-dose inhaler manufacturing sector. With regard to the Party's implementation of its phase-out plan, however, Bangladesh had reported that the plan was under revision and that the revised plan would be communicated to the Secretariat upon completion.

47. Taking into consideration the Party's response to recommendation 38/3, in addition to the information provided by the representative of Bangladesh, the Implementation Committee had decided at its thirty-ninth meeting to request Bangladesh, as stated in recommendation 39/4, to submit to the Ozone Secretariat a report on the implementation of its national phase-out plan and any revisions that could be made, in the light of the progress made in implementation, to the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years 2007–2009, for consideration by the Committee at its fortieth meeting. The Committee had further urged

Bangladesh to submit an update on its progress in implementing its national transition strategy and conversion project, including any revisions that could be made to the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years 2007–2009, for consideration by the Committee at its fortieth meeting.

48. The Party had also been requested to submit information regarding the following issues raised by the members of the Committee while reviewing the Party's situation:

(a) Confirmation that Bangladesh would impose a ban from the year 2010 on the import of CFCs for the manufacture of metered-dose inhalers for which there were alternatives;

(b) A further explanation of why CFC consumption was expected to increase over the period 2007–2009;

(c) An explanation of why projects already under way and the availability of alternatives were not expected to reduce CFC consumption over the period 2007–2009;

(d) A timetable for the introduction of anticipated regulatory measures to control CFC supply and CFC metered-dose inhaler sales and to promote CFC-free alternatives;

(e) An explanation for the Party's decision to stockpile CFCs over the period 2007–2009 to meet demand over the period 2010–2012 rather than to seek CFC supply through the Protocol's essential-use exemption process, noting that obtaining CFCs through the essential-use process could have enabled the Party to avoid or at least minimize its non-compliance with the Protocol's CFC control measures over the period 2007–2009.

49. The report submitted by the Party in response to recommendation 39/4, originally contained in the annex to document UNEP/OzL.Pro/ImpCom/40/INF/3 and reproduced in document UNEP/OzL.Pro/ImpCom/41/INF/3 for ease of reference, had been considered by the Implementation Committee at its fortieth meeting, along with the information provided by a representative of Bangladesh who had attended the meeting at the invitation of the Committee. During that meeting, the Committee had also been informed that the funding of three projects agreed upon by the Executive Committee of the Multilateral Fund had been held up by delays in the signing of the relevant agreement documents. Those agreements had concerned a project coordinated by UNEP on a metered-dose inhaler transition strategy and two projects on institutional strengthening and metered-dose inhaler conversion, coordinated by UNDP.

50. In the light of the new information, the Implementation Committee had urged Bangladesh in recommendation 40/6 to continue working with UNDP and UNEP to expedite the implementation of projects to phase out CFCs in the manufacture of metered-dose inhalers, including, as an immediate first step and as a matter of urgency, the signing of the project document agreements with UNDP and UNEP. The Party had also been requested to provide to the Implementation Committee at each of its meetings, through the Ozone Secretariat, updates on its implementation of its metered-dose inhaler transition strategy. Bangladesh had been further reminded to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XVII/27.

51. In correspondence dated 14 October 2008, Bangladesh had communicated to the Secretariat its response to recommendation 40/6, as contained in the annex to document UNEP/OzL.Pro/ImpCom/41/INF/3. The communication had included the Party's ozone-depleting substance data submission for the year 2007 under Article 7 of the Protocol and an update on its implementation of metered-dose inhaler projects. The Party's data indicated consumption in 2007 of 154.9 ODP-tonnes of CFCs, which was 67.7 ODP-tonnes in excess of the Party's maximum allowable consumption considering its obligation under the Protocol to reduce 2007 consumption to no greater than 85 per cent of its baseline for those substances, namely, 87.2 ODP-tonnes.

52. Bangladesh had noted in its report that of the total imported 155.135 metric tonnes of CFCs, 71.88 metric tonnes (CFC-11: 20.76 and CFC-12: 51.12) had been destined for the manufacture of CFC-based metered-dose inhalers. The Party had further reported that the project document for the metered-dose inhaler conversion project, which had been approved by the Executive Committee of the Multilateral Fund at its fifty-second meeting, had been signed by its Government and UNDP and that project implementation had commenced. The Party had also informed the Secretariat in correspondence dated 22 October 2008 that its Government and UNEP had signed the project document for the metered-dose inhaler transition strategy on the same day.

53. To assist the Committee in its consideration of the potential non-compliance by Bangladesh with its CFC phase-out obligations the Secretariat had prepared background information on difficulties faced by some Article 5 Parties manufacturing CFC-based metered-dose inhalers (UNEP/OzL.Pro/ImpCom/41/4).

(e) **Discussion at the current meeting**

54. The representative of the Secretariat recalled that under decision XVIII/16 the Committee had been requested to consider all possible options when considering potential non-compliance by Article 5 Parties manufacturing CFC-based metered-dose inhalers and to give special consideration to such Parties in the light of the information received from them, having due regard to health considerations. To date, however, no Party other than Bangladesh had given notification of potential non-compliance. The Secretariat also highlighted some factors that the Committee might wish to consider in its deliberations, such as the importance of metered-dose inhalers to patients' health; Bangladesh's original agreement to phase out CFCs without further funding; the start-up of the Party's CFC-based metered-dose inhaler production well after the phase-out date had been known; the delays in the implementation of projects approved by the Executive Committee in 2007 due to delays in project signing; the Party's full compliance with the provisions of recommendation 40/6; and the consistent approach followed by the Implementation Committee to date in dealing with all Parties in non-compliance situations. The Secretariat also suggested that the Committee might wish to consider two options: to treat Bangladesh in accordance with the established non-compliance procedure, which would imply working with the Party in agreeing a plan of action to return it to compliance; or to suspend consideration of the situation of Bangladesh until 2010, provided that it did not increase its consumption of CFCs for metered-dose inhalers beyond the level reported for 2007.

55. Some members of the Committee observed that metered-dose inhaler transition projects were generally difficult to implement, requiring not just the necessary funding and transfer of technology, but also potentially lengthy registration procedures for the new medications and time for patients to begin to use them. They said that the Committee should recognize Bangladesh's commitment to the Montreal Protocol, as had been made evident by its return to compliance with its methyl chloroform phase-out obligations, welcome the progress it had made so far and suspend further consideration of the situation.

56. The representative of the United Nations Industrial Development Organization (UNIDO) informed the Committee that although Bangladesh's conversion and transition strategy agreements had only been signed in October 2008 both UNDP and UNEP had been working with Bangladesh in advance to prepare for their rapid implementation. A technical consultant had already been appointed for the conversion project and was working with the enterprises concerned in developing the necessary technical specifications. Similarly, a communications plan for the transition strategy was under development and was due to commence in the next few weeks. UNEP had also been assisting in the preparation of new regulations. Furthermore, the consumption of CFCs in 2007 had in fact been less than the limits on CFC consumption agreed with the Executive Committee for both 2008 and 2009.

57. In the light of these indications of positive progress, other members of the Committee said that the Committee should exercise the first option outlined by the Secretariat, namely, to treat Bangladesh in accordance with the normal non-compliance procedure and to work together with it in developing a plan of action to return to compliance. They further observed that adopting the second option could send the wrong message to other Parties. They wished to defend the integrity of the Protocol's non-compliance procedure, which had worked well over many years. Members of the Committee also recalled that after 2010, Bangladesh would have the possibility of applying for an essential-use exemption for the use of CFCs in metered-dose inhalers.

58. Responding to questions about Bangladesh's progress with phasing out CFCs for uses other than metered-dose inhalers, the representative of UNIDO explained that the Executive Committee had already approved a national phase-out plan for CFCs used in refrigeration and air-conditioning, the only other sector in which CFCs were used. Although a delay in signing the agreement had held up implementation of the plan, it was now proceeding satisfactorily. Bangladesh's excess consumption of CFCs stemmed only from the metered-dose inhaler sector.

59. At the invitation of the Committee a representative of Bangladesh attended the current meeting. He stated that his country had been working hard to implement the Montreal Protocol ever since its accession to the agreement. In the aerosol sector, which had accounted for 50 per cent of the country's consumption of CFCs, total phase-out had been achieved in 2002. That, together with reductions in CFC consumption in the refrigeration and air-conditioning sector, had enabled Bangladesh to meet its 2005

target of a 50 per cent phase-out of CFC. The national phase-out plan currently being implemented would see total phase-out of CFCs in refrigeration and air-conditioning by 2010.

60. Phase-out in the metered-dose inhaler sector, however, posed much more difficult challenges, as metered-dose inhalers were essential for the health of the population. Demand for metered-dose inhalers was currently increasing sharply and though his Government was limiting the volume of CFCs being consumed to below the levels requested by pharmaceutical companies, it would not be possible to reduce consumption sufficiently to meet the 2007 or 2010 phase-out targets.

61. From as early as 2004, therefore, Bangladesh had been raising the issue of its potential future non-compliance at meetings of the Implementation Committee, the Open-Ended Working Group and the Meeting of the Parties. A series of recommendations and decisions had been adopted, culminating in decision XVIII/16, which he regarded as a very positive development. Furthermore, progress had been made since the last meeting of the Committee and he expected the first non-CFC metered-dose inhalers to become available during 2010. He hoped that the Committee would look favourably on Bangladesh's efforts to phase out CFCs while protecting the health of its people.

62. Responding to questions from members of the Committee, the representative of Bangladesh clarified that if all went well CFC consumption would be phased out completely by 2010 in all sectors other than metered-dose inhalers. Problems with air quality standards, however, were leading to an increase in respiratory disease, a trend which was likely to continue. The number of patients requiring metered-dose inhalers was currently rising at a rate of about 20 per cent a year.

63. The agreement for a metered-dose inhaler conversion project had now been signed with UNDP and an international consultant had been identified (since there were no domestic experts with knowledge of non-CFC alternatives) who would assess requirements, provide guidance and carry out training in manufacturing the new medications. The transition strategy, agreed with UNEP, included an awareness programme and the promotion of alternatives and was being developed with the Bangladesh Lung Foundation and all other relevant stakeholders, including the medical profession and pharmaceutical companies. It was expected that the first non-CFC metered-dose inhalers would be available by 2010 and that the project would be completed by 2012.

64. Responding to a question about whether Bangladesh had established contacts with other Article 5 Parties who were meeting their phase-out targets, including with respect to CFCs for metered-dose inhaler production, the representative stated that Bangladesh had indeed established contacts with many other countries and experts. He understood from other countries' experiences that new metered-dose inhalers were not easy to develop, that non-CFC alternatives were often protected by patents and that time would therefore be needed to phase out CFCs in this sector. He expected to be able to develop a better picture of the likely speed of phase-out in 2009. Finally, Bangladesh did intend to apply for an essential-use exemption, but he understood that as an Article 5 Party, that option would not be available until 2010.

65. In subsequent discussions, Committee members discussed the two options for a draft decision suggested by the Secretariat. Some members said that because the development of alternatives to CFC-based metered-dose inhalers would take a long time, it would be impossible for Bangladesh to achieve compliance with CFC phase-out by 2010. Decision XVIII/16 had requested the Committee "to give special consideration to such Parties in the light of the information received from them", which implied that the Parties expected cases such as that of Bangladesh to be treated differently by the Committee from normal instances of non-compliance. The appropriate conclusion would therefore be to adopt the second option and to defer further consideration of Bangladesh's situation until 2010.

66. In response to a question about how the requirement in the second option for Bangladesh's consumption of CFCs for metered-dose inhalers not to exceed its 2007 level could be monitored, the representative of the Secretariat said that it would not be difficult for Bangladesh to report sectoral consumption data alongside its normal Article 7 data (which was not broken down by sector) and that the Secretariat could then report the data to the Committee. There were precedents for such additional reporting.

67. Other members, however, felt that in considering the situation of Bangladesh in such exhaustive detail over so many years the Committee had indeed given it special consideration. If further consideration were to be deferred, it would send a message to Bangladesh, and to all other Parties, that the Committee had given up on Bangladesh; that other Article 5 Parties finding themselves in similar situations need not try to comply with the Protocol; that Article 5 Parties that had managed to meet their obligations need not have made the effort; and that the Committee itself thought that the non-compliance procedures of the Protocol were of no value.

68. If, on the other hand, the Committee were to adopt the first option, and to treat Bangladesh in accordance with the normal non-compliance procedure, the Party would remain in the system and the Committee would be able to continue to monitor the situation and to work amicably with Bangladesh to phase out its use of CFCs. That would be of considerably more value to Bangladesh than simply suspending consideration. The case of Bangladesh did not represent such an exceptional situation that there was any justification for deviating from the non-compliance procedure that had served the Protocol so well over so many years.

69. Members of the Committee recognized that the phrase "special consideration" in decision XVIII/16 could be interpreted in different ways. Protecting the health of patients with respiratory conditions, however, was an extremely important priority. In the light of that, and in view of the wording of the decision, the majority of members of the Committee supported the second option, to defer consideration.

70. Responding to a request from the President of the Committee, who urged that the Committee should seek creative solutions to help the Party, the two members of the Committee who did not initially support the second option said that they would agree to it in a spirit of compromise. Both, however, expressed reservations, asking that they be reflected in the present report.

71. The member of the Committee representing New Zealand said that in her view the second option was not the better outcome for Bangladesh. The first option, which would have subjected Bangladesh to the normal non-compliance procedure, would have been entirely consistent with the "special consideration" requirement in decision XVIII/16 and would still have enabled extensive assistance to be given to Bangladesh to phase out CFCs.

72. The member of the Committee representing the Netherlands stated that some comments in the discussion had given the impression that adopting the first option would jeopardize the health of patients in Bangladesh. That was wrong, he said, as there was nothing in the first option that would prevent Bangladesh from continuing to supply CFC-based metered-dose inhalers to its people and there was therefore no risk to their health. No new arguments had been advanced to support the second option and there was no doubt that the Committee could give "special consideration" to the case of Bangladesh and still decide to apply the normal non-compliance procedure.

73. Following the discussion, the President indicated that the Committee would recommend a draft decision to the Meeting of the Parties that would, among other things, defer consideration of the compliance status of Bangladesh with respect to control measures applicable to CFCs until 2010.

(f) Recommendation

74. The Committee therefore agreed to forward the draft decision contained in annex I (section C) to the present report for the consideration of the Twentieth Meeting of the Parties.

Recommendation 41/3

3. Bosnia and Herzegovina (decision XV/30 and recommendation 40/9)

75. Bosnia and Herzegovina had been listed for consideration with respect to its implementation of decisions XV/30 and XVII/28 and recommendation 40/9.

(a) Compliance issue subject to review: CFC consumption reduction commitment

76. Bosnia and Herzegovina had committed itself, as recorded in decision XV/30, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 3.0 ODP-tonnes in 2007 and to reducing its consumption of the Annex E, group I, controlled substance (methyl bromide) to no greater than zero ODP-tonnes in the same year. The Party had also committed itself, as recorded in decision XVII/28, to reducing consumption of the Annex B, group III, controlled substance (methyl chloroform) to zero ODP-tonnes in 2006.

(b) Status of compliance issue

77. By the time of the current meeting Bosnia and Herzegovina had submitted its ozone-depleting substances data for 2007, reporting consumption of 22.1 ODP-tonnes of chlorofluorocarbons (CFCs), zero ODP-tonnes of methyl bromide and zero ODP-tonnes of methyl chloroform. The Party's reported data for CFC consumption were inconsistent with its obligation under decision XV/30 to reduce consumption to no greater than 3.0 ODP-tonnes in 2007. The data for methyl bromide consumption

placed the Party in compliance with its commitment contained in decision XV/30 and the data for methyl chloroform consumption placed the Party in compliance with its phase-out commitment for that substance contained in decision XVII/28.

(c) **Discussion at the current meeting**

78. In response to a request from a member of the Committee, the representative of UNIDO provided information on developments in Bosnia and Herzegovina. He noted that the Party had not introduced its ozone-depleting substance import and export licensing system until May 2007, resulting in a situation of non-compliance, but said that the situation was expected to improve in 2008. The Party had not yet signed the agreement to establish its institutional strengthening project and had as a result been operating for four years without support, which had created additional problems for it and contributed to its non-compliance. In addition, a very complicated and cumbersome system for regulating imports had been introduced in November of 2007, resulting in delays in the import of equipment needed for projects to train technicians. Discussions with high-level representatives of the Party, he suggested, were needed to resolve those problems.

79. The representative of the Multilateral Fund secretariat reported that the Fund's Executive Committee had approved the Party's national phase-out plan and three tranches of project funding representing more than 50 per cent of total funding. In connection with the third tranche it was noted that consumption of CFCs in the Party had increased, owing to lack of support on addressing various issues, lack of awareness on the part of customs officers and a failure to implement various project activities. The Committee had accordingly made payout of the third tranche of project funding subject to the completion of customs officer training and similar steps.

80. One member of the Committee noted that the Party's ozone officer had been changed, which had added to the challenges it faced in complying with its obligations under the Protocol. He also questioned whether additional high-level contacts would be beneficial, noting that UNEP and UNIDO had already undertaken two high-level missions that had not produced significant results. He said that while he supported the draft recommendation proposed by the Secretariat it should take into account the particular circumstances facing the Party. Another member questioned whether the recommendation to be adopted by the Committee would call for the Party to submit a plan of action for returning to compliance or merely ask for an explanation for its non-compliance.

81. Following an explanation of the options by the Secretariat the Committee agreed that the Party should be asked to provide an explanation for its deviation from its obligations under the Protocol.

(d) **Recommendation**

82. The Committee therefore agreed:

Noting that Bosnia and Herzegovina had submitted its ozone-depleting substance data for 2007, reporting consumption of 22.1 ODP-tonnes of Annex A, group I, substances (CFCs), which represented a reduction in consumption from the previous year,

Noting with concern, however, that the Party's consumption of CFCs was inconsistent with its commitment contained in decision XV/30 to limit consumption of that substance in that year to no greater than 3.0 ODP-tonnes and did not demonstrate progress toward compliance with the Protocol's control measures,

(a) To congratulate Bosnia and Herzegovina on its reported data for the consumption of the controlled substances in Annex B, group III (methyl chloroform), and Annex E (methyl bromide) in 2006, which showed that it was in compliance with its commitment contained in decision XVIII/28 to reduce methyl chloroform consumption to no greater than zero ODP-tonnes in that year, and its commitment contained in decision XV/30 to reduce methyl bromide consumption to no greater than zero ODP-tonnes in 2007;

(b) To request Bosnia and Herzegovina to submit to the Secretariat as a matter of urgency, and no later than 31 March 2009, an explanation for its deviation from its commitment contained in decision XV/30;

(c) To invite Bosnia and Herzegovina, if necessary, to send a representative to the forty-second meeting of the Committee to discuss the matter.

Recommendation 41/4

4. Botswana (decision XV/31 and recommendation 40/10)

83. Botswana had been listed for consideration with respect to its implementation of decision XV/31 and recommendation 40/10.

(a) Compliance issues subject to review: establishment of licensing and quota system and data reporting

84. Botswana had committed itself, as recorded in decision XV/31 of the Fifteenth Meeting of the Parties, to establish a system for licensing imports and exports of methyl bromide, including quotas. The Party had been requested in recommendation 40/10 of the fortieth meeting of the Implementation Committee to submit to the Ozone Secretariat no later than 1 September 2008, in time for consideration by the Committee at its forty-first meeting, information to clarify the operation of its licensing system with respect to the control of exports of methyl bromide and the control of the import and export of mixtures containing methyl bromide. Similar requests had earlier been made by the Committee in recommendations 38/7 and 39/7 without any response from the Party. Botswana had also been reminded to submit to the Secretariat data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that at its forty-first meeting the Committee might assess the Party's compliance with its methyl bromide commitment contained in decision XV/31. Botswana had been invited, if necessary, to send an appropriately high-level representative to the forty-first meeting of the Committee to discuss the matter.

(b) Status of compliance issue

85. By the time of the current meeting Botswana had responded to recommendation 40/10 by submitting a status report on its development of legislation to license trade in ozone-depleting substances and had reported its ozone-depleting substances data for 2007 to the Secretariat.

(i) Licensing system

86. Botswana had reported that a consultative process for developing legislation to control the import and export of ozone-depleting substances, including methyl bromide, was under way. The cabinet had already approved the National Meteorological Services Bill of 2008 and Presidential Directive No. 25 (B)/2008 had been issued to that end. The bill was to be presented at the next session of Parliament in November 2008 for debate and adoption, after which the licensing of imports and exports of methyl bromide, among other ozone-depleting substances, would come into operation. The Secretariat had advised the Party that until the legislation had been passed by the Parliament, had been gazetted and had become fully operational, Botswana could be treated as a Party with a fully operational licensing system as envisaged under the relevant recommendations of the Implementation Committee and under Article 4B of the Montreal Protocol.

(ii) Data reporting

87. By the time of the current meeting Botswana had submitted its ozone-depleting substances data for 2007, reporting consumption of zero ODP-tonnes of methyl bromide. Those data placed the Party in compliance with its methyl bromide phase-out obligations under the Montreal Protocol to reduce consumption of methyl bromide to no greater than 80 per cent of its annual calculated level of consumption of methyl bromide in 2007.

(c) Recommendation

88. The Committee therefore agreed:

Noting the progress reported by Botswana toward establishing and operating a licensing system,

Noting with appreciation that Botswana had complied with the obligation under the Montreal Protocol to reduce consumption of the Annex E controlled substance (methyl bromide) to no greater than 80 per cent of its annual calculated level of consumption of methyl bromide in 2007,

To request Botswana to complete the process of establishing and operating a licensing system and notify the Secretariat that it had done so no later than 31 March 2009 in accordance with its obligations under Article 4B of the Protocol.

Recommendation 41/5**5. Ethiopia (decision XIV/34 and recommendation 40/16)**

89. Ethiopia had been listed for consideration with respect to its implementation of decision XIV/34 and recommendation 40/16.

(a) Compliance issue subject to review: chlorofluorocarbon consumption reduction commitment

90. Ethiopia had been requested, as recorded in decision XIV/34 of the Fourteenth Meeting of the Parties, to reduce consumption of the Annex A, group I, controlled substances (CFCs) to 5.0 ODP-tonnes in 2007. Recommendation 40/16 had reminded the Party to submit to the Ozone Secretariat its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitments contained in decision XIV/34.

(b) Status of compliance issue

91. By the time of the current meeting Ethiopia had submitted its ozone-depleting substances data for 2007, reporting consumption of 4.0 ODP-tonnes of CFCs. Those data placed the Party in compliance with its commitment contained in decision XIV/34 to reduce consumption of CFCs to no greater than 5.0 ODP-tonnes.

(c) Recommendation

92. The Committee therefore agreed to congratulate Ethiopia on its reported data for the consumption of Annex A, group I, substances (CFCs) in 2007, which showed that it was in advance of its commitment contained in decision XIV/34 to reduce CFC consumption to no greater than 5.0 ODP-tonnes in that year.

Recommendation 41/6**6. Fiji (decision XVII/33 and recommendation 40/18)**

93. Fiji had been listed for consideration with respect to its implementation of decision XVII/33 and recommendation 40/18.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment

94. The Party had been reminded, as stated in recommendation 40/18 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XVII/33 of the Seventeenth Meeting of the Parties to reduce its consumption of methyl bromide to no greater than 1.0 ODP-tonnes in 2007.

(b) Status of compliance issue

95. By the time of the current meeting Fiji had submitted its ozone-depleting substances data for 2007, reporting consumption of 0.4 ODP-tonnes of methyl bromide. Those data placed the Party in compliance with its commitment contained in decision XVII/33.

(c) Recommendation

96. The Committee therefore agreed to congratulate Fiji on its reported data for the consumption of the Annex E substance (methyl bromide) in 2007, which showed that it was in advance of its commitment contained in decision XVII/33 to reduce methyl bromide consumption to no greater than 1.0 ODP-tonnes in that year.

Recommendation 41/7**7. Honduras (decision XVII/34 and recommendation 40/21)**

97. Honduras had been listed for consideration with respect to its implementation of decision XVII/34 and recommendation 40/21.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment

98. Honduras had committed itself, as recorded in decision XVII/34 of the Seventeenth Meeting of the Parties, to reducing consumption of the Annex E controlled substance (methyl bromide) to no greater than 255.0 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/21 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XVII/34.

(b) Status of compliance issue

99. By the time of the current meeting Honduras had submitted its ozone-depleting substances data for 2007, reporting consumption of 248.2 ODP-tonnes of methyl bromide. Those data placed the Party in compliance with its commitment contained in decision XVII/34 to reduce consumption of methyl bromide to no greater than 255.0 ODP-tonnes in 2007.

(c) Recommendation

100. The Committee therefore agreed to congratulate Honduras on its reported data for the consumption of the Annex E substance (methyl bromide) in 2007, which showed that it was in advance of its commitment contained in decision XVII/34 to reduce methyl bromide consumption to no greater than 255.0 ODP-tonnes in that year.

Recommendation 41/8

8. Islamic Republic of Iran (decision XIX/27 and recommendation 40/22)

101. The Islamic Republic of Iran had been listed for consideration with respect to its implementation of decision XIX/27 and recommendation 40/22.

(a) Compliance issue subject to review: carbon tetrachloride consumption reduction commitment

102. The Islamic Republic of Iran committed itself, as recorded in decision XIX/27 of the Nineteenth Meeting of the Parties, to reducing consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 11.6 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/22 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XIX/27.

(b) Status of compliance issue

103. By the time of the current meeting the Islamic Republic of Iran had submitted its ozone-depleting substances data for 2007, reporting consumption of zero ODP-tonnes of carbon tetrachloride. Those data placed the Party in compliance with its commitment contained in decision XIX/27 to reduce consumption of carbon tetrachloride to no greater than 11.6 ODP-tonnes in 2007.

(c) Recommendation

104. The Committee therefore agreed to congratulate the Islamic Republic of Iran on its reported data for the consumption of the Annex B, group II, substance (carbon tetrachloride) in 2007, which showed that it was in advance of its commitment contained in decision XIX/27 to reduce carbon tetrachloride consumption to no greater than 11.6 ODP-tonnes in that year.

Recommendation 41/9

9. Kenya (decision XVIII/28 and recommendation 40/23)

105. Kenya had been listed for consideration with respect to its implementation of decision XVIII/28 and recommendation 40/23.

(a) Compliance issue subject to review: CFC consumption reduction commitment

106. Kenya had committed itself, as recorded in decision XVIII/28 of the Eighteenth Meeting of the Parties, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 30.0 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/23 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XVIII/28.

(b) Status of compliance issue

107. By the time of the current meeting Kenya had submitted its ozone-depleting substances data for 2007, reporting consumption of 22.7 ODP-tonnes of CFCs. Those data placed the Party in compliance with its commitment contained in decision XVIII/28 to reduce consumption of CFCs to no greater than 30.0 ODP-tonnes in 2007.

(c) Recommendation

108. The Committee therefore agreed to congratulate Kenya on its reported data for the consumption of Annex A, group I, substances (CFCs) in 2007, which showed that it was in advance of its commitment contained in decision XVIII/28 to reduce its CFC consumption to no greater than 30.0 ODP-tonnes in that year.

Recommendation 41/10

10. Kyrgyzstan (decision XVII/36 and recommendation 40/24)

109. Kyrgyzstan had been listed for consideration with respect to its implementation of decision XVII/36 and recommendation 40/24.

(a) Compliance issue subject to review: halon consumption reduction commitment

110. Kyrgyzstan had committed itself, as recorded in decision XVII/36 of the Seventeenth Meeting of the Parties, to reducing consumption of the Annex A, group II, controlled substances (halons) to no greater than 0.60 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/24 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XVII/36.

(b) Status of compliance issue

111. By the time of the current meeting Kyrgyzstan had submitted its ozone-depleting substances data for 2007, reporting consumption of zero ODP-tonnes of halons. Those data placed the Party in compliance with its commitment contained in decision XVII/36 to reduce consumption of halons to no greater than 0.60 ODP-tonnes in 2007.

(c) Recommendation

112. The Committee therefore agreed to congratulate Kyrgyzstan on its reported data for the consumption of Annex A, group II, substances (halons) in 2007, which showed that it was in advance of its commitment contained in decision XVII/36 to reduce halon consumption to no greater than 0.60 ODP-tonnes in that year.

Recommendation 41/11

11. Lesotho (decision XVI/25 and recommendation 40/25)

113. Lesotho had been listed for consideration with respect to its implementation of decision XVI/25 and recommendation 40/25.

(a) Compliance issue subject to review: halon consumption reduction commitment

114. Lesotho had committed itself, as recorded in decision XVI/25 of the Sixteenth Meeting of the Parties, to reducing consumption of the Annex A, group II, controlled substances (halons) to no greater

than 0.1 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/25 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XVI/25.

(b) Status of compliance issue

115. By the time of the current meeting Lesotho had submitted its ozone-depleting substances data for 2007, reporting consumption of zero ODP-tonnes of halons. Those data placed the Party in advance of its commitment contained in decision XVI/25 to reduce consumption of halons to no greater than 0.1 ODP-tonnes in 2007.

(c) Recommendation

116. The Committee therefore agreed to congratulate Lesotho on its reported data for the consumption of the Annex A, group II, controlled substances (halons) in 2007, which showed that it was in advance of its commitment contained in decision XVI/25 to reduce consumption of halons to no greater than 0.1 ODP-tonnes in that year.

Recommendation 41/12

12. Libyan Arab Jamahiriya (decisions XV/36 and XVII/37 and recommendation 40/26)

117. The Libyan Arab Jamahiriya had been listed for consideration with respect to its implementation of decisions XV/36 and XVII/37 and recommendation 40/26.

(a) Compliance issues subject to review: CFC, halon and methyl bromide consumption reduction commitment

118. The Libyan Arab Jamahiriya had committed itself, as recorded in decision XV/36 of the Fifteenth Meeting of the Parties, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 107.0 ODP-tonnes in 2007. The Party had also committed itself, as recorded in decision XVII/37 of the Seventeenth Meeting of the Parties, to reducing its consumption of Annex A, group II, controlled substances (halons) to no greater than 653.910 ODP-tonnes in 2006 and 316.533 ODP-tonnes in 2007 and the consumption of the Annex E controlled substance (methyl bromide) to no greater than 96.0 ODP-tonnes in 2006 and 75.0 ODP-tonnes in 2007. In recommendation 39/22, the Implementation Committee had noted with concern that the Libyan Arab Jamahiriya had not responded to the Committee's earlier request contained in recommendation 38/24 to submit its data for the year 2006. The Party had been reminded, as stated in recommendation 40/26 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decisions XV/36 and XVII/37.

(b) Status of compliance issues

119. By the time of the current meeting the Libyan Arab Jamahiriya had submitted its ozone-depleting substances data for 2007, reporting consumption of 57.50 ODP-tonnes of CFCs, 291.50 ODP-tonnes of halons and 67.60 ODP-tonnes of methyl bromide. Those data placed the Party in compliance with its commitment contained in decision XV/36 to reduce its consumption of CFCs to no greater than 107.0 ODP-tonnes and its consumption of halons to no greater than 653.910 ODP-tonnes and its commitment contained in decision XVII/37 to reduce its consumption of methyl bromide to no greater than 75.0 ODP-tonnes in 2007. The Party had also reported data for 2006 stating that it had reduced its consumption of halons from 714.5 ODP-tonnes in 2004 to 304.5 ODP-tonnes in 2006 and its consumption of methyl bromide from 96.0 ODP-tonnes in 2004 to 72.0 ODP-tonnes in 2006. That consumption was less than its maximum allowable consumption of 653.9 ODP-tonnes of halons and 96.0 ODP-tonnes of methyl bromide under decision XVII/37 for that year. The Party had also reported consumption of 115.7 ODP-tonnes of CFCs in 2006, which was within the commitment made in decision XV/36 for that year.

(c) Recommendation

120. The Committee therefore agreed to congratulate the Libyan Arab Jamahiriya on its reported data for the consumption of Annex A, group I, substances (CFCs), the Annex A, group II, controlled substance (halons) and the Annex E controlled substance (methyl bromide) in 2007, which showed that it was in advance of its commitment contained in decision XV/36 to reduce consumption of CFCs to no greater than 107.0 ODP-tonnes, consumption of halons to no greater than 653.910 ODP-tonnes and its commitment contained in decision XVII/37 to reduce consumption of methyl bromide to no greater than 75.0 ODP tonnes in that year.

Recommendation 41/13

13. Maldives (decision XV/37 and recommendation 40/27)

121. Maldives had been listed for consideration with respect to its implementation of decision XV/37 and recommendation 40/27.

(a) Compliance issue subject to review: CFC consumption reduction commitment

122. Maldives had committed itself, as recorded in decision XV/37 of the Fifteenth Meeting of the Parties, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 0.69 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/27 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XV/37.

(b) Status of compliance issue

123. By the time of the current meeting Maldives had submitted its ozone-depleting substances data for 2007, reporting consumption of zero ODP-tonnes of CFCs. Those data placed the Party in compliance with its commitment contained in decision XV/37 to reduce consumption of CFCs to no greater than 0.69 ODP-tonnes in 2007.

(c) Recommendation

124. The Committee therefore agreed to congratulate Maldives on its reported data for the consumption of Annex A, Group I, controlled substances (CFCs) in 2007, which showed that it was in advance of its commitment contained in decision XV/37 to reduce CFC consumption to no greater than 0.69 ODP-tonnes in that year.

Recommendation 41/14

14. Nigeria (decision XIV/30 and recommendation 40/30)

125. Nigeria had been listed for consideration with respect to its implementation of decision XIV/30 and recommendation 40/30.

(a) Compliance issue subject to review: CFC consumption reduction commitment

126. Nigeria had committed itself, as recorded in decision XIV/30 of the Fourteenth Meeting of the Parties, to reducing consumption of Annex A, group I, controlled substances (CFCs) from 1,100.0 ODP-tonnes in 2006 to no greater than 510.0 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/30 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XIV/30.

(b) Status of compliance issue

127. By the time of the current meeting Nigeria had submitted its ozone-depleting substances data for 2007, reporting consumption of 17.50 ODP-tonnes of CFCs. Those data placed the Party in compliance with its commitment contained in decision XIV/30 to reduce consumption of CFCs to no greater than 510.0 ODP-tonnes in 2007.

(c) Recommendation

128. The Committee therefore agreed to congratulate Nigeria on its reported data for the consumption of Annex A, group I, substances (CFCs) in 2007, which showed that it was in advance of its commitment contained in decision XIV/30 to reduce its CFC consumption to no greater than 510.0 ODP-tonnes in that year.

Recommendation 41/15

15. Paraguay (decision XIX/22 and recommendation 40/32)

129. Paraguay had been listed for consideration with respect to its implementation of decision XIX/22 and recommendation 40/32.

(a) Compliance issues subject to review: CFC and carbon tetrachloride consumption reduction commitment

130. Paraguay had committed itself, as recorded in decision XIX/22 of the Nineteenth Meeting of the Parties, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 31.6 ODP-tonnes in 2007 and consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 0.1 ODP-tonnes in 2007. The Party had been reminded, as stated in recommendation 40/32 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XIX/22.

(b) Status of compliance issue

131. By the time of the current meeting Paraguay had submitted its ozone-depleting substances data for 2007, reporting consumption of 12.3 ODP-tonnes of CFCs and zero ODP-tonnes of carbon tetrachloride. Those data placed the Party in compliance with its commitment contained in decision XIX/22 to reduce consumption of CFCs to no greater than 31.6 ODP-tonnes and consumption of carbon tetrachloride to no greater than 0.1 ODP-tonnes in 2007.

(c) Recommendation

132. The Committee therefore agreed to congratulate Paraguay on its reported data for the consumption of Annex A, group I, substances (CFCs) and the Annex B, group II, controlled substance (carbon tetrachloride) in 2007, which showed that it was in advance of its commitment contained in decision XIX/22 to reduce CFC consumption to no greater than 31.6 ODP-tonnes and consumption of carbon tetrachloride to no greater than zero ODP-tonnes in that year.

Recommendation 41/16

16. Uganda (decision XV/43 and recommendation 40/36)

133. Uganda had been listed for consideration with respect to its implementation of decision XV/43 and recommendation 40/36.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment

134. Uganda had committed itself, as recorded in decision XV/43 of the Fifteenth Meeting of the Parties, to reducing consumption of the Annex E controlled substance (methyl bromide) from 4.8 ODP-tonnes in 2006 to zero ODP-tonnes by 1 January 2007. The Party had been reminded, as stated in recommendation 40/36 of the fortieth meeting of the Implementation Committee, to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitment contained in decision XV/43.

(b) Status of compliance issue

135. By the time of the current meeting Uganda had submitted its ozone-depleting substances data for 2007, reporting consumption of zero ODP-tonnes of methyl bromide. Those data placed the Party in compliance with its commitment contained in decision XV/43 to reduce consumption of methyl bromide to no greater than zero ODP-tonnes in 2007.

(c) Recommendation

136. The Committee therefore agreed to congratulate Uganda on its reported data for the consumption of the Annex E controlled substance (methyl bromide) in 2007, which showed that it was in compliance with its commitment contained in decision XV/43 to reduce its methyl bromide consumption to no greater than zero ODP-tonnes in that year.

Recommendation 41/17

C. Plans of action for the establishment and operation of licensing systems for ozone-depleting substances by Barbados, Cook Islands, Equatorial Guinea, Eritrea, Haiti, Nauru, Somalia and Tonga (decision XIX/26, paragraph 2, and recommendations 40/39 and 40/40)

137. Barbados, Cook Islands, Eritrea, Haiti, Nauru, Somalia and Tonga had all been listed for consideration with respect to their implementation of decision XIX/26 and recommendation 40/39.

1. Compliance issue subject to review

138. Each of the Parties listed in the previous paragraph had been requested, as recorded in paragraph 2 of decision XIX/26 of the Nineteenth Meeting of the Parties, to submit to the Secretariat as a matter of urgency and no later than 29 February 2008, a plan of action to ensure the prompt establishment and operation of an import and export licensing system for ozone-depleting substances. In its recommendation 40/39 the Implementation Committee, among other things, had noted with concern that some of the Parties had not yet responded to the request contained in decision XIX/26 to report on the establishment of their licensing systems. In the same recommendation, the Committee had requested Barbados and Eritrea to complete the establishment and commence the operation of licensing systems no later than 1 September 2008 and to notify the Secretariat accordingly. In the same recommendation the Committee had requested Cook Islands, Haiti, Nauru, Somalia and Tonga to submit to the Secretariat as a matter of urgency and no later than 1 September 2008 the plans of action called for in decision XIX/26 to ensure the prompt establishment and operation of their licensing systems in order that the Committee, at its forty-first meeting, might assess the Parties' compliance with the Protocol.

139. As Equatorial Guinea had not ratified the Montreal Amendment to the Montreal Protocol until July 2007 it had not been obliged to establish a licensing system by the time the Meeting of the Parties had adopted decision XIX/26 and had therefore not been included in that decision. With the passage of the requisite time period, however, its obligation to establish a licensing system had matured and it had accordingly been requested, as reflected in recommendation 40/40, to report on the status of its licensing system for the Committee's forty-first meeting. By the time of the current meeting, however, the Party had not reported in accordance with recommendation 40/40 and as indicated by the representative of the Multilateral Fund secretariat during his presentation it appeared that by the time of the current meeting the Party had not established its licensing system.

2. Status of compliance issue

(a) Cook Islands and Nauru

140. By the time of the current meeting Cook Islands and Nauru had advised the Secretariat in September and November 2008, respectively, that they had established systems for licensing the import and export of controlled ozone-depleting substances, which became operational in 2008.

(b) Eritrea

141. By the time of the current meeting Eritrea had not established a licensing system as required under Article 4B of the Montreal Protocol and had not responded to recommendation 40/39, although it had reported in April 2008 that the final draft of its licensing system had been submitted to the Ministry of Justice for harmonization with other legal notices and approval. The Party had also reported that related activities were being carried out, including public awareness-raising and education for the protection of the ozone layer.

(c) Barbados

142. Barbados had advised the Secretariat in August 2008 that it had established a system for licensing the import and export of controlled ozone-depleting substances, which would be gazetted as soon as possible, following which it would become operational. The Secretariat had advised the Party that until the regulations had been gazetted and had become fully operational Barbados could not be treated as a Party with a fully operational licensing system as envisaged under Article 4B of the Montreal Protocol.

(d) Haiti

143. Haiti, through the UNEP Compliance Assistance Programme for the Latin American and Caribbean countries, had notified the Secretariat in September 2008 that it had decided to implement its licensing system by using existing legislation, under which all controlled ozone-depleting substances and equipment containing such substances would be deemed to be restricted goods under the Customs Act. As a result anyone wishing to import or export the controlled substances would require a license and the national ozone office would determine quotas to be allocated to each importer. Letters of agreement to that effect between the environment and finance ministries would be completed in September 2008. No direct communication on the issue had been received from the Government of Haiti.

(e) Somalia

144. The Committee agreed to discuss the situation of Somalia under the current sub-item together with its discussion of the Party under sub-item 5 (d) (iii) and item 8 of the agenda. Its discussion of the three items is set out in section D 3 of chapter V of the present report.

(f) Equatorial Guinea and Tonga

145. By the time of the current meeting no reports on the establishment of licensing systems had been received from Equatorial Guinea or Tonga.

3. Compliance assistance

146. Financial assistance had been extended to all Parties listed under recommendation 40/39 to fund the establishment and implementation of licensing systems.

4. Recommendation

147. The Committee therefore agreed:

Noting with appreciation that Cook Islands and Nauru had complied with the obligation under Article 4B of the Montreal Protocol to establish and operate licensing systems,

Noting with great concern that Equatorial Guinea and Tonga had not by the time of the current meeting reported on the status of their commitments to submit a plan of action to ensure the prompt establishment and operation of an import and export licensing system for ozone-depleting substances in accordance with recommendation 40/40,

Noting also the progress reported by Barbados, Eritrea and Haiti toward establishing and operating licensing systems,

(a) To urge each of Equatorial Guinea and Tonga to submit to the Secretariat as a matter of priority and no later than 31 March 2009 a plan of action to ensure the prompt establishment and operation of an import and export licensing system for ozone-depleting substances, in time for consideration by the Committee at its forty-second meeting;

(b) To request each of Barbados, Eritrea and Haiti to complete the process of establishing and operating a licensing system and to notify the Secretariat immediately after its licensing system becomes operational in accordance with its obligations under Article 4B of the Protocol.

Recommendation 41/18

D. Other recommendations and decisions on compliance

1. Bangladesh (recommendation 40/6)

148. The Committee considered the situation of Bangladesh under the sub-item together with sub-item 5 (b) (ii). Its discussion of the two sub-items is set out in section B 2 of chapter V of the present report.

2. Chile, Cuba, Ecuador, El Salvador and Solomon Islands (recommendation 40/1)

(a) Compliance issues subject to review

149. While preparing the report by the Secretariat on data reported under Article 7 of the Montreal Protocol for the fortieth meeting of the Implementation Committee, the Secretariat noted that the data revealed that a number of Parties (which were not the subject of previous decisions or recommendations and therefore are not discussed in chapter II of the present report) appeared to have deviated from their obligations in respect of the consumption of ozone-depleting substances. In addition, subsequent to the preparation of the data report two Parties reported data that showed apparent deviations from their Protocol obligations for 2006 and 2007. The Secretariat subsequently consulted the Parties concerned, which included Chile, Cuba, Ecuador, El Salvador and the Solomon Islands. In recommendation 40/1 the Implementation Committee took note of these apparent deviations and the fact that they were at that time still under review by the Secretariat and the Parties concerned. In the same recommendation it stated that in the event that the deviations were not corrected by the time of the Committee's forty-first meeting it would consider the draft decision contained in annex I (section A) to the present report for each of the Parties listed above. By the time of the current meeting none of the Parties concerned had responded to recommendation 40/1.

(b) Compliance status

(i) Chile

150. Chile had reported consumption of the Annex B, group II, controlled substance (carbon tetrachloride) of 0.7 ODP-tonnes in 2007. Those data represented a deviation from the Party's obligation under the Protocol to limit its consumption of carbon tetrachloride to no greater than 15 per cent of its consumption baseline for that substance, namely, 0.1 ODP-tonnes. In reporting its data the Party had indicated that it was aware of the apparent deviation and had said that it was investigating the possibility that the deviation had been caused by laboratory and analytical uses. Upon conclusion of the investigation, the Party had confirmed that the consumption of 0.7 ODP-tonnes of carbon tetrachloride had been entirely for laboratory and analytical processes. Decision XIX/17 of the Nineteenth Meeting of the Parties had deferred until 2010 consideration of the compliance status in relation to the control measures for carbon tetrachloride of Parties operating under Article 5 of the Protocol which provided evidence that any deviation from the consumption target for that substance was due to the use of carbon tetrachloride for analytical and laboratory processes.

(ii) Cuba

151. Cuba had reported consumption of the Annex B, group II, controlled substance (carbon tetrachloride) of 1.6 ODP-tonnes in 2007. That had represented a deviation from the Party's obligation under the Protocol to limit its consumption of carbon tetrachloride to no greater than 15 per cent of its consumption baseline for that substance, namely, 0.4 ODP-tonnes. In correspondence dated 5 May 2008, the Secretariat had requested Cuba to submit an explanation for that deviation. The Party had explained in response that its consumption of carbon tetrachloride had been for analytical and laboratory processes.

(iii) Ecuador

152. Ecuador had reported consumption of the Annex E substance (methyl bromide) of 122.4 ODP-tonnes in 2007. Those data had represented a deviation from the Party's obligation under the Protocol to limit its consumption of methyl bromide to no greater than 80 per cent of the base level of 66.2 ODP-tonnes. In correspondence dated 5 May 2008, the Secretariat had requested Ecuador to submit an explanation for that deviation. The Party had in response communicated with the Secretariat, saying that it was recommitting itself to returning to compliance with its obligations under the Montreal Protocol in 2008 in accordance with the plan of action it had submitted in February 2008. That plan had

been considered at the fortieth meeting of the Committee, which in recommendation 40/14 had agreed on a draft decision with agreed benchmarks for the consideration of the Twentieth Meeting of the Parties. During the current meeting the Secretariat suggested, and the Committee concurred, that as the latest communication from the Party did not contain any new information the Committee might not wish to depart from the recommendation (40/14) and associated draft decision (annex I, section A, to the report of the Committee's fortieth meeting (UNEP/OzL.Pro/ImpCom/40/6)) that it had agreed at its fortieth meeting.

(iv) **El Salvador**

153. El Salvador had initially reported consumption of the Annex E substance (methyl bromide) of 19.2 ODP-tonnes in 2007. Those data had represented a deviation from the Party's obligation under the Protocol to limit its consumption of methyl bromide to no greater than 80 per cent of its base level of zero ODP-tonnes. In a subsequent revision of the data, El Salvador had attributed all of its consumption of methyl bromide in 2007 to quarantine and pre-shipment applications, which were exempt from the control measures of the Protocol. The data had confirmed that El Salvador was in compliance with the Protocol's methyl bromide control measures.

(v) **Solomon Islands**

154. Solomon Islands had reported consumption of the Annex A, group I, substances (CFCs) of 1.4 ODP-tonnes in 2006. Those data had represented a deviation from the Party's obligation under the Protocol to limit its consumption of CFCs to no greater than 50 per cent of its base level of 2.1 ODP-tonnes. In correspondence dated 3 July 2008, the Secretariat had requested Solomon Islands to submit an explanation for that deviation. The Secretariat had not by the time of the current meeting received any response.

(c) **Recommendation**

155. The Committee therefore agreed:

Noting with concern that the Solomon Islands had not, by the time of the current meeting, responded to the request recorded in recommendation 40/1 of the fortieth meeting of the Implementation Committee that it resolve its outstanding consumption deviations in respect of the Annex A, group I, substances (CFCs),

To forward the draft decision contained in annex I (section A) to the present report for the consideration of the Twentieth Meeting of the Parties.

Recommendation 41/19

3. **Somalia (recommendation 40/35)**

156. The Committee agreed to consider the present sub-item together with agenda sub-item 5 (c) insofar as the latter pertained to Somalia.

157. Somalia had been listed for consideration with respect to its implementation of recommendations 39/32 and 40/35.

(a) **Compliance issue subject to review: request for halon plan of action**

158. Somalia had been requested, as recorded in recommendations 39/32 and 40/35 of the thirty-ninth and fortieth meetings of the Implementation Committee, to submit to the Ozone Secretariat no later than 1 September 2008 a report on its efforts, in cooperation with relevant implementing agencies, to develop a plan of action for returning to compliance with the Protocol's halon control measures. The Party had also been requested to submit its ozone-depleting substance data for the year 2007 in accordance with Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol.

(b) **Status of compliance issue**

159. By the time of the current meeting Somalia had submitted its ozone-depleting substances data for 2007, reporting the consumption of 13.2 ODP-tonnes of halons. Shortly before the meeting the Party had also reported consumption of 79.50 ODP-tonnes of CFCs. The Party's reported data for both halon

and CFC consumption were inconsistent with its obligation to reduce consumption to no greater than the allowable limits under the Montreal Protocol.

160. Somalia had also submitted a plan of action for halons in accordance with recommendations 39/42 and 40/35. The plan is contained in annex I to document UNEP/OzL.Pro/ImpCom/41/INF/3 and is summarized below.

(i) Identification of halon users

161. The plan contained a broad strategy focused on six major areas:

(a) Controlling the supply of goods and services that used ozone-depleting substances within the country through direct technical and financial assistance aimed at helping ozone-depleting substance users upgrade the technology they employed;

(b) Conducting a detailed survey to collect accurate data on the consumption of ozone-depleting substances in 2008 and 2009;

(c) Controlling demand for goods and services that used ozone-depleting substances by raising awareness among ozone-depleting substance consumers among the general public and in industry in order to promote changes in ozone-depleting substance consumption patterns;

(d) Regulating the import, distribution, commercialization and use of ozone-depleting substances through an appropriate legal framework in order to promote and uphold technological change;

(e) Promoting an alternative market in converted equipment and recovery and recycling of refrigerants;

(f) Regularly and continually monitoring and controlling the activities proposed under the strategy in order to ensure the desired results.

(ii) Identification of causes of non-compliance

162. Somalia had reported consumption of 18.8 ODP-tonnes of halons in 2006, an amount that was inconsistent with the Protocol's requirement that it limit consumption of those substances in that year to no greater than 50 per cent of its baseline for those substances, namely, 8.85 ODP-tonnes. The Party had attributed the non-compliance to the collapse of its public and private institutions in 1991. The productive, economic, environment, infrastructure and social sectors had been among the most affected sectors.

(c) Time-specific benchmarks for returning to compliance

163. The Party's plan contained the following time-specific halon consumption benchmarks, which, according to the Party, would return it to compliance with the Protocol's control measures in 2010.

<i>Year</i>	<i>Consumption in ODP-tonnes</i>
2008	9.4
2009	9.4

164. The time-specific benchmarks contained in the plan for halon consumption were inconsistent with the Montreal Protocol's final phase-out date for halons, which was 1 January 2010.

(iii) Measures to implement the time-specific benchmarks

165. By the time of the current meeting Somalia had not yet implemented any institutional changes to redress its excessive halon consumption. According to the Party, among the first steps to be taken by its national ozone unit to implement the ozone-depleting substance phase-out plan were the development of a country programme outlining strategies and control measures and providing for the overall implementation of the phase-out plan. The national ozone unit would focus its efforts on coordinating the phase-out of ozone-depleting substances through mobilizing the efforts, resources and expertise of all relevant stakeholders including government agencies, industry, professional bodies, chemical manufacturers and distributors, non-governmental organizations, civil society and the implementing agencies of the Multilateral Fund for the Implementation of the Montreal Protocol.

166. Aims and activities under the institutional framework included:

(a) To revitalize the Party's institutional strengthening project for the purpose of fortifying the national institutional capacity effectively to coordinate and administer the actions outlined in the country programmes;

(b) To establish line ministries and a coordination committee to oversee in collaboration with the ministry of environment and the national ozone unit activities within the country relating to ozone-depleting substances;

(c) To prepare policy and legal frameworks and a strategy;

(d) To promote voluntary compliance with the reduction and phase-out targets set by the plan;

(e) To participate actively in relevant international conventions and forums in order to contribute effectively to the objectives of the Protocol;

(f) To promote education and public awareness programmes related to ozone protection and reduction of ozone-depleting substances through schools, teachers, workshops and seminars, customs officers, import and export control department officers, technicians, health departments and public gathering places, as well as to create awareness through exhibitions and print and electronic media;

(g) To implement a train-the-trainers' project, by which technical information and training would be provided to service personnel in the refrigeration sector to reduce ozone-depleting substance consumption. Trainees would be instructed in good practices in refrigeration and ozone-depleting substance uses and elimination. The project would provide equipment to be used for training;

(h) To encourage universities, related industries and research institutions to carry out research and development activities on adopting ozone-friendly technologies that met domestic needs.

(iv) Regulatory mechanism

167. Under the regulatory framework to implement the action plan the Party would aim to control the production and consumption of ozone-depleting substances. The Government would enact appropriate domestic rules, regulations and administrative orders in 2009. The regulatory measures would take into account the need to cater for critical and essential uses that affected safety and national security. Top priority would be accorded to the adoption of control measures to eliminate the consumption of halons. The first legal initiative would be to reinforce the customs duty order. One of the primary controls on ozone-depleting substances in Somalia would be an import permit system, to be introduced in 2009, under which all importers of ozone-depleting substances would be required to have import permits issued by the Ministry of Commerce and Industry. Features of the regulatory mechanism to be introduced by Somalia included:

(a) Monitoring imports of ozone-depleting substances and equipment containing such substances and recording of related data;

(b) Taxing imports of ozone-depleting substances to provide funds for meeting the phase-out target dates;

(c) Banning all imports of equipment using ozone-depleting substances in order to promote the use of current stocks and establishing rules for the final disposal of such stocks. Halon imports would be allowed only for the maintenance of existing equipment and systems. Import approvals would be established by the Ministry of Environment;

(d) Establishing by 2009 an ozone-depleting substance import and export licensing system including quotas and issuing of import licenses to the importers of ozone-depleting substance-containing equipment to control and regulate the uses, distribution and import of ozone-depleting substances;

(e) Introducing new regulations to implement the Montreal Protocol;

(f) Assisting in ozone-depleting substance phase-out projects in relevant sectors.

(v) Implementation mechanism

168. Implementation of the plan of action would be placed under the Ministry of Environment and Disaster Management, which would be responsible for overseeing and monitoring ozone-depleting substances in close collaboration with all relevant stakeholders. A national ozone unit under the Ministry of Environment and Disaster Management would work closely with relevant line ministries responsible for developing a country programme and outlining strategies, policies and regulations to be taken into account and overseeing implementation of the phase-out plan. A joint programme would be hosted by the Ministry of Environment and Disaster Management in liaison with ports and airports and would provide relevant staff with technology and equipment. According to the Party, however, funding to implement the plan of action would be a big challenge because there was no budgetary allocation for the Montreal Protocol process except for the focal point and licensing officer. Partners and implementing agencies would therefore play a big role in the success of the national action plan.

(vi) Issues brought to the attention of Somalia by the Secretariat

169. In response to the submission by Somalia, the Secretariat had incorporated the Party's proposed plan of action into a draft decision for consideration by the Committee at the current meeting, though at that stage the draft decision had not contained any text dealing with non-compliance relating to consumption of CFCs. The Secretariat had invited Somalia to review the draft decision and advise the Secretariat whether it agreed with the text. The Secretariat had drawn Somalia's attention in particular to the fact that the figures in paragraphs (a) and (b) of the phase-out schedule had been rounded to one decimal place in accordance with the direction of the Eighteenth Meeting of the Parties and had invited Somalia to nominate a representative to attend the forty-first meeting of the Implementation Committee to assist the Committee's consideration of the Party's plan of action.

(vii) Compliance assistance

170. UNEP was providing institutional strengthening assistance to Somalia under the auspices of the Multilateral Fund. In its 2007–2009 business plan, submitted to the Executive Committee of the Multilateral Fund at its fifty-first meeting, in March 2007, UNEP had indicated that if circumstances permitted in 2007 it would provide the Somali national ozone unit with guidance on awareness-raising and training and technical support for the development of an ozone-depleting substances licensing system under the UNEP Compliance Assistance Programme. The business plan had also indicated that UNEP planned a mission to Somalia in 2007.

4. Discussion at the current meeting

171. The representative of the Multilateral Fund Secretariat clarified the situation regarding financial support. The Executive Committee had approved funding for institutional strengthening as far back as 2001 and money had already been spent in preparing a draft country programme. The country programme could not be finalized, however, because the political instability and lack of security in Somalia had led to a ban on travel to the country by United Nations staff. UNEP had not, therefore, been able to carry out the mission that had originally been planned for 2007. The Executive Committee had accordingly decided to set the deadline for completion of the country programme at six months after the date at which UNEP was able to complete its mission.

172. Members of the Committee queried the reliability of the data reported. In response to a suggestion that the data could be checked by comparing reported consumption with reported exports from other Parties, the representative of the Secretariat observed that no Party had ever reported exports to Somalia. In fact, reporting of the destinations of exports was not complete – only 60 per cent of exports reported had had their destinations indicated for 2006 – and in any case trade data tended to be subject to errors and discrepancies.

173. Members of the Committee also queried whether it was realistic, in the light of the huge challenges faced by the Party and the low priority it could afford to ozone protection, to expect the plan of action in the draft decision to be implemented in full. Some members of the Committee wondered whether it would be sensible simply to suspend consideration of the issue until a degree of political stability had returned to Somalia.

174. It was pointed out, however, that even in the absence of any financial support for phase-out the Party had since 2003 reduced its consumption of CFCs and halons by about 30 per cent and 50 per cent, respectively. It could be that the general fall in consumption in neighbouring countries had had a positive effect. It was also argued that given the difficulties it faced Somalia had made remarkable

progress in drawing up its plan of action and should be supported in implementing it. Despite the ban on travel into Somalia, the implementing agencies could maintain contact with the Party through regional network meetings.

175. At the invitation of the Committee a representative of Somalia attended the current meeting. He explained that although Somalia had acceded to the Montreal Protocol in 2001 the political instability in the country that had begun with the civil war in 1991, together with a lack of technical and financial assistance from the international community, had made implementation exceptionally difficult. Nevertheless, Somalia had worked together with the Secretariat in collecting data and producing a plan of action, including the establishment of a licensing system. The national ozone unit had been established, together with a ministerial steering committee, contact had been established with the airport and seaport authority and individuals had been identified in each of the country's eighteen regions to monitor and promote phase-out activities. Consumption of halons had in fact fallen since 2005 and Somalia's aim was to phase it out completely by 2010. That aim could not be achieved, however, without technical and financial assistance.

176. Members of the Committee thanked the representative of Somalia for attending the meeting and congratulated him on the significant progress his country had made despite the tremendous challenges it faced. Responding to questions about the reliability of the data collected and the practicality of implementing the phase-out plan, the representative stated that the instability in his country was currently limited to eight of the country's eighteen regions; other areas, including in particular Puntland and Somaliland, were relatively peaceful. Most airports and seaports were functioning normally. As he had explained, the national ozone unit had established contacts in each region who could work effectively, particularly as they were local to the areas.

177. He pointed out that several United Nations bodies were working in the country, including the World Food Programme, the United Nations Children's Fund and UNDP, together with many international non-governmental organizations, suggesting that implementing agency staff could do likewise. The representatives of UNDP and UNEP clarified, however, that only United Nations staff working on humanitarian and emergency projects deemed essential were allowed to operate in Somalia owing to the security situation.

178. Responding to further questions, the representative of Somalia explained that halons were used for civil rather than military purposes; 70 per cent of total consumption had been in the capital, Mogadishu, but the recent fighting in the city had contributed to the reduction in their use. Awareness of alternative technologies and the use of recycled substances for both halons and CFCs were very low, however, and public awareness campaigns could not be run in the absence of financial assistance. He acknowledged that the existing plan of action only covered halons but said that inclusion of CFCs in the plan of action should not be difficult, though he doubted whether total phase-out of CFCs by 2010 would be possible.

179. The representative of UNEP observed that one problem had been that new national focal points had been appointed several times and that until recently the regional compliance assistance programme team had found it difficult to interact with the country. In recent months, however, the representative of Somalia had been able to visit Nairobi on two occasions and had received guidance on the requirements for an institutional strengthening project and on financial disbursement. Funds were currently being transferred to the UNDP Somalia office for institutional strengthening assistance, which should enable the collection of more accurate data. Though it could not work inside the country UNEP remained ready to do all it could to assist Somalia from without. The representative of the Multilateral Fund Secretariat confirmed that the Executive Committee had approved two tranches of \$26,000 for institutional strengthening, in 2002 and in 2004. Further financing for the completion of the country programme would be available once UNEP had been able to visit the country.

180. The representative of UNDP added that the development of investment projects for Somalia had been deferred because of the security situation. He noted that it was not practicable to prepare such projects from outside the country because it was necessary to send experts into Somalia to ensure that they were implemented.

181. The representative of Somalia stressed that the situation in his country was not hopeless. Data could be collected and projects could be implemented, he said; what was lacking was technical and financial assistance from the international community. Somalia had been working with UNEP and UNDP since 2006. He suggested if they could not visit his country perhaps they could provide assistance in other ways; after all, UNDP did have an office in Somalia, and financial assistance was

certainly entering the country for other purposes. He said that both sides had to work together to solve the problem and that Somalia was ready to work with the international community.

182. In subsequent discussions, Committee members applauded the progress Somalia had made, but also recognized the difficulties faced by the implementing agencies, which were forbidden by United Nations rules from sending staff into the country. It was felt that significant assistance and guidance could be given via the Africa regional network meetings, which Somalia had not attended in recent months. Training could also be provided outside Somalia, for instance in Nairobi; in that respect the member of the Committee representing India stated that his Government was prepared to provide training. Observing that some of these matters fell within the Executive Committee's area of responsibility, the representative of the Multilateral Fund Secretariat clarified that funding for investment projects could only be provided within the country.

5. Recommendation

183. The Committee therefore agreed:

(a) To note with appreciation Somalia's submission, in accordance with recommendations 39/32 and 40/35, of a plan of action for returning to compliance with the Protocol's halon control measures and a system for licensing the import and export of ozone-depleting substances;

(b) Also to note with appreciation Somalia's explanation for its reported consumption of 79.5 ODP-tonnes of the controlled substances in Annex A (CFCs) in 2007, in excess of the Protocol's requirement to reduce consumption to a level no greater than 15 percent of the Party's CFC consumption baseline in that year, namely, 36.2 ODP-tonnes;

(c) To forward to the Twentieth Meeting of the Parties for its consideration the draft decision contained in annex I (section B) to the present report, incorporating the Party's plan of action for halons, amended as necessary in the light of clarifications provided by Somalia at the forty-first meeting of the Committee, together with a request for a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance with its phase-out obligations for CFCs, for the consideration of the Committee at its forty-second meeting.

Recommendation 41/20

6. United Arab Emirates (recommendations 40/2 and 40/38)

(a) Compliance issues subject to review

184. The United Arab Emirates had been listed with respect to its implementation of recommendations 40/2 and 40/38.

185. By recommendation 40/2 the Committee had requested the Party to submit its outstanding ozone-depleting substance data for 2006 in accordance with Article 7 of the Montreal Protocol. By recommendation 40/38 it had noted that the Party had not reported its data on consumption of the controlled substance in Annex B, group II (carbon tetrachloride) for 2006 and that an apparent deviation from the Party's consumption obligations with respect to that substance in 2005 was under investigation.

(b) Compliance status

186. By the time of the current meeting the Party had confirmed that it had in fact consumed no carbon tetrachloride in either 2005 or 2006.

(c) Recommendation

187. The Committee therefore agreed to note with appreciation that the United Arab Emirates had submitted to the Ozone Secretariat the information requested in recommendations 40/2 and 40/38, which showed that the Party had consumed zero ODP-tonnes of carbon tetrachloride in the years 2005 and 2006.

Recommendation 41/21

VI. Consideration of other non-compliance issues arising out of the data report

A. Data-reporting obligations

188. Introducing the item, the representative of the Secretariat noted that 187 of the 191 Parties had submitted their annual data reports for 2007 prior to the current meeting. Just four Parties (Nauru, Saudi Arabia, the Solomon Islands and Tonga) had not yet fulfilled their 2007 reporting obligations.

189. Recalling the data report contained in documents UNEP/OzL.Pro/ImpCom/41/2 and Add.1, the Committee agreed to include in the draft decision contained in section E of Chapter II to document UNEP/OzL.Pro.20/3 those Parties that will not have submitted their ozone-depleting substances data for 2007 in accordance with Article 7 of the Montreal Protocol prior to the adoption of that draft decision by the Twentieth Meeting of the Parties.

Recommendation 41/22

B. Production and consumption control measures

190. No matters were considered under the sub-item.

VII. Consideration of the report of the Secretariat on Parties that have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol and recommendation 40/40)

191. Introducing the item, the representative of the Secretariat drew attention to document UNEP/OzL.Pro/ImpCom/41/6, which contained in its annex a table indicating the status of the licensing systems of Parties to the Montreal Amendment to the Montreal Protocol. He noted that several States had established licensing systems subsequent to the publication of that document and that currently 159 Parties to the Amendment had functioning licensing systems. In addition, a further 18 States not yet Parties to the Amendment had established and implemented licensing systems.

192. The Committee therefore agreed to amend as necessary and resubmit to the Twentieth Meeting of the Parties the draft decision contained in section D of annex I to the report of its fortieth meeting.

Recommendation 41/23

VIII. Difficulties faced by some Parties operating under paragraph 1 of Article 5 manufacturing metered-dose inhalers which use chlorofluorocarbons (decision XVIII/16, paragraph 5 and paragraph 262 of the report of Implementation Committee at its fortieth meeting, document UNEP/OzL.Pro/ImpCom/40/6)

193. As Bangladesh was the only Party currently facing difficulties with respect to the manufacture of CFC-based metered-dose inhalers, the Committee agreed to consider agenda item 8 together with sub-items 5 (b) (ii) and 5 (d) (i) on compliance with the Montreal Protocol by Bangladesh.

IX. Review of decisions of Meetings of Parties on recurrent actions or activities which should be monitored or reviewed on a regular basis by the Implementation Committee

194. Introducing the item, the representative of the Secretariat summarized document UNEP/OzL.Pro/ImpCom/41/7 on the issue, recalling that by recommendation 40/41 the Implementation Committee had requested the Secretariat to prepare a comprehensive list of all decisions of the Meetings of the Parties that required, urged, requested, invited or, in some other form, sought to engage Parties in carrying out continuing or recurring action or activities.

195. The representative of the Secretariat said that, over the past 20 years, the Parties had adopted close to 700 decisions. In responding to the Committee's request the Secretariat had become aware that simply grouping all decisions with a reporting component could have implied a list of more than 200 decisions, which would have been of limited value. The Secretariat had considered various options to present the issues in a more useful format, including elimination of expired or non-compulsory reporting and grouping the remaining decisions according to what might be expected of the Parties from those decisions. In so doing, the Secretariat had realized that that would necessitate legal interpretation of those decisions and the Protocol, which was the sole preserve of the Parties. The Secretariat therefore sought guidance from the Committee on how to proceed with the consideration of the decisions.

196. The Committee thanked the Secretariat for its work on the issue and agreed to postpone further discussion on the topic to its future meetings.

X. Reports of the Parties submitted under Article 9 of the Montreal Protocol on research, development, public awareness and exchange of information

197. Introducing the item, the representative of the Secretariat summarized document UNEP/OzL.Pro/ImpCom/41/5, which contained in its annex a brief summary of Parties' submissions pursuant to Article 9 of the Montreal Protocol. He recalled that Article 9 called upon Parties to cooperate in supporting research, development, public awareness and information sharing. He noted that, in accordance with paragraph 3 of Article 9 and in contrast to other reporting requirements under the Protocol, Parties submitted such information biennially on the date of the entry into force of the Protocol in their country. Reporting under Article 9 was regarded as a fairly low priority by some Parties, in part because it was perceived by some as a duplication of other obligations under the Protocol. As a result, the Secretariat had received submissions from just 18 Parties in the biennium 2007–2008.

198. The representative of the Secretariat noted that some Parties had called for the reporting obligation under Article 9 to be dispensed with. He suggested, however, that an alternative could be to make the information-sharing process more effective by using electronic means and making all submissions accessible immediately on the Secretariat's website.

199. There followed a detailed discussion on the matter. There was broad agreement that information sharing under Article 9 was potentially of considerable value to all Parties. Some Committee members suggested that more Parties could be encouraged to submit reports if the process were formalized by developing a standardized format and an informal deadline for submissions each year. Others noted that the diversity of issues that could be reported on under Article 9 meant that creating a standard format might not be practicable. Some also stressed the value of allowing flexibility in the form and content of submissions under Article 9, which could include research, reports, guidelines or summaries of activities. Several members suggested that regional ozone networks could play a useful role in supporting reporting under Article 9.

200. The Committee therefore agreed to forward the draft decision contained in annex I (section D) to the present report for the consideration of the Twentieth Meeting of the Parties.

Recommendation 41/24

XI. Information on compliance by Parties present at the invitation of the Implementation Committee

201. Representatives of Bangladesh and Somalia attended the meeting at the invitation of the Committee. The information they provided is discussed in sections B 2 and D 3, respectively, of chapter V of the present report.

XII. Other matters

A. Issue of de minimis quantities when reviewing compliance and issue of substances with low ozone-depleting potential

202. Introducing the item, the representative of the Secretariat recalled that in 2006 the Committee and the Meeting of the Parties had discussed the treatment of data in respect of very small (*de minimis*) quantities of ozone-depleting substances relative to compliance with the Montreal Protocol. The Meeting of the Parties had agreed to revert to the method of rounding to one decimal place (see paragraph 147 of the report of the Eighteenth Meeting of the Parties). This, however, raised a number of issues.

203. First, in reviewing Parties' compliance data, when rounding to one decimal place, a Party could consume up to 0.0499 ODP-tonnes of a substance after the relevant phase-out date and still be considered to be in compliance, since that figure would be rounded down to zero. Such a quantity could be significant; in the case of HCFC-22, for example, it would equate to 907 kilogrammes.

204. Second, some past decisions on compliance by individual Parties adopted before the Eighteenth Meeting of the Parties had included reductions in consumption levels specified to as many as three decimal places. The Secretariat had recently been rounding the benchmarks in those past decisions to one decimal place before carrying out their compliance checks, but was uncertain as to whether that was consistent with the Parties' expectations.

205. Third, rounding to one decimal place was likely to cause a particular problem in reporting HCFC consumption, since HCFCs had low ozone-depleting potential, ranging from 0.001 to 0.52, with the most commonly used, HCFC-22, having an ozone-depleting potential of 0.055. A Party could therefore consume up to 909 kg of HCFC-22 and still be listed as having zero consumption when the figures were rounded to one decimal place.

206. As a result, the Secretariat had received several requests to ascertain the number of Parties with apparent zero consumption and those with actual zero consumption. Over the past three years, on average 27 Parties had a calculated HCFC consumption of 0.0 ODP-tonnes, but 11 of those in fact had non-zero consumption, ranging from 20 kg to 900 kg. This situation was likely to become more prevalent in the future, with the step-downs for HCFCs in the phase-out schedule leading to a rise in the number of such Parties at each reduction step.

207. The Secretariat therefore sought guidance on the three issues, namely, whether to continue to round to one decimal place even after the phase-out dates, whether the rounding of benchmarks from previous decisions to one decimal place was in accordance the Parties expectations, and the approach to be used for publishing and displaying calculated consumption and production levels for substances with low ozone-depleting potential, especially HCFCs. For the third issue, the Parties could consider allowing consumption and production data to be published to a higher number of decimal places, considering that the issue differed from those issues raised by compliance checking, or the Parties could provide guidance on alternative publication criteria.

208. Members of the Committee suggested that a possible solution would be to revert to using three decimal places after 2010, after phase-out of CFCs, halons and carbon tetrachloride. The Committee agreed that the Meeting of the Parties should consider and discuss the issue.

B. Recording of destinations of exports

209. The member of the Committee representing Jordan raised an issue with respect to the letters sent by the Secretariat to Parties informing them of reported exports of ozone-depleting substances bound for their countries. In his experience, the information often proved to be wrong. Jordan, for example, imported methyl bromide from Belgium, China and Israel, but the Secretariat had sent him a letter informing him that methyl bromide was reportedly being exported from the United States of America to his country, which he said was incorrect. Furthermore, he had discussed the issue with colleagues in other countries, who had told him that they had had similar experiences.

210. He said that the situation raised a number of issues about the recording of export and import data and asked whether the Secretariat could check such information with putative importing countries before the letters were sent? He also suggested that perhaps trade through free trade zones was

obscuring the countries of origin and asked whether Parties to the Protocol should consider adopting a prior informed consent system similar to that employed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. He also expressed doubt about the accuracy of trade data generally, noting a case where a customs officer in his country had recorded an import of chemicals under the wrong abbreviation.

211. Thanking the representative of Jordan for raising the issue, other members of the Committee agreed that it was a genuine problem. The President observed that his own country, Tunisia, had received a letter from the Secretariat informing him about exports of 12,000 tonnes of methyl bromide from the United States of America, an event of which he said he was completely unaware. The member of the Committee representing Mauritius said that there was a 90 per cent discrepancy in reported exports and imports for his country. He agreed with the representative of Jordan that trade through free trade zones could be a major source of the data errors; for example, Mauritius imported ozone-depleting substances from Singapore, but there was no mention of that country in the letters he had received from the Secretariat; which only mentioned India as a source of exports. His Government now asked for information on the countries of origin of all imports.

212. The representative of UNEP observed that the informal prior informed consent system set up under the Compliance Assistance Programme in the Asia-Pacific region could serve as useful model of method for tracking imports and exports. Exporting and importing countries in the region communicated with each other to transmit informal advance notification of shipments, thus enabling ozone officers to check that the volumes were covered by the quota and licensing systems of the importing countries.

213. The representative of the Secretariat clarified that the information on exports that the Secretariat sent to importing countries derived from the exporting Parties themselves, as provided pursuant to their reporting obligations under Article 7 of the Protocol. In communicating such information, the Secretariat was working under the terms of decision XVII/16, which specified that it should report only aggregated export information to importing Parties. More detailed information, such as the companies of export, could not be reported because the information was not available to the Secretariat and because of exporting Parties' concerns about commercial confidentiality. Furthermore, the export information was not reported publicly, but was given only to the importing Parties. The decision did not provide for the Secretariat to follow up discrepancies identified by exporting or importing Parties – all it could do was to share the information with the Parties concerned in accordance with the decision. If, however, the Parties felt that a possible solution to the problem involved more communication between importing and exporting Parties, the list of focal points for licensing systems that the Secretariat maintained on its website could be helpful.

214. Several members of the Committee wondered whether illegal trade might be partly responsible for the discrepancies. One member of the Committee raised the related question of how Parties should deal with illegal imports seized by the authorities. If the substances were released on to the domestic market, they would count against the Party's consumption; if they were to be destroyed, funding would be needed; and they could not always be returned to the country of origin, as that was not always known. In response, the representative of the Secretariat observed that previous decisions of the Parties had not provided explicit guidance on this question and that each case had been treated differently.

215. Summarizing the discussion, the President observed that while the matter was clearly of great importance, the Committee was not in a position to make any recommendation at the moment. He would, however, raise the issue in his presentation to the Twentieth Meeting of the Parties.

XIII. Adoption of the report of the meeting

216. The Committee considered and approved the text of the draft recommendations and agreed to entrust the preparation of the report of the meeting to the Secretariat, working in consultation with the President and Vice-President, serving also as Rapporteur.

XIV. Closure of the meeting

217. Following the customary exchange of courtesies, the President declared the meeting closed at 4.30 p.m. on Friday, 14 November 2008.

Annex I

Draft decisions approved by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its forty-first meeting for consideration by the Twentieth Meeting of the Parties

A. Draft decision XX/-: Potential non-compliance in 2006 with the provisions of the Montreal Protocol with respect to consumption of the controlled substances in Annex A, group I, (CFCs) by Solomon Islands and request for a plan of action and data for the year 2007

Noting that Solomon Islands ratified the Montreal Protocol on 17 June 1993, the London Amendment on 17 August 1999 and the Copenhagen Amendment on 17 August 1999, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee at its thirty-sixth meeting in March 2002,

Noting that the Executive Committee has approved \$119,233 from the Multilateral Fund to enable Solomon Islands compliance in accordance with Article 10 of the Protocol,

Noting further that Solomon Islands has reported annual consumption for the controlled substance in Annex A, group I, (CFCs) for 2006 of 1.4 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 1.1 ODP-tonnes for that controlled substance for that year and that in the absence of further clarification Solomon Islands is therefore presumed to be in non-compliance with the control measures under the Protocol,

Noting also that Solomon Islands has still not reported its ozone-depleting substances data for 2007 in accordance with Article 7, thereby placing the Party in non-compliance with its data-reporting obligations under the Montreal Protocol

1. To request Solomon Islands to submit to the Secretariat, as a matter of urgency and no later than 31 March 2009, for consideration by the Implementation Committee at its next meeting, an explanation for its excess consumption in 2006, together with a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance;
2. To further request Solomon Islands to report the outstanding data for 2007 as matter of urgency, and preferably no later than 31 March 2009 in time for consideration by the Implementation Committee at its forty-second meeting;
3. To monitor closely the progress of Solomon Islands with regard to the phase-out of CFCs. To the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Solomon Islands should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;
4. To caution Solomon Islands, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the CFCs that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

B. Draft decision XX/-: Non-compliance with the provisions of the Montreal Protocol with respect to consumption of the controlled substances in Annex A, groups I (CFCs) and II (Halons) by Somalia

Noting that Somalia ratified the Montreal Protocol and its London, Copenhagen, Montreal and Beijing Amendments on 1 August 2001 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol,

Noting that Somalia has no country programme that has been approved by the Executive Committee of the Multilateral Fund,

Acknowledging the serious challenges faced by Somalia in implementing its obligations under the Montreal Protocol, and also acknowledging the progress made by the Party in spite of these difficulties,

Noting that Somalia has reported annual consumption for the controlled substances in Annex A, group I (CFCs) for the year 2007 of 79.5 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 36.2 ODP-tonnes for those controlled substances for that year, and that in the absence of further clarification Somalia is therefore presumed to be in non-compliance with the control measures under the Protocol,

Noting that Somalia reported annual consumption for the controlled substances in Annex A, group II, (halons) for 2006 of 18.8 ODP-tonnes and 13.2 ODP tonnes for 2007, which exceeds the Party's maximum allowable consumption of 8.8 ODP-tonnes for those controlled substances for those years and that Somalia was therefore in non-compliance with the control measures for halons under the Protocol,

1. To note with appreciation Somalia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's halon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Somalia specifically commits itself:

- (a) To reducing halon consumption to no greater than:
 - (i) 9.4 ODP-tonnes in 2008;
 - (ii) 9.4 ODP-tonnes in 2009;
 - (iii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;
- (b) To introducing a system for licensing the imports and exports of ozone-depleting substances, including import quotas, by the end of December 2009;

2. To request Somalia to submit to the Secretariat, as a matter of urgency and no later than 31 March 2009, for consideration by the Implementation Committee at its next meeting, a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance with its consumption of CFCs;

3. To urge Somalia to work with the relevant implementing agencies to implement its plan of action to phase out consumption of halons and implementation of its licensing system, and to participate in regional network activities;

4. To request the Executive Committee, without prejudice to the operation of the financial mechanism, to consider innovative ways of implementing, through its implementing agencies, the Party's plan of action to phase out halons and implementation of its licensing system, including, but not limited to, awareness raising, institutional strengthening and technical assistance;

5. To monitor closely the progress of Somalia with regard to the implementation of its plan of action and the phase-out of halons and implementation of its licensing system.

6. To the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Somalia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;

7. To caution Somalia in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

C. Draft decision XX/-: Non-compliance in 2007 with the provisions of the Montreal Protocol with respect to consumption of the controlled substances in Annex A, group I, (CFCs) by Bangladesh and request for a plan of action

Bearing in mind that Bangladesh had in 2006, in accordance with paragraph 4 of the non-compliance procedure, notified the Implementation Committee of its potential future non-compliance with its CFC consumption obligation under the Montreal Protocol,

Noting that Bangladesh has submitted its ODS data for 2007 in accordance with Article 7 of the Protocol,

Noting with appreciation that the reported consumption of 0.5 ODP tonnes of Annex B, group III (methyl chloroform), was within the Party's commitment contained in decision XVII/27 to reduce consumption of that controlled substance to no greater than 0.55 ODP-tonnes in 2007,

Noting, however, that the Party's consumption of 154.9 ODP tonnes of CFCs in 2007 was inconsistent with its obligation under the Montreal Protocol to reduce its consumption in that year to no greater than 87.2 ODP tonnes,

Noting that Bangladesh had further reported that its consumption of CFCs in the MDI sector in 2007 was [xx] ODP tonnes and that therefore the remaining consumption in the other sectors was within the Party's consumption limit under the Montreal Protocol,

Taking into account that decision XVIII/16 requested the Implementation Committee to give special consideration to Parties facing compliance difficulties resulting from their high proportion of chlorofluorocarbon consumption in the metered-dose inhaler sector,

1. To defer consideration of the compliance status of Bangladesh with respect to control measures applicable to CFCs until 2010, provided that the Party does not increase its level of consumption of CFCs for metered-dose inhalers beyond the amount reported for 2007

2. To request the Party to work expeditiously with the relevant implementing agencies to implement its projects approved by the Executive Committee of the Multilateral Fund to phase out consumption of CFCs in metered-dose inhalers.

D. Draft decision XX/-: Reports of Parties submitted under Article 9 of the Montreal Protocol

1. To note with appreciation the reports submitted in 2007 and 2008 by the following 18 Parties in accordance with Article 9 of the Montreal Protocol on Substances that Deplete the Ozone Layer: Argentina, Belize, Bosnia and Herzegovina, Costa Rica, Cyprus, Latvia, Lebanon, Lithuania, Mexico, Namibia, Norway, Oman, Spain, Sri Lanka, Sweden, Thailand, Uganda and Zambia;

2. To recall that paragraph 3 of Article 9 states that, every two years after entry into force of the Montreal Protocol (1989), each Party shall submit to the Secretariat a summary of activities that it has conducted pursuant to that Article and that relevant activities include promotion of research and development, information exchange on technologies for reducing emissions of ozone-depleting substances, alternatives to the use of controlled substances and the costs and benefits of relevant control strategies, raising awareness of the environmental effects of emissions of controlled and other substance that deplete the ozone layer;

3. To recognize that information relevant to the reporting obligation under paragraph 3 of Article 9 may be generated through cooperative efforts undertaken in the context of regional ozone networks, activities by ozone research managers under Article 3 of the Vienna Convention for the Protection of the Ozone Layer, participation by Parties in the assessment work of both the Technology and Economic Assessment Panel and the Scientific Assessment Panel under Article 6 of the Montreal Protocol and national public awareness-raising initiatives;

4. To note that the reporting under paragraph 3 of Article 9 of the Protocol can be undertaken through electronic means;

5. To request the Secretariat to share the information reported under paragraph 3 of Article 9 of the Protocol with other Parties through the Secretariat's website.

Annex II

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