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THIRD MEETING OF THE PARTIES TO THE
MONTREAL PROTOCOL ON SUBSTANCES THAT
DEplete THE OZONE LAYER

Nairobi, 19-21 June 1991

REPORT OF THE SECRETARIAT ON THE REPORTING OF DATA
BY THE PARTIES IN ACCORDANCE WITH ARTICLE 7
OF THE MONTREAL PROTOCOL

Report prepared pursuant to Article 12 (c) of the Montreal Protocol.

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INTRODUCTION

1. The present report on the information received pursuant to Article 7 of the Montreal Protocol has been prepared by the Secretariat in accordance with Article 12 (c) of the Protocol for presentation to the Third Meeting of the Parties (Nairobi, 19-21 June 1991). It contains information received by the Secretariat as of 2 May 1991.
2. Article 7 of the Montreal Protocol states that:
 - "1 Each Party shall provide to the Secretariat within three months of becoming a Party, statistical data on its production, imports and exports of the controlled substances for the year 1986, or the best possible estimates of such data when actual data are not available;
 - "2 Each Party shall provide statistical data to the Secretariat on its annual production (with separate data on amounts destroyed by technologies to be approved by the Parties), imports and exports to Parties and non-parties, respectively, of such substances for the year during which it becomes a Party and for each year thereafter. It shall forward the data no later than nine months after the end of year to which the data relate."
3. At their Second Meeting, the Parties to the Montreal Protocol adopted the adjustments and the Amendment to the Protocol as contained in the Report of the Second Meeting of the Parties (UNEP/OzL.Pro.2/3). The adjustments entered into force on 7 March 1991. The control measures provided for in Article 2 of the Protocol have been adjusted to phase out in steps the production and consumption of each group of controlled substances in Annex A of the Protocol. The phase-out schedule is based on the 1986 calculated levels of production and consumption of each group of such substances. The schedule for each group is as follows:

CFCs:	Freeze at 1986 level from July 1989 50% reduction of 1986 level by 1995 85% reduction by 1997 Total phase-out by 2000
Halons:	Freeze at 1986 level by 1992 50% reduction by 1995 Total phase-out by 2000
4. Under the Amendment to the Protocol, which is expected to enter into force on 1 January 1992, 10 other CFCs, as well as methyl chloroform and carbon tetrachloride, contained in Annex B of the Amendment, will also be phased out by the following phase-out schedule:

10 other CFCs:	20% reduction of 1989 levels by 1993 85% reduction by 1997 Total phase-out by 2000
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Carbon tetrachloride: 85% reduction of 1989 level by 1995
Total phase-out by 2000

Methyl chloroform: Freeze at 1989 levels by 1993
30% reduction by 1995
70% reduction by 2000
Total phase-out by 2005

5. Article 3 describes the methods of determining the calculated levels for the purposes of Article 2 and Article 5. For each group of substances in Annex A of the Protocol, the calculated level of production by a Party is determined by:

- (a) Multiplying its annual production of each controlled substance by the ozone-depleting potential (ODP) specified in respect of the substance in Annex A, "production" being defined under Article 1 of the Protocol as "the amount of controlled substances produced minus the amount destroyed by technologies to be determined by the Parties"; and
- (b) Adding together, for each such group, the resulting figures.

Calculated levels of imports and exports, respectively, are also determined by following, mutatis mutandis, the procedure set out above, and calculated levels of consumption are determined by adding together the calculated level of production and imports and subtracting the calculated levels of exports. Article 3 also states that, from 1 January 1993, any export of controlled substances to non-parties shall not be subtracted in calculating the consumption level of the exporting Party.

6. It must be emphasised that without complete data on production, imports and export for each controlled substance, the calculated levels of consumption cannot be determined. Since the control measures are based on the calculated levels, it is crucial that the Parties report complete data.

I. REPORTING OF 1986 DATA

A. Requests for 1986 data and the reporting status

1. Requests for 1986 data

7. Since the entry into force of the Montreal Protocol on 1 January 1989, the Parties have been requested to report to the Secretariat for the Vienna Convention and its Montreal Protocol the 1986 data as required by Article 7, paragraph 1, of the Protocol. Six requests for data have been sent, on 30-31 January 1989, 20 September 1989, 9 November 1989, 2 May 1990, 11 September 1990 and 12 April 1991 to the Parties that had not reported complete data. The format to be used for the reporting was enclosed with each letter.

2. Reporting status of the Parties

8. As at 2 May 1991, 70 States and the European Economic Community (EEC) had ratified, accepted, approved or acceded to the Protocol. At their Second Meeting, the Parties decided that any data on the consumption of the controlled substances that are submitted to the Secretariat are not to be

confidential (Decision II/9). The status of data reporting by the Parties and the consumption of controlled substances reported by each Party is shown below in Table 1:

Table 1: Status of data reporting by the Parties and the consumption data reported by each Party, (1986)

<u>Country</u>	<u>Consumption (in tonnes)</u>			<u>% of W Con.</u>	<u>Notes</u>
	<u>CFCs</u>	<u>Halons</u>	<u>Total</u>		
Countries that have reported complete data:					
DEVELOPED COUNTRIES					
1. Austria	7 800	200	8 000	0.68	
2. Canada	20 670	501	21 171	1.81	
3. Czechoslovakia	6 996	24	7 020	0.60	
4. Finland	3 395	85	3 480	0.30	
5. German Democratic Republic	15 515	223	15 738	1.34	
6. Hungary	5 500	609	6 109	0.52	
7. Japan	130 551	1 769	132 320	11.30	
8. New Zealand	2 100	140	2 240	0.19	
9. Norway	1 411	145	1 556	0.13	
10. South Africa	11 868	695	12 563	1.07	
11. Switzerland	8 300	175	8 475	0.72	
12. Sweden	5 140	201	5 341	0.46	
13. USA	322 552	7 542	330 094	28.19	
14. EEC	311 072	6 818	317 890	27.12	
<u>States members of the EEC:</u>					
15. Belgium	16 402	-	16 402	1.40	Fulfilled reporting requirement.

* Percentage of world consumption. The estimated total global consumption of the controlled substances is 1,171,976 tonnes. (See paragraph 12.)

** Throughout the report the German Democratic Republic has been included as a separate country although it has been united with the Federal Republic of Germany. Formal indication of how the data should be treated for the two former countries is awaited.

	<u>Country</u>	<u>Consumption (in tonnes)</u>			<u>% of W Con.</u>	<u>Notes</u>
		<u>CFCs</u>	<u>Halons</u>	<u>Total</u>		
16.	Denmark	5 656	146	5 802	0.50	Reported complete data.
17.	France					Fulfilled reporting requirement.
18.	Ireland					Fulfilled reporting requirement.
19.	Luxembourg	170	4	174	0.01	Reported complete data.
20.	Netherlands	8 675	445	9 120	0.78	Fulfilled reporting requirement.
21.	Spain	20 145	600	20 745	1.77	Fulfilled reporting requirement.
22.	United Kingdom					Fulfilled reporting requirement.
DEVELOPING COUNTRIES						
1.	Bahrain	98	10	108	0.01	
2.	Bangladesh	0	0	0	0	Reported that their use is insignificant.
3.	Brazil	11 194	53	11 247	0.96	
4.	Jordan	302	13	315	0.03	
5.	Malaysia	2 327	270	2 597	0.22	
6.	Mexico	8 355	8	8 363	0.71	
7.	Panama	303	1	304	0.03	
8.	Singapore	4 423	400	4 823	0.41	
9.	Thailand	2 500	20	2520	0.22	
10.	Venezuela	3 896	44	3 940	0.34	

Countries that have reported incomplete data

DEVELOPED COUNTRIES

1.	Australia	13 100	800	13 900	1.19	Reported some aggregated figures: clarification is required.
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	<u>Country</u>	<u>Consumption (in tonnes)</u>			<u>% of W Con.</u>	<u>Notes</u>
		<u>CFCs</u>	<u>Halons</u>	<u>Total</u>		
2.	Liechtenstein	42	1	43		Reported aggregated data for each Group but also reported earlier that their data are included in data of Switzerland (therefore, not included in 1986 data).
3.	USSR	121 784	5 100	126 884	10.83	Reported complete data as 1990 data (included as 1986 data): clarification is required.
DEVELOPING COUNTRIES						
1.	Argentina	5 710	56	5 766	0.49	Reported some aggregated figures.
2.	Chile	733	8	741	0.06	Reported aggregated data for each Group.
3.	Ecuador	618	-	618	0.05	Reported aggregated consumption for Group I, including CFCs not controlled by Protocol.
4.	Egypt	5 042	0	5 042	0.43	Reported some aggregated figures.
5.	Fiji	-	-	70	0.01	Reported incomplete data: UNEP's estimate stands.
6.	Guatemala	1 800	80	1 880	0.16	Reported aggregated data for each Group.
7.	Kenya	136	1	137	0.01	Reported aggregated data for each Group.
8.	Malta	-	-	499	0.04	Reported aggregated data for Groups I and II together.
9.	Sri Lanka	-	-	258	0.02	Reported aggregated data for Groups I and II together.

	<u>Country</u>	<u>Consumption (in tonnes)</u>			<u>% of W Con.</u>	<u>Notes</u>
		<u>CFCs</u>	<u>Halons</u>	<u>Total</u>		
10.	Syrian Arab Republic	925	484	1 409	0.12	Reported aggregated data for each group.
11.	Togo <u>a/b/</u>	-	-	300	0.03	Reported in 1988 aggregated data for Groups I and II together.
12.	Tunisia	750	50	800	0.07	Reported aggregated data for each Group.
13.	United Arab Emirates	-	-	1 630	0.14	Reported aggregated data for Groups I and II together.
14.	Uruguay <u>a/</u>	330	0	330	0.03	Reported aggregated data for Group I.
15.	Yugoslavia <u>a/</u>	7 249	1 140	8 389	0.72	Reported aggregated data for each Group.

**Countries that reported data jointly while
not constituting an economic regional integration organization**

- | | | |
|----|------------------|--|
| 1. | Byelorussian SSR | No data reported:
UNEP informed that data are included in data for USSR. |
| 2. | Ukrainian SSR | Reported incomplete data: UNEP informed that data are included in data for USSR. |

Countries that reported that no data are available

DEVELOPING COUNTRIES

- | | | |
|----|--------------|--|
| 1. | Burkina Faso | |
| 2. | Gambia | |
| 3. | Ghana | Reported, in 1988, no data available: in the process of collecting the data. |

	<u>Country</u>	<u>Consumption (in tonnes)</u>			<u>% of W Con.</u>	<u>Notes</u>
		<u>CFCs</u>	<u>Halons</u>	<u>Total</u>		
4.	Maldives					Requested assistance.
5.	Nigeria					
6.	Uganda					Requested assistance.

Countries that have not responded

DEVELOPED COUNTRIES

1.	Poland	-	-	10 000	0.85	UNEP's estimate stands.
2.	Iceland					

Member States of the EEC:

1. Germany, Federal Republic of
2. Greece
3. Italy
4. Portugal

DEVELOPING COUNTRIES

1.	Bulgaria <u>a/</u>					
2.	Cameroon					
3.	Iran	-	-	4 400	0.38	No data reported. UNEP's estimate stands.
4.	Libya					
5.	Malawi <u>a/</u>					
6.	Trinidad and Tobago					
7.	Zambia					

TOTAL	1 044 445	27 665	1 089 267	93.99
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Notes:

- a/ As of 2 May 1991, the period during which the Party must report 1986 data had not elapsed.
- b/ As of 2 May 1991, had not received the letter of the Secretariat requesting 1986 data:

9. At their Second Meeting, the Parties adopted, as a part of the Amendment to the Protocol, a provision under Article 7 regarding reporting of data by Parties that are member States of a regional economic integration organization operating under the provisions of paragraph 8 (a) of Article 2. The Amendment states that, for the member States of a regional economic integration organization, the requirements for reporting the imports and exports data will be satisfied if the regional economic integration organization concerned provides data on imports and exports between the organization and States that are not members of that organization. Strictly speaking, until the Amendment enters into force, each Party, whether or not a member State of a regional economic integration organization, should report complete data in accordance with the provisions of the 1987 Montreal Protocol. However, since the Amendment has already been adopted by the Parties and in view of the difficulties encountered by the member States of such organizations in reporting their import and export data individually, the Secretariat has requested only the production data from the member States of such organizations.

3. Reporting status of the non-parties

10. For the purpose of the entry into force of the Protocol, it was necessary to estimate the 1986 world consumption of the controlled substances. All countries were requested to submit the best available data on the controlled substances. As a result, data were also submitted by countries that are not currently parties to the Protocol. For a number of countries that did not report any data, UNEP estimated the total consumption of the controlled substances based on available information. No objections to these estimates were raised by the countries concerned. The existing situation with respect to data for non-parties is that:

- (a) 1 country has reported complete data:

Kuwait

- (b) 13 countries have reported incomplete data:

Cuba, Dominica, India, Indonesia, Israel, Jamaica, Madagascar, Peru, Philippines, Republic of Korea, Rwanda, Saudi Arabia and Turkey.

- (c) 14 countries have reported either zero or negligible consumption or that data are unavailable:

Botswana, Burundi, Central African Republic, Congo, Ethiopia, Guinea, Lao People's Democratic Republic, Monaco, Niger, Oman, Papua New Guinea, Sudan, Vanuatu and Yemen.

- (d) UNEP estimates stand for 19 countries:

Algeria, Belize, Bolivia, China, Colombia, Côte d'Ivoire, Cyprus, Dominican Republic, El Salvador, Gabon, Honduras, Iraq, Morocco, Nicaragua, Pakistan, Paraguay, Romania, Senegal and Zimbabwe.

- (e) For the remaining non-parties, consumption is registered as zero.

B. Analysis of 1986 data

11. A database has been set up to store the data reported by the Parties and to permit easy access to it, as well as analysis of this material. The following analysis is based on the information currently possessed by the Secretariat.

1. 1986 consumption of controlled substances

12. Estimated total world consumption. The estimated total world consumption for 1986 is approximately 1,172,000 tonnes, the exact figure being 1,171,976 tonnes. This figure includes the data reported by Parties and non-parties, as well as the estimates made by UNEP for a number of countries.

13. Comparison with total world consumption estimated for the purpose of entry into force of the Protocol The estimated total world consumption figure for the purpose of entry into force of the Protocol was 1,140,000 tonnes, as reported in the Note by the Executive Director to the First Meeting of the Parties, Helsinki, 2-5 May 1989 (UNEP/OzL.Pro.1/2). The current estimated total consumption of the controlled substances is approximately 32,000 tonnes more than the estimated figure for the entry into force. This difference results from the fact that, since the entry into force of the Protocol, several UNEP estimates have been superseded by actual reported data.

14. Consumption of controlled substances by Parties and non-parties in 1986. Table 2 shows the breakdown of the 1986 estimated total world consumption (1,171,976 tonnes) into consumption of controlled substances by Parties and non-parties and by developed and developing countries. The figures include the UNEP estimates that have not been superseded by actual reported data.

Table 2. Consumption of controlled substances by Parties and non-parties (1986)

	Parties	Percentage of world consumption	Non-parties	Percentage of world consumption
Developed countries	1 022 781	87.3	7 766	0.6
Developing countries	66 486	5.7	74 943	6.4
Total	1 089 267 <u>a/</u>	93.0	82 709 <u>b/</u>	7.0

a/ The total estimated consumption by the Parties of 1,089,267 tonnes consists of reported figures totalling 1,074,797 tonnes and UNEP estimated figures totalling 14,470 Tonnes.

b/ The total estimated consumption by non-parties of 82 709 tonnes consists of reported figures totalling 28,482 tonnes and UNEP estimated figures totalling 46,461 tonnes.

15. Consumption of controlled substances reported by the Parties for 1986

Table 3 shows the 1986 consumption levels of the controlled substances as reported by a total of 40 Parties. Because of a number of cases of joint reporting, these 40 reports provide consumption data for a total of 54 States Parties to the Protocol.

Table 3. Consumption of controlled substances reported by the Parties (1986)

Substances	Actual consumption	ODP	ODP weighted consumption
<u>Group I</u>			
CFC-11:	354 100	1.0	354 100
CFC-12:	426 635	1.0	426 635
CFC-113:	210 901	0.8	168 721
CFC-114:	16 344	1.0	16 344
CFC-115:	10 672	0.6	6 403
AGG. GR.I	25 793		*
TOTAL	1 044 445		*
<u>Group II</u>			
Halon-1211:	11 430	3.0	34 290
Halon-1301:	11 463	10.0	114 630
Halon-2402:	2 989	6.0	17 934
AGG. GR.II:	1 783		*
TOTAL	27 665		*
AGG. GR.I & II:	2 687		*
GRAND TOTAL:	1 074 797		*

Key:

AGG.GR. I = Total of the figures from the Parties which, for Group I substances, reported only an aggregated consumption figure.

AGG.GR.II = Total of the figures from the Parties which, for Group II substances, reported only an aggregated consumption figure.

AGG.GR.I & II = Total of the figures from the Parties which reported only an aggregated consumption figure for Group I and II substances together.

* = The figure cannot be determined, since some Parties have not reported data on individual substances.

16. Consumption of controlled substances according to regional groups for 1986.

Table 4 shows the breakdown of reported 1986 consumption of controlled substances by regional groups, based on the data reported by the 36 Parties referred to in paragraph 16 above.

Table 4 Consumption of controlled substances by Parties according to regional groups (1986)*

Substances	Africa	Asia and Pacific	Western Europe and others	Eastern Europe	Latin America and the Caribbean	TOTAL
<u>Group I</u>						
CFC-11:	4 800	29 757	269 779	43 541	6 223	354 100
CFC-12:	5 045	41 553	283 849	80 252	15 936	426 635
CFC-113:	972	63 670	119 906	25 022	1 331	210 901
CFC-114:	500	2 244	12 722	725	153	16 344
CFC-115:	551	477	9 284	255	105	10 672
AGG.GR.I:	5 928	3 425	0	7 249	9 191	25 793
TOTAL	17 796	141 126	695 540	157 044	32 939	1 044 445
<u>Group II</u>						
Halon-1211:	580	479	8 590	1 704	77	11 430
Halon-1301:	115	1 948	7 737	1 579	84	11 463
Halon-2402:	0	35	280	2 673	1	2 989
AGG.GR.II:	51	504	0	1 140	88	1 783
TOTAL	746	2 966	16 607	7 096	250	27 665
AGG.GR.I & II:	300	1 888	499	0	0	2 687
GRAND TOTAL	18 842	145 980	712 646	164 140	33 189	1 074 797

Key:

AGG.GR.I = Total of the figures from the Parties which, for Group I substances, reported only an aggregated consumption figure.

AGG.GR.II = Total of the figures from the Parties which, for Group II substances, reported only an aggregated consumption figure.

AGG.GR.I & II = Total of the figures from the Parties which reported only an aggregated consumption figure for Group I and II substances together.

* = The figures for the respective regions include the data from the following Parties:

Africa: Egypt, Kenya, South Africa, Togo and Tunisia

Asia and the Pacific: Bahrain, Bangladesh, Japan, Malaysia, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, United Arab Emirates, and Jordan.

Western Europe and Other States: EEC (comprises the 12 member States: Belgium, Denmark, France, Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain and UK. The underlined States have reported data separately, but only the EEC data are added in the total figures to avoid double counting): Austria, Finland, Malta, Norway, Sweden, Switzerland (includes Liechtenstein.), Australia, New Zealand, USA and Canada.

Eastern Europe: USSR (includes Byelorussian SSR and Ukrainian SSR) German Democratic Republic, Czechoslovakia, Hungary, and Yugoslavia.

Latin America and the Caribbean: Brazil, Chile, Ecuador, Guatemala, Mexico, Panama, Venezuela, Argentina and Uruguay.

2. 1986 production of controlled substances

17. Total world production of controlled substances. The total world production of the controlled substances for 1986 reported to date is 1,148,585 tonnes, or approximately 1,149,000 tonnes. This figure includes the production figures reported by the Parties and the non-parties. In theory, total production should equal total consumption. However, since not all producers have reported their figures, the total 1986 production currently reported by Parties and non-parties is 23,391 tonnes less than the world estimated total consumption.

18. Production of controlled substances reported by the Parties. The total of the 1986 production figures reported to date by Parties is 1,143,329 tonnes, or approximately, 1,143,000 tonnes. This constitutes 99.5 per cent of the reported global production. The following 13 Parties have reported that they are producers of the controlled substances and have provided production figures:

Argentina, Australia, Brazil, Canada, Czechoslovakia, German Democratic Republic, Japan, Mexico, South Africa, USSR, United States, Venezuela and EEC (France, Netherlands, Spain and UK, which are member States of EEC, have reported their own production figures separately).

19. Table 5 shows the production of each controlled substance as reported by these 13 Parties which, taking into account the joint reporting by some States Parties, covers 26 States Parties to the Protocol.

Table 5. Production of controlled substances reported by Parties (1986)

Substances		Production (tonnes)
<u>Group I</u>	CFC-11:	392 114
	CFC-12:	472 644
	CFC-113:	221 518
	CFC-114:	17 241
	CFC-115:	11 110
TOTAL		1 114 627
<u>Group II</u>	Halon-1211:	13 378
	Halon-1301:	11 599
	Halon-2402:	3 724
TOTAL		28 701
GRAND TOTAL		1 143 329

20. Production of controlled substances by the non-parties. The total 1986 production reported by the non-parties is 5,256 tonnes, or approximately 5,000 tonnes. This constitutes 0.5 per cent of the estimated global production.

3. 1986 imports and exports of controlled substances

21. The import and export figures reported by the Parties have been totalled for each regional group and these totals are shown in Table 6 below. It should be noted that the reported import and export data are incomplete and that the figures do not indicate trade between the regional groups.

4. Population data for 1986

22. The population data necessary for determining per capita consumption for each Party for the year 1986 are taken from the Demographic Yearbook for that year published by the United Nations Statistical Office, Department of International Economic and Social Affairs. This publication provides estimates of mid-year population for all countries in the world in 1986.

Table 6. Imports and exports of controlled substances reported by the Parties and totalled for each regional group (1986)

Substances	Africa		Asia and Pacific		Western Europe and others		Eastern Europe		Latin America and the Caribbean		TOTAL	
	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports	Imports	Exports
CFC-11	0	0	2 591	4 703	17 588	56 980	5 887	160	40	233	26 106	62 066
CFC-12	0	0	5 052	3 345	18 854	67 594	6 322	1 120	265	968	30 493	73 027
CFC-113	0	0	13 405	7 284	9 997	29 130	880	0	1 331	0	12 613	36 414
CFC-114	0	0	292	66	638	2 539	125	0	154	1	1 209	2 606
CFC-115	0	0	115	14	4 723	5 923	5	0	115	10	4 958	5 947
AGG.GR.I	7 595	27	3425	0	0	0	7249	0	3 048	49	21 317	76
TOTAL	7595	27	11 880	15 412	51 800	162 166	20 468	1 280	4 953	1 251	96 696	180 136
Group II												
Halon-1211	0	0	509	293	2 124	5 949	1004	0	77	0	3 714	6 242
Halon-1301	0	0	365	754	1 348	1 773	479	0	84	0	2 276	2 527
Halon-2402	0	0	0	675	51	120	21	13	1	0	73	808
AGG.GR.II	746	0	504	0	0	0	1140	0	88	0	2 478	0
TOTAL	746	0	1 378	1 722	3 523	7 842	2 644	13	250	0	8 541	9 577
AGG.GR.I & II	0	0	258	0	499	0	0	0	0	0	757	0
GRAND TOTAL	8 341	27	13 516	17 134	55 822	170 008	23 112	1 293	5 203	1 251	105 994	189 713

Key: AGG.GR.I Total of the figures from the Parties which, for Group I substances, reported only an aggregated import/export figure.

AGG.GR.II Total of the figures from the Parties which, for Group II substances, reported only an aggregated import/export figure.

AGG.GR.I & II Total of the figures from the Parties which reported only an aggregated import/export figure for Group I and II substances together.

C. Problems faced by the Parties in reporting

23. In UNEP letters requesting data (see paragraph 8 above), each Party was asked to inform the Secretariat of the problems, if any, that it had in providing the required data.

24. Four Parties have reported difficulties and some of them asked for technical assistance:

- | | |
|--------------|--|
| Kenya | Has no record on the individual chemicals, therefore cannot report on the individual chemicals as required. However, country specific case study (under the financial mechanism) is being conducted. |
| Maldives | Lacks the expertise to fulfill the obligations under Article 7, therefore asks for provision of an appropriate expert to assist in this regard. The terms of reference for the expert have been received by the Secretariat. |
| South Africa | Cannot break down the data according to individual chemicals. The imported chemicals were classified under the same customs tariff until recently. |
| Uganda | Has already undertaken preliminary study on the substances, but the work is not progressing due to lack of technical expertise, logistics and adequate financing. Requests a consultant and financial and logistic support. |

25. From the data reports submitted, the Secretariat has observed the following:

- (a) A number of developing countries have reported that no data are available in their countries. Some have indicated that they are in the process of gathering the required data;
- (b) Several countries have managed to report only aggregated total consumption figures for each of the two groups of the controlled substances or in some cases, a single total figure for all the controlled substances;
- (c) Some dependent territories of States members of a regional economic integration organization have reported data. It is not clear to the Secretariat whether these data are included in the data reported by the organization. The data submitted by dependent territories have not be included in the present report.

26. Some Parties that do not formally constitute a regional economic integration organization have reported the required data jointly, in one case because of a customs treaty between two Parties and in another case because two Parties are integral parts of another. These Parties have been asked to inform the Secretariat, in accordance with Article 8 (b) of the Protocol, if their intention is to operate as regional economic integration organizations that could fulfil the reporting obligations jointly.

27. The modification of the Harmonized System should help the Parties that are member administrations of that System to collect the required data on imports and exports of the individual controlled substances (see section on Harmonized Commodity Systems below.).

28. At their Second Meeting, the Parties to the Montreal Protocol established, by decision II/9, an ad hoc group of experts to consider the reasons for the difficulties faced by some countries in reporting the required data, to recommend possible solutions to the Parties concerned and to report its progress to the Third Meeting of the Parties. The Ad Hoc Group of Experts on the Reporting of Data met in Nairobi on 6 and 7 December 1990. The report of the meeting is contained in document UNEP/OzL.Pro/WG.2/1/4.

29. The Group of Experts identified the following problems in data reporting as the most important to overcome:

- (a) The Harmonized Commodity System is not currently adequate for proper data reporting, because it does not distinguish between individual substances;
- (b) Experience shows that data from customs statistics are not accurate enough or not complete. Customs officers often do not have sufficient information and training to identify controlled substances. Controlled substances are often imported under different trade names as bulk chemicals and in mixtures;
- (c) Information from importing companies is often not available because they treat the data as confidential;
- (d) In some cases importing companies do not have enough knowledge to provide accurate data;
- (e) In some countries the authorities lack technical know-how and finance to carry out data-gathering.

30. Specific problems in data reporting identified by the Group of Experts included:

- (a) The case of South Africa, which has a customs union with neighbouring countries, which are non-parties; and
- (b) The refilling of ship's systems with controlled substances in foreign ports.

31. The following options for facilitating data reporting were identified by the Group of Experts:

- (a) Import control with the help of customs regulations and the Harmonized Commodity System codes;
- (b) Licencing of imports and exports of controlled substances;
- (c) Legislation on the reporting of data;
- (d) A special survey of consumption carried out by a consultant or official body, preferably with the co-operation of industry;
- (e) A special survey of data as a part of a country study in a developing country; and
- (f) An international panel of manufacturing companies that can supply data for larger regions consisting of many countries.

32. Based on the above and other information, the Group of Experts put forward the following recommendations:
- (a) The UNEP secretariat should gather and distribute experience in data collection in countries that have successfully fulfilled the task, focusing especially on the developing countries. (Such experience is readily available from Fiji and Kenya, and also from the United States.);
 - (b) The UNEP secretariat should compile and distribute a list of trade names of chemical products, including mixtures containing controlled substances;
 - (c) Substances listed in Annexes B and C should be taken into account by the Customs Co-operation Council in its revision of the Harmonized Commodity System. This process has already been initiated by the UNEP secretariat (see also section IV on Harmonized Commodity Systems);
 - (d) In the country studies to be carried out under the Interim Multilateral Fund, a special effort should be made to involve local experts and authorities in order to facilitate further reporting during subsequent years;
 - (e) In view of the fact that only a few developing countries have reported complete data on their production, imports and exports of controlled substances, the Secretariat, as an interim measure, had temporarily categorized some developing countries operating under article 5, paragraph 1. Developing countries should inform the Ozone Secretariat of any difficulties they face in reporting data, so that suitable measures can be taken to rectify the situation. Developing countries with a per capita consumption figure that the Secretariat estimates to be below 0.3 kg should be able to meet their obligation to report 1986 data by reporting to the Secretariat that they accept the Secretariat's estimate.
 - (f) Countries with free-trade zones inside their territories should make a special effort to include consumption figures for those zones in their data reporting;
 - (g) The quantities of controlled substances used for refilling refrigeration and fire-extinguishing systems in ports should be included in the consumption figure of the Party with the jurisdiction over the port;
 - (h) The Group of Experts considered the issue of transshipment in response to a request made, at its fifth meeting, by the Open-ended Working Group of the Parties to the Montreal Protocol. In view of the fact that the Parties had taken no firm position in earlier meetings on definitions of export and import, the Group recommended that the country of origin should be regarded as the exporter, and the country of final destination as the importer. That would apply in cases of transshipment (as opposed to imports and re-exports) through a third country. In such cases, the responsibility for reporting data would lie with the country of origin as the exporter and the country of final destination as the importer. Cases of import and re-export would be treated as two separate transactions; the country of origin would report shipment to the country of intermediate destination, which would subsequently report import from the country of origin and export to the country of final designation, while the country of final destination would report the import.

- (i) It has been reported that some developing countries have not been able to purchase adequate quantities of controlled substances. The following recommendation was adopted by the Group of Experts as a provisional text for discussion in the capitals:

In the light of the situation outlined above, some manufacturers of controlled substances in countries Parties to the Protocol may wish to use the provision for production to be increased by up to 10% to meet the basic domestic needs of article 5, paragraph 1, countries. Before they do so, they must obtain confirmation from the article 5, paragraph 1, country that such production is for basic domestic needs, and they must obtain approval from their national Government certifying that the controlled substances can be produced within the national limit, including the 10% allowance. The Government of the exporting country must submit the chemical name, quantity and destination to the Secretariat as part of the required reporting, indicating that the shipment is for the basic domestic needs of article 5, paragraph 1, countries.

33. In accordance with the recommendations of the Ad Hoc Group of Experts on the Reporting of Data, the Secretariat has incorporated the requests for experience in collecting data into its letter of 12 April 1991, requesting data. The Secretariat has also corresponded with the Chief Officer of the Interim Multilateral Fund with regard to the recommendation that, in the country studies to be carried out under the Interim Multilateral Fund, a special effort should be made to involve local experts and authorities in order to facilitate further reporting during subsequent years. The Secretariat is also considering ways in which the trade names of chemical products, including mixtures containing controlled substances, could be collected in order to draw up a list of such names.

II. REPORTING OF 1989 DATA

A. Requests for 1989 data and the status of data reporting

34. In accordance with Article 7, paragraph 2, of the Protocol, the Parties for which the Protocol entered into force during 1989 are required to report the 1989 data (1 January to 30 December 1989). The following 48 Parties are thus required to report 1989 data: Australia, Austria, Belgium, Burkina Faso, Byelorussian SSR, Cameroon, Canada, Denmark, Egypt, Finland, France, German Democratic Republic, Federal Republic of Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Mexico, Netherlands, New Zealand, Nigeria, Norway, Panama, Portugal, Singapore, Spain, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukrainian SSR, USSR, United Kingdom, United States of America, Venezuela and the EEC.

35. Two requests for 1989 data were sent on 11 September 1990 and 12 April 1991. As indicated in paragraph 9 above, the member States of a regional economic integration organization, EEC, have been requested to report their production data only.

36. Article 7, paragraph 2, requires the Parties to divide the export figures into two parts: (i) export to Parties; and (ii) export to non-parties in the year in which they become Party and for each year thereafter. The Parties have been requested to report the divided export data for 1989.

37. With regard to the issue of destruction technologies, the Parties at their Second Meeting established by Decision II/II an ad hoc technical advisory committee on destruction technologies to analyse such technologies and to assess their efficiency and environmental acceptability in order to develop approval criteria and measurements. Pursuant to this decision, the Parties appointed Canada to take the Chair of the Committee. The nine members of the Committee will be selected on the basis of nominations by the Parties and with due consideration for equitable geographical distribution. Separate data on the amounts of controlled substances destroyed by technologies approved by the Parties will be requested once such approval criteria are established.

38. To date, 23 Parties have reported 1989 data, including four member States of the EEC. These four States fulfilled the reporting requirement by reporting complete production data and 16 Parties reported complete data. Three Parties reported incomplete data. The status of reporting of 1989 data and the consumption of controlled substances for the Parties that have reported data are shown in Table 7 below:

Table 7. Status of data reporting by the Parties and the consumption data reported by each Party (1989)

<u>Country</u>	<u>Consumption (in tonnes)</u>			<u>Note</u>
	<u>CFCs</u>	<u>Halons</u>	<u>Total</u>	
Countries that have reported complete data				
DEVELOPED COUNTRIES				
1. Australia	14 829.3	0	14 829.3	
2. Austria	6 000	70	6 070	
3. Canada	19 615	409	20 024	
4. Finland	1 972.2	115.7	2 087.9	
5. German Democratic Republic	12 601.9	190.5	12 792.4	
6. Hungary	4 880	375	5 255	
7. Japan	164 213 109 997	4 649.2 -	168 862.2 -	Also reported complete Group I data for the control period (1 July 1989 to 31 June 1990).
8. New Zealand	1 014.5	263	1 277.5	

<u>Country</u>	<u>Consumption (in tonnes)</u>			<u>Note</u>
	<u>CFCs</u>	<u>Halons</u>	<u>Total</u>	
9. Norway	990	90	1 080	
10. Switzerland	4 207	121	4 328	
11. EEC	236 623	8 678	245 301	
<u>EEC member States</u>				
12. France	-	-	-	Fulfilled the reporting requirement.
13. Netherlands	-	-	-	Fulfilled the reporting requirement.
14. Spain	-	-	-	Fulfilled the reporting requirement.
15. United Kingdom	-	-	-	Fulfilled the reporting requirement.
DEVELOPING COUNTRIES				
1. Jordan	257	514	771	
2. Malaysia	3 722.5	306	4 028.5	
3. Maldives	0	0	0	
4. Singapore	713	133	846	
5. Thailand	4 995	40	5 035	
6. Venezuela	3 470.5	38	3 508.5	
Countries that have reported incomplete data				
DEVELOPED COUNTRIES				
1. USA	243 229	-	-	Reported complete data for Group I. Did not report data for Group II.
DEVELOPING COUNTRIES				
1. Nigeria	568.3	-	568.3	Reported incomplete data: data for Group II not available.

B. Population data for 1989

39. Since the latest available Demographic Yearbook (from which 1986 population data were derived (see paragraph 21 above)) is that of 1987, thirty-ninth issue, the population data for 1989 has been taken from the POGLOBE database (POGLOBE 3.0 (R), PC GLOBE Inc., 4700 South McClintock Drive, Tempe, AZ 85282, USA). The per capita consumption data for which the population data are required have not been included in the present report.

III. IMPLEMENTATION OF THE CONTROL MEASURES

40. Article 2A, paragraph 1, of the Montreal Protocol (as adjusted) requires the Parties to freeze the production and consumption of the five CFCs under Annex A of the Protocol for every twelve-month period, commencing on 1 July 1989. The reporting requirement of the Protocol is such that the annual reporting by the Parties covers a calendar year (1 January to 31 December), beginning in 1989. Hence, the 1989 data reported by the Parties covers only the first six months of the control period.

41. By decision II/5, the Parties at their Second Meeting adopted, on an interim basis, the procedures and institutional mechanisms for determining non-compliance with the provisions of the Protocol and for treatment of Parties found to be in non-compliance. Under the non-compliance procedure, an Implementation Committee consisting of five Parties elected by the Meeting of the Parties was established. The Implementation Committee's functions include the receipt and consideration of information or observations regarding issues of implementation of the Protocol by Parties, attempts to secure amicable resolutions and reporting and making recommendations, as appropriate, to the meetings of the Parties on the matter.

A. Meetings of the Implementation Committee under
the Non-Compliance Procedure for the Montreal Protocol

42. The Implementation Committee held its first meeting in Nairobi from 10 to 12 December 1990. The Committee discussed, inter alia, the issues of data reporting and the implementation of the control measures based on the Secretariat's report on the reporting of data by the Parties in accordance with article 7 of the Protocol. The report of the meeting is contained in document UNEP/OzL.Pro/Impcom/1/2.

43. The Committee examined in detail the 1986 data reported to the Secretariat and made the following specific comments. The Committee was encouraged by the fact that only two parties had not responded at all to the Secretariat's requests for data, and requested the Secretariat to approach those countries again to ensure reporting prior to the next meeting of the Committee and to offer them any necessary assistance. The Committee expressed some concern that several Parties had not reported accurate data for 1986, and requested the Secretariat to approach them with a view to obtaining at least the best estimates of data before the Committee's next meeting, bearing in mind that several countries had requested or received assistance in that regard. The Secretariat was further requested to provide the necessary assistance to developing countries to obtain such best estimates, bearing in mind the recommendations made, at its first meeting, by the Ad Hoc Group of Experts on the Reporting of Data.

44. With regard to the data reported by the Parties for 1989, the Committee noted that the control measures in the Protocol required the Parties to freeze consumption of CFCs from 1 July 1989, whereas the reports on data submitted by the parties covered the calendar year 1989. Hence, it was not yet possible for the Committee to judge whether the Parties were complying with the control measures. The Committee expressed its concern that only 18 Parties had reported 1989 data, but was satisfied with the improving quality of the data reports. It requested the Secretariat to urge strongly the Parties to report their 1989 data without delay, but recognized the relatively late dispatch (on 11 September 1990) of the letters requesting such information.

45. The Committee also reviewed the data reported, in the light of the control measures set out in Article 2. It was satisfied with the fact that all but one Party had reported 1989 data that were lower than 1986. Hence the Committee saw no need to seek additional verification from the Parties of their compliance with the provision of the Protocol requiring them to freeze their production and/or consumption between 1 July 1989 and 30 June 1990, even if the data had been reported for the calendar year 1989. The Secretariat was, however, asked to request the one country that showed a slight increase from 1986 to confirm to the Secretariat, with the relevant data, that it had a calculated level of production and consumption of not more than its 1986 level for the period 1 July 1989 to 30 June 1990.

46. In the light of the figures contained in the report on data (UNEP/OzL.Pro/WG.2/1/3 and Add.1) and the recommendation contained in paragraph 14 (e) of the report of the Ad Hoc Group of Experts on the Reporting of Data (UNEP/OzL.Pro./WG.2/1/4), the Committee determined that the following developing countries should be temporarily categorized as not operating under article 5, paragraph 1: Bahrain, Malta, Singapore and United Arab Emirates. All other developing countries were considered to be operating under article 5, paragraph 1.

47. The Committee requested the Secretariat to approach countries that, while not constituting a regional economic integration organization, had reported data jointly, and to inform them that, while the Committee recognized the organizational and institutional problems they faced, it also emphasized the need for reporting by each individual Party in the future.

48. The Bureau of the Second Meeting of the Parties to the Montreal Protocol met on 14 March 1991. The Bureau recognized the importance of the provision of consultants to assist Governments that were having difficulties in reporting the required data and decided that such consultancy services should be provided within the approved budget for the Ozone Secretariat.

49. In accordance with the recommendations of the Implementation Committee and the Bureau, letters were dispatched from the Secretariat on 12 April 1991, incorporating, as and where appropriate, the following:

- (a) A request for 1986 data to ensure reporting as soon as possible and offer the necessary assistance that could be provided;
- (b) A request for best estimates of data where actual data are not available, bearing in mind the fact that several countries have requested or received assistance in that regard;

- (c) An urgent request for 1989 data;
- (d) A request to any country whose 1989 data showed an increase from 1986 to confirm to the Secretariat, with the relevant data, that it had a calculated level of production and consumption of not more than its 1986 level for the period 1 July 1989 to 30 June 1990;
- (e) An emphasis on the need for future reporting by each individual Party in cases where countries, not constituting a regional economic integration organization, had reported data jointly.

50. The Second Meeting of the Implementation Committee was held in Geneva from 11 to 13 April 1991. In matters regarding data, the Committee:

- (a) Reconfirmed its position regarding support to countries in need of technical assistance to enable them to comply with the provisions of the Protocol in regard to data reporting and recommended that such assistance be given high priority by the Parties;
- (b) Requested the Secretariat to approach those countries to ascertain the extent to which technical assistance might be required by some of the countries with economies in transition that did not report complete data;
- (c) Decided to request the next meeting of the Parties to consider the issue of the difference between the reporting period (1 January to 31 December) and the control period (1 July to 30 June);
- (d) Noted that groups of Parties have reported data jointly and asked the Secretariat to urge the States concerned to report data on an individual basis;
- (e) Suggested some changes in the structure of the report of the Secretariat on data. (The present report has been prepared taking into account the suggestions of the Committee.)

B. Comparison between the 1986 and 1989 calculated consumption of CFCs

51. The comparison of the calculated level of CFC consumption between 1986 and 1989 for the Parties that have reported complete data for the two years is shown in Table 8 below:

Table:8: Comparison of the calculated level of CFC consumption between 1986 and 1989 for each Party that has reported complete data for both 1986 and 1989

<u>Country</u>	<u>Calculated level of CFC Consumption</u> (in tonnes)		
	<u>1986</u>	<u>1989</u>	<u>Reduction/Increase (in %)</u>
DEVELOPED COUNTRIES			
Austria	7 760	5 860	-24.5
Canada	19 958	18 843	-5.6

<u>Country</u>	<u>Calculated level of CFC Consumption</u> (in tonnes)		
	<u>1986</u>	<u>1989</u>	<u>Reduction/Increase (in %)</u>
Finland	3 301	1 886	-42.9
German Dem.Rep.	15 393	12 471	-19.0
Hungary	5 468	4 848	-11.3
Japan	118 134	109 997*	- 6.9*
New Zealand	2 088	1 005	-51.9
Norway	1 313	908	-30.9
Switzerland	7 960	4 023	-49.5
USA	305 963	231 083	-24.5
EEC	301 679	225 985	-25.1
DEVELOPING COUNTRIES			
Jordan	302	257	-14.9
Malaysia	2 190	3 444	+57.3
Singapore	4 052	679	-83.2
Thailand	2 300	4 595	+99.8
Venezuela	3 879	3 450	-11.1

* Japan reported data for the control period of 1 July 1989 to 30 June 1990.

C. Status of compliance with regard to data reporting and the control measures

52. The status of compliance with the reporting requirements and the control measures is summarized for each Party in Table 9 below:

Table 9: Status of compliance

<u>COUNTRY</u>	<u>REPORTING REQUIREMENT</u>		<u>CONTROL MEASURES:</u> <u>CFC CONSUMPTION</u>	<u>NOTES</u>
	<u>1986</u>	<u>1989</u>		
DEVELOPED COUNTRIES				
Australia	incomplete	*	-	-
Austria	*	*	reduction by 24.5 %	-

<u>COUNTRY</u>	<u>REPORTING REQUIREMENT</u>		<u>CONTROL MEASURES: CFC CONSUMPTION</u>	<u>NOTES</u>
	<u>1986</u>	<u>1989</u>		
Bulgaria	no report	no report	-	-
Byelorussian SSR	joint	no report	-	UNEP was informed that its data are included in the USSR data.
Canada	*	*	reduction by 5.6 %	-
Czechoslovakia	*	no report	-	-
Finland	*	*	reduction by 42.9 %	-
German Dem.Rep.	*	*	reduction by 19.0 %	-
Hungary	*	*	reduction by 11.3 %	-
Iceland	no report	no report	-	Reported some information on use of controlled substances.
Japan	*	*	reduction by 6.9 %	The reduction shown is for the control period.
Liechtenstein	incomplete	no report	-	Reported that its data are included in the data for Switzerland. Also reported incomplete data.
New Zealand	*	*	reduction by 51.9 %	-
Norway	*	*	reduction by 30.9 %	-
Poland	no report	no report	-	UNEP's estimate of 10,000 T total consumption stands.
South Africa	*	no report	-	-
Sweden	*	no report	-	-
Switzerland	*	*	reduction by 49.5 %	-

<u>COUNTRY</u>	<u>REPORTING REQUIREMENT</u>		<u>CONTROL MEASURES: CFC CONSUMPTION</u>	<u>NOTES</u>
	<u>1986</u>	<u>1989</u>		
USSR	?	no report	-	Reported complete data as 1990 data. Clarification required
Ukrainian SSR	joint	no report	-	UNEP was informed that its data are included in the USSR data.
USA	*	complete for Group I	reduction by 24.5 %	Only reported Group I data for the control period. The reduction is for the control period.
EEC	*	*	reduction by 25.1%	-
EEC member states				
Belgium	*	no report	-	-
Denmark	*	no report	-	-
France	*	*	-	-
Germany, Fed.				
Rep.of	no report	no report	-	-
Greece	no report	no report	-	-
Ireland	*	no report	-	-
Italy	no report	no report	-	-
Luxembourg	*	no report	-	-
Netherlands	*	*	-	-
Portugal	no report	no report	-	-
Spain	*	*	-	-
UK	*	*	-	-
DEVELOPING COUNTRIES				
Argentina	incomplete	no report	-	Country study is being conducted.
Bahrain	*	no report	-	-
Bangladesh	*	no report	-	-
Brazil	*	no report	-	Country study has been conducted.
Burkina Faso	unavailable	no report	-	-
Cameroon	no report	no report	-	-
Chile	incomplete	no report	-	Country study is being conducted.

<u>COUNTRY</u>	<u>REPORTING REQUIREMENT</u>		<u>CONTROL MEASURES:</u>		<u>NOTES</u>
	<u>1986</u>	<u>1989</u>	<u>CFC CONSUMPTION</u>		
Ecuador	incomplete	no report	-	-	
Egypt	incomplete	no report	-	-	Country study has been conducted.
Fiji	incomplete	no report	-	-	Reported data based on incomplete survey.
Gambia	unavailable	no report	-	-	
Ghana	unavailable	no report	-	-	Country study soon to be conducted.
Guatemala	incomplete	no report	-	-	
Iran	no report	no report	-	-	
Jordan	*	*	reduction by 14.9%	-	
Kenya	incomplete	no report	-	-	Country study has been conducted.
Libya	no report	no report	-	-	
Malawi	no report	no report	-	-	
Malaysia	*	*	increase by 57.3 %	-	Operating under Art.5, para.1, hence not required to comply with control measures yet. Calculated per capita consumption for 1989 is 0.29 kg.
Maldives	requested assistance	*			Some assistance is being planned.
Malta	incomplete	no report	-	-	
Mexico	*	no report	-	-	Country study has been conducted.
Nigeria	no report	incomplete	-	-	Reported incomplete data based on a survey being undertaken. Further information to be expected.
Panama	*	no report	-	-	

<u>COUNTRY</u>	<u>REPORTING REQUIREMENT</u>		<u>CONTROL MEASURES: CFC CONSUMPTION</u>	<u>NOTES</u>
	<u>1986</u>	<u>1989</u>		
Singapore	*	*	reduction by - 83.2 %	
Sri Lanka	incomplete	no report	-	Some assistance is being planned.
Syria	incomplete	no report	-	-
Thailand	*	*	increase by 99.8 %	Country study being conducted.
Togo	incomplete	no report	-	Required to report data.
Trinidad and Tobago	no report	no report	-	-
Tunisia	incomplete	no report	-	-
Uganda	requested assistance	no report	-	Country study being planned.
United Arab Emirates	incomplete	no report	-	ESCWA project on CFCs for the region is ongoing.
Uruguay	incomplete	no report	-	-
Venezuela	*	*	reduction by 11.1%	Country study is being conducted.
Yugoslavia	incomplete	no report	-	-
Zambia	no report	no report	-	-

Notes:

* = indicates that complete data have been reported.

IV. HARMONIZED COMMODITY SYSTEMS

53. At their First Meeting, the Parties to the Montreal Protocol adopted a proposal for a modification of the Harmonized Commodity Description and Coding System in order to facilitate reporting on imports and exports of controlled substances (see Annex VII to the Report of the First Meeting of the Parties, (UNEP/OzL.Pro.1/5)). The Secretariat communicated the proposal to the Customs Co-operation Council in Belgium, requesting its consideration of the proposal.

54. On 12 April 1990, the Harmonized System Committee of the Customs Co-operation Council adopted, with some amendment, the proposal advanced by the Parties at their First Meeting. However, in conformity with Customs

Co-operation Council procedure, the Harmonized System may not be formally amended to take into account this and other pending amendments until 1996. In recognition of the urgency of this issue, the Harmonized System Committee not only adopted a formal amendment to the Harmonized System but also a recommendation that all member administrations take action to reflect the subheadings adopted for the substances under Annex A of the Protocol in their national statistical nomenclature as soon as possible. Furthermore, the Customs Co-operation Council stated that, "if the Parties to the Montreal Protocol (1) determine that additional subheadings for individual chemicals controlled by the Protocol would be useful in their efforts to protect the ozone layer, and (2) request the assistance of the Customs Co-operation Council in that regard, the Committee will consider such a request as expeditiously as possible."

55. In light of the difficulties encountered thus far by some Parties in reporting data on individual chemicals and the potential usefulness of the Harmonized Systems in facilitating the collection of such data, the Parties, at their Second Meeting, having determined that additional subheadings for individual chemicals controlled by the Montreal Protocol would be useful in their efforts to protect the ozone layer, decided to request the assistance of the Council in that regard through the Executive Director (Decision II/12). In accordance with this decision, the Executive Director has contacted the Council to request their assistance in considering adoption of subheadings for each substance under Annexes B and C of the Amended Protocol.

56. A reply was received from the Customs Cooperation Council on 24 April 1991 stating that the Harmonized System Committee had examined the request for the introduction of additional subheadings in the Harmonized System for each of the substances controlled by the Amendment to the Montreal Protocol. The Committee agreed to examine the possibility of amending the Council's recommendation (of 26 June 1990) on the insertion in national statistical nomenclatures of subheadings to facilitate the collection and comparison of substances controlled by the Montreal Protocol. The Executive Director was requested to verify the precise scope of the request, i.e., whether both the substances of Annex B and the transitional substances of Annex C of the Amended Protocol should be included and also which mixtures (containing the controlled substances in question) should be identified separately in the Harmonized Systems. This issue is addressed in the addendum to the report of the Executive Director to the Third Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.3/3/Add.1).

V. CONFIDENTIALITY OF DATA

57. In view of the fact that it might be necessary in the future to release the consumption data to ensure and prove that the Parties are in compliance with the control measures of the Protocol, as well as of the potential usefulness of such data, the Parties at their Second Meeting confirmed that any data on the consumption of the controlled substances submitted to the Secretariat as required by Article 7 of the Protocol would not be confidential.

58. The production, imports and exports data are still being treated as confidential. In order to ensure that these data are kept confidential, the Secretariat is storing the data reports in a safe; access to the database containing the data reported can be obtained only through the use of a confidential password.

59. The Ad Hoc Group of Experts on the Reporting of Data also discussed the issue of the confidentiality of data with regard to the data on production, imports and exports of the controlled substances. Some experts at the meeting of the Ad Hoc Group of Experts reported that production data from their countries must be kept confidential, especially when the data were reported to Governments by manufacturers on condition that they would be treated as confidential. Others stated that confidentiality was not required, but could not say whether that would be so for transitional (and newly controlled) substances. One expert said that, in his country, producers had a strong interest in publishing figures that reflected the voluntary reductions that they would be effecting over the period to 1995.

60. The Group of Experts recommended that the production data for each substances should be reported as public data where possible, while not compromising existing confidentiality agreements under national law or undertakings given by Governments as a condition of receiving corporate data.

61. Furthermore, the Group of Experts requested the Secretariat to ask whether producers of controlled substances would be willing to report export and destination data to a third party accounting firm that could combine and report trade data in such a way as to serve the management needs of Parties in their efforts to protect the environment while protecting the confidentiality of corporate data. Such data might be particularly useful in determining exports to developing countries. The Secretariat requested the views of the Parties regarding this issue in its letter of 7 May 1991.

VI. ARTICLE 5 COUNTRIES

62. Article 5, paragraph 1, of the Montreal Protocol states:

"Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances is less than 0.3 kilogrammes per capita on the date of entry into force of the Protocol for it, or at any time thereafter within ten years of the date of entry into force of the Protocol shall, in order to meet its basic domestic needs, be entitled to delay its compliance with the control measures set out in paragraphs 1 to 4 of Article 2 by ten years after that specified in those paragraphs. However, such Party shall not exceed an annual calculated level of consumption of 0.3 kilogrammes per capita. Any such Party shall be entitled to use either the average of its calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilogrammes per capita, whichever is the lower, as the basis for its compliance with the control measures."

63. Hence, for a country to be accorded Article 5, paragraph 1, status, it must:

- (a) Be a developing country (see paragraph 62 below); and
- (b) Have a calculated level of less than 0.3 kilogrammes per capita at the time of the entry into force of the Protocol or at any time until 1 January 1999.

The Secretariat assumes that all Parties that fulfil both these conditions would want to be an "Article 5 country". Should a developing country not wish to make use of the entitlement under Article 5, the Secretariat should be informed accordingly.

64. By its decision 12 E, the Parties, at their First Meeting, decided that the following 130 countries were to be regarded as developing countries for the purpose of the Montreal Protocol. The 37 States whose names are underlined are currently Parties to the Protocol.

Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Romania, Rwanda, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia and Zimbabwe.

65. In accordance with the requirements specified in paragraph 61 above, the "Article 5, paragraph 1 status" is accorded to those developing countries which have a calculated per capita consumption of below 0.3 kg at the time of the entry into force of the Protocol (or at any time until 1 January 1999). Using the methodology specified in Article 3 of the Protocol (see paragraph 5 above), calculated per capita consumption can be determined only for Parties that have reported complete data for each controlled substance. To date, only five developing countries have reported complete data of the time of entry into force of the Protocol. Those five developing countries are categorized as follows:

<u>COUNTRY</u>	<u>per capita consumption (1989)</u>	<u>calculated per capita consumption (1989)</u>
Countries operating under Article 5, paragraph 1		
Malaysia	0.25	0.29
Maldives	0	0
Venezuela	0.20	0.21

<u>COUNTRY</u>	<u>per capita consumption (1989)</u>	<u>calculated per capita consumption (1989)</u>
Countries not operating under Article 5, paragraph 1		
Jordan	0.26	1.11
Singapore	0.32	0.55

66. Other developing countries that had not reported the required data by the time of the entry into force of the Protocol for the country, have been temporarily categorized as Parties operating under Article 5, paragraph 1 and Parties not so operating, based on the reported 1986 data. It should be noted that the control measures allow Parties to increase their production by 10 or 15 per cent so as to satisfy the basic domestic needs of the countries operating under Article 5, paragraph 1. The Fifth Meeting of the Open-ended Working Group (on trade issues, 3-5 December 1990) recommended that, as an interim measure, producer Parties should be allowed to increase their production by up to 10 per cent (or 15 per cent) of their 1986 calculated level of production to satisfy the basic domestic needs of those countries temporarily categorized as operating under Article 5, paragraph 1. However, to prevent such an arrangement from acting as a disincentive to the reporting of complete data, such countries should inform the Secretariat of the difficulties faced by them in reporting the required data so that suitable measures can be taken to rectify the situation. The temporary categorization is shown below:

Temporary Categorization

<u>Country</u>	<u>Per capita consumption (1986)</u>	<u>Calculated per capita consumption (1986)</u>
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Countries operating under Article 5, paragraph 1

BASED ON CALCULATED PER CAPITA CONSUMPTION (1986)

Bangladesh	0.00	0.00
Brazil	0.08	0.08
Mexico	0.11	0.11
Panama	0.14	0.14

BASED ON PER CAPITA CONSUMPTION (1986)

Argentina	0.19	-
Burkina Faso	-	- (no data reported)
Cameroon	-	- (no data reported)
Chile	0.06	-
Ecuador	0.06	-
Egypt	0.10	-
Fiji	-	-
Gambia	-	- (no data reported)
Ghana	-	- (no data reported)
Guatemala	0.23	-
Iran	0.10	-
Kenya	0.01	-

<u>Country</u>	<u>Per capita consumption (1986)</u>	<u>Calculated per capita consumption (1986)</u>
Libya	-	- (no data reported)
Malawi	-	- (no data reported)
Nigeria	-	- (no data reported)
Sri Lanka	0.02	-
Syrian Arab Rep	0.13	-
Thailand	0.05	-
Togo	0.10	-
Trinidad and Tobago	-	- (no data reported)
Tunisia	0.11	-
Uganda	-	- (no data reported)
Uruguay	0.11	- (no data reported)
Zambia	-	- (no data reported)

Countries not operating under Article 5, paragraph 1

BASED ON CALCULATED PER CAPITA CONSUMPTION (1986)

Bahrain	0.26	0.31
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BASED ON PER CAPITA CONSUMPTION (1986)

Malta	1.30	-
United Arab Emirates	1.18	-
Yugoslavia	0.36	-

67. The 1986 per capita and the calculated per capita consumption data of the developed countries are listed below for information:

<u>Country</u>	<u>Per capita consumption (1986)</u>	<u>Calculated per capita consumption (1986)</u>	<u>Per capita consumption (1989)</u>	<u>Calculated per capita consumption (1989)</u>
Australia	0.87	1.04	0.90	0.86
Austria	1.06	1.24	0.80	0.83
Bulgaria	- (no data)	- (no data)		
Canada	0.83	0.90	0.76	0.82
Czechoslovakia	0.45	0.46		
Finland	0.71	0.79	0.42	0.55
German Dem. Rep.	0.95	1.02	0.77	0.82
Hungary	0.57	0.69	0.50	0.58
Iceland	- (no data)	- (no data)		
Japan	1.09	1.11	1.37	1.48
New Zealand	0.69	0.79	0.39	0.59
Norway:	0.37	0.65	0.26	0.42
Poland:	0.27	-		
South Africa:	0.38	0.43		
Sweden:	0.64	0.81		
Switzerland:	1.30	1.39	0.65	0.71
(includes Liechtenstein)				
USSR	0.45	0.54		
(includes Byelorussian SSR and Ukrainian SSR)				
USA	1.37	1.47	-	-
EEC	0.99	1.06	0.75	0.84
(data for the twelve member States)				

68. By Decision II/10 taken at their Second Meeting, the Parties requested the Secretariat to determine, from the data available to it, the exact quantities of the controlled substances required by the developing countries operating under paragraph 1 of Article 5 and the possible sources of supply so as to assist developed countries to authorize their companies to produce the additional amounts needed within the percentages authorized by Article 2 and Article 2A to 2E of the Protocol.

69. The Fifth Meeting of the Open-ended Working Group of the Parties on trade issues (Nairobi, 3-5 December 1991) and the First Meeting of the Ad Hoc Group of Experts on the Reporting of Data discussed the issue and noted that the Technology Review Panel had been requested to include in its work programme an analysis of the quantities of controlled substances required by Parties operating under Article 5, paragraph 1, for their basic domestic needs, both current and future, and the likely availability of such substances (see decision II/13 of the Second Meeting of the Parties to the Montreal Protocol). They also noted that the Panel would be assisted in that task by country case-studies. The Meetings concluded that, pending the completion of that work, no further action by the Ozone Secretariat was needed at current stage.