UNITED
NATIONS

EP

UNEP/OzL.Pro/ImpCom/45/4

United Nations
Environment
Programme

Distr.: General
4 November 2010

Original: English

**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Forty-fifth meeting**
Bangkok, 4 and 5 November 2010

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

I. Opening of the meeting

1. The forty-fifth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the United Nations Conference Centre in Bangkok on 4 and 5 November 2010.

2. Mr. Ezzat Lewis (Egypt), President of the Committee, opened the meeting at 10.10 a.m. on 4 November, welcoming the Committee members 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 Committee members and the other participants. He expressed regret that, owing to unavoidable logistical difficulties, the venue for the meeting had been changed from Kampala to Bangkok. Noting that, 17 years previously, Thailand had hosted the Fifth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, he expressed appreciation for the support provided by the Government of that country and the United Nations Environment Programme (UNEP) Compliance Assistance Programme team in Bangkok in facilitating the hosting of the present meeting. Looking back over those 17 years, he pointed out that many undertakings that had at the time been merely ideas on paper had since borne fruit and become reality, which was a testament to the commitment and dedication of the parties involved. In that period, the Montreal Protocol had achieved universal ratification with the highest number of parties of any international treaty, a feat unparalleled in the United Nations system.

4. He noted that the current meeting was taking place after the final phase-out date for most ozone-depleting substances – 1 January 2010 – and acknowledged the hard work by parties to make that historic milestone a reality. While specific information was not yet available, current trends suggested that all parties would be in compliance with the phase-out targets. With those targets achieved, the time was ripe to look to the future and work to phase out hydrochlorofluorocarbons (HCFCs), drawing on lessons learned in phasing out other ozone-depleting substances.

5. He hailed the fact that, over the period 1991–2008, all parties had complied with their data-reporting obligations under the Protocol. He congratulated those that had established licensing

systems for controlling the import and export of ozone-depleting substances, pointing out that only five parties had yet to do so. He also noted that only 31 parties had not ratified all the amendments to the Protocol, urging those parties that had ratified all amendments to encourage others in their region to do so in order that the goal of universal ratification of amendments could be attained. In closing, he pointed out that the Committee's agenda, while not as complex as in previous sessions, contained a number of interesting cases pertaining to potential non-compliance with the Protocol's trade provisions. The cases would provide guidance on how to deal with such complex issues. He concluded by wishing the Committee successful deliberations.

Attendance

6. Representatives of the following Committee members attended the meeting: Armenia, Egypt, Germany, Jordan, Nicaragua, Niger, Russian Federation, Saint Lucia, Sri Lanka, United States of America.

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

II. Adoption of the agenda and organization of work

8. The Committee adopted the following agenda, based on the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/45/1:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Presentation by the Secretariat on data and information under Articles 7 and 9 of the Montreal Protocol and on related issues.
4. Presentation by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) to facilitate compliance by parties.
5. Follow-up on previous decisions of the parties and recommendations of the Implementation Committee on non-compliance-related issues:
   - (a) Existing plans of action to return to compliance:
     - (i) Bangladesh (decisions XVII/27 and XXI/17 and recommendation 44/2);
     - (ii) Bosnia and Herzegovina (decision XXI/18 and recommendation 44/2);
     - (iii) Chile (decision XVII/29 and recommendation 44/2);
     - (iv) Ecuador (decision XX/16 and recommendation 44/2);
     - (v) Guinea-Bissau (decision XVI/24 and recommendation 44/2);
     - (vi) Kenya (decision XVIII/28 and recommendation 44/2);
     - (vii) Maldives (decision XV/37 and recommendation 44/2);
     - (viii) Nepal (decision XVI/27 and recommendation 44/2);
     - (ix) Nigeria (decision XIV/30 and recommendation 44/2);
     - (x) Paraguay (decision XIX/22 and recommendation 44/2);
     - (xi) Uruguay (decision XVII/39 and recommendation 44/2);
   - (b) Draft plan of action to return to compliance: Saudi Arabia (recommendation 44/4);

(c) Other recommendations and decisions on compliance:

(i) Belarus (recommendation 44/7);

(ii) Eritrea (recommendation 44/3).

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

7. Possible non-compliance in trade with non-parties (Article 4 of the Montreal Protocol).

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

9. Information on compliance provided by parties present at the invitation of the Implementation Committee.

10. Other matters.

11. Adoption of the recommendations and report of the meeting.

12. Closure of the meeting.

9. The Committee agreed that ozone officials from 12 countries under the UNEP Compliance Assistance Programme would be permitted to observe the Committee's proceedings during the morning of Thursday, 4 November, with the Committee retaining the right to meet in closed session during discussion of sensitive issues, including those pertaining to decision-making and non-compliance.

III. Presentation by the Secretariat on data and information under Articles 7 and 9 of the Montreal Protocol and on related issues

10. The representative of the Secretariat summarized the report on information provided by parties in accordance with Article 7 of the Protocol, which concerned data-reporting obligations (UNEP/OzL.Pro/ImpCom/45/2 and Add.1). With regard to reporting of base-year data under paragraphs 1 and 2 of Article 7, he said that, with the achievement of universal ratification in 2009, there were no new parties to the Montreal Protocol required to report base-year data. Turning next to data-reporting requirements under paragraph 3 of Article 7, he said that all parties were required to report data annually from the year of entry into force of the Protocol or amendment for a ratifying party. For the years 1986–2008, all the 196 parties required to report data had complied with those requirements. For the year 2009, 178 parties had reported at the time of preparation of the report, leaving 18 in non-compliance with their obligation to report annual data. He gave a historical overview of the timeliness of reporting by the 30 June and 30 September target dates for the period 1998–2009, which generally showed improvement since 2002.

11. He then turned to consideration of the control measures for production and consumption applicable to parties not operating under paragraph 1 of Article 5, outlining the rules governing exemptions and allowances for those parties, and other factors that the Secretariat took into account when assessing compliance, including transfer of production rights between parties, laboratory and analytical uses that were exempted, and stockpiling scenarios under decision XVIII/17. Given that background and the 2009 data received to date, there were no cases of non-compliance with the control measures by parties not operating under paragraph 1 of Article 5 to be considered by the Committee. He next outlined the control measures, exemptions and allowances applicable to parties operating under paragraph 1 of Article 5 and informed the Committee that there were no cases of non-compliance arising out of the data reported for 2009 by those parties. Most of the parties under close monitoring as a result of previous situations of non-compliance were complying with commitments agreed upon in decisions of the parties, with most being in compliance with control measures.

12. Turning next to the production in 2009 of chlorofluorocarbons (CFCs) in parties not operating under paragraph 1 of Article 5 to meet the basic domestic needs of parties operating under that paragraph, he said that paragraph 2 of decision XVII/12 requested the Secretariat to report on the level of that production as compared to allowed production, including available data on transfer of production rights. All parties concerned had notified except for Spain, which had not yet confirmed acceptance of a transfer of 519.49 ODP-tonnes from France.

13. Regarding information provided under Article 9 of the Protocol, he said that that article required each party to submit to the Secretariat, every two years, a summary of activities undertaken to promote public awareness and exchange of information on the environmental effects of emissions of ozone-depleting substances. Two parties, Egypt and Lithuania, had reported information on that issue, and the items were posted on the Secretariat website.

14. One Committee member asked about the effectiveness of the systems in place for communication between the Secretariat and parties, particularly with regard to confirmation by the Secretariat of receipt of information from parties. The representative of the Secretariat said that a standardized process was in place whereby parties reporting data were given the opportunity to review those data before they were officially entered into the database. In that way, all data received were formally acknowledged. He urged parties that had not received acknowledgement to send the data again or follow up to ensure that it had been received, as e-mail communication was not always reliable. He also requested parties to ensure that information was sent directly to the Secretariat, and not through some intermediary.

15. With regard to timeliness of reporting, another Committee member expressed concern that several parties had submitted data after the deadline of 30 September, so that the latest data offered by the Secretariat did not reflect the true compliance situation. To encourage timely provision of data, he suggested that a review should be made to determine which parties had reported prior to 30 June for the previous three years, and a means should be found of expressing appreciation to those parties – for example, at a meeting of the parties. He also commended those instances where properly documented trade was taking place between parties; such practice needed to be encouraged through appropriate incentives in order to deter illicit traffic in ozone-depleting substances.

16. The Committee took note of the report.

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

17. The representative of the Secretariat of the Multilateral Fund presented a report under the item. Beginning with a review of the decisions taken by the Executive Committee of the Multilateral Fund at its sixty-first meeting related to compliance, he said that by decisions 61/7–10 projects not required for compliance were removed from the business plans of implementing agencies, except those for disposal of ozone-depleting substances and resource mobilization. The Executive Committee had approved HCFC phase-out management plans for Cambodia, Croatia and Ghana. Importantly, by decision 61/47 the Executive Committee had confirmed that HCFC-141b in preblended polyols reported as consumption under Article 7 was eligible for assistance. That decision also outlined the actions to be taken by parties that wished to seek assistance for the phase-out of HCFC-141b in preblended polyols that had not been counted as consumption under Article 7. Parties operating under paragraph 1 of Article 5 with eligible enterprises manufacturing HCFC-141b preblended polyol systems would be provided with assistance calculated on the basis of consumption of HCFC-141b sold domestically, on the understanding that the full consumption of HCFC-141b by those enterprises manufacturing preblended polyol systems would be deducted from the starting point.

18. With regard to the phase-out of most ozone-depleting substances by 1 January 2010, he said that there were no outstanding compliance issues except for those related to 2009 data submissions.

19. Turning next to the status of delayed projects and the prospects for specific parties operating under paragraph 1 of Article 5 of the Protocol of achieving compliance, he said that all eligible countries had received funding to achieve total phase-out of CFCs, halons, methyl bromide, carbon tetrachloride and methyl chloroform, except for 1,102.2 ODP-tonnes of methyl bromide and 0.1 ODP-tonnes of carbon tetrachloride. Most parties had recorded zero consumption of those substances, and significant compliance was likely for the 2010 target date for total phase-out of CFCs, halons and carbon tetrachloride. All

eligible parties operating under paragraph 1 of Article 5 had received funding for preparation of HCFC phase-out management plans; five had received funding to achieve compliance with HCFC control measures; and 32 had submitted HCFC phase-out management plans and activities to the sixty-second meeting of the Executive Committee for approval.

20. He then reported findings from country programme data related to HCFCs, including HCFC consumption; quota systems; importer registration requirements; training of Customs officers, trainers and refrigeration technicians; and numbers of operational recovery and recycling machines. He also reported on the status of completion of HCFC phase-out management plans, indicating that, with the exception of Somalia, all countries were expected to submit phase-out plans before the end of 2011. Lastly, he drew attention to modifications to licensing systems taking into account the 2007 control measure adjustments for HCFCs. The extent to which parties were enacting bans on the importation of HCFC-using equipment was not clear, but recommendations to collect such information were before the Executive Committee.

21. One Committee member praised the work of the Multilateral Fund and national ozone units in achieving the measure of compliance reported by the representative of the Fund Secretariat, adding that it was a testament to the level of cooperation between parties that total phase-out of most ozone-depleting substances had been achieved before the 2010 target. In response to a question from that member, the representative of the Fund said that, of the 144 eligible parties operating under paragraph 1 of Article 5, 86 had taken the 2007 adjustments for HCFCs into consideration, and the remainder were expected to have taken them into consideration by 2011, once the baseline data were known.

22. The Committee took note of the report.

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

A. Existing plans of action to return to compliance

23. The representative of the Secretariat gave an overview of the reporting status of the parties listed under agenda item 5 (a). Eleven parties – Bangladesh, Bosnia and Herzegovina, Chile, Ecuador, Guinea-Bissua, Kenya, Maldives, Nepal, Nigeria, Paraguay and Uruguay – had reported data for 2009, thereby allowing assessment of their compliance relevant to corresponding previous decisions.

1. Bangladesh

(a) Compliance issue subject to review: CFC and methyl chloroform consumption reduction commitments (decisions XVII/27 and XXI/17)

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 2009. The party had also committed itself, as recorded in decision XXI/17, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than 140 ODP-tonnes in 2009.

(b) Status of compliance issue

25. By the time of the current meeting, Bangladesh had submitted its ozone-depleting substance data for 2009, reporting consumption of 127.6 ODP-tonnes of CFCs and 0.5 ODP-tonnes of methyl chloroform. Those data placed the party in compliance with its commitments contained in decisions XVII/27 and XXI/17.

2. Bosnia and Herzegovina

(a) Compliance issue subject to review: CFC consumption reduction commitment (decision XXI/18)

26. Bosnia and Herzegovina had committed itself, as recorded in decision XXI/18, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2009.

(b) Status of compliance issue

27. By the time of the current meeting, Bosnia and Herzegovina had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of CFCs. Those data placed the party in compliance with its commitment contained in decision XXI/18.

3. Chile

(a) Compliance issue subject to review: methyl chloroform consumption reduction commitment (decision XVII/29)

28. Chile had committed itself, as recorded in decision XVII/29, to maintaining its consumption of the Annex B, group III, controlled substance (methyl chloroform) at no greater than 4.512 ODP-tonnes in 2009.

(b) Status of compliance issue

29. By the time of the current meeting, Chile had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of methyl chloroform. Those data placed the party in compliance with its commitment contained in decision XVII/29.

4. Ecuador

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment (decision XX/16)

30. Ecuador had committed itself, as recorded in decision XX/16, to reducing its consumption of the Annex E controlled substance (methyl bromide) to no greater than 52.8 ODP-tonnes in 2009.

(b) Status of compliance issue

31. By the time of the current meeting, Ecuador had submitted its ozone-depleting substance data for 2009, reporting consumption of 51.0 ODP-tonnes of methyl bromide. Those data placed the party in compliance with its commitment contained in decision XX/16.

5. Guinea-Bissau

(a) Compliance issue subject to review: CFC consumption reduction commitment (decision XVI/24)

32. Guinea-Bissau had committed itself, as recorded in decision XVI/24, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 3.941 ODP-tonnes in 2009.

(b) Status of compliance issue

33. By the time of the current meeting, Guinea-Bissau had submitted its ozone-depleting substance data for 2009, reporting consumption of 3.9 ODP-tonnes of CFCs. Those data placed the party in compliance with its commitment contained in decision XVI/24.

6. Kenya

(a) Compliance issue subject to review: CFC consumption reduction commitment (decision XVIII/28)

34. Kenya had committed itself, as recorded in decision XVIII/28, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2009.

(b) Status of compliance issue

35. By the time of the current meeting, Kenya had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of CFCs. Those data placed the party in compliance with its commitment contained in decision XVIII/28.

7. Maldives

(a) CFC consumption reduction commitment (decision XV/37)

36. Maldives had committed itself, as recorded in decision XV/37, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2009.

(b) Status of compliance issue

37. By the time of the current meeting, Maldives had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of CFCs. Those data placed the party in compliance with its commitment contained in decision XV/37.

8. Nepal

(a) CFC consumption reduction commitment (decision XVI/27)

38. Nepal had committed itself, as recorded in decision XVI/27, to releasing no more than 4.0 ODP-tonnes of seized Annex A, group I, controlled substances (CFCs) on to its domestic market in 2009.

(b) Status of compliance issue

39. By the time of the current meeting, Nepal had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of CFCs and a release of 4 ODP-tonnes on to its domestic market. Those data placed the party in compliance with its commitment contained in decision XVI/27.

9. Nigeria

(a) CFC consumption reduction commitment (decision XIV/30)

40. Nigeria had committed itself, as recorded in decision XIV/30, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 100.0 ODP-tonnes in 2009.

(b) Status of compliance issue

41. By the time of the current meeting, Nigeria had submitted its ozone-depleting substance data for 2009, reporting consumption of 15.1 ODP-tonnes of CFCs. Those data placed the party in compliance with its commitments contained in decision XIV/30.

10. Paraguay

(a) CFC and carbon tetrachloride consumption reduction commitments (decision XIX/22)

42. Paraguay had committed itself, as recorded in decision XIX/22, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than 31.6 ODP-tonnes and its consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 0.1 ODP-tonnes in 2009.

(b) Status of compliance issue

43. By the time of the current meeting, Paraguay had submitted its ozone-depleting substance data for 2009, reporting consumption of 10.8 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.

11. Uruguay

(a) Methyl bromide consumption reduction commitment (decision XVII/39)

44. Uruguay had committed itself, as recorded in decision XVII/39, to reducing its consumption of the Annex E controlled substance (methyl bromide) to no greater than 8.9 ODP-tonnes in 2009.

(b) Status of compliance issue

45. By the time of the current meeting, Uruguay had submitted its ozone-depleting substance data for 2009, reporting consumption of 8.4 ODP-tonnes of methyl bromide. Those data placed the party in compliance with its commitments contained in decision XVII/39.

12. Recommendation

46. The Committee therefore agreed:

To congratulate the following parties on their reported consumption of ozone-depleting substances, which showed that they were in compliance with their commitments contained in the corresponding decisions:

Party	*Decision containing the party's commitment*	*Substance*	*Action plan target (ODP-tonnes)*	*Year of target*	*Submitted Article 7 data*	*Year of submitted data*
Bangladesh	Decision XXI/17	CFCs	140.0	2009	127.6	2009
	Decision XVII/27	Methyl chloroform	0.550	2009	0.5	2009
Bosnia and Herzegovina	Decision XXI/18	CFCs	0.0	2009	0.0	2009
Chile	Decision XVII/29	Methyl chloroform	4.512	2009	0.0	2009
Ecuador	Decision XX/16	Methyl bromide	52.8	2009	51.0	2009
Guinea-Bissau	Decision XVI/24	CFCs	3.941	2009	3.9	2009
Kenya	Decision XVIII/28	CFCs	0.0	2009	0.0	2009
Maldives	Decision XV/37	CFCs	0.0	2009	0.0	2009
Nepal	Decision XVI/27	CFCs	0.0*	2009	0.0	2009
Nigeria	Decision XIV/30	CFCs	100.0	2009	15.1	2009
Paraguay	Decision XIX/22	CFCs	31.6	2009	10.8	2009
		Carbon tetrachloride	0.1	2009	0.0	2009
Uruguay	Decision XVII/39	Methyl bromide	8.9	2009	8.4	2009

* Nepal also committed itself to releasing no more than 4.0 ODP-tonnes of seized Annex A, group I, controlled substances (CFCs) on to its domestic market in 2009.

Recommendation 45/1

B. Draft plan of action to return to compliance: Saudi Arabia (recommendation 44/4)

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

47. Saudi Arabia had reported consumption of Annex A, group I, controlled substances (CFCs) of 657.8 ODP-tonnes in 2007 and 365 ODP-tonnes in 2008. That had represented a deviation from the party's obligation under the 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. The party had been requested, as stated in decision XXI/21, to submit to the Secretariat as soon as possible, and no later than 31 March 2010, for consideration by the Committee at its forty-fourth meeting, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance. Saudi Arabia had also been requested to submit to the Secretariat its ozone-depleting substance data for 2008, as a matter of urgency.

2. Status of compliance issue

48. In correspondence dated 21 July and 25 August 2010 the Secretariat had communicated to Saudi Arabia recommendation 44/4 and the associated draft decision, in addition to the issues raised at the meeting, given that a representative of the party had been unable to attend the forty-fourth meeting.

49. In correspondence to the Secretariat dated 30 August 2010, Saudi Arabia had summarized the action plan that it had adopted to return to compliance and had also indicated that it had taken all possible regulatory and technical measures and actions to achieve and maintain zero consumption of CFCs in 2010 and beyond. In a subsequent communication dated 1 September 2010 the party had noted that the draft decision had been accepted in principle, and had expressed its wish to attend the Committee's forty-fifth meeting in order to propose slight changes to reflect Saudi Arabia's current situation in the light of its efforts to return to compliance. In response to that request, the Secretariat had advised Saudi Arabia of the possibility to submit, if it so wished, any proposed changes to the draft decision prior to the meeting to facilitate the Committee's consideration, and had, on the Committee's behalf, invited a representative of the party to attend that meeting. The party had communicated to the Secretariat its proposed changes to the draft decision on 23 September 2010. It had also agreed to send a representative to attend the current meeting but had in the end been unable to do so.

3. Discussion

50. One Committee member sought further information from the implementing agencies with regard to the specific situation of Saudi Arabia. The representative of the United Nations Industrial Development Organization (UNIDO) said that the party was in compliance with the revised action plan. The

representative of UNEP concurred, giving details of the efforts that had been made to assist the party to return to compliance.

4. Recommendation

51. The Committee therefore agreed:

Noting with appreciation the additional information submitted by Saudi Arabia in which the party undertakes to maintain zero consumption of chlorofluorocarbons in 2010,

To forward for consideration by the Twenty-Second Meeting of the Parties the draft decision contained in section A of annex I to the present report.

Recommendation 45/2

C. Other recommendations and decisions on compliance

52. The representative of the Secretariat presented the compliance status of the parties listed under agenda item 5 (b). Two parties – Belarus and Eritrea – had respectively reported on their respective methyl bromide consumption and their establishment of a licensing system.

1. Belarus (recommendation 44/7)

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

53. Belarus had reported consumption of the Annex E, group I, controlled substance (methyl bromide) of 0.6 ODP-tonnes in 2008. Those data represented a deviation from the party's obligation under the Protocol to limit its consumption of methyl bromide to no greater than zero ODP-tonnes. The party was requested, as stated in recommendation 44/7, to submit to the Secretariat as a matter of urgency, and preferably no later than 1 September 2010, an explanation for its deviation and, if relevant, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance.

(b) Status of compliance issue

54. In correspondence dated 6 September 2010 Belarus had provided to the Secretariat an explanation for its methyl bromide overconsumption in 2008. It had indicated that the imported amount of 0.6 ODP-tonnes had been erroneously entered on the reporting forms of the original submission, and that methyl bromide was in fact used only for the purposes of quarantine and pre-shipment, applications exempted under the Protocol. In response to that communication, the Secretariat had revised the party's 2008 data report accordingly.

(c) Recommendation

55. The Committee agreed, in response to a proposal by one member, that, in order to limit the number of recommendations being made, the recommendations on the situation of Belarus, Eritrea and San Marino should be merged. The situation of San Marino was considered under agenda item 6.

2. Eritrea (recommendation 44/3)

(a) Compliance issue subject to review: plan of action for the establishment and operation of a licensing system

56. Eritrea had been urged, as stated in recommendation 44/3, to submit to the Secretariat an updated status report on the establishment of a licensing system, as a matter of urgency and preferably no later than 1 September 2010, in time for consideration by the Committee at its forty-fifth meeting. That recommendation had been communicated to the party by the Secretariat in correspondence dated 21 July 2010.

(b) Status of compliance issue

57. The Secretariat had subsequently been informed through UNEP that Eritrea's licensing system was to be published officially on 23 August 2010. In correspondence dated 1 October 2010, the Government of Eritrea notified the Secretariat of its establishment and operation of licensing systems from 23 August 2010 through the enactment and enforcement of regulations for the issuance of permits for the import or export of ozone-depleting substances and equipment or products based on ozone-depleting substances. A copy of the corresponding legal notice was also communicated to the Secretariat.

(c) Recommendation

58. The Committee therefore agreed

To note with appreciation the compliance of the following parties with their obligations under the Montreal Protocol:

(a) Belarus, for its explanation indicating that it was in compliance with the Protocol's control measures for methyl bromide in 2008 as required under Article 2 of the Protocol;

(b) Eritrea, for establishing and operating a system for licensing the import and export of ozone-depleting substances as required under Article 4B of the Protocol;

(c) San Marino,[1] for submitting base-year data as required under Article 7 of the Protocol.

Recommendation 45/3

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

A. San Marino

1. Compliance issue subject to review: submission of base-year data

59. San Marino ratified the Montreal Protocol and the London and Copenhagen Amendments on 23 April 2009 and was therefore required to report base-year data by 22 October 2009.

2. Status of compliance issue

60. By the time of the current meeting, San Marino had submitted the required base-year data, thereby fulfilling its data-reporting obligations under paragraphs 1 and 2 of Article 7 and paragraphs 1 and 7 of Article 2F of the Montreal Protocol.

3. Recommendation

61. The Committee agreed, in response to a proposal by one member, that, in order to limit the number of recommendations being made, the recommendations on the situation of Belarus, Eritrea and San Marino should be merged. The situations of Belarus and Eritrea were considered under agenda item 5 (c).

B. Reporting obligations

62. Introducing the item, the representative of the Secretariat noted that 18 parties had failed to report their annual data for 2009 prior to the current meeting. One of those parties, however, had reported its data during the current meeting, and it was possible that more parties would report data before the end of the Meeting of the Parties the following week, in which case the names of those parties would be removed from the relevant draft decision being presented to the Meeting of the Parties for consideration.

Recommendation

63. The Committee therefore agreed to forward for consideration by the Twenty-Second Meeting of the Parties the draft decision contained in section B of annex I 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 2009 and list the parties that were in non-compliance with their data-reporting obligations under the Montreal Protocol.

Recommendation 45/4

C. Other issues

64. One Committee member drew attention to the transfer of production rights with regard to CFCs that had occurred between France and Spain, seeking more information on the matter. Another member offered to follow up with the parties concerned to clarify the situation. The representative of the Secretariat

1 The compliance situation of San Marino is discussed under agenda item 6 below.

said that efforts were being made to receive an official response from Spain, but that, to date, no such response had been received.

65. The Committee member also wished to know whether the European Union had submitted its accounting framework report for 2009 in respect of essential-use exemptions granted to it. The representative of the Secretariat responded that, as at 4 November 2010, the Ozone Secretariat had received no such report.

VII. Possible non-compliance in trade with non-parties (Article 4 of the Montreal Protocol)

A. Republic of Korea

1. Compliance issue subject to review: exports of HCFCs to a State not party to the Protocol

66. The Republic of Korea exported to Kazakhstan 37 metric tonnes of HCFCs in 2008 and 18.2 metric tonnes in 2009, a type of trade regulated by Article 4 of the Protocol, as introduced by the 1999 Beijing Amendment. In particular, paragraph 2 quin. of Article 4 provided that parties to the amendment must ban, as from 1 January 2004, the export of HCFCs to any State not party to the Protocol. The term "State not party to the Protocol" was defined in paragraph 9 of the same article to include a State or regional economic integration organization that had not agreed to be bound by the control measures in effect for those substances. In the case of HCFCs, control measures were imposed under the Copenhagen and Beijing Amendments, with the former controlling consumption and the latter production.

67. Paragraph 8 of Article 4 provided that exports of ozone-depleting substances such as HCFCs might be permitted to any State not party to the Protocol if that State was determined, by the Meeting of the Parties, to be in full compliance with Article 2, Articles 2A–2I and Article 4, and had submitted data to that effect as specified in Article 7.

68. The application of the above trade provisions had been clarified by the Meeting of the Parties in decision XV/3, which had subsequently been amended by decision XX/9. Those decisions provided that the term "State not party to the Protocol" in paragraph 9 of Article 4 did not apply to those States operating under paragraph 1 of Article 5 until 1 January 2013, when, in accordance with the Copenhagen and Beijing Amendments, HCFC production and consumption measures would be in effect for such States (para. 1 (a) of decision XV/3, as amended by decision XX/9). The decision further defined the term "State not Party to the Protocol" to include all other States and regional economic integration organizations that had not agreed to be bound by the Copenhagen and Beijing Amendments (para. 1 (b) of decision XV/3).

69. The Republic of Korea became a party to the Beijing Amendment on 9 January 2004 and was therefore bound by the requirements of that amendment. Kazakhstan was a party not operating under paragraph 1 of Article 5 and was not a party to the Copenhagen or Beijing Amendment.

2. Status of compliance issue

70. On 31 May 2010, the Secretariat requested the Republic of Korea to clarify the circumstances of its HCFC exports to Kazakhstan. In correspondence dated 7 October 2010, the party communicated its response, which has been reproduced in document UNEP/OzL.Pro/ImpCom/45/INF/3. The information provided is summarized below.

(a) Reported information related to the party's compliance issue

71. The Republic of Korea specified in its communication that the amount of 37 metric tonnes of HCFCs was a mixture exported by an authorized national company to an authorized company in Kazakhstan for use as a foam agent in extruded polystyrene insulation. The party indicated that the amount of 18.2 metric tonnes of HCFC mixture had been exported to the same company in 2009. In accordance with its 1992 legislation on ozone protection and the implementation of the Montreal Protocol, the Government had been implementing a quota-based licensing system for the production, import and export of all ozone-depleting substances, including HCFCs. Export quotas should be authorized by the Government, but there was no requirement to specify the country of final destination. Exporters were simply required to respect export quota limits.

72. The Republic of Korea stated that HCFCs were exported to Kazakhstan in 2008 based on the assumption that, under paragraph 8 of Article 4, Kazakhstan would be considered a party to the Protocol because it appeared to be in compliance with the control measures under Articles 2 and 2A–2I and its data-reporting obligations under Article 7. HCFCs could therefore be exported to it. In addition, the party noted its understanding that under decision XX/9 parties operating under paragraph 1 of Article 5 were permitted to import and export HCFCs from and to any country until 1 January 2013.

73. The Republic of Korea also stated that it had since taken measures to refrain from issuing permits to export HCFCs to Kazakhstan and any other parties not operating under paragraph 1 of Article 5 from 2010. The party had also undertaken to strengthen its export licensing system to prevent the trade of ozone-depleting substances with non-parties. The party's communication concluded with suggestions for preventing such cases from occurring in the future. Those suggestions included:

(a) Addressing trade-related issues in more detail and disseminating relevant regulations at regional network meetings;

(b) Making readily and regularly accessible to national ozone units the implications of party and non-party status for trade issues, particularly regarding HCFCs;

(c) Informing non-parties of their status and urging them to ratify the amendments to the Protocol expeditiously;

(d) Strengthening the informal prior informed consent procedure that was being implemented under the Compliance Assistance Programme.

(b) Consideration of the issues raised by the party

74. The Republic of Korea stated in its communication that it considered Kazakhstan to be in full compliance with the control measures of Articles 2 and 2A–2E of the Protocol in 2008, which placed its HCFC export in compliance with the Protocol's trade provisions. That view appeared, however, to overlook the provision in paragraph 8 of Article 4 that, for a State to be treated as a party, the meeting of the parties had to decide on the matter following a request from the State concerned.

75. There was no record of Kazakhstan having made such a request, or of any decision by the parties to that effect, for the years 2008 and 2009. In that regard, a review of the Article 7 data reported by Kazakhstan in recent years showed that its consumption of both HCFCs and methyl bromide for 2006–2008 had been above the control levels that would be required should the party wish to apply for consideration under paragraph 9 of Article 4.

76. In its communication, the Republic of Korea noted its understanding that under decision XX/9 a party operating under paragraph 1 of Article 5 was permitted to trade in HCFCs with any party or non-party to the Copenhagen Amendment until 1 January 2013. The understanding of the Republic of Korea appeared to be inconsistent with the operative paragraphs of decision XV/3, as amended by decision XX/9, and the related trade provisions under the Protocol.

77. The above notwithstanding, the Secretariat was encouraged by the measures taken by the Government of the Republic of Korea to refrain from issuing permits to export HCFCs to Kazakhstan from 2010. The Secretariat, in consultation with the President of the Committee, had, on the Committee's behalf, invited the Government of the Republic of Korea to send a representative to attend the Committee's forty-fifth meeting to provide further clarification and facilitate its consideration of the issue, but that representative had been unable to attend.

3. Discussion

78. During the discussion, the Committee noted that Kazakhstan was the only party not operating under paragraph 1 of Article 5 of the Montreal Protocol that had not ratified either the Copenhagen or the Beijing Amendment to the Protocol and that such a situation would prevent Kazakhstan from trading in ozone-depleting substances, and particularly in HCFCs, with parties to the Protocol. The Committee therefore decided to adopt two recommendations, one on the Republic of Korea and the other on Kazakhstan. The recommendation for a decision on Kazakhstan would urge the party to ratify all amendments to the Protocol.

4. Recommendation on the Republic of Korea

79. The Committee therefore agreed:

Noting that the Republic of Korea is a party to the Copenhagen and Beijing Amendments to the Montreal Protocol and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Republic of Korea exported to Kazakhstan, a State not party to the Copenhagen Amendment to the Protocol, 37 metric tonnes of hydrochlorofluorocarbons in 2008 and 18.2 metric tonnes of hydrochlorofluorocarbons in 2009 and that the export of those substances was in non-compliance with the Protocol,

Noting further that Kazakhstan is classified as a party not operating under paragraph 1 of Article 5 of the Protocol and has not been determined by a meeting of the parties to be in full compliance with the requirements of paragraph 8 of Article 4 of the Protocol,

Noting with appreciation the explanation provided by the Republic of Korea for its export of hydrochlorofluorocarbons to Kazakhstan in 2008 and 2009,

Noting also with appreciation the party's undertaking not to carry out, in 2010 and subsequent years, any further exports of hydrochlorofluorocarbons to Kazakhstan and any party that has not ratified both the Copenhagen and Beijing Amendments from 2010 and in subsequent years,

1. To monitor closely the party's progress with regard to the implementation of its obligations under the Protocol;

2. To forward for consideration by the Twenty-Second Meeting of the Parties the draft decision contained in section C of annex I to the present report.

Recommendation 45/5

5. Recommendation on Kazakhstan

80. The Committee therefore agreed:

Noting with concern that Kazakhstan is the only party not operating under paragraph 1 of Article 5 of the Montreal Protocol that has not ratified either the Copenhagen or the Beijing Amendment to the Protocol;

Mindful that this situation will prevent Kazakhstan from trading in ozone-depleting substances, and particularly in hydrochlorofluorocarbons with parties to the Protocol;

To forward for consideration by the Twenty-Second Meeting of the Parties the draft decision contained in section D of annex I to the present report.

Recommendation 45/6

B. Singapore

1. Compliance issue subject to review: exports of methyl bromide to a State not party to the Protocol

81. Singapore exported to Myanmar 32 metric tonnes of methyl bromide in 2008, a type of trade regulated by Article 4 of the Protocol, as introduced by the 1997 Montreal Amendment. In particular, paragraph 2 qua. of Article 4 provided that, starting one year from the date of entry into force of the paragraph, each party must ban the export of the methyl bromide to any State not party to the Protocol.

82. The term "State not party to the Protocol" was defined in paragraph 9 of the same article to include a State or regional economic integration organization that had not agreed to be bound by the control measures in effect for those substances. In the case of methyl bromide, control measures were imposed under the Copenhagen Amendment, with trade measures regulated by the Montreal Amendment.

83. Singapore, a party operating under paragraph 1 of Article 5, became a party to the Copenhagen and Montreal Amendments on 22 September 2000. It was therefore bound by the requirements of those amendments. Myanmar was a party operating under paragraph 1 of Article 5 but was not a party to the Copenhagen Amendment in 2008, having only ratified that amendment on 22 May 2009.

2. Status of compliance issue

84. Singapore, a party to the Montreal Amendment, exported methyl bromide to Myanmar, a non-party to the Copenhagen Amendment in 2008 and therefore a non-party to the Protocol in that context.

85. The party had provided its explanation to the Secretariat on 1 November 2010, indicating that it had overlooked paragraph 9 of Article 4, which defined the term "State not Party to the Protocol" in that context. The party had also stated that it had contacted the national ozone unit of Myanmar, going through all official channels, to seek informal prior informed consent to import methyl bromide into Myanmar. The Myanmar authorities had authorized the shipment, issuing the correct type of licence. The party was therefore of the opinion that it had performed due diligence and that the export had been carried out under proper licensing procedures.

3. Recommendation

86. The Committee therefore agreed:

Noting that Singapore is a party to the Copenhagen and Montreal Amendments to the Montreal Protocol and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that Singapore exported to Myanmar, a State not party to the Copenhagen Amendment to the Protocol, 32 metric tonnes of methyl bromide in 2008 and that the export of that substance was in non-compliance with the Protocol,

Noting further that Myanmar is classified as a party operating under paragraph 1 of Article 5 of the Protocol and has not been determined by a meeting of the parties to be in full compliance with the requirements of paragraph 8 of Article 4 of the Protocol,

Noting with appreciation the explanation provided by Singapore for its export of methyl bromide to Myanmar in 2008,

1. To monitor closely the party's progress with regard to the implementation of its obligations under the Protocol;

2. To forward for consideration by the Twenty-Second Meeting of the Parties the draft decision contained in section E of annex I to the present report

Recommendation 45/7

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

87. The representative of the Secretariat introduced the report on the item (UNEP/OzL.Pro.22/INF/2-UNEP/OzL.Pro/ImpCom/45/4). Article 4B of the Protocol, which had been introduced by the Montreal Amendment in 1997, required each party to establish a system for licensing the import and export of new, used, recycled and reclaimed controlled substances by 1 January 2000 or within three months of the date of entry into force of Article 4B for the party.

88. Of the 181 parties to the Montreal Amendment, 176 had established a licensing system and notified the Secretariat accordingly by 5 October 2010. Five parties to the amendment had not yet established such systems. A further 12 parties to the Protocol had not yet ratified the Montreal Amendment but had nevertheless established licensing systems. Three parties to the Protocol had neither ratified the Montreal Amendment nor established a licensing system. The five parties that had ratified the Montreal Amendment and were without licensing systems were in non-compliance with their obligation under Article 4B of the Protocol.

89. The Committee therefore agreed:

Noting 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,

Noting, however, that a few parties to the Montreal Amendment, namely, Brunei Darussalam, Ethiopia, Lesotho, San Marino and Timor-Leste, have not yet established import and export licensing systems for ozone-depleting substances,

Noting also that Angola, Botswana and Vanuatu are the only parties to the Protocol that have neither ratified the Montreal Amendment nor established import and export licensing systems for ozone-depleting substances,

To forward for consideration by the Twenty-Second Meeting of the Parties the draft decision contained in section F of annex I 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 31 May 2011, plans of action for ensuring the prompt establishment and operation of such licensing systems, for consideration by the Committee at its forty-sixth meeting.

Recommendation 45/8

IX. Information on compliance provided by parties present at the invitation of the Implementation Committee

90. As the representatives of the Republic of Korea and Saudi Arabia were unable to attend the meeting, the Committee heard no information under the item.

X. Other matters

91. At the Committee's invitation, the representative of UNEP drew attention to a number of issues that had arisen and that in his view merited further attention by the Committee and the parties. He noted that, first, some countries could end up falling into non-compliance with the provisions of the Protocol by being unable to get their phase-out plans approved by the deadlines. Second, in terms of alternatives, many importing countries and least developed countries needed innovative ideas to assist them in meeting their commitments. The Democratic People's Republic of Korea was one such country that had recently written urging swift action.

92. Third, he said, while the cases considered at the current meeting involving Kazakhstan, the Republic of Korea and Singapore, together with cases of illegal trade, were sporadic, they nonetheless indicated a need to strengthen trade regulations. The parties would do well to consider turning the voluntary system under the Protocol into a mandatory one along the lines of the prior informed consent procedure operated under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. Fourth, regarding licensing systems, he suggested that UNEP, when undertaking its annual exercise to assess licensing systems, should assess not only whether a licensing system existed but also whether it was being implemented effectively. Finally, he stressed that parties should not lose sight of the significant challenge posed by carbon tetrachloride, a substance that would be in use for many years to come. He suggested that a suitable monitoring system should be put in place to assess how carbon tetrachloride was being used as a feedstock. Without such infrastructure, a country might find itself in non-compliance by producing more of the substance than its allocated feedstock amount.

93. In the ensuing discussion, a number of Committee members called for further emphasis to be laid on capacity-building. One noted that French-speaking Africa was often at a bigger disadvantage in terms of the availability of information than English-speaking Africa. Another said that the issue had been discussed extensively in meetings of the ozone regional networks. He suggested that the Secretariat should produce a paper for consideration at the Committee's forty-sixth meeting to examine the issue in more detail and produce a solid road map to avoid situations of non-compliance in 2013, when the next phase-out targets were due.

94. That suggestion was opposed by a number of Committee members, who said that there were more appropriate forums for the discussion and promotion of capacity-building, such as the Executive Committee of the Multilateral Fund. Technical matters did not fall within the purview of the Committee,

which had a mandate solely to discuss compliance issues under the Protocol. One member said that the Committee could request discussion of the issue at a meeting of the parties. That body could then entrust the task to the Technology and Economic Assessment Panel or another body of its choosing.

95. The Committee agreed that the President, in his summary of the Committee's meeting to the Twenty-Second Meeting of the Parties, would inform the parties of the concerns raised and the discussions held during the Committee's meeting.

XI. Adoption of the recommendations and report of the meeting

96. 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 President and to the Vice-President, who also served as Rapporteur for the meeting, working in consultation with the Secretariat.

XII. Closure of the meeting

97. Following the customary exchange of courtesies, the President declared the meeting closed at 12.55 p.m. on Friday, 5 November 2010.

Annex I

Draft decisions

A. Draft decision XXII/-: Non-compliance with the Montreal Protocol by Saudi Arabia

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 of the Multilateral Fund for the Implementation of the Montreal Protocol has approved $2,749,975 from the Multilateral Fund to enable Saudi Arabia's compliance in accordance with Article 10 of the Protocol, and that Saudi Arabia had its country programme approved by the Executive Committee in November 2007,

Noting further that Saudi Arabia reported annual consumption for the controlled substances listed in Annex A, group I (chlorofluorocarbons), of 657.8 ODP-tonnes for 2007 and of 365 ODP-tonnes for 2008, which exceeds the party's maximum allowable consumption of 269.8 ODP-tonnes for the two years, and that the party was therefore in non-compliance with the control measures for chlorofluorocarbons under the Protocol for 2007 and 2008,

Noting, however, that Saudi Arabia reported consumption of Annex A, group I substances (chlorofluorocarbons) of 190 ODP-tonnes for 2009, which places the party in compliance with chlorofluorocarbon control measures for that year,

1. To note with appreciation Saudi Arabia'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, Saudi Arabia 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;

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

3. To monitor closely the progress of Saudi Arabia 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, Saudi Arabia 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 the 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 may be taken by the 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.

B. Draft decision XXII/-: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

Noting with appreciation that [191] parties of the 196 that should have reported data for 2009 have done so and that 68 of those parties reported their data by 30 June 2010 in accordance with decision XV/15,

Noting with concern, however, that the following parties have not reported data for 2009: [Bolivia (Plurinational State of), Libyan Arab Jamahiriya, Luxembourg, Nauru, Qatar],

Noting that their failure to report their data for 2009 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 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 forty-sixth 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.

C. Draft decision XXII/-: Non-compliance with the Montreal Protocol by the Republic of Korea

1. To note that the Republic of Korea reported the export of 37 metric tonnes of hydrochlorofluorocarbons in 2008 and 18.2 metric tonnes of hydrochlorofluorocarbons in 2009 to a State classified as not operating under paragraph 1 of Article 5 of the Montreal Protocol that is also a State not party to the Copenhagen Amendment to the Protocol, which places the party in non-compliance with the trade restriction against non-parties to the Protocol;

2. To note, however, that the party has taken measures not to export hydrochlorofluorocarbons to any State not party to the Copenhagen and Beijing Amendments to the Montreal Protocol in 2010 and in subsequent years;

3. That no further action is necessary in view of the undertaking by the Republic of Korea not to authorize any further exports of hydrochlorofluorocarbons to any non-party to the relevant amendments to the Montreal Protocol;

4. To monitor closely the party's progress with regard to the implementation of its obligations under the Montreal Protocol.

D. Draft decision XXII/-: Ratification of the Copenhagen and Beijing Amendments to the Montreal Protocol by Kazakhstan

1. To note with concern that Kazakhstan is the only party not operating under paragraph 1 of Article 5 of the Montreal Protocol that has not ratified either the Copenhagen or the Beijing Amendment to the Protocol;

2. Mindful that this situation prevents Kazakhstan from trading in ozone-depleting substances, and particularly in hydrochlorofluorocarbons, with parties to the Protocol;

3. To urge Kazakhstan to ratify, approve or accede to all amendments to the Montreal Protocol so that it can trade in all ozone-depleting substances with parties to those amendments.

E. Draft decision XXII/-: Non-compliance with the Montreal Protocol by Singapore

1. To note that Singapore reported the export of 32 metric tonnes of methyl bromide in 2008 to a State classified as operating under paragraph 1 of Article 5 of the Protocol that is also a State not party to the Copenhagen Amendment to the Montreal Protocol, which places the party in non-compliance with the trade restriction against non-parties to the Protocol;

2. To urge Singapore to refrain from engaging in trade in methyl bromide with States not party to the Copenhagen Amendment;

3. To monitor closely the party's progress with regard to the implementation of its obligations under the Montreal Protocol.

F. Draft decision XXII/-: Status of establishment of licensing systems under Article 4B of the Montreal Protocol

1. *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,

2. *Noting with appreciation* that 176 of the 181 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,

3. *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,

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

5. To urge Brunei Darussalam, Ethiopia, Lesotho, San Marino and Timor-Leste, which are the remaining parties to the Montreal Amendment to the Protocol that have not yet established import and export licensing systems for ozone-depleting substances, to do so and to report to the Secretariat by 31 May 2011 in time for the Implementation Committee and the Twenty-Third Meeting of the Parties, in 2011, to review their compliance situation;

6. To encourage Angola, Botswana and Vanuatu, which are the remaining parties to the Protocol that have neither ratified the Montreal Amendment nor established import and export licensing systems for ozone-depleting substances, to do so;

7. 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;

8. 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

Draft decision forwarded to the Meeting of the Parties by the Implementation Committee at its forty-fourth meeting

Draft decision XXII/-: Non-compliance with the Montreal Protocol by Vanuatu

The Meeting of the Parties decides:

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 of the Multilateral Fund for the Implementation of the Montreal Protocol has approved $120,520 from the Multilateral Fund, and additional assistance through projects approved for the Pacific Island countries, of which Vanuatu is an integral part, to enable Vanuatu's compliance in accordance with Article 10 of the Protocol, [and that Vanuatu had its country programme approved by the Executive Committee in March 2002],

Noting further that Vanuatu reported annual consumption of the controlled substances listed in Annex A, group I (chlorofluorocarbons), of 0.3 ODP-tonnes for 2007 and 0.7 ODP-tonnes for 2008, which exceed 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,

1. To note with appreciation Vanuatu'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, Vanuatu specifically commits itself:

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

(b) To monitoring its import licensing system for ozone-depleting substances;

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

3. To monitor closely the progress of Vanuatu 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, Vanuatu 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 the 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 may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that Vanuatu 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.

Annex III

List of participants*

A. Committee members

Armenia

Ms. Asya Muradyan
Head of Land and Atmosphere
Protection Division
Department of Environmental Protection
Ministry of Nature Protection
Government Blg.3, Republic Sq.
00100 Yerevan
Armenia
Tel: +(374) 10 54 11 82/83
Fax:+(374) 20 54 11 83/58 54 69
E-mail: asya.muradyan@undp.org

Egypt

Mr. Ezzat Lewis Hannalla Agiby
Director
National Ozone Unit
Egyptian Environmental
Affair Agency
Ministry of State for Environmental
Affairs
30 Misr Helwan El-Zyrae Rd, Maadi
P.O. Box 11728, Cairo
Egypt
Tel: +202 3817 6390 /+202 0122181424
Fax: +202 381 76390
E-mail: eztlws@yahoo.com

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

Nicaragua

Ms. Hilda Espinoza
Directora General de Calidad Ambiental
Focal Point,
Montreal Protocol
Direccion General
Calidad Ambiental
Ministerio Medio Ambiente y
Recursos Naturales
Apdo 5123
Managua
Nicaragua
Tel: +505 2632620
Cell:+505 88839897
Fax: +505 2632620
E-mail: espinoza.urbina@gmail.com/
hespinoza@marena.gob.ni

Niger

Mr. Sani Mahazou
Directeur de l'Environnement et de cadre de vie,
Coordinnateur NOU-Niger
Ministere de I'Environnement et de
la lutte contre la Desertification
Cabinet du Ministre,B.P. 578
Niamey,
Niger
Tel: + 227 20 738304
Fax: + 27 9696 7366
E-mail :smahazou@intnet.ne/
mahazous@yahoo.com or/
sani.mahazou@gmail.com

* The list of participants has not been formally edited.

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

Saint Lucia

Ms. Donnalyn Charles
Sustainable Development and Environment Officer
Ministry of Physical Development and Environment, Urban Renewal and Housing
American Drywall Building
Castries
Saint Lucia
Tel: +758 451 8746
Fax: +758 453 0781
E-mail: doncharles@sde.gov.lc/ donnalyn.charles@gmail.com

Sri Lanka

Dr. W.L. Sumathipala
Senior Technical Adviser and Climate Change Division
National Ozone Unit
Ministry of Environment and Natural Resources
No. 980/4
Wickramasingha place
Ethulkotte, Kotte
Sri Lanka
Tel: +(94) 11 2883455
Fax: +(94) 11 28 83417
Email: sumathi@noulanka.lk/ wlsumathipala@hotmail.com

United States of America

Mr. Tom Land
Manager of International Programs
Stratospheric Protection Division
United States Environmental Protection Agency
1200 Pennsylvania Ave., NW
Mail Code 6205J
Washington DC 20460
United States of America
Tel: +1 202 343 9185
Fax: +1 202 343 2362
E-mail: land.tom@epa.gov

B. Secretariat of the Multilateral Fund and implementing agencies

Multilateral Fund Secretariat

Mr. Andrew Reed
Senior Programme Management Officer
Multilateral Fund Secretariat
1000 de la Gauchetière street west
Montreal H3B 4W5
Quebec
Canada
Tel: +1 514 282 1122
Cell: +1 514 573 2075
Fax: +1 514 282 0068
E-mail: areed@unmfs.org

United Nations Development Programme

Mr. Balaji Natarjan
Technical Specialist
Montreal Protocol/Chemicals
United Nations Development Programme
Regional Centre in Bangkok
United Nations Service Building 3rd Floor
Rjdanmern Nok Avenue,
Bangkok 10200
P.O. Box 618 Bangkok 10501
Thailand
Tel: + 66 2288 2260
Fax: +66 2288 3032
E-mail:balaji.natarajan@undp.org
mpu.registry@undp.org

Ms. Panda Charotok
United Nations Development
Programme(UNDP)
Regional Centre in Bangkok
Serving Asia and the Pacific
Tel: + 66 2288 1461
Fax: +66 2288 3032
United Nations Service Building
3rd Floor
Rjdanmern Nok Avenue,
Bangkok 10200
P.O. Box 618 Bangkok 10501
Thailand
Email:charotok@undp.org
mpu.registry@undp.org

United Nations Environment Programme Division of Technology, Industry, and Economics

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

Mr. Atul Bagai
Regional Coordinator Networking
for South Asia
Regional Office for Asia/Pacific
Compliance Assistant Programme
OzonAction Branch
UN Building, Rajdamnern
Nok Avenue
Bangkok 10200
Thailand
Tel: +66 2 288 1662
Fax: +66 2 280 3829 /288 3041
E-mail: bagai@un.org

United Nations Industrial Development Organization

Mr. Yury Sorokin
Industrial Development Officer
Montreal Protocol Branch
United Nations Industrial Development
Organization (UNIDO)
Vienna International Centre
P.O. Box 300, 1400 Vienna, Austria
Tel: + 43 1 26026 3624
Fax: + 43 1 26026 6804
E-mail: y.sorokin@unido.org

World Bank

Ms. Mary-Ellen Foley
Environmental Specialist
POPs/Montreal Protocol Operations
GEF Coordination Environment
Department
World Bank
MSN MC 4-419, 1818 H Street, NW
Tel: +1 202 458 0445
Fax: +1 202 522 3258
E-mail: mfoley1@worldbank.org

Chair of the Executive Committee of the Multilateral Fund

Mr. Javier Camargo
Adviser
Office of International Affairs
Ministry of the Environment,
Housing and Territorial
Development
Calle 37 no. 8-40
Bogota
Colombia
Tel: +571 3323400 ext. 1121/
+571 3115913317
Fax: +571 3323400 ext. 1811
E-mail: jecamargo@minambiente.gov.co

C. Ozone Secretariat

Mr. Marco Gonzalez
Executive Secretary
Ozone Secretariat
United Nations Environment Programme
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

Ms. Sophia Mylona
Monitoring and Compliance Officer
Ozone Secretariat
United Nations Environment Programme
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. Paul Horwitz
Deputy Executive Secretary
Ozone Secretariat
United Nations Environment Programme
P.O. Box 30552 00100
Nairobi
Kenya
Tel: +254 20 762 3855 /7623611
Fax: +54 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
P.O. Box 30552 00100
Nairobi
Kenya
Tel: +254 20 762 3854/7623848
Fax: +254 20 762 4691/92/93
E-mail: gilbert.bankobeza@unep.org

Ms. Megumi Seki
Senior Scientific Officer
Ozone Secretariat
United Nations Environment Programme
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