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IMPLEMENTATION COMMITTEE UNDER THE  
NON-COMPLIANCE PROCEDURE FOR THE  
MONTREAL PROTOCOL

Thirtieth meeting  
Montreal, 4–7 July 2003

**REPORT OF THE IMPLEMENTATION COMMITTEE UNDER THE NON-COMPLIANCE  
PROCEDURE FOR THE MONTREAL PROTOCOL ON THE WORK OF  
ITS THIRTIETH MEETING**

**Introduction**

1. The thirtieth meeting of the Implementation Committee under the Non-compliance Procedure for the Montreal Protocol was held at the headquarters of the International Civil Aviation Organization in Montreal on 4, 5 and 7 July 2003.

**I. ORGANIZATIONAL MATTERS**

**A. Opening of the meeting**

2. The President of the Committee, Mr. Patrick McInerney (Australia), opened the meeting at 10 a.m. on 4 July 2003. He welcomed the new members of the Committee, in particular for the valuable new perspectives they would bring to add to the experience and expertise of the continuing members. He observed that the Committee had a substantial agenda before it, not least because for the first time data was available on compliance with the control measures for halons and methyl bromide in Article 5 parties.

3. Mr. Marco González, the Executive Secretary of the Ozone Secretariat, welcomed members of the Committee to its first meeting of 2003 and observed that the Committee had many important issues to discuss. The period 2002 and 2003 had seen the entry into force of new control measures for all Parties, and from 1 January 2004 controls on production of, and trade in, HCFCs under the Beijing Amendment would also be introduced. The concurrence of these control measures would require close cooperation and coordinated actions between the Multilateral Fund, the implementing agencies and the Implementation Committee in order to ensure compliance. He thanked the Fund Secretariat and the implementing agencies for their commitment to collaboration and for the information they were about to present to the Committee.

4. The Executive Secretary drew the attention of the Committee to a new item on its agenda, item 6, on consideration of general issues relating to compliance. He explained that the Secretariat intended to present the background to compliance issues and the non-compliance procedure, and a review of issues relating to control measures, data reporting, baseline and consumption and production calculations, and hoped that it would prove to be of value to members of the Committee.

#### B. Attendance

5. The meeting was attended by representatives of Australia (President), Bangladesh, Bulgaria, Ghana, Honduras, Italy, Jamaica (Vice-President and Rapporteur), Lithuania, Maldives and Tunisia.

6. The meeting was also attended by the Chair of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, and representatives of the Secretariat of the Multilateral Fund, the Secretariat of the Global Environment Facility (GEF), and the implementing agencies of the Fund – the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank, as observers. The full list of participants is contained in Annex II to the present report.

7. At the invitation of the Committee, representatives of Bolivia, Bosnia and Herzegovina, Namibia, Qatar, Uganda and Yemen attended in order to present information on their respective countries' non-compliance with the Montreal Protocol.

## II. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

8. The Committee adopted the following agenda, based on the provisional agenda circulated as document UNEP/OzL.Pro/ImpCom/30/1, and with the addition, under item 8, Other matters, of a discussion on ideas and options for improving the operations of the Committee:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Report of the Secretariat on data and compliance issues.
4. Statements by the:
  - (a) Fund Secretariat;
  - (b) Implementing agencies (UNDP, UNEP, UNIDO, the World Bank), on the activities carried out in Article 5 parties and Parties with economies in transition to facilitate the implementation and compliance with the Montreal Protocol;
  - (c) GEF Secretariat
5. Information on compliance by Parties present at the invitation of the Implementation Committee.
6. Consideration of general issues relating to compliance.
7. Review of the status of compliance with specific decisions of the Parties on:
  - (a) Non-compliance with data reporting requirements under Article 7 of the Montreal Protocol by Parties temporarily classified as operating under Article 5 of the Protocol concerning: Cambodia, Cape Verde, Djibouti, Liberia, Federated States of Micronesia,

Nauru, Sao Tome & Principe, Sierra Leone, Somalia, Suriname and Vanuatu (Decision XIV/14);

- (b) Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5 paragraphs 3 and 8 ter (d) concerning: Angola, Cambodia, Cape Verde, Djibouti, Haiti, Liberia, Nauru, Rwanda, Palau, Sao Tome & Principe, Sierra Leone, Somalia, Suriname, Vanuatu, Democratic People's Republic of Korea, Maldives, Nigeria, St. Kitts and Nevis (Decision XIV/16);
  - (c) Non-compliance with specific decisions on: Malta, Pakistan, Papua New Guinea (Decision XIV/17); (d) Albania (Decision XIV/18); (e) Bahamas (Decision XIV/19); (f) Bolivia (Decision XIV/20); (g) Bosnia & Herzegovina (Decision XIV/21); (h) Namibia (Decision XIV/22); (i) Nepal (Decision XIV/23); (j) Saint Vincent & Grenadines (Decision XIV/24); (k) Libyan Arab Jamahiriya (Decision XIV/25); (l) Maldives (Decision XIV/26); (m) Belarus (Decision XIV/27); (n) Latvia (Decision XIV/28); (o) Bangladesh (Decision XIV/29); (p) Armenia (Decision XIV/31); Cameroon (Decision XIV/32); (r) Belize (Decision XIV/33); (s) Ethiopia (Decision XIV/34); (t) Kazakhstan (Decision XIII/19 of the Thirteenth Meeting of the Parties); (u) Tajikistan (Decision XIII/20 of the Thirteenth meeting of the Parties).
8. Other matters.
  9. Adoption of the report of the meeting.
  10. Closure of the meeting.

### III. REPORT OF THE SECRETARIAT ON DATA AND COMPLIANCE ISSUES

9. The Ozone Secretariat presented the report of the Secretariat on information provided by Parties in accordance with Article 7 of the Montreal Protocol, as contained in document UNEP/OzL.Pro/ImpCom/30/3. All 44 non-Article 5 parties had reported base year data, which for them was also the baseline data, whereas for the 140 Article 5 parties, between 80 and 90 per cent had reported base year and baseline data. The Secretariat drew the Committee's attention to the 12 Parties that had not reported full baseline data for Annex A, to the 12 Parties that had not reported full baseline data for Annex B, and to the 13 Parties that had not reported full baseline data for Annex E. Some of these Parties, 11 in total, had never reported any data and were therefore only temporarily classified as operating under Article 5.

10. Most countries had not yet reported any data for 2002, as the deadline for reporting had not yet been reached. Of the 44 non-Article 5 parties, 13 had reported data. For production, reported data showed all of them to be in compliance. For consumption, however, 2 Parties had reported data deviating from their allowances, and were accordingly under review.

11. Of the 140 Article 5 parties, 45 had reported data. For production, reported data showed all of them to be in compliance. For consumption, 25 Parties had reported data which deviated from the reduction schedules, and were accordingly under review. This included 15 Parties which had reported CFC consumption above the baseline in either 2001 or 2002 but had not reported for the control period 1 July 2001 – 31 December 2002. The Ozone Secretariat had written to them asking for clarification and/or control period data. New control measures for Article 5 parties for halons and for methyl bromide had come into force on 1 January 2002, in each case a freeze on consumption. Some 7 Parties had reported data showing halon consumption above the baseline, and 11 Parties had reported data showing methyl bromide consumption above the baseline. The Ozone Secretariat had written to them asking for clarification, which in some cases was already beginning to arrive.

12. Parties that had reported data for 2001 showing them to be in non-compliance but which had been covered by decisions adopted by the Fourteenth Meeting of the Parties were excluded from the report. A number of Parties, however, had subsequently reported data for 2001 which revealed deviations from their reduction allowances. This included two non-Article 5 parties, Azerbaijan and Latvia, and 4 Article 5 parties, Lao People's Democratic Republic, St Kitts and Nevis, Uganda and Yemen, which had reported CFC consumption above the baseline in either 2000 or 2001 but had not reported for the control period 1 July 2000-30 June 2001

13. In response to questions from the Committee, the Secretariat clarified that Parties which were temporarily classified as operating under Article 5 were removed from their temporary status as soon as they reported any data. This did not mean to say that they had reported all the data they were supposed to.

**IV. STATEMENTS BY (a) THE MULTILATERAL FUND SECRETARIAT AND (b) IMPLEMENTING AGENCIES (UNDP, UNEP, UNIDO AND THE WORLD BANK) ON THE ACTIVITIES CARRIED OUT IN ARTICLE 5 PARTIES AND PARTIES WITH ECONOMIES IN TRANSITION TO FACILITATE THE IMPLEMENTATION AND COMPLIANCE WITH THE MONTREAL PROTOCOL**

(a) Multilateral Fund Secretariat

14. A representative of the Multilateral Fund Secretariat presented a report on the status of Article 5 Countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol (UNEP/OzL.Pro/ExCom/40/25), which the Executive Committee of the Multilateral Fund would be considering at its upcoming 40<sup>th</sup> Meeting of 16-18 July 2003.

15. He highlighted the fact that the document was a planning tool used by the Fund Secretariat and implementing agencies to identify where countries may be experiencing difficulties with compliance. Differences between the data contained in the Fund Secretariat's report and the Ozone Secretariat's report on data obtained under Article 7 of the Montreal Protocol could be explained by the different deadlines for data submission. Data on the implementation of country programmes was required by May 1 of each year, whereas reporting under Article 7 was required on September 30 of each year, making the Fund's data more complete in the present instance.

16. The analysis of status of compliance contained in the first part of the Fund Secretariat's report indicated that 109 countries could be considered in compliance with the CFC freeze based on their latest reported consumption data, with a further two countries that could achieve compliance if projects approved for them were implemented expeditiously (Libyan Arab Jamahiriya and Saint Kitts and Nevis). Nine countries were at risk of non-compliance, but activities in the 2003-2005 business plan might help bring those countries into compliance. The report also looked at countries' compliance with the 50 per cent CFC reduction target in 2005, and with control measures for halons, methyl bromide, carbon tetrachloride and methyl chloroform. The second part of the document examined remaining ODS consumption by industry sector, to be considered by the Executive Committee at its 40th Meeting. The representative of the Fund Secretariat stressed that the analysis performed and the conclusions derived in the document were without prejudice to the status of compliance determined by the Meeting of the Parties.

17. The report was followed by a presentation on the development of the Multilateral Fund's three-year phase-out plan, on data and non-compliance issues, and on Executive Committee actions for countries with non-compliance issues.

18. The representative of the Fund Secretariat explained that the rolling three-year phase-out plan had been developed to further implement the Multilateral Fund's framework for strategic planning. The phase-out plan's suggested reductions had been adopted by the Executive Committee as an important guide for the preparation of annual and/or multi-year business plans during 2003-2005 to enable compliance of all countries with the 2005 and 2007 targets. Implementing agencies had been requested to take into account the ODS phase-out generated by the model as a basis for preparing multi-year agreements, and consider allocating funding tranches accordingly.

19. The Executive Committee was already viewing project proposals in the light of the compliance prospects of the Parties involved. For example, approval of projects for Parties found to be in non-compliance was on a case-by-case basis and without prejudice to the operations of the Protocol's non-compliance mechanism; project proposals for Parties found to be in non-compliance must enable a return to compliance as soon as feasible; extensions for institutional strengthening projects were considered if the countries had reported ODS data to the Ozone and Fund Secretariats; extensions were normally for two years, though for Parties found to be in non-compliance, extension was for one year and approval was without prejudice to the operation of the Protocol's non-compliance mechanism.

20. The representative of the Fund Secretariat went on to present activities aimed at countries that were currently or potentially in non-compliance. The Executive Committee had approved funding for activities in 35 out of 37 countries in that category. Phase-out activities had not yet been submitted for approval by the Executive Committee for only two countries (Armenia and Nauru). For the other 35 countries, action had been taken with the knowledge of each country's compliance situation, and with the aim of assisting it to meet its compliance obligations. The representative of the Fund Secretariat went on to present information on the action taken in the 35 countries to facilitate consideration, as appropriate, by the Implementation Committee.

21. Following the presentations by the Fund Secretariat, one Committee member asked whether the Fund had found any common reasons for which countries experienced data reporting delays. The representative of UNEP responded that there were two main reasons, the most common being that the data was not yet available in countries with ongoing country programme preparation. The other main reason was political difficulties in individual countries. More specific reasons included Parties' applications for baseline revision, and difficulty collecting the data itself. A representative of the Ozone Secretariat also pointed out a misconception that might have contributed to data reporting delays. Since, under the Montreal Protocol, the deadline for data reporting for a given year was 30 September of the following year, some Parties waited until the deadline to report the data. That is why the Committee had recently appealed to Parties to report data as soon as it became available, to facilitate decision-making by the Meeting of the Parties.

(b) Implementing agencies of the Multilateral Fund – UNDP, UNEP, UNIDO and the World Bank

UNDP

22. The representative of UNDP described what it called a successful year for countries it assisted. UNDP was making the shift from individual projects to national and sectoral plans, and had approved several such programmes in Argentina, Brazil, India, Indonesia, Kenya and Nigeria. The representative of UNDP reported on specific projects in all countries in which UNDP played a role, structuring his presentation according to the Secretariat's review of the status of compliance with decisions of the Parties and recommendations of the Implementation Committee on non-compliance issues as well as potential non-compliance issues arising out of the data report (UNEP/OzL.Pro/ImpCom/30/2).

23. The representative of UNDP addressed the situation of countries with economies in transition, such as Kazakhstan and Tajikistan. Such countries were only eligible for one-time funding from the Global Environment Facility (GEF) for institutional strengthening projects, whereas Article 5 countries could resubmit such projects for renewed funding from the Multilateral Fund every two years. The Committee might therefore consider suggesting that GEF make more funds available to countries with economies in transition. The representative of the World Bank said that GEF might consider using a portion of its 50 million dollar window of funds for capacity-building for such a purpose. In connection with data reporting, one member of the Committee pointed out that countries that were working on data surveys but were potentially about to lose Article 5 country status should be allowed to retain that status until the survey was completed.

24. A representative of the Multilateral Fund Secretariat made a clarification regarding a UNDP project in Bolivia. The comment had been made that, with cancellation of the project, the country would have to find alternate means of phasing out the corresponding ODS tonnage, without Multilateral Fund assistance. The representative of the Fund Secretariat pointed out that, according to Executive Committee decisions, projects could be resubmitted two years after cancellation, apart from cases where bankruptcy and change of ownership was the cause of the cancellation. The representative went on to remind the Implementation Committee of Decision XIV/37 governing interaction between the Implementation Committee and the Executive Committee of the Multilateral Fund, stating that in no case should an Implementation Committee decision be construed as a direct influence on Executive Committee actions with regard to funding.

#### UNEP

25. The representative of UNEP began his presentation by commenting that UNEP and UNDP might present a joint report to the Committee in future, to reflect the close cooperation between the two implementing agencies. Presenting his own report, he described the implementation of the UNEP Compliance Assistance Programme (CAP) in 137 countries, announcing that the programme had led to an overall improvement in data reporting and a greater return to compliance in those countries. He pointed out that, despite the fact that many of the countries that UNEP worked with as part of its CAP were low-volume consuming countries (LVCs) with few or no investment projects, institutional strengthening projects were having an impact that went beyond compliance. In fact, 63 per cent of the countries that had received institutional strengthening assistance from UNEP had achieved reduction beyond compliance, and 73 per cent of the countries that received network assistance from UNEP had achieved reduction beyond compliance. In this connection, the representative of UNEP said that countries with economies in transition should benefit from funds, at least temporarily, to enable them to participate in a regional network, so that their concerns could be addressed in those forums.

26. The UNEP report also examined progress in policy setting in the context of Article 4 of the Protocol, measured in terms of licensing bans, quotas, and bans on imports of ODS and equipment using ODS. As of June 2003, 120 of the countries assisted by UNEP had initiated or implemented such policies, which remained to be initiated in only 17 countries. He drew the Committee's attention to UNEP's compliance review sheets for countries in difficulty and highlighted bilateral meetings held with National Ozone Units, in participation with colleagues from other implementing agencies, with the assistance of the Multilateral Fund Secretariat and the Ozone Secretariat, saying that the meetings had been very useful in understanding countries' specific compliance-related problems and making suggestions and recommendations on resolving the issues. The suggestion was made that the Committee might wish to recommend the establishment of formal, structured coordination between the Secretariats and the implementing agencies for the purpose of promoting compliance. Another suggestion, made by the representative of UNDP, was to invite bilateral agencies to attend Committee meetings, since they were very active in some countries with projects about which implementing agencies could not report. The Committee agreed to invite relevant bilateral agencies to its future meetings whenever non-compliance issues relating to the parties in which they were implementing ODS phase-out projects were being discussed.

27. He suggested that the Committee might like to consider two further issues. Firstly, the problems faced by very low-volume-consuming countries importing larger quantities of ODS than their annual

allowance under the Protocol. It often proved difficult or costly to purchase very small amounts of ODS, but if larger amounts were purchased, covering several years' use, the country concerned would be in non-compliance during the period it allowed imports. Secondly, he drew attention to the countries with economies in transition that were still outside the regional network, and suggested that GEF could support the establishment of such networks for a limited time.

#### UNIDO

28. With regard to data reporting, the representative of UNIDO informed the Committee that, of all of the countries it assisted with institutional strengthening projects, the only country that had not reported was the Libyan Arab Jamahiriya, a situation that had just been corrected. Other compliance issues in countries assisted by UNIDO would be dealt with at the current meeting, with Bosnia and Herzegovina, Qatar and Yemen present, but the Libyan Arab Jamahiriya was unable to attend. Bosnia and Herzegovina and Yemen were requesting revision of their baseline data due to abnormal conditions which had either depressed consumption during the baseline years or had made data collection very difficult.

29. In relation to compliance with the 2002 methyl bromide target, the representative of UNIDO said that difficulties in this area were probably due in part to the fact that phase-out projects only started late in 1999, but mainly because of late ratification of the Copenhagen Amendment. Since many large-volume consuming countries had only ratified the Copenhagen Amendment recently, they might not be able to comply with the 2005 methyl bromide target.

#### World Bank

30. The representative of the World Bank reported that Bahamas was about to submit its data for 2001-2002. Since approval of the terminal phase-out plan, the government of Bahamas had taken a number of steps showing commitment to compliance, including the imposition of a voluntary import quota. Bahamas had also prepared a policy package to ensure compliance, which had been delayed due to a change in the country's government, but would be approved by the new government shortly. Full data for 2001, submitted by Pakistan, showed that its methyl bromide consumption was used for quarantine and pre-shipment, and its country programme update, prepared with World Bank assistance, would ensure a limit on halon consumption. Finally, the World Bank's production sector reduction projects in Argentina, China and India were on track and would ensure 50 per cent reduction by 2005.

#### (c) Global Environment Facility

31. The representative of the Global Environment Facility Secretariat mentioned the shift in his organization's mandate from funding CFC freeze compliance projects in countries with economies in transition to funding methyl bromide phase-out in Article 2 countries by the end of 2004. GEF had worked closely with the Implementation Committee and the Open-ended Working Group in the past and looked forward to continued cooperation with the Ozone Secretariat to ensure expeditious phase-out of methyl bromide in Eastern Europe and Central Asia. In fact, the GEF Council had approved a financing envelope of US\$ 12 million for that purpose. UNDP, UNEP and the World Bank were also working on two regional project preparation initiatives to present full-fledged phase-out projects for GEF approval by late 2003 or early 2004. Ongoing cooperation with the Secretariat and implementing agencies was highly valuable in terms of achieving targets, updating data and ensuring accurate reporting on methyl bromide use in countries with economies in transition.

## V. INFORMATION ON COMPLIANCE BY PARTIES PRESENT AT THE INVITATION OF THE IMPLEMENTATION COMMITTEE

### (a) Qatar

32. The representative of Qatar presented his request for a change in his country's baseline data for consumption of halons, from 10.6 to 53.6 ODP-tonnes. He explained that the baseline data originally submitted had turned out to be inaccurate, as the customs department had supplied information only on private sector imports, omitting the public sector, and private enterprises had under-reported consumption, either because of a lack of awareness of the issue, or in an attempt to avoid future taxes or controls on imports. When the National Ozone Unit had been established in 1999, it had discovered these discrepancies and reported updated figures to the Secretariat, which were included in Qatar's written submission to the Committee. The National Ozone Unit had also discovered, as a result of conducting field inspections and workshops, that the public sector, particularly the Ministry of Defence and the state oil companies, had been importing halons without approval and were continuing to use them.

33. Responding to questions from members of the Committee about the reliability of the data now submitted, and about the lack of detailed figures for public sector consumption, the representative of Qatar explained that the National Ozone Unit had compared customs and companies' records, and had inspected documents such as invoices for quantities and dates of halons imported. He believed that the second survey, which the National Ozone Unit had conducted in 2000, gave reliable data, for both private and public sectors. Responding to further questions about the involvement of implementing agencies, the representative of the Fund Secretariat explained that no agency was involved in the halon sector in Qatar, but that the country was included in the bilateral project, funded by Germany, to establish a regional halon bank for West Asia.

### (b) Uganda

34. The representative of Uganda presented his request for a change in his country's baseline data for consumption of methyl bromide. As background he explained that the development of the flower-growing industry was an important element of Uganda's strategies for economic diversification and poverty reduction. It had grown rapidly in recent years, with an accompanying rise in use of methyl bromide; the sector accounted for virtually all of the country's non-QPS use of the substance. The Government, however, was fully committed to implementing the Montreal Protocol, and use per hectare had actually fallen as alternative substances and technologies had been taken up. The growth in awareness of the issue, combined with improvements in information exchange amongst stakeholders and new government regulations, including permit, coding and tracking systems for methyl bromide, had resulted in substantial improvements in the quality of data submitted from the flower-growers. It had become clear, however, that the data originally collected, and submitted as Uganda's baseline data, had been inaccurate because of poor levels of awareness and communications, late reporting and under-reporting by users. He therefore requested a revision in Uganda's baseline figure.

35. The representatives of the Fund Secretariat and UNIDO explained that a complete phase-out project, covering 12 tonnes of methyl bromide, had been agreed with Uganda at the 34<sup>th</sup> meeting of the Executive Committee. A progress report was being finalized by UNIDO for submission to and discussion at the next meeting of the Executive Committee. The report would not, however, cover the issue of the accuracy of the baseline data.

36. Responding to questions from members of the Committee about the reliability of the data now submitted, and about why the flower growers had submitted new data just one year after agreeing the phase-out project, the representative of Uganda stated that awareness and confidence took time to develop, as did regulatory and data collection systems. He believed that the new data, which was based on a re-examination of files and documents, was accurate and that his government ought to be congratulated for attempting to correct inaccuracies in the data submitted as soon as they had been discovered. One member of the Committee observed that many Article 5 parties had had similar experiences of original data proving

to be inaccurate as data collection systems improved, and further requests for changes in baseline data ought probably to be expected.

(c) Yemen

37. The representative of Yemen presented his request for a change in his country's baseline data for consumption of CFCs, responding to clarifications requested by the twenty-ninth meeting of the Implementation Committee. He explained that the main reasons for the inaccuracy of the original data was the difficulty in getting access to many parts of the country following the end of the civil war in 1994 and the lack of capacity of the relevant government bodies at the time. He fully accepted the Committee's concerns over the proposed substantial rise in Yemen's baseline consumption figure, but observed that the average consumption figure for the region was eight times larger than Yemen's old baseline data, strongly suggesting that it was indeed inaccurate. He added that his Government had worked together with UNEP, UNDP, UNIDO, France and Germany in initiating investment projects, and that the Executive Committee has accepted successive requests for revisions in original data.

38. Responding to questions from members of the Committee about the reliability of the data now submitted, and about the adequacy of historic data, the representative of Yemen explained that import records, site visits and random inspections had been used, along with many other sources of information, which had been explained in his written submission. Various survey teams had worked on different sectors, in full collaboration with the implementing agencies, which had also been involved in designing the studies.

39. The representative of UNEP explained that UNEP's regional office in Bahrain had provided advice and assistance on institutional strengthening and data verification and had, through the network meetings, provided platforms for other agencies to hold bilateral discussions with Yemen. The representative of UNIDO commented that her organization had now worked with the Government of Yemen for several years, including verifying data collected in various investment projects, and now had much more confidence in the data reported. Responding to the observation by a member of the Committee that it was important for the implementing agencies to display ownership of the data, the representative of UNDP stated that the agencies could only help with the collection of sectoral data; country-level data would always be the responsibility of the country concerned.

40. The representative of the Fund Secretariat explained that the Fund had conducted a thorough review of activities in Yemen since its country programme had been approved by the 25<sup>th</sup> meeting of the Executive Committee. Three meetings of the Executive Committee since then had discussed revised data, or revisions to the country programme, and the Fund Secretariat had on a number of occasions questioned the reliability of the data, particularly given the lack of historic records. On the basis of the work carried out by the various survey teams to improve the quality of the data submitted, the Executive Committee had felt able to approve a number of investment projects in the aerosol sector, and Yemen's refrigerant management plan, on the basis of the new data and the official request for the change of baseline data submitted by Yemen to the twenty-seventh meeting of the Implementation Committee.

(d) Albania

41. The representative of the Secretariat drew the Committee's attention to the report submitted by Albania on the steps taken in response to Decision XIV/18. A full action plan with benchmarks had been drawn up by Albania in the light of its country plan agreed with the Executive Committee of the Fund. The representative of UNIDO, the implementing agency most closely involved, added that Albania was a latecomer to the Protocol, having only requested assistance in late 2001, so it was not surprising that the country was in non-compliance. Its action plan should, however, ensure that it returned to compliance. Members of the Committee commented that it would be important for UNIDO and UNEP to monitor closely Albania's progress and performance against its action plan.

(e) Bolivia

42. The representative of Honduras, speaking on behalf of Bolivia, reported on the steps taken by Bolivia in response to Decision XIV/20. Total consumption of CFCs, which had been marginally above the country's control limit, had already fallen below it as a result of investment projects assisted by the Multilateral Fund and bilateral donors. Implementation had been delayed by the destruction of the National Ozone Unit's offices and records in a fire following political disturbances, but the action plan now before the Committee showed how Bolivia would remain in compliance with its obligations. The representative of the Fund Secretariat confirmed that the report they had received on the implementation of Bolivia's country programme showed consumption of 65.5 tonnes of CFCs in 2002, well below the baseline figure of 75.7 tonnes. This was confirmed by the Ozone Secretariat, who had also just received the 2002 data. Bolivia therefore appeared to have returned to compliance.

(f) Bosnia and Herzegovina

43. The representative of Bosnia and Herzegovina reported on the steps taken in response to Decision XIV/21. He presented the outline of an action plan with time-specific benchmarks to ensure his country's prompt return to compliance. The plan had been prepared as part of the national phase-out plan, which was in the final stages of completion. The action plan included import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments to ensure phase-out. The representative of Bosnia and Herzegovina explained that the significant difference between the ODS figures for the baseline years of 1995-1997 and 2000-2001 was attributable to the war, which had lowered ODS production and consumption in all industrial sectors. Post-war industrial revival had led ODS consumption to grow to approximately half of the country's pre-war level.

44. In response to requests from members of the Committee to clarify dates for the production of a completed action plan and the implementation of the ban on imports of ODS-containing equipment, the representative of Bosnia and Herzegovina said that before imports could be banned, it was necessary to phase out ODS in the industrial sector through ongoing investment projects in that area, scheduled for completion in 2005. It was pointed out that the associated drop in demand for CFCs might lead to a revision of the final action plan, with a possible decrease in the ODS consumption figure for 2007. The licensing system, scheduled to be in place by 2004, would have to reflect the time-specific benchmarks, with the quota system as reinforcement to ensure that the set ODS consumption limit was not exceeded for any given year. The representative of Bosnia and Herzegovina explained that the quota system could not be established before 2007 because legislation did not yet exist at the national level, and would have to come into force before decisions on quotas could be made.

45. Another date requiring clarification by the Committee was the start of awareness-raising on ODS consumption, scheduled for 2009. The representative of Bosnia and Herzegovina recognized that awareness-raising should take place throughout the compliance process, and pointed out that, with the country's recent ratification of the Copenhagen, London and Montreal Amendments, awareness-raising would be extended to cover Bosnia and Herzegovina's obligations under those instruments. In response to a question regarding the figure for expected ODS phase-out from Bosnia and Herzegovina's national phase-out plan as indicated in UNIDO's 2003 business plan, which differed from the amount in the action plan, the representative of Bosnia and Herzegovina explained that the figure in the action plan had been modified to reflect the decision by the Executive Committee of the Multilateral Fund to shorten deadlines for two approved projects in the business plan from 30 months to 15 months. UNIDO also clarified that the figures in its business plan were indicative and that the data was being gathered and verified for presentation in its final form at the 41<sup>st</sup> meeting of the Executive Committee.

(g) Namibia

46. The representative of Namibia reported on the steps taken in response to Decision XIV/22. He presented the base year data and action plan with time-specific benchmarks for his country, noting and

correcting errors in the figures for phase-out tonnage to reflect Namibia's schedule for compliance. He went on to clarify how Namibia would meet further reduction schedules in line with the action plan, describing draft ODS regulations under Namibia's Import and Export Act that would prohibit ODS imports and imports and ban all equipment designed to use ODS. Namibia's minister in charge of presenting the draft legislation to cabinet had set the country's National Ozone Unit the task of completing the first phase of the country's Refrigeration Management Plan before tabling the regulations. This step had been completed, and it was hoped that the regulations would be passed by the end of 2003. Other compliance-oriented initiatives included a customs training project, which had been completed; an end-user workshop to provide input and determine activity under the country's end-user programme; and approval by the Executive Committee of the Multilateral Fund of project preparation for terminal phase-out involving a survey to identify ODS-using facilities. The survey had revealed that most government facilities still ran on CFC-11, and the Government of Namibia hoped that approval of the terminal phase-out project would make it possible to retrofit all facilities to comply with Montreal Protocol obligations. The representative of Namibia also mentioned a bilateral project in recovery and recycling, with the Government of Finland. There had not been enough equipment to supply all companies, resulting in unequal implementation of the project. Extension of the project to provide recovery and recycling equipment equally across all companies would further assist Namibia in reaching compliance. The success of all of the described measures might even enable Namibia to apply for accelerated phase-out.

47. Responding to a question from a member of the Committee about customs training to bring customs officers abreast of the new ODS regulations once they went into force, the representative of Namibia clarified that ongoing training would be provided as part of the national customs training curriculum.

(h) Saint Vincent and the Grenadines

48. The representative of the Secretariat drew the Committee's attention to the report submitted by Saint Vincent and the Grenadines on the steps taken in response to Decision XIV/24. The document the Secretariat had received, however, only contained figures for anticipated consumption levels and did not deal with the request, contained in Decision XIV/24, to supply information on the establishment of import quotas and a ban on imports of ODS-using equipment. The Secretariat had written back to ask for further information. The representative of UNEP added that UNEP was working together with Saint Vincent and the Grenadines to assist its return to compliance and, under its Compliance Assistance Programme, was paying particular attention to the country. He knew that a licensing system was due to become operational from August 2003, but he did not know whether it would include import quotas. One member of the Committee observed that such licensing systems normally did include quotas, and also that she believed that Saint Vincent and the Grenadines would be submitting a request for a revision of its baseline data.

(i) Libyan Arab Jamahiriya

49. The representative of the Secretariat drew the Committee's attention to the report submitted by the Libyan Arab Jamahiriya on the steps taken in response to Decision XIV/25. An action plan with benchmarks had been drawn up by the Libyan Arab Jamahiriya, including investment projects approved by the Executive Committee of the Fund, public awareness activities, a licensing system and a ban on imports of ODS-containing equipment. The representative of UNIDO confirmed that the date of 1 January 2011 for total phase-out of CFCs contained in the plan was a typographical error, and should read 1 January 2010. He also confirmed, in response to questions from members of the Committee, that the import ban was currently being considered by the Government of the Libyan Arab Jamahiriya, and was expected to be in force by January 2004, and that the proposal for the licensing system, which included specified quotas, was almost finalized, and was expected to be included in the documents to be considered by the Executive Committee at its 41<sup>st</sup> Meeting. He also stated that although the action plan indicated quite large reductions in consumption, he believed that it was credible and, indeed, under projects drawn up with UNDP, 213.4 ODP-tonnes of CFCs had already been phased out.

50. The representative of the Secretariat added that although the report submitted by the Libyan Arab Jamahiriya had referred to its anomalously low baseline figure, as a result of the United Nations sanctions

imposed on the country, the Secretariat believed that it did not intend to request a revision of the baseline figure.

(j) Maldives

51. The representative of Maldives reported on the steps taken in response to Decision XIV/26. He presented the plan of action with time-specific benchmarks to ensure his country's prompt return to compliance, stressing that Maldives, a long-time Party to the Montreal Protocol and all of its amendments, had always been in compliance up until now, and that the current situation of non-compliance was due to an anomaly. CFC consumption figures for Maldives in 2001 were well above its baseline because one importer had been forced to acquire a full container of CFCs by the overseas supplier's unwillingness to provide only the small amount actually required. He drew the Committee's attention to a potentially problematic situation for all low- and very low-volume consuming countries (with CFC consumption of under 5-10 tonnes) that were unable to import small amounts due to adverse prices, since importing larger amounts to meet CFC needs for more than one year placed countries in virtual non-compliance.

52. In response to a question by one member of the Committee regarding what had been done with the surplus CFCs, the representative of Maldives explained that they had been stockpiled for use during a temporary ban on CFC imports from 2003-2005. Another member of the Committee requested clarification of the ODS consumption figures in Maldives' action plan, which seemed to indicate non-compliance. The representative of Maldives stated that the table reflected ODS use, rather than consumption as defined by the imports + production, - exports equation. Furthermore, successful completion of ongoing refrigerant management and mobile air conditioning conversion sector projects would in fact bring ODS consumption in Maldives down to zero by 2007.

(k) Other matters

53. Responding to questions from members of the Committee about the format of the meeting, representatives of the implementing agencies confirmed that they had appreciated the opportunity to participate in the discussions on compliance by particular Parties. They suggested that it would be helpful to adopt a common format for their presentations, and possibly even a single presentation, followed by an opportunity for input as requested by the Committee. The representative of UNEP suggested that in addition to an examination of compliance with Articles 2 and 5 (control measures) and 7 (data reporting), it might be helpful for the Committee to examine compliance with Articles 4, 4A and 4B (control of trade and licensing systems) and 9 (research, development, public awareness and exchange of information).

54. The representatives of the Fund Secretariat and the GEF Secretariat agreed that their participation in the meeting had been very valuable, helping the process of continuous exchange of information. The representative of the Fund Secretariat pointed out that the implementing agencies, which had legal and binding agreements with the Executive Committee, had several reporting requirements, and detailed information was submitted to the Executive Committee on every project approved. The consolidated reports prepared for the Executive Committee provided a summary of the status of implementation on any particular Party, and this information could be provided to the Implementation Committee. The representative of the GEF Secretariat added that GEF collected annual data reports on the effectiveness of GEF-supported activities, and if the Committee were to ask the GEF Council for the submission of this information to their meetings, he felt sure it would approve.

55. The representative of Lithuania commented on the situation of the countries with economies in transition. Although many of them had made good progress in fulfilling their obligations, they would benefit from further support from GEF, particularly in assistance with institutional strengthening, where support was more limited than that enjoyed by Article 5 parties from the Multilateral Fund, and also in establishing a regional network. The representative of the GEF Secretariat responded that the objective of the GEF was to achieve compliance, and that the majority of countries with economies in transition were already in compliance with their obligations under the Protocol. Having said that, he recognized the approaching challenge of phasing out methyl bromide, to which the GEF was encouraging its implementing

agencies to pay particular attention. Although the GEF's mandate did not allow it to support "open-ended" capacity-building activities for the Montreal Protocol, he drew the Committee's attention to a broader initiative, soon to be launched, for a major development of capacity-building across all of the GEF's six focal areas. He believed that it should be possible for support for capacity-building in ozone depletion to be integrated into this new initiative.

56. The President concluded the session by thanking the countries who had attended, as well as implementing agencies, and GEF and Fund Secretariats for their valuable input. The Committee then discussed the remaining items on its agenda in closed session.

## **VI. CONSIDERATION OF GENERAL ISSUES RELATING TO COMPLIANCE**

57. The representative of the Secretariat presented a general overview of compliance issues, data reporting and the Montreal Protocol's non-compliance procedure, hoping that it would prove of value, in particular to new members of the Committee. He noted, inter alia, that the non-compliance procedure was designed primarily to assist Parties to return to compliance, rather than punishing them for being in non-compliance, and that virtually all past decisions of Meetings of the Parties dealing with non-compliance had been based on the Committee's recommendations, and had never had to be returned to the Committee for revision. He highlighted the increasing complexity of the Committee's work, pointing out that 22 out of 43 decisions of the 14<sup>th</sup> Meeting of the Parties had originated with the Committee. It was of course necessary to follow up on the implementation of all these decisions, adding substantially to the workload of the Committee.

58. He also raised the question of how the Committee could work together more closely with the implementing agencies, pointing out that although the purpose of the UNEP Compliance Assistance Programme, for example, was to improve compliance, it had no working relationship with the Committee, and the Committee had no mandate to request it to undertake any particular activities.

## **VII. REVIEW OF THE STATUS OF COMPLIANCE OF PARTIES AND RECOMMENDATIONS OF THE IMPLEMENTATION COMMITTEE ON NON-COMPLIANCE ISSUES**

59. The Committee agreed to consider compliance issues requiring recommendations in the same order as presented in document UNEP/OzL.Pro/ImpCom/30/2.

### **A. Status of compliance with recommendations of the Implementation Committee**

60. The Committee discussed the requests of Qatar, Uganda and Yemen for revisions in their baseline data, and the general approach which should be taken to the type of requests. The Committee noted with appreciation the information provided by Qatar, Uganda and Yemen in support of their requests for baseline revisions. In particular, the Committee expressed appreciation to the representatives from these countries, including the Minister of Environment and Water, for attending the meeting to present their submissions and answer the Committee's questions.

61. Members of the Committee accepted that the Committee ought to be more clear in the information it requested from the Parties in question. Yemen, for example, had now appeared before the Committee on three separate occasions, and there had to be a limit to the number of times it could be asked to reappear. On the other hand, it was important for the Committee to be absolutely confident that any revision of baseline data could be justified, especially when the revised figure was much higher than the original baseline, and in particular when it came to be discussed by the Meeting of the Parties. Members of the Committee recalled Decision XIII/15, adopted when requests for baseline data revisions started to be submitted, and further elaborated at the twenty-eighth meeting of the Committee, which had stated that the Implementation

Committee would work with the Secretariat and Executive Committee to confirm the justification for the changes. It was important not only to receive the new data but to verify that it was completely accurate.

62. In the case of Qatar, for example, the evidence that had been submitted did not appear to be comprehensive, omitting detailed figures on consumption in the public sector. Some members of the Committee suggested either that missions could be carried out at the invitation of the Party concerned, as allowed for under paragraph 7(e) of the Protocol's non-compliance procedure, by the Secretariat and perhaps the President of the Committee and the implementing agencies involved, to the Parties in question to inspect the supporting documents, such as invoices and customs records, or alternatively that the documents could be included with the Parties' submissions to the Committee. Furthermore, Parties' appearances before the Committee should be seen as a positive opportunity for dialogue, and not as a negative experience; a number of countries with economies in transition, for example, had appeared on several occasions before the Committee with positive outcomes. Other members, however, believed that missions would not reveal any information that was not already apparent, and that the Committee should accept Parties' presentations as an adequate justification, particularly where they had good reasons for thinking that the original data was suspect, such as the aftermath of the war in Yemen. The aim of the Implementation Committee should be to assist Parties to comply, not to make it more difficult for them.

63. The representative of the Secretariat pointed out that the baseline data in question had usually been reported several years previously, and had been published on many occasions, and that it was odd that it was only being queried when the Parties concerned actually started to implement control measures. The Committee had to be careful to avoid getting into the situation where any Party experiencing difficulties with phase-out was able to side-step them simply by revising baseline data. Some members of the Committee pointed out, however, that data reporting systems invariably improved over time and that the original data collection efforts were not always of a very high quality.

64. The Committee accepted that there was a potential danger in accepting baseline changes without very careful scrutiny, since it would effectively legitimize higher consumption of ODS. Some members of the Committee suggested that an alternative approach would be to agree with each of the Parties a plan of action for phase-out of ODS, including time-specific benchmarks based on their current reported consumption. This would not prejudice any agreement the Parties had already reached with the Executive Committee of the Fund, and the Implementation Committee could specifically encourage the Executive Committee, through the Meeting of the Parties, to provide assistance with meeting the benchmarks.

65. The Committee agreed to request the President and Vice-President to work intersessionally, together with the Ozone Secretariat and the Fund Secretariat, to review the available information and to gather further information to fill in the gaps in the data submitted by Qatar, Uganda and Yemen to justify revision of their baselines, and to report back to the next meeting of the Committee. Noting the need for clear procedures to follow in the event of future requests for baseline revision, the Committee further agreed to include on the agenda of its next meeting an item on guidelines, clearly stating the Committee's expectations with regard to the methodology that should be followed by countries applying for baseline revision, for subsequent approval by the Meeting of the Parties.

#### B. Status of compliance with previous decisions of the Parties

##### Decision XIV/14: Non-compliance with data reporting requirements under Article 7 of the Montreal Protocol by Parties temporarily classified as operating under Article 5 of the Montreal Protocol

66. Decision XIV/14 of the Fourteenth Meeting of the Parties had identified 13 Article 5 parties as being in a situation of non-compliance with their data reporting requirements under Article 7 of the Montreal Protocol. The representative of the Secretariat informed the Committee that Federated States of Micronesia, Palau and Vanuatu had since provided the required data, whereas the remaining 10 had not yet reported. The Committee noted with appreciation the data provided by the three Parties, which enabled their temporary classification as Article 5 countries to be removed, and agreed to prepare a draft recommendation, as contained in Annex I to the present report, urging Cambodia, Cape Verde, Djibouti, Liberia, Nauru, Rwanda,

Sao Tome and Principe, Sierra Leone, Somalia and Suriname to work together with UNEP under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

Decision XIV/16: Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5 paragraphs 3 and 8 ter (d)

67. Decision XIV/16 of the Fourteenth Meeting of the Parties had urged Parties that had not reported data for one or more years required for the establishment of baselines for Annex A and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d), to report the required data as a matter of urgency. Thirteen Parties had not reported full data with respect to CFCs, and 14 for methyl bromide; some of these had received assistance with data collection from the Multilateral Fund through the implementing agencies. The representative of the Secretariat informed the Committee that Angola, Federated States of Micronesia, Maldives, Nigeria, Palau and Vanuatu had now provided the required data, but that no response had been received from Cape Verde (Annexes A and E), Democratic Republic of Congo (Annex E), Djibouti (Annexes A and E), Haiti (Annex E), Democratic People's Republic of Korea (Annex E), Liberia (Annexes A and E), Rwanda (Annex A), Saint Kitts and Nevis (Annex E), Sao Tome and Principe (Annexes A and E), Sierra Leone (Annexes A and E) and Somalia (Annexes A and E), despite several reminders. Cambodia (Annex A), Nauru (Annex A) and Suriname (Annex A) had reported that they were in the process of collecting the data.

68. The Committee noted with appreciation the data provided by Angola, Maldives, Federated States of Micronesia, Nigeria, Palau and Vanuatu, which placed them in compliance with their data reporting obligations under the Montreal Protocol. The Committee also noted the information provided by the relevant implementing agencies regarding progress in the formulation of Cambodia's national phase-out strategy and the imminent completion of Suriname's country programme. The Committee agreed to prepare a draft recommendation, as contained in Annex I to the present report, urging Cambodia, Cape Verde, Democratic People's Republic of Congo, Djibouti, Haiti, Democratic People's Republic of Korea, Liberia, Nauru, Rwanda, Saint Kitts and Nevis, Sao Tome and Principe, Sierra Leone, Somalia and Suriname to work together with UNEP under the Compliance Assistance Programme and with other implementing agencies of the Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

Decision XIV/17. Potential non-compliance with the freeze on CFC consumption by Parties operating under Article 5 for the control period July 2000 to June 2001

69. Decision XIV/17 of the Fourteenth Meeting of the Parties had identified Guatemala, Malta, Pakistan and Papua New Guinea as Parties that had not reported data for the control period 1 July 2000 to 30 June 2001, but had reported data on CFC consumption for either the year 2000 or 2001 that was above their individual baselines. The decision urged the Parties concerned to report data for the control period as a matter of urgency, observing that the data was especially critical for assisting compliance with the CFC consumption freeze. The representative of the Secretariat informed the Committee that Malta and Pakistan had reported the required data and were in compliance with the CFC freeze for the control period 1 July 2000 to 30 June 2001. Guatemala had not reported the required data for the control period, and Papua New Guinea had reported data for the control period that showed non-compliance.

70. The Committee noted with appreciation the data reported by Malta and Pakistan showing compliance with the control period. The Committee further noted the data for the control period reported by Papua New Guinea showing non-compliance, keeping in mind the accelerated phase-out plan being implemented in conjunction with the Government of Germany, and agreed to ask the Secretariat to request Guatemala and Papua New Guinea to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance, giving consideration to the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that would ensure progress in achieving phase-out.

The Committee further agreed to invite Guatemala and Papua New Guinea to attend the next meeting of the Implementation Committee to provide any clarification the Committee might need when discussing the plans of action.

Decision XIV/18. Non-compliance with the Montreal Protocol by Albania

71. Albania had been identified in decision XIV/18 of the Fourteenth Meeting of the Parties as being in non-compliance with its obligations through increased CFC consumption in 2000 and 2001, and had been requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Committee noted with appreciation the plan of action submitted by Albania, and agreed to prepare a draft recommendation, as contained in Annex I to the present report, listing the benchmarks, and the other measures taken by Albania to ensure a return to compliance, and resolving to monitor the situation closely. The Committee further agreed to request the Secretariat to discuss the draft recommendation with Albania before the next meeting of the Committee and seek its acceptance.

Decision XIV/19: Non-compliance with the Montreal Protocol by Bahamas

72. Bahamas had been identified in decision XIV/19 of the Fourteenth Meeting of the Parties as being in non-compliance with the CFC consumption freeze for the control period 1 July 2000-30 June 2001, and had been requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. As the World Bank had explained in its presentation, the plan of action had been delayed by the recent change of government. The plan was finally submitted to the Committee too near the end of its meeting for proper consideration to be given to it, so the Committee agreed to consider Bahamas' plan of action at its next meeting and to invite Bahamas to attend to present it.

Decision XIV/20: Non-compliance with the Montreal Protocol by Bolivia

73. Bolivia had been identified in decision XIV/20 of the Fourteenth Meeting of the Parties as being in non-compliance with the CFC consumption freeze for the control period 1 July 2000-30 June 2001, and had been requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Committee noted with appreciation the plan of action submitted by Bolivia, its presentation to the meeting, and its recent submission of 2002 data showing consumption lower than its first benchmark. The Committee agreed to prepare a draft recommendation, as contained in Annex I to the present report, listing the benchmarks, and the other measures taken by Bolivia to ensure a return to compliance, and resolving to monitor the situation closely. The Committee further agreed to request the Secretariat to discuss the draft recommendation with Bolivia before the next meeting of the Committee and seek its acceptance. In particular, the Committee asked for confirmation of the inclusion of import quotas, based on the plan's benchmarks, in its licensing system.

Decision XIV/21. Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

74. Bosnia and Herzegovina had been identified in decision XIV/21 of the Fourteenth Meeting of the Parties as being in non-compliance with its obligations through CFC consumption above its baseline for both 2000 and 2001 and had been requested to submit, to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Secretariat had reviewed the action plan submitted by Bosnia and Herzegovina, and had requested further elaboration on concrete plans to monitor the use of ODS so that ODS consumption did not go beyond the proposed benchmarks, and an indication of an intended ban on the import of ODS-dependent equipment. No further information had been received, and Bosnia and Herzegovina had been invited to the Implementation Committee to provide any clarification the Committee might need when discussing the plan of action.

75. The Committee noted with appreciation the draft plan of action submitted by Bosnia and Herzegovina, and its presentation, and noted the clarifications it had provided regarding import quotas, the ban on ODS-dependent equipment scheduled for 2005, and an acceleration of awareness-raising efforts on ODS consumption. The Committee also noted that Bosnia and Herzegovina was working with UNIDO on the

country's terminal phase-out plan, and could include information gathered as part of that process to finalize the plan of action. The Committee therefore agreed to request Bosnia and Herzegovina to revise its plan of action in consultation with UNIDO. The Committee also agreed to prepare a draft recommendation, as contained in Annex I to the present report, listing the revised benchmarks and other measures taken by Bosnia and Herzegovina to ensure a return to compliance, and resolving to monitor the situation closely. The Committee further agreed to request the Secretariat to discuss the draft recommendation with Bosnia and Herzegovina before the next meeting of the Committee and seek its acceptance.

#### Decision XIV/22. Non-compliance with the Montreal Protocol by Namibia

76. Namibia had been identified in decision XIV/22 of the Fourteenth Meeting of the Parties as being in non-compliance with the CFC consumption freeze for the control period 1 July 2000-30 June 2001, and had been requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The plan of action submitted by Namibia had contained a note to the effect that a regulatory mechanism for implementing the plan was under way, and Namibia had been invited to the Implementation Committee to provide any clarification that the Committee might need while discussing it. The Committee noted with appreciation the plan of action submitted by Namibia, and its presentation, and noted the following corrections made to the time-specific benchmarks: the figures for expected reductions in CFC consumption would be changed from 6 tonnes to 3.2 tonnes for 2007, from 4 tonnes to 2 tonnes for 2008, and from 2 tonnes to 1 tonne for 2009. The Committee agreed to prepare a draft recommendation, as contained in Annex I to the present report, listing the revised benchmarks and other measures taken by Namibia to ensure a return to compliance, and resolving to monitor the situation closely.

#### Decision XIV/23. Non-compliance with the Montreal Protocol by Nepal

77. Nepal was identified in decision XIV/23 as being in non-compliance with the CFC consumption freeze for the control period 1 July 2000 to 30 June 2001 and had been requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The representative of the Secretariat informed the meeting that Nepal had not submitted its plan of action, nor had it entered into formal communication with the Secretariat. The Committee noted the information provided by the representative of UNEP regarding its communication with the National Ozone Unit in Nepal, which it described as active, including Nepal's likely return to compliance, and the expected submission of an updated refrigerant management plan in late 2003 or early 2004. The Committee further noted that it hoped to receive formal communication from Nepal, and agreed to request the Secretariat to send a letter to Nepal to ensure that it submitted its plan of action by the next meeting.

#### Decision XIV/24. Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines

78. Saint Vincent and the Grenadines had been identified in decision XIV/24 of the Fourteenth Meeting of the Parties as being in non-compliance with the CFC consumption freeze for the control period 1 July 2000-30 June 2001, and had been requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Committee noted that the plan of action submitted by Saint Vincent and the Grenadines had not been adequate, omitting any information on the establishment of a licensing system, import quotas, or a ban on imports of ODS-containing equipment, and containing benchmarks well above its allowed consumption of CFCs under the Montreal Protocol. The Committee agreed to ask the Secretariat to request Saint Vincent and the Grenadines to submit a comprehensive plan of action by its next meeting.

#### Decision XIV/25. Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya

79. The Libyan Arab Jamahiriya had been identified in decision XIV/25 of the Fourteenth Meeting of the Parties as being in non-compliance with its obligations, having reported CFC consumption levels above its baseline for both 2000 and 2001, and had been requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Committee noted with appreciation the plan of action submitted by the Libyan Arab Jamahiriya, and the fact that it was working

with UNIDO to finalize a national phase-out plan. The Committee therefore agreed to prepare a draft recommendation, as contained in Annex I to the present report, listing the benchmarks, and the other measures taken by the Libyan Arab Jamahiriya to ensure a return to compliance, and resolving to monitor the situation closely. The Committee further agreed to request the Secretariat to discuss the draft recommendation with the Libyan Arab Jamahiriya before the next meeting of the Committee and seek its acceptance. In particular, the Committee asked for clarification of two suspected typographical errors in the benchmarks, the consumption level of 154 tonnes in 2007, which was too high, and the final phase-out date of 1 January 2011, which should be 2010, the final phase-out date for CFCs for Article 5 parties. The Committee also agreed to request UNIDO to continue to work with the Libyan Arab Jamahiriya to confirm its benchmarks.

Decision XIV/26. Non-compliance with the Montreal Protocol by Maldives

80. Maldives had been identified in decision XIV/26 of the Fourteenth Meeting of the Parties as being in non-compliance with the CFC consumption freeze for the control period 1 July 2000-30 June 2001 and had been requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Committee noted with appreciation the plan of action submitted by Maldives, and its presentation, and noted that the figure for expected reductions in CFC consumption for 2007 should be changed from 1.5 tonnes to 0.69 tonnes, so that Maldives would be in compliance with the 85 per cent reduction target for Annex A substances. The Committee further noted the clarification provided by Maldives that the table presented in the plan of action showed CFC use, rather than consumption, and that, in fact, CFC consumption for all other years would be zero. The Committee agreed to prepare a draft recommendation, as contained in Annex I to the present report, listing the revised benchmarks and other measures taken by Maldives to ensure a return to compliance, and resolving to monitor the situation closely.

Decision XIV/28. Non-compliance with consumption phase-out by Parties  
not operating under Article 5 in 2000

81. Decision XIV/28 had identified both Belarus and Latvia as being in non-compliance with the national ODS phase-out plans that were negotiated with the Parties as stated in decisions X/21 and X/24 respectively, and urged them to provide explanations for their non-compliance, based on the data reported under Article 7 of the Protocol, as a matter of urgency. The representative of the Secretariat informed the Committee that both Belarus and Latvia had reported data for Annex A and B substances under Article 7 of the Protocol confirming that ODS consumption had been completely phased out, thus placing both Parties in full compliance with their phase-out plans. The Committee agreed to note with appreciation the progress made by Belarus and Latvia in phasing out Annex A and B substances.

Decision XIV/29. Non-compliance with the Montreal Protocol by Bangladesh

82. Bangladesh had been identified in decision XIV/29 as being in non-compliance with the CFC consumption freeze for the control period 1 July 2000 to 31 June 2001. Bangladesh had been expected to return to compliance in the control period July 2001 to December 2002, and data reported by Bangladesh under Article 7 of the Montreal Protocol for 2002 had confirmed Bangladesh's return to compliance, with the consumption of Annex A, Group I substances reduced to 43 per cent less than its baseline. The Committee agreed to note with appreciation the progress made by Bangladesh in returning to compliance.

Decision XIV/30. Non-compliance with the Montreal Protocol by Nigeria

83. Nigeria had been identified in decision XIV/30 of the Fourteenth Meeting of the Parties as being in non-compliance with its obligations, having reported CFC consumption levels above its baseline for both 2000 and 2001. The decision had also approved Nigeria's plan of action, including a prompt return to compliance. The Committee noted that Nigeria had managed to meet its first target, consumption of 3,400 ODP-tonnes of CFCs in 2002, by reporting consumption of 3,302.7 ODP-

tonnes. The Committee agreed to congratulate Nigeria on meeting its first benchmark, and to continue to monitor the situation closely.

#### Decision XIV/31. Non-compliance with the Montreal Protocol by Armenia

84. Armenia had been reclassified as a developing country by Decision XIV/2 of the Fourteenth Meeting of the Parties, and Decision XIV/31 had accordingly requested the Implementation Committee to review its compliance status, after the country ratified the London Amendment to the Protocol and therefore became eligible for assistance from the Multilateral Fund. Armenia had not yet, however, ratified the London Amendment, and neither had it submitted baseline data, though UNDP had reported in its presentation that the data had now been collected. The Committee agreed to prepare a draft recommendation, as contained in Annex I to the present report, reminding Armenia of its obligations to submit baseline data, and requesting it expeditiously to ratify the London Amendment.

#### Decision XIV/32. Non-compliance with the Montreal Protocol by Cameroon

85. Cameroon had been identified in decision XIV/32 of the Fourteenth Meeting of the Parties as being in non-compliance with its obligations, having reported CFC consumption levels above its baseline for both 2000 and 2001, and had been requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. No such plan of action had been submitted, though in December 2002 the Secretariat had received a letter setting out the steps Cameroon had taken to implement the Protocol, and it had recently reported data for 2002 showing a reduction in CFC consumption below its baseline level. It had also reported, however, data showing consumption of halons and methyl bromide above its baseline level. The Committee agreed to request the Secretariat to send an urgent reminder of its request for a plan of action, and a request that the plan should be extended to cover halons and methyl bromide, and to invite Cameroon to attend the next meeting of the Committee to present it.

#### Decision XIV/33. Non-compliance with the Montreal Protocol by Belize

86. Belize had been identified in decision XIV/33 as being in non-compliance with the CFC consumption freeze for the control period July 2000 to June 2001. The decision also approved Belize's plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Committee noted that the first benchmark, to reduce consumption by 3.6 ODP-tonnes from 28 ODP-tonnes (baseline) to 24.4 ODP-tonnes in 2003, could only be reviewed by the Committee in 2004, and agreed to ask the Secretariat to request Belize to report data for 2002 and subsequent years promptly, consistent with Article 7 of the Protocol, to enable continuous review of compliance by the Committee.

#### Decision XIV/34. Non-compliance with the Montreal Protocol by Ethiopia

87. Ethiopia had been identified in decision XIV/34 as being in non-compliance with the CFC consumption freeze for the control period July 2000 to June 2001. The decision also approved Ethiopia's plan of action with time-specific benchmarks to ensure prompt return to compliance. The representative of the Secretariat informed the Committee that the first benchmark, to reduce consumption by 1 ODP-tonne in 2003 from 35 ODP-tonnes to 34 ODP-tonnes had already been achieved, according to data provided by Ethiopia for 2002 which showed a reduction of consumption of CFCs to 30.0 tonnes. The Committee noted with appreciation the progress made by Ethiopia toward compliance, and agreed to ask the Secretariat to request Ethiopia to continue reporting data consistent with Article 7 of the Protocol, to enable continuous review of compliance by the Committee.

Decisions XIII/19 and XIII/20. Compliance with the Montreal Protocol by Kazakhstan and Tajikistan

88. Decisions XIII/19 and XIII/20 had identified Kazakhstan and Tajikistan respectively as being in non-compliance with their obligations under the Montreal Protocol. Following a review by the Parties to the Montreal Protocol of the country programme and submissions from both governments, Kazakhstan and Tajikistan had committed to a series of obligations. The representative of the Secretariat informed the Committee that, despite reminders to the countries to report on the progress made to implement the agreed benchmarks, no data had been received.

89. The Committee noted the comments made by UNEP that the fact that countries with economies in transition could only obtain one-time funding for institutional strengthening projects from GEF might be having an impact on the countries' ability to sustain data reporting activities consistently over time. The Committee further noted that, since GEF required annual progress reports on the projects it funded in countries with economies in transition, it could be approached for insight into the data collection and reporting situation in Tajikistan. The Committee agreed to request the Secretariat to liaise with GEF in order to obtain recent progress reports, and to send letters to Kazakhstan and Tajikistan reminding them of their benchmark commitments and requesting them to report on progress made to achieve them, with a copy of the letters to the relevant implementing agencies, so that the data could be reviewed by the Committee at its next meeting.

Decision X/20. Non-compliance with the Montreal Protocol by Azerbaijan

90. Decision X/20, adopted in 1998, had identified Azerbaijan as being in non-compliance with its obligations under the Montreal Protocol, and Azerbaijan had committed itself to complete phase-out of CFCs by 1 January 2001. Data submitted for both 2001 and 2002, however, showed consumption of CFCs, in breach of its obligations. The Committee agreed to request the Secretariat to send a letter to Azerbaijan, expressing concern over its non-compliance, reminding it of its benchmark commitments and requesting it to report on progress made to achieve them, so that the data could be reviewed by the Committee at its next meeting. The Committee also agreed to request the Secretariat to liaise with GEF in obtaining this report. The Committee discussed the question of whether GEF rules limiting support for institutional strengthening might have contributed to the situation of non-compliance, but recalled that the recent decision of the GEF Council to launch a major capacity-building initiative across all of its focal areas might provide Azerbaijan with an opportunity to enhance its capacity to implement its obligations under the Montreal Protocol.

C. Potential non-compliance situations arising out of the Data Report (UNEP/OzL.Pro/ImpCom/30/3)

Non-compliance with the requirement to report base year data (Article 7, paragraphs 1 and 2 of the Montreal Protocol)

91. A total of 20 Article 5 parties had not yet reported data for one or more of the base years for one or more groups of controlled substances, as required by paragraphs 1 and 2 of Article 7 of the Protocol. Recognising that for Article 5 parties, base year data (as opposed to baseline data) was of little practical significance, the Committee agreed to prepare a draft recommendation, as contained in Annex I to the present report, reminding Parties of their obligations to report base year data, and also that best possible estimates were acceptable, and that the Secretariat was always available to work with Parties in producing such estimates.

Non-compliance with the requirement to report baseline data for Article 5 parties

92. The data report (UNEP/OzL.Pro/Imp/Com/30/3) presented by the Secretariat indicated that a number of Article 5 parties had not reported data for one or more of the years needed to establish their baselines for Annex A, B or E substances. As already discussed under the agenda item on Decision XIV/16, the Committee agreed to prepare a draft decision, as contained in Annex I of the present report, listing all the Article 5 parties that still needed to report baseline data. The Committee further noted the urgency of reporting data on Annex B and Annex E substances now that control measures had commenced.

93. The report also indicated that 11 Parties temporarily classified as operating under Article 5 of the Protocol, had never reported any data, but were all receiving support from the Multilateral Fund in implementing their phase-out strategies. The Committee agreed to take note of this situation and, as discussed under the agenda item on Decision XIV/14, to prepare a draft recommendation, as contained in Annex I to this report.

Non-compliance with the freeze in the consumption of CFCs, halons and methyl bromide

94. The data report listed a total of 16 Parties that had reported consumption of CFCs, halons and/or methyl bromide above their baselines in 2002, and which therefore appeared to be in non-compliance. A number of amendments needed to be made, however, to the list with respect to methyl bromide consumption: Bosnia and Herzegovina and Côte d'Ivoire had not ratified the Copenhagen Amendment, Trinidad and Tobago had wrongly included its consumption of methyl bromide for QPS uses, and Malaysia had withdrawn its data and was intending to resubmit it. All these Parties, therefore, should not have been included on the list for methyl bromide consumption. Another two of the Parties listed, Yemen and Cameroon, were already the subject of recommendations made by the Committee earlier in the meeting. With these exceptions, the Committee agreed to request the Secretariat to write to the Parties concerned requesting an explanation of the deviations from the control measures for the Committee to consider at its next meeting.

95. The representative of Tunisia raised the problem of methyl bromide use for the fumigation of fresh dates, for which, as the Technology and Economic Assessment Panel had recognized, there was still no acceptable alternative. It was this problem which had caused his country to exceed its consumption limit for methyl bromide, and it was clear that other North African countries were experiencing the same problem, as he, and other Parties, had explained in the meeting of the Open-ended Working Group. He believed, therefore, that Tunisia should not be listed as a Party in a situation of potential non-compliance.

96. Committee members recognized that this was indeed a serious problem, but also accepted that they could not ignore the requirements of the Montreal Protocol, and even though in this case there appeared to be a very strong justification, the figures still showed a situation of potential non-compliance and had to be dealt with as such. Furthermore, in the interests of fairness, every Party reporting data showing it to be in non-compliance ought to have an opportunity to present its case to the Committee. The Committee also recalled that paragraph 4 of the Protocol's non-compliance procedure permitted Parties who, despite their best efforts, were unable to comply with the Protocol, to write to the Secretariat explaining the circumstances; the Secretariat would transmit the information to the Committee for consideration.

Non-compliance by non-Article 5 and Article 5 parties with control measures for data submitted for 2001

97. Two non-Article 5 parties, Latvia and Azerbaijan, had submitted data for 2001 revealing deviations from their obligations to reduce consumption. The Committee had already discussed the case of Azerbaijan under the agenda item on Decision X/20. Latvia had reported methyl bromide consumption greater than 50 per cent of its baseline, and the Committee therefore agreed to request the Secretariat to write to Latvia requesting an explanation of the deviations from the control measures for the Committee to consider at its next meeting.

98. Four Article 5 parties, Lao People's Democratic Republic, Saint Kitts and Nevis, Uganda and Yemen, had all reported CFC consumption for 2000, 2001 and/or the control period July 2000 to June 2001 above their allowed limits. The Committee had already discussed the cases of Yemen under the agenda item on requests for revisions in baseline data. If the other three Parties had reported on time, the Committee would have considered them at its last meeting, but the data had been submitted late and had therefore not yet been considered. The Committee therefore agreed to ask the Secretariat to write to Lao People's Democratic Republic, Saint Kitts and Nevis and Uganda requesting an explanation of the deviations from the control measures for the Committee to consider at its next meeting.

## VIII. OTHER MATTERS

99. Members of the Committee discussed ideas for improving the operations of the Committee. Several members, and the Secretariat itself, observed that closer liaison with the implementing agencies would be helpful in supplying information to the Committee for its considerations. Ideally, all the information currently presented to the Committee and the agencies should be consolidated into a single report which could be circulated before the meeting, highlighting in particular which Agency dealt with which Party. The document "Executive Committee Actions for Countries" which was prepared by the Fund Secretariat was effectively such a report, and if the Ozone and Fund Secretariats could work together to provide this document to the Committee, it should prove very helpful. At the very least, implementing agencies ought to have the chance to comment on and input into the documents prepared by the Ozone Secretariat before they were circulated to the Committee, and all documents should be circulated to the Committee in advance of the meeting.

100. The representative of the Secretariat commented, however, that it was not always straightforward to liaise with the implementing agencies, who derived their mandate from the Multilateral Fund. They tended to see their role as working directly with the Parties and seemed to feel little obligation to report to the Ozone Secretariat. The Committee recognized the sensitivities involved, and the fact that the agencies were contracted to the Fund, and could not be mandated by the Implementation Committee, but felt that it would be helpful to prepare a draft decision to the meeting of the parties requesting the Executive Committee to consider issuing guidance to the implementing agencies to provide assistance to the Ozone Secretariat in facilitating the reporting necessary for implementing the non-compliance process of the Protocol. The Committee therefore agreed to present a draft decision to the meeting of the parties urging the implementing agencies, and in particular UNEP's Compliance Assistance Programme, to assist the Committee, through the Ozone Secretariat, in following up decisions of the Parties on non-compliance and data reporting.

101. Members of the Committee recalled the suggestion of UNEP that the Committee should consider the status of compliance with the technology transfer provisions of the Protocol, and its trade provisions under Article 4. The Secretariat observed that closer attention could usefully be paid to the issue of trade with non-parties, possibly through a recommendation for a decision of the meeting of the parties; the application of trade measures, as mandated by the Protocol, was a useful incentive in persuading countries to accede to the Protocol.

102. Finally, the Committee recognized the value of translation being available at its meetings, and suggested that the Secretariat should attempt to provide the combination of translators most appropriate to the needs of the members of the Committee and those Parties invited to the meeting.

## IX. ADOPTION OF THE REPORT OF THE MEETING

103. The Committee agreed to follow its customary procedure of entrusting the President and Vice-President/Rapporteur with the task of approving the report, though a draft copy was circulated to members who were requested to submit comments thereon.

## X. CLOSURE OF THE MEETING

104. The President declared the meeting closed at 9 p.m. on 7 July 2003.

Annex I

## DRAFT RECOMMENDATIONS

Albania

1. To note that, in accordance with Decision XIV/18 of the 14th Meeting of the Parties, Albania was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Albania's submission of its plan of action, and to further note that under the plan, Albania specifically commits itself:
  - a) To reduce CFC consumption from 69 ODP-tonnes in 2001 as follows:
    - i) To 68.0 ODP tonnes in 2003;
    - ii) To 61.2 ODP tonnes in 2004;
    - iii) To 36.2 ODP tonnes in 2005;
    - iv) To 15.2 ODP tonnes in 2006;
    - v) To 6.2 ODP tonnes in 2007;
    - vi) To 2.2 ODP tonnes in 2008;
    - viii) To phase out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the Parties;
  - b) To establish, by [2003], a system for licensing imports and exports of ODS, including quotas;
  - c) To ban, by [2003], imports of ODS-using equipment;
3. To note that the measures listed above in paragraph 2 should enable Albania to return to compliance by 2006, and to urge Albania to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A Group I;
4. To resolve to monitor closely the progress of Albania with regard to the implementation of its plan of action and the phase-out of ozone-depleting substances.

Bolivia

1. To note that, in accordance with Decision XIV/20 of the 14th Meeting of the Parties, Bolivia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. To note with appreciation Bolivia's submission of its plan of action, and to further note that under the plan, Bolivia specifically commits itself:
  - a) To reduce CFC consumption from 65.5 ODP-tonnes in 2002 as follows:
    - i) To 63.6 ODP tonnes in 2003;
    - ii) To 47.6 ODP tonnes in 2004;
    - iii) To 37.84 ODP tonnes in 2005;
    - iv) To 11.35 ODP tonnes in 2007;
    - v) To phase out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the Parties;
  - b) To consolidate its system for licensing imports and exports of ODS, including quotas;
  - c) To monitor its ban on imports of ODS-using equipment, introduced in 1997;
3. To urge Bolivia to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A Group I;
4. To resolve to monitor closely the progress of Bolivia with regard to the implementation of its plan of action and the phase-out of ozone-depleting substances.

#### Bosnia and Herzegovina

1. To note that, in accordance with Decision XIV/21 of the 14th Meeting of the Parties, Bosnia and Herzegovina was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Bosnia and Herzegovina's submission of its plan of action, and to further note that under the plan, Bosnia and Herzegovina specifically commits itself:
  - a) To reduce CFC consumption from 236 ODP-tonnes in 2002 as follows:
    - i) To 230.0 ODP tonnes in 2003;
    - ii) To 161.4 ODP tonnes in 2004;
    - iii) To 113.5 ODP tonnes in 2005;
    - iv) To 45.0 ODP tonnes in 2006;
    - v) To 5.0 ODP tonnes in 2007;
    - vi) To phase out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the Parties;

- b) To establish, by [2003], a system for licensing imports and exports of ODS, including quotas;
  - c) To ban, by [2003], imports of ODS-using equipment;
3. To note that the measures listed above in paragraph 2 should enable Bosnia and Herzegovina to return to compliance by 2008, and to urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A Group I;
  4. To resolve to monitor closely the progress of Bosnia and Herzegovina with regard to the implementation of its plan of action and the phase-out of ozone-depleting substances.

### Namibia

1. To note that, in accordance with Decision XIV/22 of the 14th Meeting of the Parties, Namibia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Namibia's submission of its plan of action, and to further note that under the plan, Namibia specifically commits itself:
  - a) To reduce CFC consumption from 21.4 ODP-tonnes in 2002 as follows:
    - i) To 19.0 ODP tonnes in 2003;
    - ii) To 14.0 ODP tonnes in 2004;
    - iii) To 10.0 ODP tonnes in 2005;
    - iv) To 9.0 ODP tonnes in 2006;
    - v) To 3.2 ODP tonnes in 2007;
    - vi) To 2.0 ODP tonnes in 2008;
    - vii) To 1.0 ODP tonnes in 2009;
    - viii) To phase out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the Parties;
  - b) To establish, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - c) To ban, by 2004, imports of ODS-using equipment;
3. To note that the measures listed above in paragraph 2 should enable Namibia to return to compliance by 2003, and to urge Namibia to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A Group I;

4. To resolve to monitor closely the progress of Namibia with regard to the implementation of its plan of action and the phase-out of ozone-depleting substances.

#### Libyan Arab Jamahiriya

1. To note that, in accordance with Decision XIV/25 of the 14th Meeting of the Parties, Libyan Arab Jamahiriya was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Libyan Arab Jamahiriya's submission of its plan of action, and to further note that under the plan, Libyan Arab Jamahiriya specifically commits itself:
  - a) To reduce CFC consumption from 985 ODP-tonnes in 2001 as follows:
    - i) To 710.0 ODP tonnes in 2003;
    - ii) To 610.0 ODP tonnes in 2004;
    - iii) To 303.0 ODP tonnes in 2005;
    - iv) To 154.0 ODP tonnes in 2007;
    - v) To phase out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the Parties;
  - b) To establish, by [2004], a system for licensing imports and exports of ODS, including quotas;
  - c) To ban, by [2004], imports of ODS-using equipment;
3. To note that the measures listed above in paragraph 2 should enable Libyan Arab Jamahiriya to return to compliance by 2003, and to urge Libyan Arab Jamahiriya to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A Group I;
4. To resolve to monitor closely the progress of Libyan Arab Jamahiriya with regard to the implementation of its plan of action and the phase-out of ozone-depleting substances.

#### Maldives

1. To note that, in accordance with Decision XIV/26 of the 14th Meeting of the Parties, Maldives was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Maldives' submission of its plan of action, which shows a return to compliance, and to further note that under the plan, Maldives specifically commits itself:
  - a) To reduce CFC consumption from 2.8 ODP-tonnes in 2002 as follows:
    - i) To 0 ODP tonnes in 2003, 2004 and 2005;

- ii) To 2.3 ODP tonnes in 2006;
  - iii) To 0.69 ODP tonnes in 2007;
  - iv) To 0 ODP tonnes in 2008 and 2009;
  - v) To phase out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the Parties;
- b) To implement its existing system for licensing imports of ODS, including quotas;
  - c) To monitor its ban on imports of ODS-using equipment, introduced in 2003;
3. To urge Maldives to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A Group I;
  4. To resolve to monitor closely the progress of Maldives with regard to the implementation of its plan of action and the phase-out of ozone-depleting substances.

#### Armenia

1. To note that Armenia has now been reclassified as a developing country under Decision XIV/2 of the Fourteenth Meeting of the Parties;
2. To note that Armenia has not yet submitted baseline data as provided for by Article 5, paragraph 3, and therefore that Armenia is in non-compliance with its data reporting obligations under the Montreal Protocol;
3. To further note that, in accordance with Decision XIII/18 of the Thirteenth Meeting of the Parties, Armenia was requested to ratify the London Amendment as a precondition for Global Environment Facility (GEF) funding, and that this has not occurred;
4. To note that ratification of the London Amendment is also a precondition for Multilateral Fund funding, and therefore to call upon Armenia expeditiously to ratify the London Amendment.

#### Non-compliance with data reporting requirement under Article 7 paragraphs 1 and 2 of the Montreal Protocol

1. To recall Decision XIV/15 of the Fourteenth Meeting of the Parties, on non-compliance with data reporting requirements for the purpose of reporting data for base years;
2. To note that despite this decision, several Parties operating under Article 5 have still not reported data for one or more of the base years (1986, 1989 or 1991) for one or more groups of controlled substances, as required by Article 7 paragraphs 1 and 2 of the Montreal Protocol;
3. To note further that Article 7 paragraphs (1) and (2) of the Protocol provides for Parties to submit best possible estimates of the data referred to in those provisions where actual data is not available;

4. To request the Secretariat to communicate with the Parties referred to in paragraph 2 above and offer assistance in reporting such estimates in accordance with Article 7 paragraphs (1) and (2).

Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5 paragraphs 3 and 8 ter (d)

1. To note that the following Parties have not reported data for one or more of the years which are required for the establishment of baselines for Annex A and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):
  - (a) For Annex A: Armenia, Cambodia, Cape Verde, Djibouti, Guinea Bissau, Liberia, Nauru, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia and Suriname;
  - (b) For Annex B: Cape Verde, Democratic Republic of Congo, Djibouti, Dominica, Grenada, Guinea Bissau, Liberia, Mozambique, Saint Vincent and the Grenadines, Sao Tome and Principe, Sierra Leone and Somalia;
  - (c) For Annex E: Cape Verde, Democratic Republic of Congo, Djibouti, Guinea Bissau, Haiti, India, Democratic People's Republic of Korea, Liberia, Mali, Saint Kitts and Nevis, Sao Tome and Principe, Sierra Leone and Somalia;
2. To note that this places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
3. To stress that compliance by these Parties with the Montreal Protocol cannot be determined without knowledge of this data;
4. To note that all of these Parties except Armenia are receiving assistance with data collection from the Multilateral Fund through the implementing agencies;
5. To urge these Parties to work closely with the Agencies concerned to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

Non-compliance with data reporting requirements under Article 7 of the Montreal Protocol by Parties temporarily classified as operating under Article 5 of the Protocol

1. To note that the following Parties, temporarily classified as operating under Article 5, have not reported any consumption or production data to the Secretariat: Cambodia, Cape Verde, Djibouti, Guinea Bissau, Liberia, Nauru, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia and Suriname;
2. To note that this situation places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
3. To acknowledge that many of these Parties have only recently ratified the Montreal Protocol but also to note that all of them have received assistance with data collection from the Multilateral Fund through the implementing agencies;
4. To urge these Parties to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

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