

**Twentieth Meeting of the Parties to the
Montreal Protocol on Substances
that Deplete the Ozone Layer**
Doha, 16–20 November 2008
Item 5 of the provisional agenda of the preparatory segment*
Other matters

**Draft decision on compliance with its obligations under the Montreal
Protocol submitted by Nepal**

Note by the Secretariat

The annex to the present note sets out a draft decision on compliance with its obligations under the Montreal Protocol submitted by Nepal. The text of the draft decision is being circulated as submitted and has not been formally edited.

* UNEP/OzL.Conv.8/1-UNEP/OzL.Pro.20/1.

Annex

Draft decision submitted by Nepal

The Twentieth Meeting of the Parties decides:

Recalling para 6 of Decision XVI/27, approved by Meeting of Parties for Nepal, defining quantities that can be released from its confiscated stocks of 74 ODP tonnes of CFCs, over the period 2004 – 2009 as set-out below,

(a) to release no more than the following amount of CFCs in each year as follows:

- (i) 27.0 ODP tonnes in 2004;
- (ii) 13.5 ODP tonnes in 2005;
- (iii) 13.5 ODP tonnes in 2006;
- (iv) 4.05 ODP tonnes in 2007;
- (v) 4.05 ODP tonnes in 2008;
- (vi) 4.00 ODP tonnes in 2009;
- (vii) zero in 2010, save for essential uses that may be authorized by the Parties;

(b) to monitor its existing system for licensing imports of ozone-depleting substances, including quotas, introduced in 2001, which includes a commitment not to issue import licenses for CFCs, in order to remain in compliance with its plan of action,

(c) to report annually on the quantity of CFCs released pursuant to paragraph 6 (a) above,

(d) to ensure that any quantities of CFCs remaining after 2010 are not released on to its market except in compliance with Nepal's obligations under the Montreal Protocol,

Noting with appreciation that Nepal has fulfilled its obligations under Decision XVI/27 from the year 2004 to 2007 and followed the Plan of Action agreed by Decision XVI/27,

Nothing with appreciation that Nepal has released 27 ODP tones, 12 ODP tones, 12 ODP tones and 4 ODP tones of CFCs for the years 2004, 2005, 2006 and 2007, respectively, to comply with their Action Plan and these quantities are lower than the quantities proposed in their plans

Noting that by recommendation 40/29, Nepal has been commended by the Implementation Committee for following the Plan of Action,

Noting that para 6 (d) of the Decision XVI/27 requests Nepal to ensure that any quantities of CFCs remaining after 2010 are not released on to its market except in compliance with Nepal's obligations under the Montreal Protocol,

Noting that demand of CFCs in Nepal in the residual CFC based equipment till the end of their useful life is estimated at (at least) 10.95 ODP Tonnes,

Noting that as per Decision XVI/27, post 2010, Nepal would be left with no option but to destroy this excess quantity of CFC, though there would be demand estimated of CFCs of at least 10.95 ODP Tonnes as mentioned above within the country. Attempting destruction would be a time-consuming and expensive process as Nepal does not have any destruction facilities that can be used for this in the country,

Noting also that Nepal has been consulting developed countries with destruction facilities for bilateral assistance for destroying CFCs though such efforts have not been successful,

Noting that para d of Decision XVIII/17 allows Parties to recognize that new scenarios not covered by paragraph 1 of that decision which relates to stockpiled ODS, will be addressed by the Implementation Committee in accordance with the non-compliance procedure of the Protocol and the established practice thereunder,

Recognizing that in order to minimize cost to the consumers in the country and MLFS, it may be prudent to use confiscated CFCs to cater to domestic demand post 2010, if it exists, than destroying the CFCs through a time-consuming and expensive process,

1. To note with appreciation Nepal's submission of its plan of action, as given below, to use quantities of CFC remaining after 2010 in its domestic market in refrigeration and air conditioning equipment servicing application;

(a) to release no more than the following amount of CFCs in each year as follows:

- (i) 4.05 ODP tonnes in 2008 in line with the decision XVI/27;
- (ii) 4.00 ODP tonnes in 2009 in line with the decision XVI/27;
- (iii) 3.50 ODP tones in 2010;
- (iv) 3.50 ODP tones in 2011;
- (v) 3.00 ODP tones in 2012;
- (vi) 0.95 ODP tones in 2013.

2. To request Nepal to confirm to the first Implementation Committee meeting every year till 2014 on release of this stock to the market, thereby fulfilling its obligations under this decision.
