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**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Forty-third meeting**
Port Ghalib, 31 October and 1 November 2009

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

I. Opening of the meeting

1. The forty-third meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the International Convention Centre, Port Ghalib, Egypt, on 31 October and 1 November 2009.
2. Ms. Robyn Washbourne (New Zealand), President of the Implementation Committee, opened the meeting at 10.20 a.m. on 31 October, welcoming the members of the Committee and representatives of the Multilateral Fund for the Implementation of the Montreal Protocol and the Fund's implementing agencies.
3. Mr. Marco González, Executive Secretary of the Ozone Secretariat, welcomed the members of the Committee and the other participants. He noted that the current meeting was being held just two months before an important milestone for the Montreal Protocol: the complete phase-out on 1 January 2010 of the majority of ozone-depleting substances by Parties operating under paragraph 1 of Article 5 of the Protocol. Another milestone had been passed a month earlier when the Protocol had become the first treaty ever to achieve universal ratification. Those milestones, he said, might occasion a degree of non-compliance as existing and new Parties assumed new obligations.
4. Turning to the agenda for the current meeting he said that most items related to matters that were the subject of recommendations adopted by the Committee at its forty-second meeting. He was happy, he said, to report that most of the actions called for by the Committee in those recommendations had been undertaken by the Parties concerned. In addition there were several matters that had arisen from the Secretariat's review of the data reported by Parties under Article 7 of the Protocol, and several Parties had been invited to appear before the Committee in connection with matters that the Committee had been considering for some time. One matter, he noted, had been the subject of a special high-level mission to a Party by representatives of the Ozone Secretariat, the Executive Committee of the Multilateral Fund, the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP).

5. He noted that while the agenda for the current meeting was not particularly heavy it could be expected that those for upcoming meetings might be considerably more so given the impending 2010 phase-out deadline. In addition to new cases of non-compliance that might be occasioned by the passage of that deadline the Committee would also continue to be responsible for monitoring compliance with the methyl bromide and methyl chloroform phase-outs and with obligations to establish and operate ozone-depleting-substance licensing systems.

6. In closing, he thanked the members of the Committee for the important role that they played in the implementation of the Montreal Protocol and wished them success in their deliberations.

Attendance

7. Representatives of the following members of the Committee attended the meeting: Armenia, Germany, Jordan, Mauritius, Mexico, New Zealand, Nicaragua, Niger, Russian Federation, Sri Lanka.

8. The meeting was also attended by representatives of the secretariat of the Multilateral Fund, the Chair and Vice-Chair of the Executive Committee of the Multilateral Fund and representatives of the implementing agencies of the Multilateral Fund: UNDP, UNEP, the United Nations Industrial Development Organization (UNIDO) and the World Bank. A list of participants is set out in annex II to the present report.

II. Adoption of the agenda and organization of work

9. The Committee adopted the following agenda, based on the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/43/1, as amended:

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 the 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) Existing plans of action to return to compliance:
 - (i) Bangladesh (decision XVII/27 and recommendation 42/5);
 - (ii) Belize (decision XIV/33 and recommendation 42/6);
 - (iii) Botswana (decision XV/31 and recommendation 42/8);
 - (iv) Democratic Republic of the Congo (decision XVIII/21 and recommendation 42/9);
 - (v) Fiji (decision XVII/33 and recommendation 42/11);
 - (vi) Guinea-Bissau (decision XVI/24 and recommendation 42/13);
 - (vii) Islamic Republic of Iran (decision XIX/27 and recommendation 42/15);
 - (viii) Kenya (decision XVIII/28 and recommendation 42/16);
 - (ix) Kyrgyzstan (decision XVII/36 and recommendation 42/17);
 - (x) Lesotho (decision XVI/25 and recommendation 42/18);
 - (xi) Libyan Arab Jamahiriya (decision XVII/37 and recommendation 42/19);
 - (xii) Maldives (decision XV/37 and recommendation 42/20);
 - (xiii) Mexico (decision XVIII/30 and recommendation 42/21);
 - (xiv) Nepal (decision XVI/27 and recommendation 42/23);

- (xv) Nigeria (decision XIV/30 and recommendation 42/24);
- (xvi) Paraguay (decision XIX/22 and recommendation 42/25);
- (xvii) Somalia (decision XX/19 and recommendation 42/28);
- (b) Draft plans of action to return to compliance: Somalia (decision XX/19 and recommendation 42/28);
- (c) Other recommendations and decisions on compliance:
 - (i) Bangladesh (recommendation 42/5);
 - (ii) Eritrea (recommendation 42/29);
 - (iii) Federated States of Micronesia (recommendation 42/30), Saudi Arabia (recommendation 42/31) and Vanuatu (recommendation 42/32);
- 6. Consideration of other non-compliance issues arising out of the data report.
- 7. Consideration of the report of the Secretariat on Parties that have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol).
- 8. Information on compliance by Parties present at the invitation of the Implementation Committee.
- 9. Other matters.
- 10. Adoption of the report of the meeting.
- 11. Closure of the meeting.

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 report on information provided by Parties in accordance with Article 7 of the Protocol (UNEP/OzL.Pro/ImpCom/43/2 and Add.1). He noted that with the achievement of universal ratification a number of new Parties had assumed the obligation to report their base-year data and that several of them had already done so. Referring to the data-reporting requirements that Parties had to meet under paragraph 3 of Article 7 of the Protocol, he observed that annual reporting was required for all Parties even for years in which their production or consumption of controlled substances was zero.

11. With regard to the status of compliance with data reporting obligations, he said that all Parties required to report data for the years 1986–2007 had complied with their reporting obligations. For 2008 data, he reported initially that as at 21 October 2009 174 Parties had done so. The following 19 Parties had not by that date reported their data and were thus at that point in non-compliance with their annual reporting obligations for 2008: Angola, Belgium, Burundi, Cape Verde, Côte d'Ivoire, Democratic People's Republic of Korea, Latvia, Libyan Arab Jamahiriya, Mali, Malta, Marshall Islands, Nauru, Sao Tome and Principe, Saudi Arabia, Senegal, Tuvalu, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and Vanuatu. Later he reported that Burundi, Cape Verde, Côte d'Ivoire, Libyan Arab Jamahiriya, Mali, Sao Tome and Principe, Senegal and Vanuatu had submitted the required data during the current meeting and thus were no longer in non-compliance with their obligations to report annual data for the year 2008.

12. Overall, he observed, the timeliness of Parties in meeting their reporting obligations had declined somewhat over the previous three years.

13. Turning to the state of compliance with the control measures of the Protocol, he referred to those applicable for 2008 and outlined the exemptions, allowances and special cases permitted under the Protocol, which the Secretariat took into account when assessing cases of possible non-compliance. Taking into account the applicable control measures and all exempted and allowed uses and deferrals, no Party not operating under paragraph 1 of Article 5 that had reported 2008 data was in non-compliance with its production or consumption requirements.

14. For Parties operating under paragraph 1 of Article 5, most of the Parties under close monitoring owing to previous situations of non-compliance were adhering to their commitments agreed in decisions of the Parties; most were also in compliance with the control measures of the Protocol. Parties operating

under paragraph 1 of Article 5 that had reported 2008 data indicating non-compliance with regard to consumption included Bangladesh, Bosnia and Herzegovina, Iraq, Mexico and Turkmenistan.

15. He recalled that by decision XVII/12 the Parties had requested the Secretariat to report on the level of production of chlorofluorocarbons (CFCs) in Parties not operating under paragraph 1 of Article 5 of the Protocol to meet the basic domestic needs of Parties operating under that paragraph, as compared to their allowed production for that purpose, and to report available data on the transfer of production rights between Parties. Spain, which had its own allowance to produce 407.7 ODP-tonnes for the basic domestic needs of Parties operating under paragraph 1 of Article 5, reported that it had received transfers of production rights of 519.49 ODP-tonnes from France and 525 ODP-tonnes from the United Kingdom and that it had produced 1,081.5 ODP-tonnes of CFCs to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5. All other producers of CFCs that had basic domestic needs allowances reported zero production of CFCs, except for the United Kingdom, which had not yet submitted its data for 2008.

16. He said that, in view of the continuing discussions among the Parties on the destruction of ozone-depleting substances, data on destruction was presented in an addendum to the data report. Reporting of destruction data had increased gradually over the years with 20 Parties, including four Parties operating under paragraph 1 of Article 5, submitting information for 2008. The reported quantities reflected large variations both in magnitude and consistency over time. Comparing the list of Parties with destruction facilities with reported data on destruction, he noted that some Parties with destruction facilities had never reported any destruction data and that some Parties not known to have destruction facilities had reported destruction data.

17. The Committee took note of the report.

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 the implementing agencies

18. The representative of the Multilateral Fund secretariat presented information under the item, noting that more information on the subjects that he would mention was available in a Multilateral Fund document on the status of implementation of delayed projects and the prospects of Parties operating under paragraph 1 of Article 5 for achieving compliance with the control measures of the Protocol that would next come into effect (UNEP/OzL.Pro.21/INF/4). That document incorporated contributions from the implementing agencies (UNDP, UNEP, UNIDO and the World Bank).

19. With regard to the status of and prospects for compliance, he reported that all Parties operating under paragraph 1 of Article 5 except for Ecuador had received assistance in their efforts to comply with the control measures of the Protocol, save those pertaining to hydrochlorofluorocarbons (HCFCs). In the case of Ecuador, it had consumed less than 0.1 kilograms of carbon tetrachloride and had not sought assistance. There remained 92 countries with some consumption of CFCs but the vast majority of Parties had consumed no halons, carbon tetrachloride, methyl chloroform or methyl bromide. All Parties except Botswana and Somalia had received funding for the preparation of HCFC management plans. Of the 66 issues before the Implementation Committee in 2009, 47 had been resolved. He provided additional information regarding activities being undertaken by Parties for which compliance decisions of the Meeting of the Parties were in effect.

20. Regarding country programme data, he reported that 115 of the 143 Parties operating under paragraph 1 of Article 5 had reported 2008 country programme data. Of the Parties reporting operational licensing systems, 95.3 per cent had indicated that their systems were functioning well. In addition, 82,071 refrigeration servicing technicians had been trained and 13,516 recovery machines and 5,221 recycling machines were operational, 68.5 per cent of which were functioning satisfactorily or very well. In 2008, the average prices of CFC-11, CFC-12 and HCFC-22 had been lower than they had been in 2007 but had still been higher than 2005 and 2006 prices. HCFC 141-b and HCFC 142-b prices had increased since 2006, while HFC-134a prices had continued to decrease.

21. Countries had not made extensive use of the web-based country programme data reporting system. Web-based country profile data were available on the Multilateral Fund Secretariat's public web-site¹ but had not been widely used either. He suggested that the systems should be maintained and publicized and that their usefulness should be reviewed in one year.

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

22. In discussing agenda item 5 the Committee considered all issues pertaining to each Party at the same time, even when they arose under different sub-items. The Committee otherwise considered all sub-items of item 5 in the order in which they appear in the agenda. For ease of reference, the Parties considered under the item are discussed below in alphabetical order.

A. Bangladesh

23. Bangladesh is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda items 5 (a) (i) and 5 (c) (i).

1. Compliance issues subject to review: methyl chloroform consumption reduction commitment and non-compliance with chlorofluorocarbon (CFC) consumption obligations for 2007 and 2008

(a) Methyl chloroform consumption reduction commitment

24. Bangladesh had committed itself, as recorded in decision XVII/27, to maintaining its consumption of the Annex B, group III, controlled substance (methyl chloroform) at no greater than 0.550 ODP-tonnes in 2008. The Party had been urged, as stated in recommendation 42/5, to submit to the Secretariat its ozone-depleting-substance data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments to phase out methyl chloroform as contained in decision XVII/27.

(b) Non-compliance with CFC consumption reduction obligations for 2007 and 2008

25. Bangladesh had notified the Implementation Committee at its thirty-seventh meeting, in October 2006, that despite having made its best bona fide efforts it anticipated non-compliance with its phase-out schedule for the years 2007–2009 for the Annex A, group I, controlled substances (CFCs). In brief, the anticipated non-compliance was, according to the Party, attributable primarily to several reasons. The Party had only become aware of CFC consumption in its pharmaceutical metered-dose-inhaler manufacturing sector in 2004, after the approval of its national phase-out plan at the forty-second meeting of the Executive Committee of the Multilateral Fund. The exclusion of CFC consumption for metered-dose inhalers from that plan had therefore restricted the time available to achieve the CFC phase-out required to meet the Protocol's 2007 deadline for an 85 per cent reduction in CFC consumption. In addition, the Party had consequently received no assistance in phasing out CFC consumption in its metered-dose-inhaler manufacturing sector.

26. At its thirty-seventh meeting the Committee had also been informed that, after successful efforts to limit consumption in the refrigeration and aerosol sectors, Bangladesh had been in advance of its CFC phase-out commitments from 2002 to the time of that meeting. The discovery of CFC consumption from metered-dose-inhaler manufacture had, however, meant a substantial rise in estimated annual consumption. The Party had reported further that metered-dose inhalers were manufactured by four companies, with one accounting for 75 per cent of the sector.

27. At its subsequent meetings in 2007 and 2008, the Committee had made a number of recommendations aimed at highlighting the Party's non-compliance situation and further assisting Bangladesh to fulfil its obligations. In recommendation 40/6, the Committee had requested Bangladesh to continue working with UNDP and UNEP to expedite the implementation of projects to phase out CFCs in the manufacture of metered-dose inhalers and to provide to the Committee at each of its meetings, through the Ozone Secretariat, updates on its implementation of its metered-dose-inhaler transition strategy.

1 <http://intranet.unmfs.org/countryprofile/cp.aspx>.

28. As anticipated by the Party, its 2008 data submission for 2007 had indicated consumption of 154.9 ODP-tonnes of CFCs, an amount that was inconsistent with its obligation to reduce its consumption of CFCs in 2007 to no greater than 85 per cent of its baseline for those substances, namely, 87.2 ODP-tonnes, and which exceeded that amount by 67.7 ODP-tonnes.

29. The Committee had considered the situation of Bangladesh further at its forty-first meeting, in November 2008, bearing in mind decision XVIII/16, which had requested it to give special consideration to Parties facing phase-out challenges owing to CFC consumption for metered-dose-inhaler manufacture. In recommendation 41/3 the Committee had proposed to defer further consideration of the Party's compliance status until 2010 but the Twentieth Meeting of the Parties had not fully supported that recommendation and had directed instead that the Committee should return to the issue at its next meeting.

30. Upon considering the issue at its forty-second meeting, in July 2009, the Committee had taken note of additional information submitted by the Party to the Secretariat in a communication dated 2 July 2009. In that communication, Bangladesh had reiterated the reasons for its CFC overconsumption. It had noted in particular that the growth of CFC consumption for metered-dose inhalers was inevitable given that in 2006 only some 12 per cent of its 30 million patients suffering from asthma or chronic obstructive pulmonary disease were being treated, primarily owing to cost and access issues, and that the Government and industry were committed to making treatment affordable for all patients.

31. In the same communication, Bangladesh had listed a number of initiatives to expedite its reduction of CFC consumption during 2009 and beyond with the guidance and assistance of UNDP and UNEP. Lastly, the Party had requested the Committee to reiterate its position as set out in recommendation 41/3 that consideration of Bangladesh's compliance status should be deferred until 2010.

32. Further consideration of the issue by the Committee had resulted in recommendation 42/5, according to which Bangladesh was requested to submit to the Secretariat a plan of action with time-specific benchmarks for ensuring its prompt return to compliance with its CFC control measures. The Party was also requested, when reporting its CFC data, to provide separate consumption figures for its use of ozone-depleting substances in manufacturing metered-dose inhalers and in the refrigeration and air-conditioning sectors and to continue working expeditiously with the relevant implementing agencies to implement its projects approved by the Executive Committee of the Multilateral Fund to phase out the consumption of CFCs in those sectors. Lastly, the Party was once more urged to report to the Committee through the Secretariat updates on the implementation of its metered-dose-inhaler transition strategy to phase out CFC-based inhalers.

2. Status of compliance issues

(a) Methyl chloroform consumption reduction commitment

33. By the time of the current meeting Bangladesh had submitted its ozone-depleting-substance data for 2008, reporting consumption of 0.5 ODP-tonnes of methyl chloroform. Those data placed the Party in compliance with its commitment contained in decision XVII/27 to reduce consumption of methyl chloroform to no greater than 0.550 ODP-tonnes in 2008.

(b) Non-compliance with consumption reduction obligations for CFCs

34. Bangladesh's response to recommendation 42/5 had been submitted to the Secretariat in correspondence dated 8 September 2009. In addition to reporting ozone-depleting-substance data for 2008, the submission had included a plan of action with time-specific benchmarks for ensuring the Party's return to compliance; updates on the status of implementation of its national phase-out plan and its CFC metered-dose-inhaler phase-out project; and separate consumption figures for its use of ozone-depleting substances in the CFC metered-dose-inhaler manufacturing sector and the refrigeration and air-conditioning sector for 2007 and 2008. The Party had further confirmed that it continued to work with UNEP and UNDP on project implementation.

35. In its data submission, Bangladesh had reported CFC consumption of 158.31 ODP-tonnes for 2008. That amount represented a deviation from the Party's obligation under the Protocol to limit its consumption of CFCs to no greater than 85 per cent of its consumption baseline for those substances, namely, 87.2 ODP-tonnes. The Party had further provided separate consumption figures for its CFC use in the metered-dose-inhaler manufacturing sector and the refrigeration and air-conditioning sector for 2007 and 2008, as shown in the following table.

Year	Consumption of CFCs (in metric tonnes)		
	Refrigeration and air-conditioning sector	Metered-dose-inhaler manufacturing sector	Total
2007	83.253	71.88	155.135
2008	59.892	98.418	158.310

36. To facilitate the Committee's consideration of Bangladesh's non-compliance situation, the information provided in the latest submission, along with background information made available by the Secretariat at the Committee's forty-second meeting, was set out in annex I to document UNEP/OzL.Pro/ImpCom/43/INF/3. The information provided in the latest submission is summarized below.

(c) Status of implementation of national phase-out plan

37. In its latest submission Bangladesh had reported that, following the approval of the second, third and fourth tranches of its national phase-out plan project by the Executive Committee of the Multilateral Fund at its fifty-seventh meeting in the context of decision 57/28, its Government had implemented the following activities:

(a) Training on good service practices and retrofit activities through a series of nationwide workshops in mid-2009, including a train-the-trainers workshop in June 2009;

(b) Border dialogue for controlling the trade of ozone-depleting substances to be organized in December 2009 and customs-related training to be organized at customs entry points in the future.

38. The Party had also reported that it had further endeavoured to encourage its industry to import recycled CFCs for servicing purposes, when such use was necessary, until the end of the operational life of equipment and when non-CFC-based alternatives were not technically and economically feasible. Demand for virgin CFCs in the refrigeration and air-conditioning sector was expected to cease, owing to the retrofit and recovery activities undertaken and encouragement of the use of drop-in alternatives in the sector.

(d) Status of implementation of CFC metered-dose-inhaler phase-out project

39. According to the information reported by the Party, by the time of the current meeting CFC consumption in the metered-dose-inhaler manufacturing sector was to be reduced through a fast-track mechanism. Four new CFC-free products had been developed by one of the major metered-dose-inhaler producing companies in the country and were to be launched in October and November 2009. Efforts to develop more CFC-free products under the project approved by the Executive Committee were expected to result in more new CFC-free products being launched in 2010, which in turn would translate into a substantial reduction in CFC consumption in the sector in the coming years.

40. Other activities reported included awareness and outreach activities to promote CFC-free alternatives, supported by industry and the Bangladesh Lung Foundation, and a regional awareness package developed by UNEP. Furthermore, a national workshop on new CFC-free alternatives was to be organized in Dhaka on 23 October 2009.

41. The Party had also reported that no licences for the import of CFCs would be issued in the refrigeration and air-conditioning sector from 1 January 2010. Any licences issued in the metered-dose-inhaler sector would be only for essential uses as authorized by the Meeting of the Parties.

(e) Time-specific benchmarks for returning to compliance

42. Bangladesh's plan of action contained the following time-specific CFC consumption benchmarks, which, according to the Party, would ensure a return to compliance with the Protocol's control measures by 1 January 2010.

Year	Consumption of CFCs (in metric tonnes)		
	Refrigeration and air-conditioning sector	Metered-dose-inhaler manufacturing sector	Total
2009	40	100	140
2010	0	0*	0

* Save for essential uses authorized by the Parties.

43. The time-specific benchmarks contained in the plan of action for CFC consumption were consistent with the Montreal Protocol's final phase-out date for CFCs, that is, 1 January 2010.

(f) Issues brought to the attention of Bangladesh by the Secretariat

44. In reviewing Bangladesh's submission, the Secretariat had pointed out to the Party that the expected CFC consumption of 100 ODP-tonnes in the metered-dose-inhaler sector for 2009 indicated in its plan of action did not appear to be consistent with the Party's nomination of 156.7 ODP-tonnes for essential-use exemptions for 2010. Given the reported development of four new CFC-free products, planned to be launched by the end of 2009, and the efforts undertaken by UNDP and UNEP, it appeared that expected levels of CFC consumption for metered-dose inhalers could be less than 100 ODP-tonnes in 2010. Similarly, 2009 levels could be less than those in 2008. The Party had been requested to indicate when it expected to phase out CFCs in its metered-dose-inhaler sector based on the good progress reported.

45. In correspondence dated 20 September 2009, Bangladesh had explained that its essential-use nomination for 2010 had been prepared based on market demand and expectation after consultations with all stakeholders in December 2008. The nomination had been for 156.7 ODP-tonnes because, notwithstanding the expected launch of the new products, it was anticipated that it would take time gradually to build up the stock of those products needed to ensure sufficient supply for patients and full-scale distribution nationwide. Gaining patient acceptance through targeted education and awareness-raising campaigns for both doctors and patients would also require time.

46. The Party had pointed out that asthma and chronic obstructive pulmonary disease were increasing in the country every day. The Bangladesh Asthma Association had estimated in 1999 that some 7 million people, of a population of 80 million, were suffering from such conditions. Given that the population currently stood at 150 million people, the demand for metered-dose inhalers had increased substantially. A sharp rise in asthma morbidity and mortality in both urban and rural areas in recent years had been confirmed by hospital sources. Air pollution was considered to be a major cause of this exacerbation.

47. Bangladesh had further noted that metered-dose-inhaler-producing companies had been under significant pressure to meet the increased demand in 2009. The lower figure reported for 2009 was an estimate based on restrained production volumes of CFC-based products and on the fact that the number of licences issued had been lower than that requested by the pharmaceutical companies. Lastly, the Party had said that the phase-out of CFC use in its pharmaceutical sector might be possible by 2015.

48. To facilitate the Committee's consideration of the Party's situation, the Secretariat, on the Committee's behalf, had invited a representative of Bangladesh to attend the Committee's forty-third meeting to provide further clarification.

3. Discussion at the current meeting

49. During the current meeting the President of the Committee reported on a mission to Bangladesh that had taken place from 22 to 24 October 2009. The President, the Chair of the Executive Committee of the Multilateral Fund and representatives of the Ozone Secretariat, the Multilateral Fund Secretariat, UNEP, UNDP and the Medical Technical Options Committee had travelled to Bangladesh to discuss the Party's compliance situation with government officials, including from the Ministry for the Environment, and representatives of industry in a bid to facilitate the compliance process. A high-level event had been held to mark the launch of two new non-CFC metered-dose inhalers and the mission group had toured the facilities of a major producer of metered-dose inhalers. The mission had resulted in the signing of an agreement with the Government on the next steps to be taken to achieve compliance and of UNDP project documents pertaining to the phase-out of CFC use in metered-dose inhalers.

50. Responding to a question from one of the Committee members about how the Party would reach zero consumption of CFCs in the refrigeration sector the representative of UNDP outlined the Party's plans in that area, including measures to locate suppliers of reclaimed CFCs around the world and a programme of training in refrigeration practices and the use of drop-in substitutes. He expressed the view that the Party would probably be able to meet its post-2010 CFC requirements for the sector from the amount imported in 2009. The representative of UNEP added that the Party was actively implementing its national phase-out plan, in the course of which training and awareness-raising activities were proceeding apace in the refrigeration sector and among customs officials and the public with the aim of reducing demand for CFCs in the sector.

51. At the invitation of the Committee a representative of Bangladesh attended the current meeting to provide additional information. Before answering questions from Committee members he reported that his country remained committed, as indicated above, to phasing out CFC consumption in the refrigeration and air-conditioning sector and for metered-dose inhalers by 2010, except in accordance with essential-use allowances granted by the Meeting of the Parties. He also stated that his country expected to be able to complete its metered-dose-inhaler conversion project and eliminate the use of CFC-based metered-dose inhalers by 2012. That contrasted with the country's earlier claim, noted above, that it might achieve that milestone by 2015.

52. In response to questions from the Committee about how his country planned to achieve the phase-outs in the two sectors he reaffirmed the information outlined above regarding his country's plans and provided some additional detail. With regard to metered-dose inhalers he explained that at the instance of UNEP a new flexible procedure for procuring CFC alternatives had been agreed (the fast-track mechanism referred to in paragraph 39 above), pursuant to which metered-dose inhaler manufacturers could procure alternatives themselves rather than through the Government. While it had taken some months to negotiate and obtain the necessary approvals the procedure was proving to be very effective: one manufacturer, as reported above, had already introduced four new CFC-free metered-dose inhalers, a second was expected shortly to release two more and a third was also making rapid progress towards the release of yet another, expected to be on the market by mid-2010.

53. The representative of UNDP noted that those three companies accounted for 80 per cent of CFC consumption for metered-dose inhalers through their sale of inhalers containing the two most popular active ingredients, salbutamol and beclomethasone. UNDP was hopeful that the companies could convert to non-CFC alternatives for those inhalers by mid-2011. If they did, and the third of those companies released its non-CFC-based inhaler as expected, CFC consumption would fall by 80 per cent by mid-2011.

54. It was recognized that the quantity of CFCs used by the Party in accordance with essential-use allowances granted by the Meeting of the Parties was not a matter for the Committee. Several members nevertheless expressed the hope that in the light of the progress achieved and expected in the development of non-CFC-based metered-dose inhalers the Party would be in a position to minimize the amount of CFCs that it used under essential-use allowances for metered-dose inhalers in 2010 and 2011.

4. Recommendation

55. The Committee therefore agreed:

Noting 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 consumption obligations under the Montreal Protocol in respect of CFCs,

Noting also that Bangladesh has submitted its ozone-depleting substance data for 2007 and 2008 in accordance with Article 7 of the Protocol,

Noting with appreciation that the reported consumption of 0.5 ODP-tonnes of methyl chloroform for 2007 and 2008 was in accordance with the Party's commitment contained in decision XVII/27 to reduce consumption of that controlled substance to no greater than 0.55 ODP-tonnes for those years,

Noting, however, that the Party's consumption of 154.9 ODP-tonnes of CFCs in 2007 and of 158.3 ODP-tonnes in 2008 was inconsistent with its obligation under the Protocol to reduce its consumption of those substances in those years to no greater than 87.2 ODP-tonnes and that the Party was therefore in non-compliance with its obligations under the Protocol,

Noting with appreciation the Party's submission of a plan of action for returning to compliance with the Protocol's control measures for CFCs in 2010,

To forward to the Twenty-First Meeting of the Parties for consideration a draft decision incorporating the plan of action contained in annex I (section B) to the present report.

Recommendation 43/1

B. Belize

56. Belize is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (ii).

1. Compliance issue subject to review: CFC consumption reduction commitment

57. Belize had committed itself, as recorded in decision XIV/33, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2008. The Party had reported its ozone-depleting-substance data for 2008 after the documentation for the Committee's forty-second meeting had been prepared. Consequently, the Committee had agreed, as stated in recommendation 42/6, to acknowledge the receipt of data for 2008 from Belize and to consider it at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XIV/33.

2. Status of compliance issue

58. In its submission of ozone-depleting-substance data for 2008, Belize had reported consumption of zero ODP-tonnes of CFCs. Those data placed the Party in compliance with its commitment contained in decision XIV/33.

3. Recommendation

59. The Committee therefore agreed to congratulate Belize on its reported data for the consumption of CFCs in 2008, which showed that the Party was in compliance with its commitment contained in decision XIV/33 to reduce CFC consumption to no greater than zero ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/2

C. Botswana

60. Botswana is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (iii).

1. Compliance issue subject to review: establishment of licensing and quota system

61. Botswana had committed itself, as recorded in decision XV/31, to establishing a system for licensing imports and exports of methyl bromide, including quotas. The Party had been requested in recommendation 42/8 to complete the process of establishing and operating a licensing system and to notify the Secretariat as soon as possible, and preferably no later than 1 September 2009, that it had done so in accordance with its obligations under Article 4B of the Protocol.

2. Status of compliance issue

62. By the time of the current meeting Botswana had not responded to recommendation 42/8. Its compliance status therefore remained as reported by the Secretariat at the Committee's forty-second meeting. According to that report, based on Botswana's correspondence of 3 April 2009, legislation on the licensing of ozone-depleting substances had been included in the Party's national meteorological services bill that had been passed by Parliament and was awaiting signature by the President before it could become law.

63. To facilitate the Committee's consideration of the Party's situation, the Secretariat, on the Committee's behalf, had invited a representative of Botswana to attend the Committee's forty-third meeting to provide further clarification.

3. Compliance assistance

64. At the Committee's forty-second meeting, the representative of UNEP had said that the full meteorological services act was still to be signed by the Government and that the national ozone unit had informed the Multilateral Fund Secretariat in February 2009 that ozone-depleting substances had been included in the list of products to be controlled by the Party's bureau of standards. The representative of the Multilateral Fund Secretariat had reported that, at its fifty-seventh meeting, in April 2009, the Executive Committee had approved the terminal phase-out management plan for Botswana, taking into account the fact that regulations on ozone-depleting substances had been gazetted in February 2009.

4. Discussion at the current meeting

65. At the current meeting the representative of the Secretariat noted that as Botswana was not a party to the Montreal Amendment it had not been obliged, prior to the adoption of its plan of action for returning to compliance with the methyl bromide control provisions of the Montreal Protocol, to establish a system for licensing imports and exports of ozone-depleting substances. As noted above it had, however, undertaken to establish such a system for methyl bromide as part of its plan of action, not as an end in itself but as a means of facilitating its return to compliance with the methyl bromide control provisions of the Montreal Protocol. Subsequently the Party had in fact returned to compliance with those control provisions but had not reported that it had established a licensing system; it had thus achieved the desired end but not, so far as was known, by the anticipated means. The representative of the Secretariat suggested that the Committee might wish to take those facts into account in its consideration of the Party's situation.

66. At the invitation of the Committee a representative of Botswana attended the current meeting to provide additional information. She reported that there had been zero consumption of methyl bromide from 2004 to date and that no further consumption was expected. The country had engaged in extensive awareness-raising activities involving stakeholders from the horticultural sector (the only sector in the country that used methyl bromide), which had convinced them of the financial and technical viability of alternatives and eliminated the demand for methyl bromide. She also reported that a system for licensing imports and exports of ozone-depleting substances had been introduced, as indicated above, as part of the country's meteorological services act. Regulations for implementing the system had been developed and would go into effect following ministerial approval and review by the attorney general, which she expected would be complete by the end of 2009. The country intended to ratify the Montreal Amendment to the Protocol once the licensing system received ministerial approval.

67. She said too that imports and exports of methyl bromide were controlled under the Agrochemicals Act of 1998, which controlled both exports and imports and featured a permit and quota system for the import of all agricultural chemicals, including methyl bromide. In response to a question from a member of the Committee she confirmed that Botswana did not use methyl bromide for quarantine and pre-shipment purposes. In response to a question from another member it was pointed out that the Agrochemicals Act included labelling requirements that would enable the Party to distinguish imports of methyl bromide from other chemicals imported into the country.

5. Recommendation

68. The Committee therefore agreed:

Recalling that the information reported to the Secretariat in April 2009 by Botswana on its progress towards establishing and operating a licensing system had demonstrated progress towards compliance with the Protocol,

Noting with appreciation the Party's submission of information, in accordance with recommendation 42/8, on the status of its commitment contained in decision XV/31 to establish a system for licensing imports and exports of methyl bromide, including quotas,

To take note of the confirmation by Botswana that it had introduced such a system in 1998.

Recommendation 43/3

D. Democratic Republic of the Congo

69. The Democratic Republic of the Congo is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (iv).

1. Compliance issue subject to review: carbon tetrachloride and methyl chloroform consumption reduction commitment

70. The Democratic Republic of the Congo had committed itself, as recorded in decision XVIII/21, to reducing consumption of the Annex B, group II, controlled substance (carbon tetrachloride) and the Annex B, group III, controlled substance (methyl chloroform) to no greater than zero ODP-tonnes in 2008. The Party had reported its ozone-depleting-substance data for 2008 after the documentation for the Committee's forty-second meeting had been prepared. Consequently, the Committee had agreed, as stated in recommendation 42/9, to acknowledge with appreciation the receipt of data for 2008 from the

Democratic Republic of the Congo and to consider it at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XVIII/21.

2. Status of compliance issue

71. In its submission of ozone-depleting-substance data for 2008, the Democratic Republic of the Congo had reported consumption of zero ODP-tonnes of carbon tetrachloride and methyl chloroform. Those data placed the Party in compliance with its commitments contained in decision XVIII/21 and its obligations under the control measures of the Montreal Protocol for those substances for that year.

3. Recommendation

72. The Committee therefore agreed to congratulate the Democratic Republic of the Congo on its reported data for the consumption of carbon tetrachloride and methyl chloroform in 2008, which showed that the Party was in compliance with its commitments contained in decision XVIII/21 to reduce carbon tetrachloride and methyl chloroform consumption to no greater than zero ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/4

E. Eritrea

73. Eritrea is a Party to the Montreal Amendment to the Montreal Protocol operating under paragraph 1 of Article 5 of the Protocol and was considered under agenda item 5 (c) (ii).

1. Compliance issue subject to review: plan of action for establishment and operation of licensing system

74. Eritrea had been requested, as stated in recommendation 42/29, to complete the process of establishing and operating a system for licensing imports and exports of ozone-depleting substances, including quotas, in accordance with its obligations under Article 4B of the Protocol, and to notify the Secretariat as soon as possible, and preferably no later than 1 September 2009, when its licensing system would become operational.

2. Status of compliance issue

75. By the time of the current meeting Eritrea had not responded to recommendation 42/29. In correspondence dated April 2008, however, the Party had reported 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 noted that related activities were being carried out, including public awareness-raising and education for the protection of the ozone layer.

76. To facilitate the Committee's consideration of the Party's situation, the Secretariat, on the Committee's behalf, had invited a representative of Eritrea to attend the Committee's forty-third meeting to provide further clarification.

3. Compliance assistance

77. At the Committee's forty-second meeting, the representative of UNEP had reported that the agency had been assured by Eritrea that the Party's draft legislation on licensing ozone-depleting substances would be promulgated either by September 2009 or by the time of the Twenty-First Meeting of the Parties. He had added that relevant regional regulations under the Common Market for Eastern and Southern Africa would also be enforced.

78. At the same meeting the representative of the Multilateral Fund Secretariat had noted that the Executive Committee was unable to approve any ozone-depleting substance phase-out plan if no licensing system was in place.

79. Furthermore, the representative of UNIDO had pointed out that UNIDO had been unable to disburse funds for Eritrea as no licensing system was in place, meaning that the Party would be in non-compliance with its agreements with UNIDO to phase out ozone-depleting substances.

4. Discussion at the current meeting

80. At the invitation of the Committee, a representative of Eritrea attended the current meeting to provide additional information. In a statement to the Committee and in response to questions from its members, he reported that regulations on methyl bromide, including a licensing system for imports and exports, were already in place under the authority of the Ministry of Agriculture. The final draft of a licensing system for all ozone-depleting substances had been completed and would be included in environmental legislation covering all chemicals that was expected to be approved within six months. In the meantime the Party was employing informal arrangements to control the movement of ozone-depleting substances. Through cooperation with importers, industry and the ministries responsible for trade, industry, transport and communications the regulations were being applied before they were in force. The Party was also working at the regional level, including through the application of relevant regulations under the Common Market for Eastern and Southern Africa.

81. Responding to questions from Committee members concerning activities undertaken by implementing agencies to assist Eritrea, the representative of UNEP confirmed that a licensing system was in place for methyl bromide, that regulations for other ozone-depleting substances were awaiting final approval and implementation and that other national and regional activities were being undertaken to control the movement of ozone-depleting substances. Eritrea had been asked to provide documentary evidence of those efforts so that implementation of its terminal phase-out management plan could proceed.

82. Responding to a question from a member of the Committee about possible illegal imports of ozone-depleting substances into Eritrea, the representative of the Secretariat noted that Eritrea had never submitted information regarding illegal trade in ozone-depleting substances and that the Secretariat had no information regarding any such trade.

5. Recommendation

83. The Committee therefore agreed:

Recalling that the information reported to the Secretariat in April 2008 by Eritrea on its efforts to establish and operate a system for licensing imports and exports of ozone-depleting substances in accordance with Article 4B of the Protocol had demonstrated progress towards compliance with the Protocol,

Noting with appreciation the Party's submission of further information during the current meeting on the status of its efforts to establish and operate a licensing system,

Noting further that Eritrea had confirmed that although a formal licensing system did not yet exist the Party was taking measures to control imports and exports of ozone-depleting substances, including through the application of its existing legislation where appropriate,

(a) To urge Eritrea to strengthen its existing measures to control trade, including illegal trade, in ozone-depleting substances;

(b) To request the Party to submit an updated status report to the Secretariat, as soon as possible and preferably no later than 31 March 2010, in time for consideration by the Committee at its next meeting.

Recommendation 43/5

F. Federated States of Micronesia

84. The Federated States of Micronesia is a Party operating under paragraph 1 of Article 5 of the Protocol and was considered under agenda item 5 (c) (iii).

1. Compliance issue subject to review and compliance status

85. The Federated States of Micronesia had reported consumption of the Annex A, group I, controlled substances (CFCs) of 0.5 ODP-tonnes in 2007. The Party had earlier committed itself, as recorded in decision XVII/32, to phasing out CFC consumption by 1 January 2006. The reported data for CFC consumption therefore represented a deviation from the Party's commitment under decision XVII/32 and its obligation under the control measures of the Montreal Protocol for those substances for that year.

86. The Party had been requested, as noted in recommendation 42/30, to submit to the Secretariat as a matter of urgency, and preferably no later than 1 September 2009, an explanation for its deviation from its obligation under the Montreal Protocol control measures, together with, if appropriate, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance.

87. In correspondence dated 11 September 2009 the Secretariat had reminded the Federated States of Micronesia to submit its response to the above recommendation.

2. Discussion at the current meeting

88. At the current meeting the representative of the Secretariat reported that the Secretariat had on 12 October 2009 received a communication from the Party in which it had explained its deviation from the control provisions of the Protocol in 2007. In its communication the Party had explained that its deviation from the applicable control provisions in 2007 was attributable to delays in the adoption of its system for licensing imports and exports of ozone-depleting substances. Since November 2007, however, the system had been implemented by the national ozone unit with cooperation from the office of the environment and emergency management and the customs authorities. The Party had explained further that it had assigned staff in the justice department to work on expediting final adoption of the relevant regulations and said that it expected them to be in place by December 2009. The Party had also in its 12 October communication reported zero consumption of CFCs in 2008 and said that it expected zero consumption for 2009 as well.

3. Recommendation

89. The Committee therefore agreed:

Noting the explanation reported to the Secretariat by the Federated States of Micronesia of its non-compliance in 2007,

Noting further the Federated States of Micronesia's return to compliance in 2008,

(a) To monitor closely the progress of the Party with regard to its implementation of its obligations under the Protocol;

(b) To forward to the Twenty-First Meeting of the Parties for consideration the draft decision incorporating the plan of action contained in annex I (section F) to the present report.

Recommendation 43/6

G. Fiji

90. Fiji is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (v).

1. Compliance issue subject to review: methyl bromide consumption reduction commitment

91. Fiji had committed itself, as recorded in decision XVII/33, to reducing consumption of the Annex E controlled substance (methyl bromide) to no greater than 0.5 ODP-tonnes in 2008. The Party had been urged, as stated in recommendation 42/11, to submit to the Ozone Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XVII/33.

2. Status of compliance issue

92. By the time of the current meeting Fiji had submitted its ozone-depleting-substance data for 2008, reporting consumption of 0.1 ODP-tonnes of methyl bromide. Those data placed the Party in compliance with its commitment contained in decision XVII/33.

3. Recommendation

93. The Committee therefore agreed to congratulate Fiji on its reported data for the consumption of methyl bromide in 2008, which showed that it was in compliance with its commitment contained in decision XVII/33 to reduce methyl bromide consumption to no greater than 0.5 ODP-tonnes in that year and its obligation under the control measures of the Montreal Protocol for that substance for that year.

Recommendation 43/7

H. Guinea-Bissau

94. Guinea-Bissau is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (vi).

1. Compliance issue subject to review: CFC consumption reduction commitment

95. Guinea-Bissau had committed itself, as recorded in decision XVI/24, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 3.941 ODP-tonnes in 2008. The Party had reported its ozone-depleting-substance data for 2008 after the documentation for the Committee's forty-second meeting had been prepared. Consequently, the Committee had agreed, as stated in recommendation 42/13, to acknowledge with appreciation the receipt of data for 2008 from Guinea-Bissau and to consider them at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XVI/24.

2. Status of compliance issue

96. In its submission of ozone-depleting-substance data for 2008, Guinea-Bissau had reported consumption of 1.4 ODP-tonnes of CFCs. Those data placed the Party in compliance with its commitment contained in decision XVI/24 and its obligations under the control measures of the Montreal Protocol for those substances for that year.

3. Recommendation

97. The Committee therefore agreed to congratulate Guinea-Bissau on its reported data for the consumption of CFCs in 2008, which showed that it was in compliance with its commitment contained in decision XVI/24 to reduce CFC consumption to no greater than 3.941 ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/8

I. Islamic Republic of Iran

98. The Islamic Republic of Iran is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (vii).

1. Compliance issue subject to review: carbon tetrachloride consumption reduction commitment

99. The Islamic Republic of Iran had committed itself, as recorded in decision XIX/27, to reducing consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than zero ODP-tonnes in 2008, save for essential uses that might be authorized by the Parties. The Party had been urged, as stated in recommendation 42/15, to submit to the Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XIX/27.

2. Status of compliance issue

100. By the time of the current meeting the Islamic Republic of Iran had submitted its ozone-depleting-substance data for 2008, reporting consumption of zero ODP-tonnes of carbon tetrachloride. Those data placed the Party in compliance with its commitment contained in decision XIX/27.

3. Recommendation

101. The Committee therefore agreed to congratulate the Islamic Republic of Iran on its reported data for the consumption of carbon tetrachloride in 2008, which showed that it was in compliance with its commitment contained in decision XIX/27 to reduce carbon tetrachloride consumption to no greater than zero ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for that substance for that year.

Recommendation 43/9

J. Kenya

102. Kenya is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was to be considered under agenda item 5 (a) (viii).

1. Compliance issue subject to review: CFC consumption reduction commitment

103. Kenya had committed itself, as recorded in decision XVIII/28, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 10.0 ODP-tonnes in 2008. The Party had reported its ozone-depleting-substance data for 2008 after the documentation for the Committee's forty-second meeting had been prepared. Consequently, the Committee had agreed, as stated in recommendation 42/16, to acknowledge with appreciation the receipt of data for 2008 from Kenya and to consider it at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XVIII/28.

2. Status of compliance issue

104. In its submission of ozone-depleting-substance data for 2008, Kenya had reported consumption of 7.5 ODP-tonnes of CFCs. Those data placed the Party in compliance with its commitment contained in decision XVIII/28.

3. Recommendation

105. The Committee therefore agreed to congratulate Kenya on its reported data for the consumption of CFCs in 2008, which showed that it was in advance of its commitment contained in decision XVIII/28 to reduce CFC consumption to no greater than 10.0 ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/10

K. Kyrgyzstan

106. Kyrgyzstan is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (ix).

1. Compliance issue subject to review: halon consumption reduction commitment

107. Kyrgyzstan had committed itself, as recorded in decision XVII/36, to reducing consumption of the Annex A, group II, controlled substances (halons) to no greater than zero ODP-tonnes by 1 January 2008, save for essential uses that might be authorized by the Parties. The Party had reported its ozone-depleting-substance data for 2008 after the documentation for the Committee's forty-second meeting had been prepared. Consequently, the Committee had agreed, as stated in recommendation 42/17, to acknowledge with appreciation the receipt of data for 2008 from Kyrgyzstan and to consider it at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XVII/36.

2. Status of compliance issue

108. In its submission of ozone-depleting-substance data for 2008, Kyrgyzstan had reported consumption of zero ODP-tonnes of halons. Those data placed the Party in compliance with its commitment contained in decision XVII/36.

3. Recommendation

109. The Committee therefore agreed to congratulate Kyrgyzstan on its reported data for the consumption of halons in 2008, which showed that it was in compliance with its commitment contained in decision XVII/36 to reduce halon consumption to no greater than zero ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/11

L. Lesotho

110. Lesotho is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (x).

1. Compliance issue subject to review: halon consumption reduction commitment

111. Lesotho had committed itself, as recorded in decision XVI/25, to reducing consumption of the Annex A, group II, controlled substances (halons) to no greater than zero ODP-tonnes in 2008, save for essential uses that might be authorized by the Parties after 1 January 2010. The Party had been urged, as stated in recommendation 42/18, to submit to the Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XVI/25.

2. Status of compliance issue

112. By the time of the current meeting Lesotho had submitted its ozone-depleting-substance data for 2008, reporting consumption of zero ODP-tonnes of halons. Those data placed the Party in compliance with its commitment contained in decision XVI/25.

3. Recommendation

113. The Committee therefore agreed to congratulate Lesotho on its reported data for the consumption of halons in 2008, which showed that it was in compliance with its commitment contained in decision XVI/25 to reduce consumption of halons to no greater than zero ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/12

M. Libyan Arab Jamahiriya

114. The Libyan Arab Jamahiriya is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (xi).

1. Compliance issues subject to review: halon consumption reduction commitment

115. The Libyan Arab Jamahiriya had committed itself, as recorded in decision XVII/37, to reducing consumption of the Annex A, group II, controlled substances (halons) to no greater than zero ODP-tonnes by 1 January 2008, save for essential uses that might be authorized by the Parties. The Party had been urged, as stated in recommendation 42/19, to submit to the Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XVII/37.

2. Status of compliance issues

116. During the current meeting the Libyan Arab Jamahiriya submitted its ozone-depleting-substance data for 2008, reporting consumption of zero ODP-tonnes of halons. Those data placed the Party in compliance with its commitment contained in decision XVII/37.

3. Recommendation

117. The Committee therefore agreed to congratulate the Libyan Arab Jamahiriya on its reported data for the consumption of halons in 2008, which showed that it was in compliance with its commitment contained in decision XVII/37 to reduce halon consumption to no greater than zero ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/13

N. Maldives

118. Maldives is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (xii).

1. Compliance issue subject to review: CFC consumption reduction commitment

119. Maldives had committed itself, as recorded in decision XV/37, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2008. The Party had been urged, as stated in recommendation 42/20, to submit to the Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XV/37.

2. Status of compliance issue

120. By the time of the current meeting Maldives had submitted its ozone-depleting-substance data for 2008, reporting consumption of zero ODP-tonnes of CFCs. Those data placed the Party in compliance with its commitment contained in decision XV/37.

3. Recommendation

121. The Committee therefore agreed to congratulate Maldives on its reported data for the consumption of CFCs in 2008, which showed that it was in compliance with its commitment contained in decision XV/37 to reduce CFC consumption to no greater than zero ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/14

O. Mexico

122. Mexico is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (xiii).

1. Compliance issue subject to review: carbon tetrachloride consumption reduction commitment

123. Mexico had committed itself, as recorded in decision XVIII/30, to reducing consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 9.376 ODP-tonnes in 2008. The Party had submitted its ozone-depleting-substance data for 2008, reporting consumption of 88.0 ODP-tonnes of carbon tetrachloride. Those data represented a deviation from the Party's commitment contained in decision XVIII/30. The Party had subsequently been requested, as stated in recommendation 42/21, to submit to the Secretariat as a matter of urgency, and preferably no later than 1 September 2009, an explanation for its deviation from its commitment contained in decision XVIII/30 and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance.

2. Status of compliance issue

124. In response to recommendation 42/21, Mexico had submitted, in correspondence dated 3 August and 12 September 2009, an explanation for its deviation from its commitment contained in decision XVIII/30 and a plan of action with time-specific benchmarks for ensuring its prompt return to compliance. The submission is contained in annex I to document UNEP/OzL.Pro/ImpCom/43/INF/3 and is summarized below.

125. Mexico's explanation for its overconsumption in 2008 had been accompanied by background information and annual stock, use and import figures for the period 2005–2010. The Party had explained that carbon tetrachloride was used as a process agent in one major chlorine plant that supplied chlorine to a Mexican oil company for the production of monomer vinyl chlorine. Technical problems and electricity supply interruptions had resulted in several shutdowns of the plant since 2005, causing substantial evaporative losses of carbon tetrachloride from the chlorine plant. In 2006 carbon tetrachloride had not been imported into the country owing to the high costs and delays caused by the regulations in force in the country of origin.

126. The Executive Committee of the Multilateral Fund had approved a carbon tetrachloride phase-out project in July 2007 that was due to be completed in July 2008. The project had involved the acquisition and installation of condensing and adsorption units to allow the plant to cease the production of chlorine using carbon tetrachloride. The procurement of the new equipment, however, had been delayed owing to problems in selecting an equipment provider within the approved level of funding. According to the Party, and a communication by UNIDO, the new equipment had subsequently been

purchased and its installation would begin in the last quarter of 2009. Under the circumstances, the project was expected to be completed in 2010.

127. The Party had explained that, owing to the complications involved in implementing the above-mentioned project, the owners of the chlorine plant had requested an exceptional import of carbon tetrachloride in 2008. Upon consideration of the economic, health and other industrial implications of a potential long-term plant shutdown, the company had been granted a licence to import 80 ODP-tonnes of carbon tetrachloride in that year.

128. Mexico had indicated that there would be no further imports in 2009 and beyond and that the amount of carbon tetrachloride necessary for the plant's operation during the installation of the chlorine gas recuperation system would be derived from stocks. Should the stocks prove insufficient, the company would cease its operations following the first quarter of 2010.

129. The Party had noted that, although it was aware of its carbon tetrachloride overconsumption in 2008, its total actual consumption for the period 2005–2009 was below the total amount approved in the same period. In addition, the Party had pointed out that its carbon tetrachloride consumption from 2009 onwards would be zero, thus fulfilling the corresponding benchmarks established in decision XVIII/30.

130. Mexico's plan of action contained the following time-specific carbon tetrachloride consumption benchmarks, which, according to the Party, would ensure a return to compliance with the Protocol's control measures by 1 January 2010.

<i>Year</i>	<i>Consumption of carbon tetrachloride (in ODP-tonnes)</i>
2009	0
2010	0

131. The time-specific benchmarks contained in the plan for carbon tetrachloride consumption were consistent with the Montreal Protocol's final phase-out date for the substance, which was 1 January 2010.

132. To facilitate the Committee's consideration of the Party's situation, the Secretariat, on the Committee's behalf, had invited a representative of Mexico to attend the Committee's forty-third meeting to provide further clarification.

3. Discussion at the current meeting

133. At the invitation of the Committee, a representative of Mexico attended the meeting to provide additional information. In a statement to the Committee and in response to questions from its members, he noted that the summary provided by the representative of the Secretariat in the documentation for the meeting and its presentation to the Committee was accurate. As noted above, the project to eliminate the need for carbon tetrachloride in the chlorine manufacturing facility had been delayed by factors beyond the Government's control. Although aware of its excess consumption of carbon tetrachloride in 2008, Mexico's total consumption for the period 2005–2009 was below the total amount approved for that period. Most importantly, Mexico's consumption of carbon tetrachloride for 2009 and each year afterward would be zero, thus fulfilling the corresponding benchmarks established in decision XVIII/30.

4. Recommendation

134. The Committee therefore agreed:

Noting with appreciation Mexico's explanation for its reported consumption of 88.0 ODP-tonnes of carbon tetrachloride in 2008, an amount inconsistent with its commitment contained in decision XVIII/30 to reduce carbon tetrachloride consumption to no greater than 9.376 ODP-tonnes in that year,

Noting also with appreciation the Party's submission of a plan of action for returning to compliance with the Protocol's control measures for that ozone-depleting substance in 2009,

To forward to the Twenty-First Meeting of the Parties for its consideration a draft decision incorporating the plan of action, as contained in annex I (section C) to the present report.

Recommendation 43/15

P. Nepal

135. Nepal is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (xiv).

1. Compliance issue subject to review: CFC consumption reduction commitment

136. Nepal had committed itself, as recorded in decision XVI/27, to releasing no more than 4.05 ODP-tonnes of seized Annex A, group I, controlled substances (CFCs) on to its domestic market in 2008. The Party had been urged, as stated in recommendation 42/23, to submit to the Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XVI/27.

2. Status of compliance issue

137. By the time of the current meeting Nepal had submitted its ozone-depleting-substance data for 2008, reporting consumption of zero ODP-tonnes of CFCs and a release of 3 metric tonnes on to its domestic market. Those data placed the Party in compliance with its commitment contained in decision XVI/27.

3. Recommendation

138. The Committee therefore agreed to congratulate Nepal on its reported data for the consumption of CFCs in 2008, which showed that it was in compliance with its obligations under the control measures of the Montreal Protocol for those substances for that year and its commitment, contained in decision XVI/27, to release no more than 4.05 ODP-tonnes of seized CFCs on to its domestic market in that year.

Recommendation 43/16

Q. Nigeria

139. Nigeria is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (xv).

1. Compliance issue subject to review: CFC consumption reduction commitment

140. Nigeria had committed itself, as recorded in decision XIV/30, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 300.0 ODP-tonnes in 2008. The Party had been urged, as stated in recommendation 42/24, to submit to the Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XIV/30.

2. Status of compliance issue

141. By the time of the current meeting Nigeria had submitted its ozone-depleting-substance data for 2008, reporting consumption of 16.5 ODP-tonnes of CFCs. Those data placed the Party in compliance with its commitment contained in decision XIV/30.

3. Recommendation

142. The Committee therefore agreed to congratulate Nigeria on its reported data for the consumption of CFCs in 2008, which showed that it was in compliance with its commitment contained in decision XIV/30 to reduce CFC consumption to no greater than 300.0 ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/17

R. Paraguay

143. Paraguay is a Party operating under paragraph 1 of Article 5 of the Montreal Protocol and was considered under agenda item 5 (a) (xvi).

1. Compliance issues subject to review: CFC and carbon tetrachloride consumption reduction commitment

144. Paraguay had committed itself, as recorded in decision XIX/22, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 31.6 ODP-tonnes in 2008 and consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 0.1 ODP-tonnes in 2008. The Party had been urged, as stated in recommendation 42/25, to submit to the Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XIX/22.

2. Status of compliance issue

145. By the time of the current meeting Paraguay had submitted its ozone-depleting-substance data for 2008, reporting consumption of 27.3 ODP-tonnes of CFCs and zero ODP-tonnes of carbon tetrachloride. Those data placed the Party in compliance with its commitments contained in decision XIX/22 and its obligations under the control measures of the Montreal Protocol for those substances for that year.

3. Recommendation

146. The Committee therefore agreed to congratulate Paraguay on its reported data for the consumption of CFCs and carbon tetrachloride in 2008, which showed that it was in compliance with its commitments contained in decision XIX/22 to reduce CFC consumption to no greater than 31.6 ODP-tonnes and its consumption of carbon tetrachloride to no greater than 0.1 ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 43/18

S. Saudi Arabia

147. Saudi Arabia is a Party operating under paragraph 1 of Article 5 of the Protocol and was considered under agenda item 5 (c) (iii).

1. Compliance issue subject to review and compliance status

148. Saudi Arabia had reported consumption of the Annex A, group I, controlled substances (CFCs) of 657.8 ODP-tonnes in 2007. That represented a deviation from the Party's obligation under the Montreal Protocol to limit its consumption of CFCs to no greater than 15 per cent of its consumption baseline for that substance, namely, 269.8 ODP-tonnes.

149. In correspondence dated 13 September 2009, Saudi Arabia had submitted to the Secretariat its response to recommendation 42/31, outlined in document UNEP/OzL.Pro/ImpCom/43/INF/3/Add.1. The Party had said that it had originally been classified as a Party not operating under paragraph 1 of Article 5. After its reclassification as a Party so operating, however, it had been denied access to the Multilateral Fund and had therefore had to meet its Protocol obligations using its own capacity and resources. The Party had nevertheless complied with the 1999 freeze and 2005 reduction targets.

150. The Party's remaining CFC consumption was mainly in the servicing sector and phasing it out had proved very challenging. After repeated requests for support from the Multilateral Fund, assistance had been provided through a national phase-out plan approved at the fifty-third meeting of the Executive Committee, in November 2007. According to the agreement associated with that plan, Saudi Arabia would be able to return to compliance by 2009. As implementation of the national phase-out plan had begun in 2008, however, its output could not affect consumption levels in 2007. Consumption levels in 2008 were said to be slightly affected by implementation of the plan.

151. Saudi Arabia had also said in its submission that its national phase-out plan, which had been approved with its country programme, included a plan of action to achieve compliance with the control measures for the ozone-depleting substances contained in Annexes A and B of the Protocol. Lastly, the Party had said that its ozone-depleting-substance data for 2008 would be submitted to the Secretariat shortly.

2. Recommendation

152. The Committee therefore agreed:

Noting with appreciation Saudi Arabia's explanation for its reported consumption of 657.8 ODP-tonnes of CFCs in 2007, an amount inconsistent with the Protocol's requirement to limit consumption of those substances in that year to no greater than 269.8 ODP-tonnes,

Noting with concern, however, that Saudi Arabia had not by the time of the current meeting reported its ozone-depleting substance data for 2008,

(a) To request Saudi Arabia to submit to the Secretariat as soon as possible, and no later than 31 March 2010, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(b) To invite Saudi Arabia, if necessary, to send a representative to the Committee's forty-fourth meeting to discuss the matter;

(c) In the absence of the submission of a plan of action, to forward for consideration by the Twenty-First Meeting of the Parties the draft decision contained in annex I (section G) to the present report, which would request the Party to act in accordance with subparagraph (a) above;

(d) To urge Saudi Arabia to submit its ozone-depleting substance data for 2008 to the Secretariat as a matter of urgency;

(e) To include Saudi Arabia in the draft decision contained in annex I (section A) to the present report, which includes a list of Parties that had not by the time of the current meeting submitted their ozone-depleting substance data for 2008 in accordance with Article 7 of the Montreal Protocol.

Recommendation 43/19

T. Somalia

153. Somalia is a Party operating under paragraph 1 of Article 5 of the Protocol and was considered under agenda items 5 (a) (xvii) and 5 (b).

1. Compliance issue subject to review and compliance status

154. Somalia's compliance with the provisions of decision XX/19 had been considered at the Committee's forty-second meeting. According to that decision, the Party had committed itself to introducing a system for licensing the import and export of ozone-depleting substances, including import quotas, by the end of December 2009. By the time of the forty-second meeting, the Party had informed the Secretariat that the drafting of legislation on a licensing system had begun in May 2009 and that relevant information would be submitted as soon as possible.

155. In the light of that information, the Committee had agreed, as recorded in recommendation 42/28, to forward to the Twenty-First Meeting of the Parties for its consideration a draft decision incorporating the Party's plan of action, amended as necessary in the light of any clarifications to be provided by Somalia at the Committee's forty-third meeting.

156. In correspondence dated 18 September 2009, Somalia had submitted to the Secretariat draft regulations on the import and export of ozone-depleting substances. At the time of the current meeting the Secretariat was working with the Government of Somalia to facilitate the adoption of those regulations.

157. To facilitate the Committee's consideration of the Party's situation, the Secretariat, on the Committee's behalf, had invited a representative of Somalia to attend the Committee's forty-third meeting to provide further clarification.

2. Discussion at the current meeting

158. At the current meeting the representative of the Secretariat reported that on 29 October it had received information from the Party indicating that the regulations necessary to the establishment of the Party's licensing system had been put in place.

159. In response to a question the representative of the Multilateral Fund explained that approval of the Party's country programme was not contingent on its establishment of a licensing system, although approval of a terminal phase-out management plan would be.

160. At the invitation of the Committee a representative of Somalia attended the current meeting to provide additional information. In a statement to the Committee and in response to questions from members of the Committee, he reported that Somalia had completed development of a licensing system for ozone-depleting substances and that full implementation of that system would begin on 1 January 2010.

161. In response to a question from a Committee member, a representative of UNEP reported that the implementing agency had enjoyed a productive working relationship with the Government of Somalia since 2008. Institutional strengthening activities and development of the Party's country programme had been undertaken but the security situation in Somalia had prevented travel to the country and thus necessitated submission of the country programme without a specific terminal phase-out management plan.

162. The representative of the Multilateral Fund reported that Somalia had submitted its country programme to the Executive Committee of the Multilateral Fund and that it would be considered by the Executive Committee at its next meeting. The programme was recommended for approval and it was expected that it would be approved.

3. Recommendation

163. The Committee therefore agreed to take note of the confirmation by Somalia that it had introduced a system for licensing the import and export of ozone-depleting substances, including import quotas, which had taken effect in October 2009. The Committee further agreed to adjust the draft decision that it had agreed on at its forty-second meeting accordingly and to forward to the Twenty-First Meeting of the Parties for its consideration the draft decision contained in annex I (section E) to the present report.

Recommendation 43/20

U. Vanuatu

164. Vanuatu is a Party operating under paragraph 1 of Article 5 of the Protocol and was considered under agenda items 5 (c) (iii).

1. Compliance issue subject to review and compliance status

165. Vanuatu had reported consumption of 2.3 ODP-tonnes of CFCs and 0.3 ODP-tonnes of methyl bromide for 2006. Those data had represented a deviation from the Party's obligations under the Protocol to limit its consumption of CFCs in that year to no greater than zero ODP-tonnes and that of methyl bromide to no greater than 0.2 ODP-tonnes.

166. Furthermore, Vanuatu had reported consumption of 0.3 ODP-tonnes of CFCs, 15.9 ODP-tonnes of halons and 0.4 ODP-tonnes of methyl bromide for 2007. Those data had represented a deviation from the Party's obligations under the Protocol to limit its consumption of CFCs and halons to zero ODP-tonnes and methyl bromide to no greater than 0.2 ODP-tonnes.

167. The Party had been requested, as noted in recommendation 42/32, to submit to the Secretariat as a matter of urgency, and preferably no later than 1 September 2009, an explanation for its deviations from its obligations under the Montreal Protocol control measures, together with, if appropriate, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance.

168. In correspondence dated 11 September 2009 the Secretariat had reminded Vanuatu to submit its response to the above recommendation. By the time of the current meeting the Secretariat had not received any response.

2. Discussion at the current meeting

169. On the first day of the current meeting the representative of the Secretariat reported that Vanuatu had that day given the Secretariat a letter in which it had reported revised data for 2006 and 2007 along with additional information. In the letter the Party had explained that the methyl bromide that it had consumed had been used for quarantine and pre-shipment uses, that it had in fact had zero consumption of halons and that it had had zero consumption of CFCs in 2006 and consumption of 0.3 and 0.7 ODP-tonnes in 2007 and 2008, respectively. The revised data meant that the Party was in compliance with the methyl bromide and halon control provisions for the years in question, as well as with the CFC control provisions for 2006, but was still in non-compliance with the CFC control provisions for 2007 and 2008. In addition, the Party had stated that its data on consumption of CFCs for

the baseline years 1995–1997 were erroneous and on that basis had requested the Committee to consider revising its baseline for that substance. It stated that the lack of a proper data reporting system had contributed to its declaring an erroneous baseline and that the new data on which the request to revise its baseline was based had resulted from verification activities undertaken in cooperation with UNEP, the South Pacific Regional Environment Programme and the Solomon Islands.

3. Recommendation

170. The Committee therefore agreed:

Noting with appreciation that Vanuatu had submitted, in response to recommendation 43/32, revised data on its consumption of CFCs, halons and methyl bromide in 2006 and 2007 and data on its consumption in 2008,

Noting that the revised data for halons and methyl bromide confirmed the consumption of those substances to be zero and that Vanuatu was therefore in compliance with the control measures for those substances under the Montreal Protocol for 2006–2008,

Noting with concern, however, that the data for 2007 and 2008 showed consumption of 0.3 ODP-tonnes and 0.7 ODP-tonnes of CFCs, respectively, amounts inconsistent with the Protocol's requirement to limit consumption of CFCs to no greater than zero ODP-tonnes in those years,

Noting further that Vanuatu had submitted a request for a revision of its baseline data for CFCs,

(a) To request Vanuatu to submit to the Secretariat as soon as possible, and no later than 31 March 2010, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(b) To request Vanuatu, should it wish to pursue its request for a revision of its baseline data, to submit to the Secretariat information in accordance with the methodology outlined in decision XV/19;

(c) To invite, if necessary, Vanuatu to send a representative to the Committee's forty-fourth meeting to discuss the above matters;

(d) To forward for consideration by the Twenty-First meeting of the Parties the draft decision contained in annex I (section I) to the present report, which would request the Party to act in accordance with subparagraph (a) above.

Recommendation 43/21

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

171. Under the present item the Committee considered annual data reporting by Parties for 2008, a case of non-compliance by Turkmenistan (not the subject of any previous recommendation of the Committee or decision of the Parties) and a case of non-compliance by Solomon Islands, which the Committee had considered at its forty-second meeting but in respect of which it had not adopted a draft decision.

A. Data reporting

172. Introducing the item, the representative of the Secretariat noted that 19 Parties had failed to report their annual data for 2008 prior to the current meeting. Eight of those Parties, however, had reported their data during the current meeting.

Recommendation

173. The Committee therefore agreed to forward for consideration by the Twenty-First Meeting of the Parties the draft decision contained in annex I (section A) to the present report, which would among other things record and note with appreciation the number of Parties that had reported ozone-depleting substances data for the year 2008 and list the Parties that were in non-compliance with their data reporting obligations under the Montreal Protocol.

Recommendation 43/22

B. Turkmenistan

1. Compliance issue subject to review and compliance status

174. Turkmenistan had reported consumption of the Annex B, Group II, controlled substance (carbon tetrachloride) of 0.3 ODP-tonnes in 2008. Those data had represented a deviation from the Party's obligation under the Protocol to limit its consumption of carbon tetrachloride to zero ODP-tonnes for 2008.

175. Upon the Secretariat's request for clarification, Turkmenistan had explained, in correspondence dated 22 and 24 September 2009, that the imported amount had been destined for use in the analysis of oil in water, a use that was not exempted under the Protocol. The Party had further noted that the import of the substance had occurred without any prior coordination with the Party's Ministry of Nature Protection and that measures would be taken to avoid similar cases in the future.

2. Recommendation

176. The Committee therefore agreed:

Noting with appreciation Turkmenistan's explanation for its reported consumption of 0.3 ODP-tonnes of carbon tetrachloride in 2008, an amount inconsistent with the Protocol's requirement that it limit consumption of those substances in that year to no greater than zero ODP-tonnes,

(a) To request Turkmenistan to submit to the Secretariat as soon as possible, and no later than 31 March 2010, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(b) To invite Turkmenistan, if necessary, to send a representative to the forty-fourth meeting of the Committee to discuss the matter;

(c) In the absence of the submission of a plan of action, to forward for consideration by the Twenty-First Meeting of the Parties the draft decision contained in annex I (section H) to the present report, which would request the Party to act in accordance with subparagraph (a) above.

Recommendation 43/23

C. Solomon Islands

1. Compliance situation subject to review

177. The Secretariat recalled that Solomon Islands had previously reported consumption of the Annex A, group I, controlled substances (CFCs) of 1.4 ODP-tonnes in 2006, which 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. The Party had been requested, in decision XX/18, to submit to the Secretariat, for consideration by the Implementation Committee, 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, and to report its outstanding data for 2007. In correspondence dated 10 November 2008, Solomon Islands had provided the requested explanation and its ozone-depleting-substance data for 2007, reporting consumption of zero ODP-tonnes of CFCs, which placed it in advance of its CFC phase-out obligation under the Montreal Protocol for 2007, and stating that it expected to import no more CFCs from 2007 onward.

2. Status of compliance issue

178. The Committee had considered the situation of Solomon Islands at its forty-second meeting and had adopted recommendation 42/27, in which it had taken note of the Party's explanation and congratulated it on its return to compliance, but had not approved a draft decision for consideration by the Meeting of the Parties.

3. Recommendation

179. The Committee therefore agreed:

Recalling its recommendation 42/27, in which the Committee took note of the explanation by Solomon Islands for its non-compliance with its CFC consumption obligations for 2006 and its subsequent return to compliance in 2007,

To forward to the Twenty-First Meeting of the Parties for consideration a draft decision incorporating the plan of action as contained in annex I (section D) to the present report.

Recommendation 43/24

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

180. The representative of the Secretariat introduced the report on the item (UNEP/OzL.Pro/ImpCom/43/4). Article 4B of the Protocol, which had been introduced by the Montreal Amendment, required each Party to that amendment to establish a system for licensing the import and export of new, used, recycled and reclaimed controlled substances by 1 January 2000 or by three months after the date of entry into force of Article 4B for the Party.

181. Of the 178 Parties that had ratified the Montreal Amendment, five had not yet reported establishing licensing systems. Two of those Parties, however, had ratified the Amendment so recently that their obligation to report the establishment of licensing systems had not yet entered into force. Thirteen States not yet Parties to the Montreal Amendment had reported the establishment of licensing systems and only 5 of the 196 Parties to the Montreal Protocol had yet to report the establishment of licensing systems.

Recommendation

182. The Committee therefore agreed:

(a) To note with appreciation the tremendous efforts that the Parties to the Montreal Protocol had made in the establishment and operation of licensing systems under Article 4B of the Protocol;

(b) To note that several Parties to the Montreal Protocol which were not yet Parties to the Montreal Amendment had nevertheless established licensing systems and to congratulate them on doing so;

(c) To forward for consideration by the Twenty-First Meeting of the Parties the draft decision contained in annex I (section J) to the present report, which would, among other things, record the number of Parties to the Montreal Amendment that had reported to the Secretariat the establishment and operation of systems for licensing the import and export of ozone-depleting substances data in accordance with Article 4B of the Montreal Protocol and request those Parties to the Montreal Amendment yet to do so to submit to the Secretariat as a matter of urgency, and no later than 1 March 2010, plans of action for ensuring the prompt establishment and operation of such licensing systems, for consideration by the Committee at its forty-fourth meeting.

Recommendation 43/25

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

183. The Implementation Committee considered information presented by Parties who were present at the invitation of the Committee. Those Parties included Bangladesh, Botswana, Eritrea, Mexico and Somalia. The Committee's consideration of those Parties' circumstances, including any information provided by them at the current meeting, is described in chapter V of the present report.

IX. Other matters

184. No other matters were discussed.

X. Adoption of the report of the meeting

185. 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, serving also as Rapporteur for the current meeting.

XI. Closure of the meeting

186. Following the customary exchange of courtesies, the President declared the meeting closed at 4.50 p.m. on Sunday, 1 November 2009.

Annex I

Draft decisions

A. Draft decision XXI/-: Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol

Noting with appreciation that [182] Parties out of the 193 that should have reported data for 2008 have done so and that 64 of those Parties reported their data by 30 June 2009 in accordance with decision XV/15,

Noting with concern, however, that the following Parties have still not reported 2008 data: [Angola], [Belgium], [Democratic People's Republic of Korea], [Latvia], [Malta], [Marshall Islands], [Nauru], [Saudi Arabia], [Tuvalu], [United Arab Emirates],

Noting that their failure to report their 2008 data in accordance with Article 7 places those Parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data,

Noting also that a lack of timely data reporting by Parties impedes the effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol,

Noting further that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting Parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures,

1. To urge the Parties listed in the present decision, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;
2. To request the Implementation Committee to review the situation of those Parties at its next meeting;
3. To encourage Parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15;

B. Draft decision XXI/-: Non-compliance in 2007 and 2008 with the provisions of the Protocol governing consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), by Bangladesh

Noting that Bangladesh ratified the Montreal Protocol on 2 August 1990, the London Amendment on 18 March 1994, the Copenhagen Amendment on 27 November 2000 and the Montreal Amendment on 27 July 2001, and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved \$6,339,765 from the Multilateral Fund to enable Bangladesh's compliance in accordance with Article 10 of the Protocol,

1. That Bangladesh reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), of 154.9 ODP-tonnes for 2007 and 158.3 ODP-tonnes for 2008, which exceeds the Party's maximum allowable consumption of 87.2 ODP-tonnes for those controlled substances for those years, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for those years;
2. To note with appreciation Bangladesh's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Bangladesh specifically commits itself:
 - (a) To reducing chlorofluorocarbon consumption to no greater than:
 - (i) 140 ODP-tonnes in 2009;
 - (ii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;

(b) To monitoring its system for licensing the import and export of ozone-depleting substances, including import quotas;

3. To urge Bangladesh to work with the relevant implementing agencies to implement its plan of action to phase out consumption of chlorofluorocarbons;

4. To monitor closely the progress of Bangladesh with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the Party is working towards 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, Bangladesh 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;

5. To caution Bangladesh, 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 return to 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 chlorofluorocarbons 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 XXI/–: Non-compliance in 2008 with the provisions of the Protocol governing consumption of the controlled substance in Annex B, group II (carbon tetrachloride), by Mexico

Noting that Mexico ratified the Montreal Protocol on 31 March 1988, the London Amendment on 11 October 1991, the Copenhagen Amendment on 16 September 1994, the Montreal Amendment on 28 July 2006 and the Beijing Amendment on 12 September 2007, and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved \$96,073,703 from the Multilateral Fund to enable Mexico's compliance in accordance with Article 10 of the Protocol,

1. That Mexico reported annual consumption for the controlled substances in Annex B, group II (carbon tetrachloride), of 88.0 ODP-tonnes in 2008, an amount inconsistent with its commitment contained in decision XVIII/30 to reduce carbon tetrachloride consumption to no greater than 9.376 ODP-tonnes in that year, and that the Party is therefore in non-compliance with the control measures for that substance under the Protocol for that year;

2. To record with appreciation the submission by Mexico of a plan of action to ensure its prompt return to compliance with the Protocol's carbon tetrachloride consumption control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Mexico specifically commits itself:

(a) To reducing carbon tetrachloride consumption to no greater than zero ODP-tonnes in 2009 and thereafter;

(b) To monitoring its system for licensing the import and export of ozone-depleting substances, including import quotas;

3. To urge Mexico to work with the relevant implementing agencies to implement its plan of action to phase out consumption of carbon tetrachloride;

4. To monitor closely the progress of Mexico with regard to the implementation of its plan of action and the phase-out of carbon tetrachloride. To the degree that the Party is working towards 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, Mexico 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;

5. To caution Mexico, 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 return to 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 carbon tetrachloride that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

D. Draft decision XXI/-: Compliance with the Montreal Protocol by the Solomon Islands

1. That Solomon Islands reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), of 1.4 ODP-tonnes for 2006, which exceeds the Party's maximum allowable consumption of 1.1 ODP-tonnes for those controlled substances for that year, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for that year;

2. To note, however, that in response to the request for an explanation for its excess consumption contained in decision XX/18 of the Twentieth Meeting of the Parties, Solomon Islands reported that its Custom and Excise Act had been amended in 2007 to include restrictions on imports of chlorofluorocarbons, which therefore had not applied formally prior to that year;

3. To note further Solomon Islands' return to compliance in 2007 and its commitment to restrict imports of chlorofluorocarbons, which had taken effect from 2008;

4. To monitor closely the progress of the Party with regard to its implementation of its obligations under the Protocol;

E. Draft decision XXI/-: Non-compliance with the Montreal Protocol 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 also that, while Somalia has not yet had a country programme approved by the Executive Committee of the Multilateral Fund, a country programme has been submitted to the Committee for consideration at its fifty-ninth meeting and is recommended for approval,

1. That Somalia reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 79.5 ODP-tonnes, which exceeds the Party's maximum allowable consumption of 36.2 ODP-tonnes for those controlled substances for that year and that Somalia was therefore in non-compliance with the control measures for those substances under the Protocol for that year;

2. To note, however, that Somalia's reported chlorofluorocarbon consumption for 2008 was in compliance with its obligations under the chlorofluorocarbon control measures of the Montreal Protocol for that year;

3. To note with appreciation Somalia's introduction, as called for in decision XX/19, of a system for licensing the imports and exports of ozone-depleting substances, including import quotas, which had taken effect from October 2009;

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

(a) To reducing chlorofluorocarbon consumption to no greater than zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;

(b) To monitoring its system for licensing the import and export of ozone-depleting substances, including import quotas;

5. To urge Somalia to work with the relevant implementing agencies to implement its plan of action to phase out consumption of chlorofluorocarbons;

6. To monitor closely the progress of Somalia with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the Party is working towards 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 return to 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 chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

F. Draft decision XXI/–: Compliance with the Montreal Protocol by the Federated States of Micronesia

1. That the Federated States of Micronesia reported annual consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), of 0.5 ODP-tonnes for 2007, which exceeds the Party's maximum allowable consumption of 0.2 ODP-tonnes for those controlled substances for that year, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for that year;

2. To note, however, that in response to the request for an explanation for its excess consumption, the Federated States of Micronesia has reported that it had begun to enforce its licensing system, which took effect in November 2007;

3. To note further the Federated States of Micronesia's return to compliance in 2008 and its commitment to ban imports of chlorofluorocarbons from 2009 onward;

4. To monitor closely the progress of the Party with regard to its implementation of its obligations under the Protocol;

G. Draft decision XXI/–: Non-compliance in 2007 with the provisions of the Protocol governing consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), by Saudi Arabia and request for a plan of action

Noting that Saudi Arabia ratified the Montreal Protocol, and the London and Copenhagen Amendments on 1 March 1993, and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved \$2,378,485 from the Multilateral Fund to enable Saudi Arabia's compliance in accordance with Article 10 of the Protocol,

1. That Saudi Arabia has reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 657.8 ODP-tonnes, which exceeds the Party's maximum allowable consumption of 269.8 ODP-tonnes for those controlled substances for that year, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for that year;

2. To request Saudi Arabia to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, 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;

3. To monitor closely the progress of Saudi Arabia with regard to the phase-out of chlorofluorocarbons. To the degree that the Party is working towards 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, Saudi Arabia 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 Saudi Arabia, 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 chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

H. Draft decision XXI/–: Non-compliance in 2007 with the provisions of the Protocol governing consumption of the controlled substance in Annex B, group II (carbon tetrachloride), by Turkmenistan and request for a plan of action

Noting that Turkmenistan ratified the Montreal Protocol on 18 November 1993, and the London Amendment on 15 March 1994, and the Copenhagen, Montreal and Beijing Amendments on 28 March 2008, and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved \$336,973 from the Multilateral Fund to enable Turkmenistan's compliance in accordance with Article 10 of the Protocol,

1. That Turkmenistan has reported annual consumption for the controlled substance in Annex B, group II (carbon tetrachloride), for 2008 of 0.3 ODP-tonnes, which exceeds the Party's maximum allowable consumption of zero ODP-tonnes for that controlled substance for that year, and that the Party is therefore in non-compliance with the control measures for that substance under the Protocol for that year;
2. To request Turkmenistan to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, 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;
3. To monitor closely the progress of Turkmenistan with regard to the phase-out of carbon tetrachloride. To the degree that the Party is working towards 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, Turkmenistan 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 Turkmenistan 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 carbon tetrachloride that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

I. Draft decision XXI/–: Non-compliance in 2007 and 2008 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex A group I (CFCs), by Vanuatu and request for a plan of action

Noting that Vanuatu ratified the Montreal Protocol, and the London and Copenhagen Amendments on 21 November 1994, and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved \$88,020 from the Multilateral Fund to enable Vanuatu's compliance in accordance with Article 10 of the Protocol,

1. That Vanuatu has reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 0.3 ODP-tonnes and for 2008 of 0.7 ODP-tonnes, which exceeds the Party's maximum allowable consumption of zero ODP-tonnes for those controlled substances for those years, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for those years;
2. To request Vanuatu to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, 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;
3. To monitor closely the progress of Vanuatu with regard to the phase-out of chlorofluorocarbons. To the degree that the Party is working towards 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, Vanuatu 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 Vanuatu, 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 chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

J. Draft decision XXI/-: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

Noting that paragraph 3 of Article 4B of the Montreal Protocol requires each Party, within three months of the date of introducing its system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E of the Protocol, to report to the Secretariat on the establishment and operation of that system,

Noting with appreciation that [174] out of the [178] Parties to the Montreal Amendment to the Protocol have established import and export licensing systems for ozone-depleting substances as required under the terms of the amendment,

Noting also with appreciation that [12] Parties to the Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems for ozone-depleting substances,

Recognizing that licensing systems provide for the monitoring of imports and exports of ozone-depleting substances, prevent illegal trade and enable data collection,

1. To encourage all remaining Parties to the Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems for ozone-depleting substances if they have not yet done so;

2. To urge all Parties that already operate licensing systems for ozone-depleting substances to ensure that they are structured in accordance with Article 4B of the Protocol and that they are implemented and enforced effectively;

3. To review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all Parties to the Protocol, as called for in Article 4B of the Protocol.

Annex II

List of participants

A. Members of the Committee

Armenia

Mrs. Asya Muradyan
Head of Land and Atmosphere
Protection Division
Department of Environmental
Protection
Ministry of Nature Protection
Government Bldg.3, Republic Sq.
00100 Yerevan
Republic of Armenia
Tel: +(374) 10 54 11 82/83
Fax: +(374) 20 54 11 83/58 54 69

Germany

Ms. Elisabeth Munzart
Federal Ministry for the Environment,
Nature Conservation
and Nuclear Safety
Division IG II 1
Robert-Schumann- Platz 3
53175 Bonn
P.O. BOX 120629
53048
Tel: + 49 (0) 22899 305 2732
Fax: +49 (0) 22899 305 3524
E-mail:
Elisabeth.Munzert@bmu.bund.de

Jordan

Mr. Ghazi Al Odat
Ministry Adviser, Head of Ozone Unit
Ministry of Environment
P.O. Box 1401
Amman 11941, Jordan
Tel: + 9626 552 1931
Fax: + 9626 553 1996
E-mail: odat@moenv.gov.jo

Mauritius

Mr. Yahyah Pathel
Divisional Environment Officer
Coordination and Project
Implementation Division
Department of Environment
Ken Lee Tower, Barracks Street
Port Louis
Mauritius
Tel: +230 211 3198 / +230 918 9254
Cell: + 230 918 9254
Fax: +230 210 6687
E-mail: ypathel@mail.gov.mu

Mexico

Mr. Wilehaldo Cruz-Bressant
Titular de la Unidad Coordinadora de
Asuntos Juridicos
Secretaria de Medio Ambiente y
Recursos Naturales
Boulevard Adolfo Ruiz
Cortines 4209, 2nd floor, Fracc.
Jardines en la Montana
Mexico D.F. 14210
Fax: +52 55 56280832
E-mail:
wilehaldo.cruz@semarnat.gob.mx

Mr. Agustín Sánchez
Coordinator, Ozone Protection Unit
General Directorate for Air Quality
Management
Environment and Natural Resources
Secretariat
Av. Revolución 1425 Nivel 39 Col.
Tlacopac San. Angel
México D.F. 01040
Tel: +52 55 5624 3552
Fax: +52 55 5624 3583
E-mail:
agustin.sanchez@semarnat.gob.mx

Mr. Ives Gomez
Director para la Agenda Gris
Unidad coordinadora de asuntos
internacionales
Secrearia de Medio Ambiente u
Recursos Naturales
Ciudad de Mexico
Blvd. Adolfo Ruiz Cortinez|
4209,
Piso 1,14210
Tel: +52 55 562 80600
Ext. 12206
Fax: +52 55 5628 0694
E-mail: ives.gomez@semarnat.gob.mx

New Zealand

Ms. Robyn Washbourne
 Trade Environment Competition, Trade
 and Investment
 Ministry of Economic Development
 P.O. Box 1473
 Wellington
 New Zealand
 Fax: +64 4 473 7010
 E-mail:
 robyn.washbourne@med.govt.nz

Nicaragua

Mrs. Hilda Espinoza
 Directora General de Calidad
 Ambiental Focal Point, Montreal
 Protocol
 Direccion General Calidad Ambiental
 Ministerio Ambiente y los Recursos
 Naturales (MARENA)
 Apdo 5123
 Managua
 Nicaragua
 Tel: +505 2632620
 Fax: +505 2632620
 E-mail: hespinoza@marena.gob.ni/
 espinoza.urbina@gmail.com

Niger

Mr. Ibrahim Malam Soumaila
 Deputy Officer
 Ozone Unit
 BP 578 Niamey-
 Niger
 Tel: + 227 20 722793/96962592
 E-mail:ibrahim.soumaila@yahoo.fr

Russian Federation

Mr. Sergey Vasiliev
 Adviser/Referent, Department of
 International Cooperation
 Ministry of Natural Resources and
 Environment of the Russian Federation
 Focal Point for Ozone Vienna
 Convention & Montreal Protocol
 Tel: +7(499) 252 09 88
 Fax:+7(495) 254 83 82
 E-mail: svas@mnr.gov.ru

Sri Lanka

Dr. W.L. Sumathipala
 Director
 National Ozone Unit
 Ministry of Environment and Natural
 Resources
 No. 342
 Kotte Road
 Pitakotte
 Sri Lanka
 Tel: + (94) 11 2811 248
 Fax: +(94) 11 28 11 417
 E-mail: sumathi@noulanka.lk

B. Secretariat of the Multilateral Fund and implementing agencies

Mr. Andrew Reed
 Senior Programme Management
 Officer
 1800 McGill College Ave,
 27th floor
 Montreal, Quebec
 Canada H3A 3J6
 Tel: + 514 282 1122
 Fax: + 514 282 0068
 E-mail: areed@unmfs.org

Mr. Eduardo Ganem
 Senior Programme Management
 Officer
 1800 McGill College Ave,
 27th floor
 Montreal, Quebec
 Canada H3A 3J6
 Tel: +1 514 282 1122
 Fax: +1 514 282 0068
 E-mail: eganem@unmfs.org

**United Nations Industrial
 Development Organization (UNIDO)**

Mr. Pury Sorokin
 Project Manager
 Multilateral Environmental Agreements
 Branch
 Programme Development and
 Technical Cooperation Division
 United Nations Industrial Development
 Organization (UNIDO)
 Wagramerstr. 5, POB 300
 A-1400 Vienna, Austria
 Fax: (+43 1) 26026- 6804
 E-mail: v.sorokin@unido.org

World Bank

Mr. Viraj Vithoontien
Senior Environmental Specialist
Montreal Protocol Operations,
Environment Department
The World Bank
MSN MC 4-419, 1818 H. Street, NW
Washington, DC 20433, USA
Fax: (1-202) 522-3258
E-mail: vvithoontien@worldbank.org

**United Nations Development
Programme (UNDP)**

Mr. Nandan Chirmulay
Senior Technical Advisor and Regional
Coordinator,
(Asia & Pacific)
Montreal Protocol Unit/EEG/BDP
UNDP
304 East 45th street, 9th Floor, Rm.
970
NY 10017, USA
Fax: (+1 212)906 6947
E-mail: nandan.chirmulay@undp.org

**United Nations Environment
Programme
Division of Technology, Industry,
and Economics (DTIE)**

Mr. James S. Curlin
Capacity Building Manager
OzonAction Branch
Division of Technology, Industry and
Economics (DTIE)
United Nations Environment
Programme
Tour Mirabeau, 39-43 quai André
Citröen
75739 Cedex 15
Paris, France
Tel: +33 1 4437 14 55
Fax: (+33 1) 4437 1474
Jim.curlin@unep.fr

Mr. Jeremy Boubie Bazye
Regional Network Coordinator, French
speaking Africa
Ozone Action Programme, ROA/UNEP
P.O. Box 30552
Nairobi G.P.O 00100
Kenya
Tel: + 254 20 7624281
Cell: +254 714 636316
Fax: + 254 20 7623165
E-mail: jeremy.bazye@unep.org

Executive Committee Chair

Dr. Husamuddin Ahmadzai
Senior Adviser
Enforcement and Implementation
Swedish Environmental Protection
Agency
SE-106 48
Stockholm SE 106 48
Sweden
Tel: + 46 6 698 1145
Fax: + 46 8 698 1602
E-mail:
husamuddin.ahmadzai@naturvardsverk
et.se

Executive Committee Vice-Chair

Ing. Juan Tomas Filpo
Chief, National Ozone Unit
Under Secretariat of Environment
Management
Environment and Natural Resources
Secretariat
Av. 27 de Febrero/Av Tiradentes,
Edificio
Plaza Merengue suite 202
Santo Domingo
Dominican Republic
Fax: + 809 4720631
E-mail: juan.filpo@MARENA.gob.do
or Pomxls@gmail.com

C. Invited Parties

Bangladesh

Mr. M. Shahjahan
 Director Technical,
 Department of Environment
 Ministry of Environment and Forest
 Government of Bangladesh
 Paribesh Bhaban, E-16, Agargaon
 Sher-e-Bangla Nagar,
 Dhaka 1207
 Tel: + 880 20 913 6648
 Fax: +880 2 9118682
 Mob: +880 018 1925 8177
 E-mail: shahjahan@doe-bd.org

Dr. Satyendra Kumar Purkayastha
 Senior Officer, Ozone Cell
 Department of Environment
 Ministry of Environment and Forest
 Government of the People's Republic
 of Bangladesh
 Paribesh Bhaban, E-16, Agargaon
 Sher-e-Bangla Nagar, Dhaka 1207
 Tel: + 880 2 912 4005
 Fax: + 880 2 912 4005
 E-mail: Purkayastha@doe-
 bd.org/skpurkayastha@yahoo.com

Botswana

Ms. Keitumetse Monaka
 Senior Meteorologist
 Department of Meteorological Services
 Ministry of Environment, Wildlife and
 Tourism
 Corner Maaloso/
 Metsimothaba Road
 P.O. Box 10100, Gaborone
 Botswana
 Tel: +267 395 6281/361 2200
 Cell: +267 7162 3770
 Fax: +267 395 6282
 E-mail: kmonaka@gov.bw

Eritrea

Mr. Mogos Woldeyohannes
 Director General
 Department of Environment
 P.O. Box 5713
 Asmara, Eritrea
 Tel: (+291 1) 120 311
 Fax: (+291 1) 126 095
 E-mail: depenvdg@eol.com.er

Somalia

Mr. Abdullahi Mohamed Issa
 Ministry of Livestock, Fisheries,
 Environment & Natural Resources
 The Transitional Federal Government
 of the Somali Republic
 P.O. Box 40886, 0100 GPO
 Nairobi, Kenya
 Tel: +254 722 16 72 97
 E-Mail : Lasarooni60@yahoo.com

D. Ozone Secretariat

Mr. Marco Gonzalez
Executive Secretary
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. BOX 30552 00100
Nairobi,
Kenya.
Tel: 254 20 762 3855 /7623611
Fax: 254 20 762 4691/92/93
E-mail: marco.gonzalez@unep.org

Mr. Paul Horwitz
Deputy Executive Secretary
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. BOX 30552 00100
Nairobi,
Kenya.
Tel: 254 20 762 3855 /7623611
Fax: 254 20 762 4691/92/93
E-mail: paul.horwitz@unep.org

Mr. Gilbert Bankobeza
Chief, Legal Affairs and Compliance
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. BOX 30552 00100
Nairobi,
Kenya.
Tel: 254 20 762 3854/7623848
Fax: 254 20 762 4691/92/93
E-mail: marco.gonzalez@unep.org

Ms. Megumi Seki
Senior Scientific Officer
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. BOX 30552 00100
Nairobi,
Kenya.
Tel: 254 20 3452 /7624213
Fax: 254 20 762 4691/92/93
E-mail: meg.seki@unep.org

Ms. Sophia Mylona
Monitoring and Compliance Officer
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. BOX 30552 00100
Nairobi,
Kenya.
Tel: 254 20 763430
Fax: 254 20 762 4691/92/93
E-mail: sophia.mylona@unep.org

Mr. Gerald Mutisya
Database Manager
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. BOX 30552 00100
Nairobi,
Kenya.
Tel: 254 20 762 4057 /7623851
Fax: 254 20 762 4691/92/93
E-mail: gerald.mutisya@unep.org