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**Implementation Committee under the
Non-compliance procedure for the
Montreal Protocol**
Thirty-first meeting
Nairobi, 5-7 November 2003
Agenda item 9
Adoption of the report of the meeting

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

I. Opening of the meeting

1. The thirty-first meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the headquarters of the United Nations Environment Programme (UNEP) in Nairobi from 5 to 7 and 10 November 2003.

II. Organizational matters

A. Opening of the meeting

2. The President of the Committee, Mr. Patrick McInerney (Australia), opened the meeting at 10.15 a.m. on 5 November 2003. Welcoming members of the Committee and underlining the importance of their work in ensuring the effectiveness of the Montreal Protocol, he stressed the need to maintain high standards, address cases of non-compliance effectively and assist Parties in attaining compliance. At its thirtieth meeting, the Implementation Committee had noted the need for more information to be made available to Parties on how to apply for revisions of their baseline data in order that their applications could be processed without delay, and the current meeting would consider those applications. It would also aim to forward a proposal for decision by the Parties for a methodology for approving future requests for changes in baseline data.

3. Mr. Marco González, Executive Secretary of the Ozone Secretariat, welcomed members of the Committee on behalf of the Executive Director of UNEP, Mr. Klaus Töpfer. He noted the importance of the current meeting in the face of increasing compliance challenges to Parties operating under Article 5. The Committee would be reviewing reported data for 2001 and 2002, the deviations in consumption and production levels of parties not operating under Article 5, as well as the potential non-compliance of 35 Parties operating under Article 5 that were experiencing difficulties in achieving consumption freezes of CFCs, halons or methyl bromide. There would also be discussion of revisions of baseline data, a proposal submitted by the Maldives on very low -volume-consuming countries, and a request by several Parties to avail themselves of the provisions of Article 4, paragraph 8, of the Montreal Protocol. He applauded the excellent working relationship between the Implementation Committee and the Executive Committee, Multilateral Fund Secretariat, Global Environment Facility (GEF) and implementing agencies, which continued to enhance the advisory and conciliatory role of the Committee, and hoped that they would be able to have positive input into the current meeting and help the Committee reach its conclusions.

4. He commended the Parties on the steady improvement of data reporting practices. The number of countries submitting data before the deadline of 30 September had increased from 82 in 1998 to 114 in 2002, while the percentage of Parties reporting data prior to the equivalent meeting of the Implementation Committee had increased from 60 to 85 per cent over the same period. While noting progress in addressing cases of non-compliance, he also observed that the current meeting would review the highest number of potential non-compliance cases ever handled by the Committee, some of which were very complex, and he therefore wished the Committee fruitful deliberations.

B. Attendance

5. The meeting was attended by representatives of Australia (President), Bangladesh, Bulgaria, Ghana, Honduras, Italy, Jamaica (Vice President and Rapporteur), Maldives and Tunisia. Lithuania did not attend.

6. The representatives of Guatemala, Cameroon, Democratic Republic of the Congo, Papua New Guinea, and Uganda also attended at the invitation of the Committee.

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

C. 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/31/1, with the deletion of item 6 (f), as that issue had already been resolved, and a reordering of items, as follows:

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:
 - (a) Fund Secretariat;
 - (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 of and compliance with the Montreal Protocol.
5. Review of the status of compliance with specific previous decisions of the Parties and recommendations by the Implementation Committee:
 - (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, Nauru, Sao Tome and Principe, Sierra Leone, Somalia and Suriname (decision XIV/14);
 - (b) Non-compliance with data reporting requirements for the purpose of establishing baselines under Article 5, paragraphs 3 and 8 ter (d), concerning: Cambodia, Cape Verde, the Democratic People's Republic of Korea, Djibouti, Haiti, Liberia, Nauru, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia and Suriname, (decision XIV/16);
 - (c) Review of the previous recommendations by the Implementation Committee and new information on specific Parties:

- (i) Guatemala and Papua New Guinea (decision XIV/17);
 - (ii) Albania (decision XIV/18);
 - (iii) Bahamas (decision XIV/19);
 - (iv) Bolivia (decision XIV/20);
 - (v) Bosnia and Herzegovina (decision XIV/21);
 - (vi) Namibia (decision XIV/22);
 - (vii) Nepal (decision XIV/23);
 - (viii) Saint Vincent and the Grenadines (decision XIV/24);
 - (ix) Libyan Arab Jamahiriya (decision XIV/25);
 - (x) Maldives (decision XIV/26);
 - (xi) Armenia (decision XIV/31);
 - (xii) Cameroon (decision XIV/32);
 - (xiii) Kazakhstan (decision XIII/19);
 - (xiv) Tajikistan (decision XIII/20);
 - (xv) Azerbaijan (decision X/20);
- (d) Review of additional information on the requests for change of baseline data by Qatar, Uganda and Yemen;
 - (e) Review of information on the request for change of baseline data by Indonesia, the Islamic Republic of Iran, and Lebanon;
6. Consideration of the report of the Secretariat on Parties that have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol).
 7. Information on compliance by Parties present at the invitation of the Implementation Committee.
 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 the data report, document UNEP/OzL.Pro/15/4. For base-year data, which Parties were required to report under Article 7, paragraphs 1 and 2, a total of 19 Article 5 parties had failed to report one or more of the required categories. Those countries were listed in table 1 of the data report, with three changes: Rwanda and Sierra Leone, which had recently reported, should be deleted from the list; and China, which had recently ratified the Copenhagen Amendment, should be added.

10. Annual data reporting was required under paragraphs 3 and 4 of Article 7. A total of 160 Parties (87 per cent of the total) had reported data for 2002 (an additional 31 Parties since annex I of the data report had been prepared). In all, 143 Parties (78 per cent of the total) had fully complied with all their data reporting requirements since the beginning of the Protocol, from 1986 to 2002. Of the eight Parties listed in the data report as being temporarily classified as operating under Article 5, because they had never reported any data, three – Djibouti, Rwanda and Suriname – had now reported data, and could therefore be considered as formally classified as operating under Article 5.

11. Article 5 of the Montreal Protocol required Parties to report their baseline data against which consumption and production reductions were calculated. Table 2 of the data report listed 13 Parties which had not yet reported baseline data for one or more of the categories of ODS; in fact, Rwanda, Sierra Leone and Suriname had recently reported data and could therefore be deleted from the list. Table 3 listed eight Parties which were requesting revisions of their baseline data.

12. Turning to the issue of compliance with the phase-out schedules, table 4 listed 14 non-Article 5 Parties which had reported deviations from the consumption reduction schedules for 2002; in all except two cases, the deviations could be explained by allowed variations, such as essential use exemptions approved by the Parties. One additional unexplained deviation which had recently been reported, that of New Zealand for methyl bromide consumption, in fact turned out to be due to a data entry error. Similarly, table 5 listed six non-Article 5 Parties reporting deviations from the production reduction schedules for 2002; since the Netherlands had provided additional information, all of those deviations could be explained. Finally, table 6 of the data report listed 30 Article 5 Parties which had reported deviations from the consumption reduction schedules for 2002. Two further Parties needed to be added: Botswana (for Annex E) and Sierra Leone (for Annex A).

13. The representative of UNEP asked for clarification about the information that Netherlands had provided with regard to its excess production of carbon tetrachloride, observing that it would be useful for Article 5 Parties, which would face similar problems later. The Ozone Secretariat reported that the production had either been for feedstock, export or destruction in future years. Responding to a further question, the Secretariat clarified that the data reported had been accepted at face value; the Secretariat operated on a principle of good faith in accepting data reports from Parties.

IV. Statements by the Secretariat of the Multilateral Fund and the implementing agencies on the activities carried out in Article 5 Parties and Parties with economies in transition to facilitate the implementation of and compliance with the Montreal Protocol

A. Fund Secretariat

14. A representative of the Multilateral Fund Secretariat reported on resource allocation and business planning, funding approvals and observations on compliance issues, updated information on actions taken by the Executive Committee for countries with issues before the Implementation Committee, and prospects for future compliance.

15. He noted that the largest replenishment of the Multilateral Fund to date, \$573 million, had been approved at the Fourteenth Meeting of the Parties. The Executive Committee had allocated \$224 million for 2003, \$191 million for 2004 and \$158 million for 2005; the year 2003 represented a peak in resource allocation because measures were required to assist countries with their first reductions for CFCs, halons, methyl bromide, carbon tetrachloride and methyl chloroform. \$248 million of the total replenishment was available for new commitment projects. Implementing agencies' business plans were derived from three-year rolling phase-out plans that identified the amount of consumption to be phased out to enable compliance on a country-by-country basis. The Executive Committee examined the compliance needs of Article 5 countries three years ahead, which was consistent with the time required to develop and implement projects.

16. He outlined funding approvals by the Executive Committee totalling \$77.4 million in projects and activities in 2003 to date, which included seven multi-year agreements. The Executive Committee had also agreed, in principle, to provide \$125.7 million to China and India for consumption and production phase-out of carbon tetrachloride. He underlined the problems posed by carbon tetrachloride compliance for around 30 countries because of severe time pressures for agencies and countries. Funding continued for National Ozone Units in 129 Article 5 countries, as well as six regional networks. The Executive Committee continued to approve refrigerant management plans (RMPs) as a key method of providing assistance to smaller countries, and the next meeting of the Executive Committee would examine ways to reorient the approach of RMPs to promote compliance. There was continuing evidence that recovery and recycling efforts were not producing significant amounts of recycled CFCs, even though they accounted for a significant proportion of funding in most RMPs.

17. With regard to projects and multi-year agreement target compliance requirements, he noted that in cases where non-compliance already existed, all measures and approvals were taken without prejudice to the operations of the Implementation Committee and contained phase-out schedules consistent with compliance requirements. Requests for changes to baseline data led to delays in the provision of assistance from the Multilateral Fund because the Executive Committee required data consistency before considering projects or agreements for approval. He noted that country and industry commitment and involvement through regulatory measures were key to successful compliance.

18. Another representative of the Fund Secretariat gave an updated analysis of compliance prospects, noting that the analysis was intended for planning purposes only and was not a basis for determining compliance. For the 1999 freeze on consumption of CFCs, of 122 countries reporting, 113 appeared to be in compliance. Of the remaining nine, Angola, Libya and Saint Kitts and Nevis should achieve compliance through the implementation of approved projects, while the other six did not appear to be in compliance. Of those six, projects had been submitted to the Executive Committee at its forty-first meeting for Bosnia and Herzegovina, and projects had already been approved for Guatemala and Yemen, in each case to bring the country into compliance by 2007.

19. For the 2002 freeze on consumption of halons, of 121 countries reporting, eight countries, namely Cameroon, the Democratic Republic of the Congo, Malaysia, Nigeria, Pakistan, Qatar, Viet Nam and Yemen, did not appear to be in compliance but all were operating halon banking schemes. For the 2002 freeze on consumption of methyl bromide, 76 out of 97 countries reporting were in compliance. Eight countries, namely, Chile, Egypt, Guatemala, Honduras, the Islamic Republic of Iran, Uruguay, Uganda and Lebanon, could achieve compliance through project implementation. Of the 14 countries that appeared to be in non-compliance, a methyl bromide phase-out project for China had been submitted to the Executive Committee at its forty-first meeting.

20. With regard to Annex B substances, for the first target for reduction in consumption of carbon tetrachloride (85 per cent reduction by 2005), of 108 countries that had ratified the London Amendment and reported data, 79 appeared likely to achieve compliance. China and India should both be able to come into compliance with the implementation of approved projects. Of 27 countries that were at risk of non-compliance, projects had been submitted for Argentina, Democratic People's Republic of Korea, Islamic Republic of Iran, Pakistan and Turkey. For the first target for reduction in consumption of methyl chloroform (a freeze by 2003), of the same 108 countries 101 appeared to be in compliance. Six countries were at risk of non-compliance and Pakistan could achieve compliance through the implementation of approved projects.

21. He then looked ahead to the prospects for compliance with the next set of control measures. For CFCs, where the next control measure was a 50 per cent reduction by 2005, the data showed that 77 countries out of 122 reporting could be in compliance if their latest reported consumption did not increase, and a further 18 countries would be able to achieve compliance through the implementation of approved projects. 27 countries, however, were at risk of non-compliance. For halons, where the next control measure was also a 50 per cent reduction by 2005, 105 countries out of 121 reporting could achieve compliance if consumption was not increased and 11 could achieve compliance through the implementation of approved projects. Of the five countries that were likely to be in non-compliance, Croatia and Haiti had not received assistance. For methyl bromide, where the next control measure was a 20 per cent reduction by 2005, 56 countries out of the 97 reporting could achieve compliance, while 11 countries had agreements or projects that would enable them to achieve compliance. Of the 20 countries that were likely to be in non-compliance, projects for China and Bosnia and Herzegovina to achieve 2005 reductions had been submitted to the Executive Committee at its forty-first meeting. For methyl chloroform, where the next control measure was a 30 per cent reduction by 2005, 97 countries of the 108 reporting could achieve compliance. Of the 11 countries that were not in compliance, a project for Bosnia and Herzegovina to achieve 2007 reductions had been submitted to the Executive Committee at its forty-first meeting.

22. The representative of Bangladesh noted that, contrary to the findings of the Multilateral Fund report, recovery and recycling projects were progressing well in his country, and he requested that serious discussion be undertaken before modifying any such projects.

B. United Nations Development Programme

23. The representative of the United Nations Development Programme (UNDP) outlined current programmes funded by GEF in eight countries with economies in transition that were being implemented jointly by UNDP and UNEP. Investment activities had been completed in all the countries with the exception of Kazakhstan, while all sub-projects were due for completion by the end of 2004. He underlined the need to extend institutional strengthening projects in countries with economies in transition, which were currently only eligible for one-time funding under GEF regulations. In the case of Armenia, for which the GEF Council had approved the country programme prepared by UNEP and UNDP in July 2002, the country had then applied to become an Article 5 Party, and approval of that

application by the fourteenth Meeting of the Parties meant that Armenia was no longer eligible for GEF funding. He also provided updated information for specific Article 5 Parties assisted by UNDP.

24. The Committee noted that, as an Article 5 country, Armenia would become eligible for funding from the Multilateral Fund once it had ratified the London Amendment, as requested in decision XIV/2. The country had recently reported data and expected to complete ratification of the London Amendment by the end of November 2003. Armenia had also highlighted a number of activities being undertaken in the country, including the introduction of a licensing system.

C. United Nations Environment Programme

25. The representative of UNEP reported on the activities of its Compliance Assistance Programme, a unique initiative mounted by UNEP, with the support of the Executive Committee, to reorient its strategy towards meeting the changing needs of Article 5 countries. The Programme delivered direct policy advice to countries through UNEP regional offices and sought solutions to country-specific problems. The report highlighted the performance of countries assisted by UNEP in meeting compliance trends under Articles 5, 7 and 4B, and also dealt with country-specific compliance issues. Problems were highlighted and lessons and recommendations outlined. Attention was also drawn to the “country compliance sheets” for each country included in the report.

26. UNEP was currently assisting 138 countries through a combination of institutional strengthening and regional networks, and a further 47 countries through networks. 98 of them were low-volume-consuming countries. Eight non-Party countries were also being assisted through regional networks, with special funding from a donor country, thereby encouraging their accession to the Montreal Protocol. Of 33 countries reported at the previous meeting of the parties to be in non-compliance, 19 had returned to compliance, 18 of which were low-volume-consuming countries. There had also been a significant improvement in data reporting, where the rate had risen from 62 per cent in November 2002 to over 80 per cent in October 2003. He highlighted country examples, including Fiji, which had no investment projects except for recovery and recycling but had reached phase-out of HCFCs ahead of schedule.

27. In conclusion, he noted the view of UNEP that the Compliance Assistance Programme worked most effectively through small group thematic meetings, facilitated by UNEP, between individual countries, the implementing agencies, the Ozone Secretariat and the Multilateral Fund Secretariat. The importance of direct assistance on a case-by-case basis was showing a positive impact. Licensing systems and their enforcement, economic instruments and South-South cooperation were also key to compliance. He suggested that the utility of submitting base-year data for Article 5 Parties, which was not necessary for determining control schedules, should be revisited, and noted that there should be recognition for real progress towards compliance, rather than an excessive focus on demands for additional information to address inadequacy of data. He further noted that strong messages should be given to countries that frittered away Multilateral Fund resources and diverted skills, and agreed with the view of the Multilateral Fund Secretariat that there was no “technological fix” to the problems of compliance; nor, for that matter, could those problems be solved simply through the provision of funding or projects. What was needed was a combination of appropriate regulations and their effective enforcement.

D. United Nations Industrial Development Organization

28. The representative of the United Nations Industrial Development Organization (UNIDO) informed the Committee that all countries in which UNIDO was implementing institutional strengthening projects had fully complied with their data reporting requirements. UNIDO was assisting the Libyan Arab Jamahiriya in reporting base-year data and, together with UNEP, was assisting the Democratic People's Republic of Korea in reporting data and complying with decision XIV/16. On the subject of changes in baseline data, Qatar no longer wished to pursue a request for changing its baseline data for halons, and UNIDO had been officially informed that the Democratic People's Republic of Korea was postponing its request to change its baseline consumption data for carbon tetrachloride. Indonesia was requesting a change in its baseline consumption of methyl bromide, which, as originally reported, had included the amount consumed for quarantine and pre-shipment purposes.

29. With regard to Cameroon (decision XIV/32), following the completion of two large-scale foam projects implemented by UNIDO, the country was now in compliance with the CFC freeze. In addition, the current reported consumption of halons was well below the baseline. A UNIDO methyl bromide

demonstration project in the country was also nearing completion. Since Cameroon was still reporting methyl bromide consumption, however, in September 2003 it had been agreed that UNIDO would help to identify the consumers. The survey was expected to be completed by January 2004 and, based on its findings, a phase-out project could be prepared.

30. Concerning Albania (decision XIV/18), he was concerned that, while the country had confirmed its acceptance of the draft decision contained in Annex III of the report of the Secretariat (UNEP/OzL.Pro/ImpCom/31/2), there were some delays in starting the implementation of the activities foreseen for 2003. Regarding deviation from consumption reduction schedules by Article 5 Parties in 2002, it was worth noting that the methyl bromide phase-out projects in Uruguay and Honduras were progressing, and that those countries were expected to return to a state of compliance in 2004 and 2005, respectively. Concerning the issue raised by Tunisia, the lack of a technically feasible and economically viable alternative to methyl bromide for the fumigation of dates, it was to be hoped that the forthcoming meeting of the parties would address the matter.

E. World Bank

31. The representative of the World Bank reported on the Bank's assistance to China and India in the implementation of projects in the carbon tetrachloride sector, aimed at phasing out 78,664 ODP tonnes. In line with the agreements between the two countries and the Executive Committee of the Multilateral Fund, they would be able to meet the 85 per cent reduction in 2005. The two sector plans also affected non-Article 5 Parties, as the export of some 50,000 tonnes of carbon tetrachloride to China had been eliminated and it was necessary for the exporters to deal with the issue of surplus carbon tetrachloride, for which international prices were at an all-time low. That could impact on the Montreal Protocol, since it might make it much cheaper to produce CFCs, which again might affect market prices. Moreover, there could be a greater risk of illegal production.

32. Concerning CFC production, the World Bank expected to submit a CFC production phase-out project for Venezuela in 2004, which would mean that the last remaining Article 5 producer of CFCs had been addressed by the Multilateral Fund. Regarding halons, all countries were on track to meet their obligations under the Montreal Protocol. Since China was the only exporter of halons, it was important to note that halon-1211 production in China would cease in 2005, and halon-1301 had not been produced in 2002, nor in the period up to August 2003, as stockpiles of halons were used up. Malaysia's 2002 data on 20 ODP tonnes of halon consumption showed an apparent situation of non-compliance, and the World Bank had asked its task manager to seek more information on the matter from the Malaysian National Ozone Unit.

33. The Bank was currently working with six countries to implement national plans to phase out ODS consumption. All countries, including Bahamas, had met their 2002 phase-out targets. Verification of Bahamas' imports for 2002 had shown that the country was within the parameters of the agreement made, and below the level of the freeze. The World Bank was also assisting a number of countries in implementing different sector plans. Implementation delays for individual projects could, however, affect a country's ability to meet its compliance targets, and the Bank was currently reviewing a number of individual projects and was seeking to identify and overcome factors causing delays.

F. Concluding observations

34. Following the presentations and in response to a suggestion by a Committee member, the Committee agreed that, in order to provide more cohesive information to the Committee, for its future meetings the implementing agencies and the Multilateral Fund Secretariat would liaise with the Ozone Secretariat to produce a consolidated report, clearly setting out the activities for each country and the implementing agency responsible for the projects within it. The report could be updated during the meeting of the Committee, in order to reflect new developments and to incorporate new data. For the collation of data and the interaction needed to produce such a consolidated report, however, adequate time needed to be allowed between the 30th September reporting deadline and the meeting of the Implementation Committee, suggesting the need for the latter and, therefore, also the meeting of the parties, to meet in late November or in December.

V. Review of the status of compliance with specific previous decisions of the Parties and recommendations by the Implementation Committee

35. The Committee agreed to consider all data and compliance issues requiring recommendations in the same order as presented in document UNEP/OzL.Pro/ImpCom/31/2.

A. Status of implementation of the recommendations of the Implementation Committee in relation to previous decisions of the Parties

1. 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, Nauru, Sao Tome and Principe, Sierra Leone, Somalia and Suriname (decision XIV/14)

36. 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 since its last meeting Cambodia, Nauru, Sierra Leone and Suriname had all reported data. The Committee noted with appreciation the data provided by these parties, which enabled their temporary classification as Article 5 countries to be removed, and *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, urging Cape Verde, Liberia, Rwanda, Sao Tome and Principe, and Somalia 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.

2. Non-compliance with data reporting requirements for the purpose of establishing baselines under Article 5, paragraphs 3 and 8 ter (d), concerning: Cambodia, Cape Verde, the Democratic People's Republic of Korea, Djibouti, Haiti, Liberia, Nauru, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia and Suriname (decision XIV/16)

37. 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 Annexes 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. The representative of the Secretariat informed the Committee that since its last meeting, despite repeated reminders from the Secretariat, no response had been received from Cape Verde (Annexes A, B and E), Djibouti (Annexes A, B and E), Liberia (Annexes A, B and E), Sao Tome and Principe (Annexes A, B and E), and Somalia (Annexes A, B and E), despite several reminders.

38. The Committee noted with appreciation the data provided by the majority of the countries listed in decision XIV/16, which placed them in compliance with their data reporting obligations under the Montreal Protocol. The Committee recognised the real difficulties faced by many of these countries in collecting and reporting data, including in many cases recent experience of conflict, but also recognised that other countries, despite similar problems, had nevertheless managed to submit the necessary data. Furthermore, all of these countries were in receipt of assistance with data collection from the Multilateral Fund through the implementing agencies. The representative of UNEP added that in several cases country programmes were in the process of preparation, and baseline data should become available during 2004.

39. The Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting with appreciation those parties which had reported their baseline data, and urging the remaining parties who had not yet reported data 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.

3. Review of the previous recommendations by the Implementation Committee and new information on specific Parties: Guatemala and Papua New Guinea (decision XIV/17), Albania (decision XIV/18), Bahamas (decision XIV/19), Bolivia (decision XIV/20), Bosnia and Herzegovina (decision XIV/21), Namibia (decision XIV/22), Nepal (decision XIV/23), Saint Vincent and the Grenadines (decision XIV/24), Libyan Arab Jamahiriya (decision XIV/25), Maldives (decision XIV/26), Armenia (decision XIV/31), Cameroon (decision XIV/32), Kazakhstan (decision XIII/19), Tajikistan (decision XIII/20)

(a) Guatemala (decision XIV/17)

40. Decision XIV/17 of the Fourteenth Meeting of the Parties had identified Guatemala as a Party that had not reported data for the control period 1 July 2000 to 30 June 2001, but had reported data on CFC consumption for individual years that were above its individual baseline. The data subsequently reported showed that Guatemala was indeed in non-compliance with the CFC consumption freeze for both the control periods 1 July 2000 to 30 June 2001 and 1 July 2001 to 31 December 2002. Guatemala had acknowledged its status of non-compliance and submitted a series of measures to achieve compliance, including reductions in imports and a range of policy and regulatory measures. The Committee noted, however, that the figures in the submission seemed to suggest that consumption in 2005 would be higher than the permitted level.

41. Guatemala had also reported consumption of methyl bromide in 2002 above its baseline level, therefore putting it in non-compliance with the Protocol. The country believed that its baseline figure was inaccurate, but the Secretariat confirmed that it had been correctly calculated based on the average of its consumption over the period 1995–98. Nevertheless, Guatemala had also submitted a list of measures to bring it back into compliance, including introducing various alternative substances and technologies, particularly for the economically important melon sector. The representative of UNIDO confirmed that the only current alternative to the use of methyl bromide for treating the melon virus was grafting, but that farmers were proving reluctant to adopt it for the whole sector until there was more evidence of its effectiveness. Pilot projects were in progress and results should be clear by mid-2004. The representative of UNEP observed that in addition to import quotas, the use of export quotas in exporting countries would be of value in controlling consumption, particularly where particular sectors were attracting significant levels of foreign direct investment.

42. The Committee *agreed* to welcome Guatemala's submission, but identified the need for a number of clarifications, which could be discussed with the representative of Guatemala when he was present later in the meeting (see paragraphs 121–124).

(b) Papua New Guinea (decision XIV/17)

43. Decision XIV/17 of the Fourteenth Meeting of the Parties had identified Papua New Guinea as a Party that had not reported data for the control period 1 July 2000 to 30 June 2001, but had reported data on CFC consumption for the year 2001 that was above its baseline. The thirtieth meeting of the Implementation Committee had therefore requested Papua New Guinea to report data as a matter of urgency, and also to submit a plan of action with time-specific benchmarks to ensure a return to compliance. Papua New Guinea had now submitted such a plan of action, which was in front of the Committee, but had also reported data for 2002 showing it to be in compliance with its obligations. The Committee *agreed* to discuss the plan with the representative of Papua New Guinea when he was present later in the meeting (see paragraphs 119–120).

(c) Albania (decision XIV/18)

44. 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 had considered the plan of action submitted by Albania at its thirtieth meeting, had prepared a draft recommendation, and had requested the Secretariat to discuss it with Albania and seek its acceptance.

45. The Secretariat reported that Albania had accepted the Committee's draft recommendation, except that it could not establish its licensing system and ban on imports of ODS-using equipment until 2004,

rather than 2003, as the Committee had hoped. The representative of UNEP confirmed that Albania wanted to start customs training before it finalised its licensing system, and also that it was receiving assistance from neighbouring countries which had already made good progress with phase-out.

46. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting with appreciation Albania's submission of a plan of action with time-specific benchmarks to ensure a return to compliance by 2006, and resolving to monitor the situation closely.

(d) Bahamas (decision XIV/19)

47. 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. The communication from Bahamas provided just before the thirtieth meeting of the Committee had not contained all the information necessary, but simply reported on progress in the implementation of its terminal phase-out plan. Data reported recently by Bahamas for 2001 and 2002, however, appeared to show that the country was actually now in compliance.

48. The Committee noted that data had not been reported for the control period 1 July 2001 – 31 December 2002, but the data reported for individual years did not suggest that non-compliance was likely. The Committee *agreed* to monitor Bahamas' progress with phase-out, and also to request the World Bank to report to the next meeting of the Committee progress with the terminal phase-out plan and also with the adoption of legislation on a licensing system and an import ban on ODS-using equipment. If insufficient progress had been made by this time, the Committee might need to return to the question of a plan of action.

(e) Bolivia (decision XIV/20)

49. 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 had considered the plan of action submitted by Bolivia at its thirtieth meeting, had prepared a draft recommendation, and had requested the Secretariat to discuss it with Bolivia and seek its acceptance.

50. The Secretariat reported that Bolivia had accepted the Committee's draft recommendation, but had also reported data showing it now to be in compliance with its requirements under the Protocol. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting with appreciation Bolivia's submission of a plan of action with time-specific benchmarks to ensure it remained in compliance, welcoming its progress to date, and resolving to monitor the situation closely.

(f) Bosnia and Herzegovina (decision XIV/21)

51. 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 Committee had considered the plan of action submitted by Bosnia and Herzegovina at its thirtieth meeting, including an oral presentation, had prepared a draft recommendation, and had requested the Secretariat to discuss it with Bosnia and Herzegovina and seek its acceptance.

52. The Secretariat reported that Bosnia and Herzegovina had recently submitted a revised plan of action, in line with the revision of its national phase-out plan which had been mentioned at the Committee's last meeting. The revised plan also included benchmarks for reductions in methyl bromide consumption. The representative of UNIDO clarified that the revised benchmarks reflected reductions in CFC consumption in 2004 and 2005 from projects already approved by the Executive Committee, and further reductions, from 2005 to 2007, in line with the new plan which would shortly be submitted for

approval to the Executive Committee of the Multilateral Fund. He further clarified that Bosnia and Herzegovina expected its licensing system to be in place by 2004 and a ban on imports of ODS-using equipment by 2006.

53. The representative of the Multilateral Fund Secretariat observed that additional funding, over and above that already agreed, would be necessary to meet these new, and more ambitious, targets. The Committee believed, however, that this was a separate issue and the benchmarks proposed by the party should be those which the Committee should recommend to the meeting of the parties. In any case, both old and new benchmarks had Bosnia and Herzegovina returning to compliance in the same year, 2007, which was the key point for the Committee.

54. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting with appreciation Bosnia and Herzegovina's submission of a plan of action with time-specific benchmarks to ensure a return to compliance by 2008, and resolving to monitor the situation closely.

(g) Namibia (decision XIV/22)

55. 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 Committee had considered the plan of action submitted by Namibia at its thirtieth meeting, had prepared a draft recommendation, and had requested the Secretariat to discuss it with Namibia and seek its acceptance.

56. The Secretariat reported that Namibia had accepted the Committee's draft recommendation, but had also reported data showing it now to be in compliance with its requirements under the Protocol. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting with appreciation Namibia's submission of a plan of action with time-specific benchmarks to ensure it remained in compliance, welcoming its progress to date, and resolving to monitor the situation closely.

(h) Nepal (decision XIV/23)

57. Nepal was identified in decision XIV/23 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 representative of the Secretariat reported, however, that Nepal had informed the Secretariat that its earlier report of 74 tonnes of imports of CFCs had not in fact been allowed entry to the country, as the shipment lacked an import license. It had therefore been detained and was still being held by customs. Nepal wished to report the shipment as illegal trade under the terms of decision XIV/7, paragraph 7, which provided that 'the illegally traded quantities should not be counted against a Party's consumption provided the Party does not place the said quantities on its own market'. Furthermore, Nepal had recently reported data for 2002, showing zero consumption of CFCs, thereby apparently placing it in compliance.

58. Members of the Committee sought clarification on what Nepal intended to do with the seized CFCs. Its own legislation did not allow for re-export, and destruction was presumably not feasible. The representative of UNEP observed that Nepal, sandwiched as it was between two major CFC-producing countries, China and India, was placed in a difficult position, and UNEP had encouraged valuable dialogue between the three countries over measures to control illegal trade. Non-Article 5 countries which had experienced illegal trade had often not stated explicitly what they intended to do with seized consignments, and Nepal ought to be congratulated on its reporting of illegal trade, which gave a good example of transparency.

59. The representative of Maldives informed the Committee that Nepal had discussed the issue at a recent meeting of the regional network. He understood that Nepal was contemplating releasing the seized CFCs into its domestic market in amounts which would ensure compliance with its obligations for CFC phase-out, and believed that this was a reasonable way to deal with an ongoing problem. Other members of the Committee observed, however, that if the CFCs were to be released on to the domestic market,

they could not qualify as illegal trade, as decision XIV/7 explicitly stated that this definition was permitted only 'provided the Party does not place the said quantities on its own market'. The shipment ought therefore to be reported as consumption in excess of baseline, and Nepal should be requested to submit a plan of action with time-specific benchmarks. As with the decision dealing with Maldives, import quotas should be set at zero under the plan until the excess imports had been used up.

60. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, welcoming Nepal's reporting of its seizure of imports of CFCs lacking an import license, but noting that if these CFCs were to be placed on its domestic market, they could not be considered to be illegal imports and Nepal would therefore be considered to be in a state of non-compliance, and would need to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a return to compliance. The Committee also agreed to request the Secretariat to find out from Nepal how it planned to deal with the seized CFCs.

(i) Saint Vincent and the Grenadines (decision XIV/24)

61. 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. At its thirtieth meeting the Committee had noted that the plan of action submitted by Saint Vincent and the Grenadines was inadequate, as it omitted information on the establishment of a licensing system, import quotas, and a ban on imports of ODS-containing equipment, and contained benchmarks well above its allowed consumption of CFCs. The Committee had asked the Secretariat to request Saint Vincent and the Grenadines to submit a comprehensive plan of action by its next meeting.

62. The Secretariat reported that, despite several requests, no information had been forthcoming from Saint Vincent and the Grenadines. The representative of UNEP observed that, in common with many other small island states, Saint Vincent and the Grenadines tended to give a much higher priority to other environmental issues, in particular climate change. However, the Compliance Assistance Programme's regional officer had managed to discuss the issue with the country's minister, and was providing assistance with the preparation of an action plan, which was expected in the near future. A licensing system was expected to be approved in January 2004. Furthermore, although Saint Vincent and the Grenadines believed that its baseline data was inaccurate, it had decided not to request a change.

63. The Committee thanked UNEP and its Compliance Assistance Programme for their efforts, and recognised the work that Saint Vincent and the Grenadines was doing to comply with decision XIV/24. Nevertheless, since the country had not so far complied with the terms of the decision, the Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting Saint Vincent and the Grenadines continued non-compliance and its failure to submit a plan of action, reminding the country of its obligations under the Montreal Protocol, and calling on it to comply with the terms of decision XIV/24 as a matter of urgency.

(j) Libyan Arab Jamahiriya (decision XIV/25)

64. 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 had considered the plan of action submitted by Libyan Arab Jamahiriya at its thirtieth meeting, had prepared a draft recommendation, and had requested the Secretariat to discuss it with Libyan Arab Jamahiriya and seek its acceptance.

65. The Secretariat reported that they had experienced some difficulty in communicating with Libyan Arab Jamahiriya, but that confirmation had recently been received that the country accepted the action plan. The representative of UNIDO further confirmed that activity was under way, including conversion of foam producing equipment and a ban on imports of ODS-using equipment. The Committee observed, however, that the action plan's figure of 154 ODP-tonnes of consumption for 2007 in fact represented a

move back into non-compliance, and clarification of this figure had been requested at the Committee's thirtieth meeting.

66. The representative of UNIDO undertook to seek clarification from Libyan Arab Jamahiriya on the matter. Subject to a possible change in this figure, the Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting with appreciation Libyan Arab Jamahiriya's submission of a plan of action with time-specific benchmarks to ensure a return to compliance, welcoming its progress to date, and resolving to monitor the situation closely.

(k) Maldives (decision XIV/26)

67. 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 had considered the plan of action submitted by Maldives at its thirtieth meeting, had prepared a draft recommendation, and had requested the Secretariat to discuss it with Maldives and seek its acceptance.

68. The Secretariat reported that Maldives had accepted the Committee's draft recommendation. Responding to questions from the Committee, the representative of Maldives supplied the additional information that Maldives had banned the import of halons, carbon tetrachloride, methyl bromide and bromochloromethane from 2003. Furthermore, Maldives, with the assistance of UNDP and UNEP, was hoping to go beyond its action plan and reduce CFC imports to zero by 2005, and hoped to become the first CFC-free consuming country. The Committee warmly welcomed this objective, and *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting with appreciation Maldives' submission of a plan of action with time-specific benchmarks to ensure a return to compliance, welcoming its progress to date, and resolving to monitor the situation closely.

(l) Armenia (decision XIV/31)

69. Armenia had been reclassified as a developing country by Decision XIV/2 of the Fourteenth Meeting of the Parties, and Decision XIV/31 had 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. The Secretariat reported that the process of ratification, which had started in October 2002, was expected to be completed before the end of November 2003. Furthermore, the data reported by Armenia showed that it was consuming below its baseline, and was therefore in compliance with its obligations.

70. The representative of UNEP asked whether the Committee could recommend the release of financial assistance before receipt of the formal letter from the UN Depositary confirming ratification of the London Amendment. Despite an unsettled political situation, the country had demonstrated a real commitment to phase-out, and it would be desirable to commence assistance as soon as possible. The Committee recalled the terms of decisions XIV/2 and XIV/31, however, which had made it clear that the London Amendment had to be ratified before financial assistance could be made available.

71. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, congratulating Armenia on its achievement in meeting the CFC consumption freeze and calling upon it expeditiously to complete its process of ratification of the London Amendment.

(m) Cameroon (decision XIV/32)

72. 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. The Secretariat reported that in fact Cameroon had reported data for 2002 showing that it had appeared to have returned to

compliance with the CFC consumption freeze, but at the same time it was in non-compliance with the consumption freezes for halons and methyl bromide.

73. The representative of UNEP reported that problems had been experienced due to the closure of the National Ozone Unit in Cameroon, but that it had now been reconstituted and activities were under way once more. A licensing system was already in place, and the Compliance Assistance Programme was assisting Cameroon in introducing a quota system. The Committee identified the need for a number of further clarifications, and *agreed* to discuss them with the representative of Cameroon when he was present later in the meeting (see paragraphs 128–130).

(n) Kazakhstan (decision XIII/19)

74. Decision XIII/19 had identified Kazakhstan as being in non-compliance with its obligations under the Montreal Protocol. Following a review by the Parties to the Montreal Protocol of the country programme and a submissions from its government, Kazakhstan had committed to a series of obligations, listed in Decision XIII/19. The Secretariat had reported at the Committee's thirtieth meeting that, despite reminders to report on the progress made to implement the agreed benchmarks, no data had then been received.

75. The Secretariat was now able to report, however, that Kazakhstan had recently submitted data showing it was making good progress and was in compliance with the benchmarks contained in Decision XIII/19. Furthermore, it had completely phased out methyl bromide consumption even though it was not yet a party to the Copenhagen Amendment, and therefore had no legal obligation to do so (though it had now started the process of ratification). The Committee *agreed* to congratulate Kazakhstan on its achievements and to continue to monitor its progress.

(o) Tajikistan (decision XIII/20)

76. Decision XIII/20 had identified Tajikistan as being in non-compliance with its obligations under the Montreal Protocol. Following a review by the Parties to the Montreal Protocol of the country programme and a submissions from its government, Tajikistan had committed to a series of obligations, listed in Decision XIII/20. The Secretariat had reported at the Committee's thirtieth meeting that, despite reminders to report on the progress made to implement the agreed benchmarks, no data had then been received.

77. As with Kazakhstan, the Secretariat was now able to report, however, that Tajikistan had recently submitted data showing it was making good progress and was in compliance with the benchmarks contained in decision XIII/20. Furthermore, it had completely phased out methyl bromide consumption even though it was not yet a party to the Copenhagen Amendment, and therefore had no legal obligation to do so. The Committee *agreed* to congratulate Tajikistan on its achievements and resolved to continue to monitor its progress.

(p) Azerbaijan (decision X/20)

78. 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 a complete phase-out of CFCs, and a ban on imports of halons, by 1 January 2001. Data submitted for both 2001 and 2002, however, had showed consumption of CFCs, in breach of its obligations. At its thirtieth meeting the Committee had asked the Secretariat to seek further information from Azerbaijan.

79. The Secretariat reported that Azerbaijan had responded by attributing the non-compliance to delays in the implementation of the ODS phase-out project started in 2000. Nevertheless, import and export of CFCs had been banned from 1 January 2003, and all the other benchmarks identified in Decision X/20, including policy and regulatory measures, had been met. The Committee observed, however, that Azerbaijan's response with regard to licensing systems was somewhat confusing; though an import ban would logically result in no need for licensing of imports, there should still be a need for licensing of refrigeration service operators, so it was odd that this seemed to have ceased as well. Also it was not clear whether halon imports had in fact been banned.

80. The representative of UNDP observed that all GEF-supported projects in Azerbaijan, including a halon banking system, had been completed, and a terminal report had been submitted in June 2002. Under GEF rules, all financial assistance had then ceased, and it had since proved impossible to contact the National Ozone Unit. The representative of UNEP agreed that this represented a flaw in GEF's procedures, and also, unlike Article 5 Parties, Azerbaijan could not benefit from participation in network meetings, since GEF did not support regional networks.

81. The Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, urging Azerbaijan to report its 2003 consumption data to the Secretariat as soon as it became available and to clarify the status of its halon import ban, and requesting the Implementation Committee to review the situation of Azerbaijan at its next meeting. The representative of Australia added that she was planning to submit a draft decision requesting GEF to consider making financial assistance available for institutional strengthening for Parties to the Montreal Protocol from its new capacity-building initiative (see paragraphs 131–132).

4. Potential non-compliance situations arising out of the data report (UNEP/OzL.Pro.15/4)

82. The representative of the Secretariat presented section D of document UNEP/OzL.Pro/ImpCom/31/2, containing extracts from the Secretariat's report on information provided by the Parties pursuant to Article 7 (UNEP/OzL.Pro.15/4), showing data for potential non-compliance situations.

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

83. The table following paragraph 63 of UNEP/OzL.Pro/ImpCom/31/2 showed countries that were in non-compliance with the requirement to report base year data. Eighteen Article 5 Parties had not reported data for one or more of the base years (1986, 1989, 1991), though Sierra Leone and Djibouti had now reported data for all the years listed. China had ratified the Copenhagen Amendment and should therefore be included in the list. Recalling decision XIV/15, the Committee *agreed* to produce a similar decision noting that several Parties operating under Article 5 had not reported data for one or more of the base years and indicating that best possible estimates should be submitted where actual data was not available. The Committee also *agreed* to request the implementing agencies to assist in obtaining unreported base year data from the Parties.

(b) Non-compliance with the requirement to report baseline data for Article 5 Parties (Article 5, paragraphs 3 and 8 ter)

84. The table following paragraph 65 showed the Parties that had not reported baseline data for the years highlighted in the annexes; some of these had already been considered under the discussion on decision XIV/16 (see paragraphs 37–39). A total of ten Parties had still failed to report baseline data, though Rwanda, Sierra Leone and Suriname had now reported the required data, so could now be deleted from the list. The Committee *agreed* to include in the draft decision which had already been agreed those parties which had recently ratified the Montreal Protocol or one or more of its amendments, but had not yet submitted complete baseline data, namely Grenada (Annex B), Guinea Bissau (Annexes A, B and E), India (Annex E), and Mali (Annex E). The decision would distinguish between those Parties appearing on the list for the first time and those which had been the subject of decision XIV/16.

(c) Failure to report data by Parties temporarily classified as Article 5 Parties

85. As considered under the discussion on decision XIV/14 (see paragraph 36), six Parties had not reported any data on ODS and were therefore temporarily classified as operating under Article 5 of the Montreal Protocol. The Committee *agreed* that Guinea Bissau, which had recently ratified the Protocol, should be included in the previous draft decision on this issue.

(d) Compliance with the control measures for 2002 by non-Article 5 Parties

86. The tables following paragraphs 71 and 72 of UNEP/OzL.Pro/ImpCom/31/2 listed non-Article 5 Parties that had deviated from consumption and production reduction schedules in 2002. As already

noted (see paragraph 12), for production, the six Parties that had deviated from their production reduction schedules had all provided explanations. For consumption, all the Parties listed, with the exception of Azerbaijan and Israel, had provided additional explanations. The Committee agreed that these two cases should be treated as potential cases of non-compliance.

87. The case of Azerbaijan had already been considered at the current meeting (see paragraphs 78-81) and the Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting the potential non-compliance of Israel, requesting it to submit an explanation prior to the next meeting of the Implementation Committee, together with a plan of action with time-specific benchmarks to ensure a return to compliance, requesting that the progress of Israel with regard to the phase-out of methyl bromide be monitored, and describing possible consequences of continued non-compliance. The Committee further *agreed* that, if Israel did not provide an adequate explanation for its current situation, it would be requested to appear before the Implementation Committee.

(e) Compliance of Article 5 Parties with the control measures for 2002

88. The tables following paragraph 74 of UNEP/OzL.Pro/ImpCom/31/2 listed several Article 5 Parties which had reported data revealing deviations from the consumption reduction schedules of substances listed under Annex A, groups I and II, Annex C, group II, and Annex E, which put them potentially or definitely in a situation of non-compliance. While several of the countries in the list had submitted information in explanation of their position, a number of them had submitted no further information.

89. After a discussion, the Committee decided to address on an individual basis those Parties which had provided explanatory information to the Committee on their reasons for deviation: Bolivia, Bosnia and Herzegovina, Botswana, Cameroon, Democratic Republic of the Congo, Guatemala, Honduras, Libyan Arab Jamahiriya, Maldives, Qatar, Somalia, Tunisia and Viet Nam. The other countries would be addressed in groups according to the controlled substance for which they showed an actual or potential state of non-compliance. In addressing the separate groups of countries, the Committee elected to repeat the language used in previous decisions of Meetings of the Parties dealing with non-compliance for all those Parties in a category that had not already been identified in individual decisions, and those countries which had been listed in earlier decisions would also be treated separately.

90. Four Parties had reported deviations in their consumption schedules for CFCs (Annex Group I substances) and had failed to provide any information on the reasons for their deviation. Saint Vincent and the Grenadines had been dealt with in a previous draft decision, so the Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, urging Dominica, Haiti, Saint Kitts and Nevis, and Sierra Leone to report data for CFCs for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency, to explain their excess consumption, and to provide a plan of action with time-specific benchmarks to ensure a return to compliance, requesting that the progress of those Parties with regard to the phase-out of CFCs be monitored, and describing possible consequences of continued non-compliance. The Committee further *agreed* to take into account the special situation of Haiti, which had only recently ratified the Montreal Protocol, had reported data for 2001 and 2002, and which had launched the implementation of its refrigerant management plan only in March 2003.

91. In the case of Qatar, the data reported showed only a very small excess of consumption of CFCs in 2002, and the Party had not yet reported data for the control period 1 July 2001 – 31 December 2002. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, urging Qatar to report data for CFCs for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency.

92. Four Parties had reported deviations from the requirement for a freeze in consumption of halons (Annex Group II substances) in 2002 and had failed to provide any information on the reasons for their deviation: Malaysia, Mexico, Nigeria and Pakistan. The Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, on Malaysia, Mexico, Nigeria, and Pakistan, urging them to explain their excess consumption, to submit to the Implementation Committee plans of action with time-specific benchmarks

to ensure a prompt return to compliance, requesting that the progress of those Parties with regard to the phase-out of halons be monitored, and describing possible consequences of continued non-compliance.

93. Qatar had similarly reported a deviation from the requirement for a freeze in consumption of halons, but had also acknowledged its state of non-compliance. The Committee *agreed* to add to the draft decision on CFC consumption in Qatar (see paragraph 91) a note of Qatar's non-compliance with the halon consumption freeze, and a request to provide a plan of action with time-specific benchmarks to ensure a return to compliance, requesting that the progress of Qatar with regard to the phase-out of halons be monitored, and describing possible consequences of continued non-compliance.

94. Viet Nam had also reported a deviation from the requirement for a freeze in consumption of halons, but had also provided an explanation. The Committee *noted* the additional information provided by Viet Nam on the use of halon-2402 on oil vessels and platforms, stating that there was no technically feasible and economically viable alternative. One member of the Committee suggested that, as UNIDO had already provided assistance to Viet Nam in the phasing out of halons, that information, along with the ongoing assistance provided by UNEP under its Compliance Assistance Programme, and advice from the Halons Technical Options Committee of the TEAP, could be drawn upon to identify alternatives to halon-2402. In answer to a query as to whether halon banking could be used, it was pointed out that the sole country that manufactured the substance had now ceased its production, but that Viet Nam itself could employ halon banking through a reallocation of halons from non-critical to critical uses.

95. The Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, urging Viet Nam to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance, requesting that its progress of those Parties with regard to the phase-out of halons be monitored, describing possible consequences of continued non-compliance, and urging it to draw upon the ongoing assistance provided by UNEP's Compliance Assistance Programme and the halon phase-out assistance provided by UNIDO, and to consult with TEAP's Halons Technical Options Committee, to identify and introduce alternatives to the use of halon-2402 on oil vessels and platforms.

96. Morocco had reported annual data for consumption of hydrobromofluorocarbons (Annex C, Group II substances) for 2002 which were above the requirement for a 100 per cent phase-out, and had failed to provide any information on the reasons for its deviation. The Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, urging Morocco to explain its excess consumption, to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance, requesting that progress with regard to the phase-out of HBFCs be monitored, and describing possible consequences of continued non-compliance.

97. Eight Parties had reported deviations in their consumption schedules for a freeze in consumption of methyl bromide (the controlled substance in Annex E) for 2002 and had failed to provide any information on the reasons for their deviation: Barbados, Egypt, Lebanon, Nicaragua, Paraguay, Philippines, Saint Kitts and Nevis and Thailand. Since Lebanon was requesting a change in its baseline data, the Committee *agreed* to defer consideration of its case until item 5 (e). The Implementation Committee *agreed* to note with concern the large number of Article 5 Parties concerned and, recalling that the issue of methyl bromide was on the agenda of the forthcoming Fifteenth Meeting of the Parties, the Committee looked forward to the Parties' guidance with regard to ensuring future compliance with methyl bromide consumption reduction and phase-out schedules.

98. The Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, urging Barbados, Egypt, Nicaragua, Paraguay, Philippines, Saint Kitts and Nevis and Thailand to explain their excess consumption and to submit to the Implementation Committee plans of action with time-specific benchmarks to ensure a prompt return to compliance, requesting that the progress of these Parties with regard to the phase-out of methyl bromide be monitored, and describing possible consequences of continued non-compliance.

99. Four further Parties had also reported excess consumption of methyl bromide in 2002. Botswana had reported excess consumption, but had acknowledged its state of non-compliance. The Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft

decision, as contained in Annex I to the present report, urging Botswana to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance, requesting that its progress with regard to the phase-out of methyl bromide be monitored, and describing possible consequences of continued non-compliance. Since investment projects had already been agreed with the Multilateral Fund on the basis of different phase-out plans, the Committee also *agreed* to include in the draft decision a statement that the benchmarks that were adopted would be without prejudice to the operation of the Fund.

100. Honduras had also reported excess consumption, but had provided an explanation, which was enlarged upon by the representative of Honduras present at the meeting. Hurricane Mitch, in 1998, had not only caused very severe damage and disruption to the country, but had also sprayed soil-borne pathogens across all cultivation areas, thereby contaminating soils previously free of them, and making it necessary to increase the use of methyl bromide. Honduras had acknowledged its state of non-compliance, but had also provided a plan of action for returning it to compliance. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing Honduras' data identifying it as in a state of non-compliance, recognising the unusual circumstances of the case, noting with appreciation Honduras' plan of action with time-specific benchmarks to ensure a prompt return to compliance, requesting that there be monitoring of its system for licensing imports and exports of ozone-depleting substances, its ban on imports of equipment containing those substances and its progress in phasing out methyl bromide, and describing possible consequences of continued non-compliance.

101. In the case of Uruguay, the Party had already provided an explanation and also a plan of action for returning it to compliance. The Committee welcomed this plan of action and also took note of the fact that the Party had ratified the Montreal Amendment and had set up a licensing system. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, containing Uruguay's data identifying it as in a state of non-compliance, noting with appreciation its plan of action with time-specific benchmarks to ensure a prompt return to compliance, requesting that there be monitoring of its system for licensing imports and exports of ozone-depleting substances, its ban on imports of equipment containing those substances and its progress in phasing out methyl bromide, and describing possible consequences of continued non-compliance.

102. In the case of Tunisia, the Party had provided supplementary information, explaining that methyl bromide was used solely for the fumigation of high-moisture dates and that there were no technically feasible or economically viable alternatives to that substance, as recognised by the Technology and Economic Assessment Panel and the international community. The Committee, noting that Tunisia's consumption of methyl bromide in 2002 was in excess of the baseline, recognising the importance of the issue for Tunisia's agriculture and economy, and taking into account the lack of technically feasible and economically viable alternatives to methyl bromide use for the fumigation of fresh dates, *agreed* to express its appreciation to Tunisia for the submission of the explanation the Party had provided and to postpone its determination of the compliance status of Tunisia, pending clarification of the issue of the Party's use of methyl bromide by the Fifteenth Meeting of the Parties to the Montreal Protocol.

103. The table following paragraph 76 of UNEP/OzL.Pro/ImpCom/31/2 listed two countries that had not yet reported baseline data, but had reported some consumption of ozone-depleting substances, so that it was impossible to determine their status of compliance with the control measures. In fact, since publication of the document, both Sierra Leone and the Democratic Republic of the Congo had reported baseline data, so no further action needed to be taken on this item.

(f) Compliance by non-Article 5 Parties

104. The table following paragraph 78 of UNEP/OzL.Pro/ImpCom/31/2 listed two cases of deviation from the consumption reduction schedules revealed by data submitted by non-Article 5 Parties for the year 2001: Azerbaijan, for CFCs, and Latvia, for methyl bromide. The case of Azerbaijan had already been dealt with. Latvia had recently provided an explanation to the effect that the excess consumption of methyl bromide was extra stock for consumption in subsequent years. The Committee *agreed* that this placed Latvia in a state of non-compliance for 2001 and further *agreed* to include Latvia in the decision dealing with excess consumption by Israel (see paragraph 87), but noting also that it had returned to compliance and that therefore no plan of action would be necessary.

(g) Compliance by Article 5 Parties with the freeze in consumption of substances in Annex A/I (CFCs) for 2001

105. The table following paragraph 80 of UNEP/OzL.Pro/ImpCom/31/2 listed five Parties which had not reported data for the control period 1 July 2000 – 30 June 2001, but had reported CFC consumption for either 2000 or 2001 that was above their baselines, and were therefore potentially in a state of non-compliance. Lao People's Democratic Republic had since reported data, Dominica and Saint Kitts and Nevis had already been included in the draft decision dealing with deviations from 2002 data and Uganda was the subject of a separate draft decision. The Committee *agreed* to defer the case of Yemen until its request for a baseline change had been considered.

5. Review of additional information on the requests for change of baseline data by Qatar, Uganda and Yemen

106. Prior to its consideration of the individual applications for changes in baseline data, the Implementation Committee took up consideration of a conference room paper, submitted by Australia, containing a suggested methodology for requesting baseline revisions. Introducing the paper, the representative of Australia explained that it aimed to provide clear procedures for countries to follow in the event of future requests for revision of baseline data. She further recalled that, at its thirtieth meeting, the Committee had agreed to include on the agenda of the current meeting an item on guidelines, clearly stating the Committee's expectations with regard to the methodology that should be followed by countries in applying for baseline revisions, for subsequent approval by the Meeting of the Parties (UNEP/OzL.Pro/ImpCom/30/4, para. 65). She enumerated the elements contained in the sections of the paper.

107. Several representatives congratulated Australia on the work accomplished to prepare the proposal, which was considered a valuable basis for discussion, and several specific amendments and additions to the proposal were also proposed. Replying to a request for clarification, the representative of Australia explained that the suggested methodology did not expect countries to have available or to submit every single piece of paper listed. Rather, it marked an attempt to set out a checklist of all the relevant information that could be provided for consideration by the Implementation Committee, with the aim of providing a cohesive package and avoiding further requests and searches for extra data. The Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, including a revised version of the methodology for revision of changes in baseline data.

108. The Secretariat then introduced the relevant section of its report on the issue of requests for changes in baseline data (UNEP/OzL.Pro/ImpCom/31/2, section B), noting that there had been considerable discussion on the subject at the thirtieth meeting of the Committee. The Committee had requested the President, the Vice-President, the Ozone Secretariat and the Secretariat of the Multilateral Fund to work inter-sessionally to identify the information still required for consideration of the requests by Qatar, Uganda and Yemen. The Ozone Secretariat had been requested to communicate with those countries and the status of their replies was set out in paragraphs 51–60 of the Secretariat's report. The replies showed that Qatar no longer wished to pursue its request for revision of its halon baseline data, while further clarification was still needed from Uganda and would be taken up with the representatives of Uganda when they were present later in the meeting (see paragraphs 115–118).

109. In the case of Yemen, the country was in a state of non-compliance with regard to consumption of CFCs, halons and methyl bromide and had requested revision of its baselines for all these substances. The Committee noted with appreciation the efforts made by Yemen to put in place the requisite regulatory and policy measures by the first quarter of 2004, but also noted that in doing so the Party had been unable to submit the additional information which the Committee had requested in order to justify revision its the baselines. The Committee therefore *agreed* to urge Yemen to complete its regulatory system on schedule, with a view to returning to a state of compliance, and *agreed* to hold in abeyance the determination of the compliance status of Yemen until the next meeting of the Committee, on the understanding that Yemen would undertake to provide the information previously requested.

6. Review of information on the request for change of baseline data by the Indonesia, the Islamic Republic of Iran and Lebanon

110. Since the last meeting of the Implementation Committee, a further three countries had requested changes in consumption data for baseline years: Indonesia, Islamic Republic of Iran, and Lebanon. The Committee *agreed* that the information submitted in support of all of these applications for baseline revisions did not appear to be adequate and *agreed* that, once the methodology for requesting baseline revisions had been approved by the Fifteenth Meeting of the Parties, the Secretariat would contact those countries, transmitting the adopted methodology for baseline revisions, and request them to submit a comprehensive package of information, in accordance with the methodology, to the next meeting of the Implementation Committee, and to invite them to attend the Committee in order to present their requests.

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

111. The representative of the Secretariat introduced the report on the establishment of licensing systems under Article 4B of the Montreal Protocol, contained in document UNEP/OzL.Pro/15/INF/7, which represented an update of the report already submitted to the Implementation Committee and to the Parties in 2002. It was noted that the annexes to that paper, listing Parties that had ratified the Montreal Amendment (Annex I) together with whether or not they had set up licensing systems, and Parties that had established licensing systems without yet ratifying the Montreal Amendment (Annex II), might need to be further updated. The representative of Jamaica commented that her country had deposited its instruments of ratification for the Montreal Amendment (and the Beijing Amendment) in September 2003 and should therefore be transferred from Annex II to Annex I. The representative of Honduras stated that his country had now established a licensing system, and should therefore be added to Annex II. Argentina was in the process of introducing a licensing system.

112. Recalling that the Committee had already considered the importance of establishing a licensing system, which served the accuracy of data collection, the monitoring of imports and exports of ODS and the control of illegal trade, the Secretariat invited members to prepare for the consideration of the Meeting of the Parties a draft decision, urging Parties to ratify the Montreal Amendment and to establish licensing systems. The Committee highlighted the need for effective implementation and enforcement of the licensing system, with the close involvement of all stakeholders, including industry and customs, and adequate training and education for those stakeholders, while recognising that the precise manner in which the licensing system was implemented in a country was a matter of national policy, and recommendations concerning its stakeholders were beyond the purview of the Committee.

113. The representative of UNEP noted that Article 5 Parties which had found themselves in a state of non-compliance and had implemented licensing systems had generally been able to return to a state of compliance more rapidly than those that had no licensing system. It was important to send such a message to Parties that were facing non-compliance and which either lacked a licensing system, or failed to implement it effectively. The representative of UNDP considered that the establishment of licensing systems should be part of institutional strengthening activities, and promised to follow up on cases where UNDP projects had not resulted in such a licensing system. It was recalled that, by decision IX/8, the Ninth Meeting of the Parties had requested the implementing agencies to provide assistance in the establishment of licensing systems and that the Multilateral Fund could provide funding for the purpose. For countries with economies in transition, the proposed GEF major capacity-building initiative across all its activities could be used as a source of funding for institutional strengthening, including the establishment of licensing systems (see paragraphs 131–132).

114. The Committee therefore *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, encouraging all Parties to ratify the Montreal Amendment, and establish licensing systems and operate them effectively.

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

A. Uganda

115. The representatives of Uganda presented further documentation to support his country's request for a change in the baseline consumption level for methyl bromide. They explained that, as a developing country, Uganda faced the problem of availability of data, particularly the invoices and documentation for methyl bromide that had been requested by the Implementation Committee. The Ministry of Agriculture had the authority to issue permits for the import of methyl bromide and to set the amounts permitted for import. Some evidence of the permits issued could be provided, but the invoices did not rest with the Ministry but were with the farms themselves, and since some of them were no longer in business it was very difficult to locate the historic data. There was also a problem with customs records of data on methyl bromide, since for the period concerned there was no dedicated HS code for methyl bromide. Thus, the country's data were incomplete and it was not possible to reconcile the invoices. Based on information provided from farmers themselves and from surveys of the area of cultivated land where methyl bromide was applied, the Ministry of Agriculture had calculated that for flower growing an average of 0.5 tonnes of methyl bromide per hectare had been required. While the area of land under flowers was growing, the average use of methyl bromide was decreasing because of the increasing use of alternatives, such as steam sterilisation. They stressed that the Government of Uganda was committed to phasing out methyl bromide, in line with the schedule set, and had proven its good faith by disclosing the data on its consumption of methyl bromide. Drawing attention to a communication from the Ozone Secretariat requesting the country's data on CFCs for the compliance period 1 July 2001 to 31 December 2002, they pointed to the very short time since the receipt of that communication, which had not allowed for it to be prepared, and he promised to submit the data to the Secretariat in the near future.

116. Responding to a question on whether the permit system was functioning during 1997–98, the representatives of Uganda explained that the system for regulation of agro-chemicals and crop protection had been in place for some time, and certainly during the period in question. A mechanism to monitor whether the amounts of methyl bromide approved had in fact been used had existed in 1997–98, and data had been collected, but once the information expired it had been destroyed or archived. On the distinction that had been made between imported methyl bromide and methyl bromide taken from stockpiles, and whether the country had kept records that distinguished between QPS and non-QPS uses, the representatives of Uganda as explained that while awaiting arrivals of imports, farmers did retain stand-by stocks. Uganda had provided the thirtieth meeting of the Committee with information on QPS uses of methyl bromide, which had been negligible during the years in question.

117. The Committee *noted* that Uganda's request for a change in its baseline data for methyl bromide was no longer based on the reconciliation of customs invoices and purchase orders. Rather, it was predicated on a survey of land-holders in 1997–98 and on an assessment of the amount of methyl bromide used and stockpiled on-site in the area of flower cultivation where methyl bromide was applied. The surveys had also assessed whether consumption reflected imports; records had been kept, but were archived and difficult to retrieve. The Committee recognised the evident desire of Uganda to comply with the provisions of the Montreal Protocol and *agreed* to express its appreciation for the efforts it had undertaken to seek out and provide further data for the Committee. While the documentation submitted was not alone adequate fully to justify a change in Uganda's baseline, in conjunction with the verbal clarifications provided by Uganda at the last two Implementation Committee meetings, and in light of the absence of initial guidance as to the documentation required to support such a request, the Committee *agreed* that Uganda had substantiated its request for the revision, while noting that even after the revision, Uganda would still be in a state of non-compliance with the methyl bromide phase-out schedule, as it was currently consuming well above its new baseline level. The Committee further *agreed* that the standard methodology for the presentation of requests for changes in baseline data which had been approved by the Committee (see paragraphs 106–107) would be followed for all such future requests.

118. The Committee *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision as contained in Annex I to the present report, noting Uganda's state of non-compliance of Uganda, urging the Party to submit data for CFCs for the control periods from 1 July 2000 to 30 June 2001, and 1 July 2001 to 31 December 2002, accepting the Party's request for a change in its baseline consumption of methyl bromide, while noting that such information had been prepared prior to the Committee's adoption of a standard methodology for the submission of such requests, noting

with appreciation its plan of action with time-specific benchmarks to ensure a prompt return to compliance with methyl bromide consumption, and resolving to monitor the situation closely.

B. Papua New Guinea

119. The representative of Papua New Guinea explained that his country had been in non-compliance with the CFC consumption freeze because of government restructuring and reforms. A terminal phase-out management plan funded by the Multilateral Fund and implemented by the German Technical Cooperation Agency (GTZ) was now under way. New regulations had been drafted, the country's environment act would be in place by 2004, the Copenhagen Amendment had been ratified on 19 September 2003, and ratification of the Montreal and Beijing Amendments would happen as soon as possible. Papua New Guinea did not produce ODS and importers of the substances must apply for import permits, for which purpose they had to provide ODS data for the current year, preceding year and predicted data for the following year. He noted the difficulty of access to certain areas of the country but said that awareness-raising had been carried out through the media and assured the Committee of his country's determination to carry through its terminal phase-out management plan and to phase out all ODS by 2008.

120. The Committee expressed its appreciation to Papua New Guinea for its efforts to return to compliance and looked forward to a successful outcome of the country's terminal phase-out management plan. The Committee also *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, describing Papua New Guinea's state of non-compliance and its plan of action for returning to compliance and resolving to monitor the situation closely.

C. Guatemala

121. The representatives of Guatemala reported on the steps they had taken with regard to Guatemala's non-compliance with the consumption freezes for CFCs and methyl bromide. With regard to CFCs, low market prices in the period 1999–2001 had led to a surge in imports. A licensing system had been established in 2002, which had assisted greatly in the collection of reliable data, and in 2003 a ceiling for imports had been set over which no further imports were allowed. Discussions had been held with both end users and importers, and both groups had agreed to reduce their consumption or import. There remained a problem with illegal trade from Honduras, and they looked forward to discussing this issue with the representative of Honduras. The country's Refrigerant Management Plan was also assisting in the conversion to CFC alternatives, and Guatemala anticipated significant reductions in imports of CFCs, bringing the country rapidly back into compliance.

122. The situation with methyl bromide was rather different, however, as the substance was being used extensively in agriculture, particularly in the economically important melon sector, where exports had increased significantly in recent years in the wake of a US ban on imports of Mexican melons. In 2000, imports of methyl bromide had doubled, and had then increased again in 2001, to a peak of 1311 tonnes. Fungal infections and insect infestation had also contributed to high methyl bromide use; although alternative technologies were being introduced, they were still on a pilot basis. Discussions had started with users in November 2002, and imports were capped from 2003. The impact on users had so far been limited, as the high levels of imports in 2000–01 had resulted in significant stockpiling; however, a clear signal had been given to users that future consumption would have to fall. Discussions over quotas for individual companies had begun. Considerable efforts were being made to reduce imports, and the representatives presented estimated consumption levels for each year until 2010.

123. Responding to questions, the representatives of Guatemala clarified that it had taken some time to make their licensing system operational, but by working closely with customs, and tying the issue of licenses to the payment of duties and fees, it was now working well. A ban on imports of CFC-11 had been in place since 2003. They accepted that the benchmark they had put forward for methyl bromide consumption in 2005 (360 ODP tonnes) was above the 20% reduction from baseline (equivalent to 320 ODP tonnes), but believed it was not feasible to reduce consumption any more rapidly, given the economic and political importance of the sectors involved.

124. The Committee expressed its appreciation to Guatemala for its presentation and *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained

in Annex I to the present report, describing Guatemala's state of non-compliance, welcoming the two plans of action with time-specific benchmarks to ensure a prompt return to compliance with the CFC consumption freeze and the methyl bromide consumption freeze, and resolving to monitor the situation closely. Since investment projects had already been agreed with the Multilateral Fund on the basis of different phase-out plans, the Committee also *agreed* to include in the draft decision a statement that the benchmarks that were adopted would be without prejudice to the operation of the Fund.

D. Democratic Republic of the Congo

125. The representative of the Democratic Republic of the Congo assured the Committee that his country would successfully return to compliance with the freeze on consumption of halons following implementation of the various projects and programmes developed with the Multilateral Fund and the implementing agencies. A special authority for the import of ozone-depleting substances had been established in 1995, but the war in the country from 1996 to 1998 had made data collection very difficult and the National Ozone Unit had not operated normally during that period, though it had now been reactivated. The institutional strengthening project had begun in 2002 and awareness-raising had been organised through the media and meetings. Legislation would be strengthened, particularly with a view to levying taxes and promoting the import of alternatives to halons. Training courses would be organized for suppliers, importers, refrigeration and air conditioning servicing companies and customs staff. Technical and financial assistance was still needed, however, to update data on the consumption of ozone-depleting substances in order to meet his country's commitments under the Montreal Protocol.

126. Responding to questions, the representative of the Democratic Republic of the Congo said that legislation on imports of ozone-depleting substances would be passed before submission of the Refrigerant Management Plan to the 41st meeting of the Executive Committee. A service contract on halons had been signed with UNDP and was now at the data collection stage, though he suggested that \$20,000 might not be adequate to phase out 400 tonnes of halons. A representative of the Multilateral Fund Secretariat said that the Democratic Republic of the Congo's consumption of halons had been a key consideration in the establishment of the halon banking project for central and western Africa, and the Executive Committee expected the country to play a key role in supplying recovered and reclaimed halons for the entire region. The project was envisaged as the last project funded by the Multilateral Fund and it was therefore doubtful whether any further finance would be forthcoming.

127. The Committee expressed its appreciation to the Democratic Republic of the Congo for its presentation and *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, describing the Democratic Republic of the Congo's state of non-compliance, urging it to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with the halon consumption freeze, and resolving to monitor the situation closely.

E. Cameroon

128. The representative of Cameroon described the steps his country was taking to return to compliance with its obligations. Legislation was in place to phase out consumption of ozone-depleting substances, including a quota system, and to ban the import of ODS-using equipment, though problems had been experienced with enforcement. The country was benefiting from investment projects and a UNEP institutional strengthening project, including a review of policies and sanctions. With regard to CFCs, consumption was above baseline in 2001, but had fallen below it in 2002, returning the country to compliance. Halon consumption in 2002 was 9 ODP tonnes, but detailed investigation revealed this to be stocks and not fresh imports, and the figure for imports should have been 3 ODP tonnes, just above the baseline of 2.4 ODP tonnes. Stringent policy measures should bring Cameroon back into compliance shortly. With regard to methyl bromide, consumption was recorded as 25.4 ODP tonnes in 2002, but use had actually been much lower, and the discrepancy was currently under investigation. A demonstration project had found a good substitute for methyl bromide in the tobacco sector.

129. In response to a request for clarification of figures for halon consumption, the representative of Cameroon noted that the country had not submitted the figure of 24.3 ODP tonnes for 2002 included in the data report. The President of the Committee requested that the representative of Cameroon consult with the Ozone Secretariat to ensure the accuracy of the figures recorded. The Secretariat later reported that the correct figure should indeed be 9 ODP tonnes, which still placed Cameroon in non-compliance.

130. The Committee expressed its appreciation to Cameroon for its presentation and *agreed* to forward to the Fifteenth Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, describing Cameroon's state of non-compliance, urging it to submit to the Implementation Committee data for CFC consumption for the control period 1 July 2001 to 31 December 2002, welcoming the plan of action with time-specific benchmarks to ensure a prompt return to compliance with the halon consumption freeze, requesting a similar plan of action for methyl bromide and resolving to monitor the situation closely.

VIII. Other matters

A. Institutional strengthening assistance to countries with economies in transition

131. The representative of Australia introduced a conference room paper containing its proposal for a decision by the Fifteenth Meeting of the Parties, to address the issue of institutional strengthening assistance to countries with economies in transition. She said that the proposal had been drafted in response to concerns raised by countries with economies in transition and by implementing agencies to the effect that those Parties' abilities to meet their ongoing obligations to report on data and the implementation of their action plans was being compromised by the lack of ongoing institutional strengthening projects. Under the current GEF-funded situation, once the institutional strengthening project in the country had expired, no further institutional strengthening assistance was made available. Australia proposed that, under the new GEF major capacity-building initiative across all its focal areas, and in accordance with the criteria for the disbursement of funds under that initiative, GEF could consider applications from countries with economies in transition for further assistance in institutional strengthening.

132. During the discussion, attention was drawn to the need to bear in mind that, under GEF procedures, projects were usually of a one-time nature and were thus different from the kind of ongoing institutional strengthening activities supported by the Multilateral Fund. The importance of working with relevant implementing agencies was stressed, and added to the draft decision. The Committee *agreed* to approve the draft proposal, as amended, as contained in Annex I to the present report, for transmission to the Fifteenth Meeting of the Parties.

B. Situation of very low-volume-consuming countries (VLVCs)

133. The representative of Maldives introduced a conference room paper containing its proposal for a decision of the Parties to address the special situation of VLVCs. Noting that some countries still needed to stockpile quantities of CFCs for ongoing servicing of important equipment, he pointed to the problem of obtaining small quantities of such substances. Producers preferred to sell only bulk quantities, and minimum available shipments could exceed a country's permitted consumption baseline and bring the Party into a situation of non-compliance. The issue currently affected several countries, and the number of Parties involved would increase in the future. Moreover, substances from other annexes of the Protocol would also be involved. He thus proposed the concept of different data reporting and compliance procedures for VLVCs.

134. During the discussion, it was observed that a revision of the timing of reporting and of the categories of countries under the Montreal Protocol constituted a legal and policy matter which, although it touched upon potential non-compliance, lay outside the remit of the Implementation Committee. The issues raised by Maldives might need to be reformulated and submitted as a proposed amendment to the Protocol, rather than as a decision by the Parties. According to the procedures for the submission of proposed amendments, such submission had to take place six months before the consideration of the proposal by the Meeting of the Parties. Thus, more detailed examination of the issue was required, perhaps inter-sessionally.

135. The Committee *agreed* to express its appreciation to Maldives for raising the matter; to note that more work was needed on the subject and thus to defer consideration of a decision on the issue; to note that Maldives could, in collaboration with UNEP and other interested Parties, further investigate the matter inter-sessionally and submit a revised proposal in the future.

IX. Adoption of the report of the meeting

136. 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

137. The President declared the meeting closed at 10 a.m. on 10 November 2003.

Annex I

Recommended decisions on compliance issues forwarded by the Implementation Committee to the Fifteenth Meeting of the Parties

Decision XV/- Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with appreciation that 160 Parties out of the 183 that should have reported data for 2002 have now done so, but that 23 have still not reported to date;
3. To note further that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;
4. To urge Parties strongly to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September every year.

Decision XV/- Potential non-compliance with consumption of the controlled substance in Annex E by non-Article 5 Parties in 2002, and requests for plans of action

1. To note that Latvia has reported annual data for 2001, and Israel has reported annual data for 2002, which are above their requirement for a 50 per cent reduction in consumption of the controlled substance in Annex E. In the absence of further clarification, these Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. To request Latvia and Israel to submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. These Parties may wish to consider including in these plans of action the establishment of import quotas to support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. To monitor closely the progress of these Parties with regard to the phase-out of methyl bromide. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. Through this decision, however, the Parties caution these Parties, in accordance with item B of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance, that, in the event that any one of these Parties fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/- Potential non-compliance with consumption of Annex A, group I, ozone-depleting substances by Article 5 Parties for the control period 1 July 2001-31 December 2002, and requests for plans of action

1. To note that the following Article 5 Parties have failed to report data for consumption of Annex A group I substances for the control period from 1 July 2001-31 December 2002, and have reported annual data for 2001 and/or 2002 which are above their requirement for a freeze in consumption: Dominica, Haiti, Saint Kitts and Nevis, and Sierra Leone. In the absence of further clarification, these Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. To urge these Parties to report data for Annex A, group I, substances for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency and, in addition, for consideration at the next meeting of the Implementation Committee, explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. These Parties may wish to consider including in this plan of action 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 will ensure progress in achieving the phase-out;

3. To note further, however, the special situation of Haiti, which has only recently ratified the Montreal Protocol and begun to implement its refrigerant management plan;
4. To monitor closely the progress of these Parties with regard to the phase-out of CFCs. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution these Parties, in accordance with item B of the indicative list of measures, that, in the event that any Party fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XIV/... **Non-compliance with the Montreal Protocol by Qatar**

1. To note that Qatar ratified the Montreal Protocol and the London and Copenhagen amendments on 22 January 1996. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$698,849 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note in addition that Qatar has failed to report data for consumption of Annex A group I substances for the control period from 1 July 2001 to 31 December 2002, and has reported annual data for 2002 which is above its requirement for a freeze in consumption. In the absence of further clarification, Qatar is presumed to be in non-compliance with the control measures under the Protocol;
3. To urge Qatar, accordingly, to report data for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency;
4. To note in addition that Qatar's baseline for Annex A group II substances is 10.65 ODP tonnes. It reported consumption of 13.6 ODP-tonnes of Annex A group II substances in 2002. As a consequence, for 2002, Qatar was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
5. To request that Qatar submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Qatar may wish to consider including in this plan of action 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 will ensure progress in achieving the phase-out;
4. To monitor closely the progress of Qatar with regard to the phase-out of CFCs and halons. To the degree that Qatar is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Qatar should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Qatar, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and halons (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

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

1. To note that, in accordance with decision XIV/24 of the Fourteenth Meeting of the Parties, Saint Vincent and the Grenadines 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 further that the baseline of Saint Vincent and the Grenadines for Annex A, group I, substances is 1.77 ODP tonnes. It reported consumption of 6.04, 6.86 and 6.02 ODP tonnes of Annex A, group I, substances in 2000, 2001 and 2002 respectively, and consumption of 9 ODP-tonnes of Annex A, group I, substances for the consumption freeze control period of 1 July 2000-30 June 2001. It has failed to report data for CFC consumption for the control period of 1 July 2001-31 December 2002. As a consequence, for the period 2000-2002, Saint Vincent and the Grenadines was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To note with regret that Saint Vincent and the Grenadines has not fulfilled the requirements of decision XIV/24 and to request that it should submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, in order for the Committee to monitor its progress towards compliance;
4. To stress to the Government of Saint Vincent and the Grenadines its obligations under the Montreal Protocol to phase out the consumption of ozone-depleting substances, and the accompanying need for it to establish and maintain an effective governmental policy and institutional framework for the purposes of implementing and monitoring the national phase-out strategy;
5. To monitor closely the progress of Saint Vincent and the Grenadines with regard to the phase-out of CFCs. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, Saint Vincent and the Grenadines should continue to be treated in the same manner as a Party in good standing. In this regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/- **Potential non-compliance with consumption of Annex A, group II, ozone-depleting substances by Article 5 Parties in 2002, and requests for plans of action**

1. To note that the following Article 5 Parties have reported annual data for Annex A, group II, substances for 2002 which are above their requirement for a freeze in consumption: Malaysia, Mexico, Nigeria, and Pakistan. In the absence of further clarification, these Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. To request these Parties to submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. These Parties may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, policy and regulatory instruments that will ensure progress in achieving the phase-out, and work with implementing agencies to identify alternatives to Annex A, group II, substances;

3. To monitor closely the progress of these Parties with regard to the phase-out of halons. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution these Parties, in accordance with item B of the indicative list of measures, that, in the event that any Party fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XIV/... Non-compliance with the Montreal Protocol by Viet Nam

1. To note that Viet Nam ratified the Montreal Protocol and the London and Copenhagen amendments on 26 January 1994. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$3,150,436 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note in addition that Viet Nam's baseline for Annex A group II substances is 37.07 ODP tonnes. It reported consumption of 97.60 ODP-tonnes for Annex A group II substances in 2002. As a consequence, for 2002, Viet Nam was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
3. To request that Viet Nam submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Viet Nam may wish to consider including in this plan of action 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 will ensure progress in achieving the phase-out;
4. To request Viet Nam to draw upon the ongoing assistance provided by the UNEP Compliance Assistance Programme and the halon phase-out assistance provided by the United Nations Industrial Development Organization, and to consult with the Halons Technical Options Committee of the Technology and Economic Assessment Panel, to identify and introduce alternatives to the use of halon-2402 on oil vessels and platforms;
5. To monitor closely the progress of Viet Nam with regard to the phase-out of halons. To the degree that Viet Nam is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Viet Nam should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Viet Nam, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/- Potential non-compliance with consumption of Annex C, group II, ozone-depleting substances by Morocco in 2002, and request for a plan of action

1. To note that Morocco has reported annual data for Annex C, group II, for 2002 which are above its requirement for a 100 per cent phase-out. In the absence of further clarification, Morocco is presumed to be in non-compliance with the control measures under the Protocol;
2. To request Morocco to submit to the Implementation Committee, for consideration at its next meeting, an explanation for its excess consumption, and a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
3. To monitor closely the progress of Morocco with regard to the phase-out of hydrobromofluorocarbons. To the degree that Morocco is working towards and meeting the specific Protocol control measures, it should continue to

be treated in the same manner as a Party in good standing. In this regard, Morocco should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Morocco, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures.

Decision XV/- Potential non-compliance with consumption of the ozone-depleting substance in Annex E by Article 5 Parties in 2002, and requests for plans of action

1. To note that the following Article 5 Parties have reported annual data for the controlled substance in Annex E for 2002 which are above their requirement for a freeze in consumption: Barbados, Egypt, Nicaragua, Paraguay, Philippines, Saint Kitts and Nevis, and Thailand. In the absence of further clarification, these Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. To request these Parties to submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. These Parties may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. To monitor closely the progress of these Parties with regard to the phase-out of methyl bromide. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution these Parties, in accordance with item B of the indicative list of measures, that, in the event that any Party fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

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

1. To note that Botswana ratified the Montreal Protocol on 4 December 1991, and the London and Copenhagen amendments on 13 May 1997. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved \$438,340 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note in addition Botswana's baseline for the controlled substance in Annex E is 0.1 ODP tonnes. It reported consumption of 0.6 ODP tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002, Botswana was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. To note with appreciation Botswana's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that under the plan, Botswana specifically commits itself:
 - (a) To reduce methyl bromide consumption from 0.6 ODP tonnes in 2002 as follows:
 - (i) To 0.4 ODP tonnes in 2003;
 - (ii) To 0.2 ODP tonnes in 2004;
 - (iii) To phase out methyl bromide consumption by 1 January 2005, as provided by the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that might be authorised by the Parties;

- (b) To establish a system for licensing imports and exports of methyl bromide, including quotas;
4. To note that the measures listed in paragraph 3 should enable Botswana to return to compliance by 2005, and to urge Botswana to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;
 5. To monitor closely the progress of Botswana with regard to the phase-out of methyl bromide. To the degree that Botswana is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Botswana should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Botswana, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/- Non-compliance with data reporting requirements 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 with appreciation that several Parties have submitted data for their base years following the adoption of decision XIV/15;
3. To note, however, that the following 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: Cape Verde, China, Democratic Republic of the Congo, Guinea Bissau, Haiti, Honduras, Liberia, Libyan Arab Jamahiriya, Mali, Marshall Islands, Micronesia (Federated States of), Nauru, Nigeria, Sao Tome and Principe, Somalia and Suriname;
4. 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 are not available;
5. To request the relevant implementing agencies of the Multilateral Fund to make available to the Secretariat any data they have obtained which may be relevant;
6. To request the Secretariat to communicate with the Parties referred to in paragraph 3 and offer assistance in reporting such estimates in accordance with Article 7, paragraphs 1 and 2.

Decision XV/- 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 with appreciation the fact that, as requested under decision XIV/14 of the Fourteenth Meeting of the Parties, the following Parties have reported data, thus bringing themselves into compliance with the provisions of Article 7 and enabling their temporary classification as Article 5 Parties to be removed: Cambodia, Nauru, Rwanda, Sierra Leone and Suriname;
2. To note nevertheless that the following Parties, temporarily classified as operating under Article 5, have still not reported any consumption or production data to the Secretariat: Cape Verde, Guinea Bissau, Liberia, Sao Tome and Principe and Somalia;
3. To note that this situation places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
4. 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;

5. 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.

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

1. To note with appreciation the fact that, as requested under decision XIV/16 of the Fourteenth Meeting of the Parties, the following Parties have reported baseline data, thus bringing themselves into compliance with the provisions of Article 5, paragraphs 3 and 8 ter (d): Angola, Cambodia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Haiti, Maldives, Micronesia, Nauru, Nigeria, Palau, Rwanda, Saint Kitts and Nevis, Sierra Leone, Suriname, and Vanuatu;
2. To note nevertheless that the following Parties have still not reported data for one or more of the years which are required for the establishment of baselines for Annexes A, B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):
 - (a) For Annex A: Cape Verde, Djibouti, Guinea Bissau, Liberia, Sao Tome and Principe, and Somalia;
 - (b) For Annex B: Cape Verde, Djibouti, Grenada, Guinea Bissau, Liberia, Sao Tome and Principe, and Somalia;
 - (c) For Annex E: Cape Verde, Djibouti, Guinea Bissau, India, Liberia, Mali, Sao Tome and Principe, and Somalia;
3. To note that this places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
4. To stress that compliance by these Parties with the Montreal Protocol cannot be determined without knowledge of this data;
5. To note that all of these Parties are receiving assistance with data collection from the Multilateral Fund through the implementing agencies;
6. To note further that some of these Parties have only recently ratified various amendments to the Montreal Protocol and consequently might be in the process of collecting the required baseline data;
7. To urge these Parties to work closely with the implementing 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.

Decision XV/- Non-compliance with the Montreal Protocol by Guatemala

1. To note that Guatemala ratified the Montreal Protocol on 7 November 1989, and the London, Copenhagen, Montreal and Beijing amendments on 21 January 2002. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$6,302,694 million from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Guatemala's baseline for Annex A, group I, substances is 224.6 ODP-tonnes. It reported consumption of 239.6 ODP-tonnes of Annex A, group I, substances in 2002. Guatemala's baseline for the controlled substance in Annex E is 400.7 ODP-tonnes. It reported consumption of 709.4 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for the 2002, Guatemala was in non-compliance with its obligations under Articles 2A and 2H of the Montreal Protocol;

3. To note with appreciation Guatemala's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A group I and Annex E substances, and to note further that, without prejudice to the operation of the financial mechanism of the Montreal Protocol, under the plan, Guatemala specifically commits itself:
 - (c) To reduce CFC consumption from 239.6 ODP-tonnes in 2002 as follows:
 - (iv) To 180.5 ODP tonnes in 2003;
 - (v) To 120 ODP tonnes in 2004;
 - (vi) To 85 ODP tonnes in 2005;
 - (vii) To 50 ODP tonnes in 2006;
 - (viii) To 20 ODP tonnes in 2007;
 - (ix) 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;
 - (d) To reduce methyl bromide consumption from 709.4 ODP tonnes in 2002, as follows:
 - (i) To 528 ODP tonnes in 2003;
 - (ii) To 492 ODP tonnes in 2004;
 - (iii) To 360 ODP tonnes in 2005;
 - (iv) To 335 ODP tonnes in 2006;
 - (v) To 310 ODP tonnes in 2007;
 - (vi) To 286 ODP tonnes in 2008;
 - (vii) To phase out methyl bromide consumption by 1 January 2015, as required under the Montreal Protocol, save for critical uses that might be authorized by the Parties;
 - (e) To establish, by 2004, a system for licensing imports and exports of ODS, including quotas;
 - (f) To ban, by 2005, imports of ODS-using equipment;
4. To note that the measures listed in paragraph 3 should enable Guatemala to return to compliance by 2005 (CFCs) and 2007 (methyl bromide), and to urge Guatemala 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, and Annex E;
5. To resolve to monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Guatemala is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Guatemala should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Guatemala, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and methyl bromide (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/-. **Non-compliance with the Montreal Protocol by Albania**

1. To note that, in accordance with decision XIV/18 of the Fourteenth 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 note further 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;
 - (vii) To phase out CFC consumption by 1 January 2009, as provided in the plan for reduction and phase out of CFC consumption, 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 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 CFCs. To the degree that Albania is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Albania should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Albania, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/-. **Non-compliance with the Montreal Protocol by Bolivia**

1. To note that, in accordance with decision XIV/20 of the Fourteenth 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 note further 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 monitor its system for licensing imports and exports of ODS, including quotas, introduced in 2003;
 - (c) To monitor its ban on imports of ODS-using equipment, introduced in 1997 for CFC-12 and extended to other ODS in 2003;
3. To note that the measures listed above in paragraph 2 have already enabled Bolivia to return to compliance, to congratulate Bolivia on this progress, and to urge Bolivia to work with the relevant implementing agencies to implement the remainder of 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 CFCs. To the degree that Bolivia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Bolivia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Bolivia, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/- Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

1. To note that, in accordance with decision XIV/21 of the Fourteenth 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 note further that under the plan, Bosnia and Herzegovina specifically commits itself:
 - (a) To reduce CFC consumption from 243.6 ODP-tonnes in 2002 as follows:
 - (i) To 235.3 ODP tonnes in 2003;
 - (ii) To 167 ODP tonnes in 2004;
 - (iii) To 102.1 ODP tonnes in 2005;
 - (iv) To 33 ODP tonnes in 2006;
 - (v) To 3 ODP tonnes in 2007;
 - (vi) To phase out CFC consumption by 1 January 2008, as provided in the plan for reduction and phase out of CFC consumption, save for essential uses that might be authorized by the Parties;
 - (b) To reduce methyl bromide consumption from 11.8 ODP tonnes in 2002, as follows:
 - (i) To 5.61 ODP tonnes in 2005 and in 2006;

- (ii) To phase out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase out of methyl bromide consumption, save for critical uses that might be authorized by the Parties;
 - (c) To establish, by 2004, a system for licensing imports and exports of ODS, including quotas;
 - (d) To ban, by 2006, 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, and Annex E;
- 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 CFCs and methyl bromide. To the degree that Bosnia and Herzegovina is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and methyl bromide (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/-. Non-compliance with the Montreal Protocol by Namibia

- 1. To note that, in accordance with decision XIV/22 of the Fourteenth 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 note further that under the plan, Namibia specifically commits itself:
 - (a) To reduce CFC consumption from 20 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 have already enabled Namibia to return to compliance, to congratulate Namibia on this progress, and to urge Namibia to work with the relevant implementing agencies to

implement the remainder of 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 CFCs. To the degree that Namibia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Namibia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Namibia, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/-. **Non-compliance by Nepal**

1. To recall that decision XIV/23 noted that Nepal's baseline for Annex A, group I, substances is 27 ODP-tonnes. It reported consumption of 94 ODP-tonnes of Annex A, group I, substances in 2000, and consumption of 94 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000-June 2001 control period, Nepal was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
2. To note further that Nepal has subsequently reported that 74 ODP-tonnes of imports of CFCs have been detained by its customs authorities, as the shipment lacked an import license, and that therefore Nepal wished to report the quantity as illegal trade, under the terms of decision XIV/7;
3. To congratulate Nepal on its actions in seizing the shipment and in reporting the fact to the Secretariat;
4. To note further, however, that paragraph 7 of decision XIV/7 provides that "the illegally traded quantities should not be counted against a Party's consumption provided the Party does not place the said quantities on its own market";
5. To conclude, therefore, that if Nepal decides to release any of the seized quantity of CFCs into its domestic market, it would be considered to be in non-compliance with its obligations under Article 2A of the Montreal Protocol, and would therefore be required to fulfil the terms of decision XIV/23, including submitting to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
6. To request the Implementation Committee to review the situation of Nepal at its next meeting.

Decision XV/-. **Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya**

1. To note that, in accordance with decision XIV/25 of the Fourteenth Meeting of the Parties, the 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 the Libyan Arab Jamahiriya's submission of its plan of action, and to note further that under the plan, the 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 107 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 monitor its ban on imports of ODS-using equipment, introduced in 2003;
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 the 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 the Libyan Arab Jamahiriya with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that the Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

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

1. To note that, in accordance with decision XIV/26 of the Fourteenth 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, and to note further 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 monitor its existing system for licensing imports of ODS, including quotas, introduced in 2002;
 - (c) To ban, by 2004, imports of ODS-using equipment;
3. To note that the measures listed above in paragraph 2 have already enabled Maldives to return to compliance, to congratulate Maldives on this progress, and to urge Maldives to work with the relevant implementing agencies to implement the remainder of 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 CFCs. To the degree that Maldives is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Maldives should continue to receive international assistance to enable it to meet these commitments in accordance with item

A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Maldives, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/-. Non-compliance with the Montreal Protocol by 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 ratification of the London Amendment is a precondition for Multilateral Fund funding, and therefore to call upon Armenia expeditiously to complete its process of ratification of the London Amendment;
3. To note further, however, that despite the absence of financial assistance, Armenia has reported data showing it to be in compliance with the freeze on CFC consumption, and to congratulate Armenia on its achievements.

Decision XV/-. Non-compliance with the Montreal Protocol by Cameroon

1. To note that, in accordance with decision XIV/32 of the Fourteenth Meeting of the Parties, Cameroon was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with regard to its consumption of Annex A, group I, substances;
2. To note further that Cameroon has reported data for 2002 suggesting it may now be in compliance with the freeze on CFC consumption, but that it has still not submitted data for the control period 1 July 2001 to 31 December 2002;
3. To urge Cameroon, accordingly, to report data for the control period 1 July 2001 to 31 December 2002 as a matter of urgency;
4. To note in addition that Cameroon's baseline for Annex A group II substances is 2.38 ODP tonnes. It reported consumption of 9 ODP tonnes for Annex A group II substances in 2002. As a consequence, for 2002, Cameroon was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
5. To note with appreciation Cameroon's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A group II substances, and to note further that, under the plan, Cameroon specifically commits itself:
 - (a) To reduce halon consumption from 9 ODP-tonnes in 2002 as follows:
 - (i) To 3 ODP tonnes in 2003;
 - (ii) To 2.38 ODP tonnes in 2004;
 - (iii) To phase out halon consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that might be authorized by the Parties;
 - (b) To monitor its existing system for licensing imports and exports of ODS, including quotas introduced in 2003;
 - (c) To monitor its existing ban on imports of ODS using equipment, introduced in 1996;
6. To note that the measures listed above in paragraph 5 should enable Cameroon to return to compliance, with respect to consumption of halons, by 2005, and to urge Cameroon 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 II;

7. To note in addition that Cameroon's baseline for the controlled substance in Annex E is 18.09 ODP tonnes. It reported consumption of 25.38 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002, Cameroon was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
8. To request that Cameroon submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with respect to consumption of the controlled substance in Annex E;
9. To resolve to monitor closely the progress of Cameroon with regard to the implementation of its plan of action and the phase-out of halons and methyl bromide. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Cameroon should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Cameroon, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons and methyl bromide (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

Decision XV/- Non-compliance with the Montreal Protocol by Azerbaijan

1. To note that, under decision X/20, Azerbaijan committed itself, among other things, to a complete phase-out of Annex A group I substances, and a ban on imports of Annex A group II substances, by 1 January 2001, in order to ensure its return to compliance with its obligations under Article 2A and 2B of the Montreal Protocol;
2. To note that data submitted for both 2001 and 2002 showed consumption of CFCs, putting Azerbaijan in non-compliance with its obligations under Article 2A of the Montreal Protocol, and also that it has failed to report on the implementation of its ban on imports of halons;
3. To note further that Azerbaijan has undertaken to ban consumption of CFCs from January 2003;
4. To urge Azerbaijan to report its 2003 consumption data to the Secretariat as soon as they become available, along with a report on the status of its commitment to ban imports of halons, and to request the Implementation Committee to review the situation of Azerbaijan at its next meeting.

Decision XV/- Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

1. To note with appreciation that 73 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. To note further with appreciation that 43 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;
4. To urge all the remaining 33 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
5. To encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
6. To urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;

7. To review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

Decision XV/- Methodology for submission of requests for revision of baseline data

1. To recall decisions XIII/15 (paragraph 5) and XIV/27, on Parties' requests for changes in reported baseline data;
2. To recognize that Parties adopt different approaches to the collection and verification of data and that there may be some special circumstances where original documentation may no longer be available, and therefore to accept the following methodology:
 - (a) Parties submitting requests to change baseline data are requested to provide the following information:
 - (i) Identification of which of the baseline year(s') data is considered incorrect and provision of the proposed new figure for that year(s);
 - (ii) Explanation as to why the existing baseline data is incorrect, including information on the methodology used to collect and verify that data, along with supporting documentation where available;
 - (iii) Explanation as to why the requested changes should be considered correct, including information on the methodology used to collect and verify the accuracy of the proposed changes;
 - (iv) Documentation substantiating collection and verification procedures and their findings, which could include:
 - a. Copies of invoices (including ODS production invoices), shipping/customs documentation from either the requesting Party or its trading partners (or aggregation of these with copies available upon request);
 - b. Copies of surveys and survey reports;
 - c. Information on country's GDP, ODS consumption/production trends, business activity in the ODS sectors concerned;
 - (b) Where relevant, the Implementation Committee may also request the Secretariat to consult with the Multilateral Fund Secretariat and the implementing agencies involved in both the original data collection exercises and any exercises that resulted in the baseline revision request to comment, and where considered appropriate, to endorse the explanation provided. (The Parties could themselves request the implementing agencies to provide their comments so that they can be submitted along with their request to the Implementation Committee);
 - (c) Following review of an initial request submission, if the Implementation Committee requires further information from a Party, the Party will be invited to take advantage of clause 7 (e) of the non-compliance procedure to invite an Implementation Committee representative, or other authorized representative, to their country to identify and/or review the outstanding information.

Decision XIV/... Non-compliance with the Montreal Protocol by the Democratic Republic of the Congo

1. To note that the Democratic Republic of the Congo ratified the Montreal Protocol and the London and Copenhagen amendments on 30 November 1994. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$1,037,518 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note in addition that the baseline of the Democratic Republic of the Congo for Annex A group II substances is 218.67 ODP tonnes. It reported consumption of 492 ODP tonnes of Annex A, group II, substances in 2002. As a consequence, for 2002, the Democratic Republic of the Congo was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
3. To request that the Democratic Republic of the Congo submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Democratic Republic of the Congo may wish to consider including in this plan of action

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 will ensure progress in achieving the phase-out;

4. To resolve to monitor closely the progress of the Democratic Republic of the Congo with regard to the implementation of its plan of action and the phase-out of halons. To the degree that the Democratic Republic of the Congo is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, the Democratic Republic of the Congo should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution the Democratic Republic of the Congo, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/. **Non-compliance with the Montreal Protocol by Honduras**

1. To note that Honduras ratified the Montreal Protocol on 14 October 1993, and the London and Copenhagen amendments on 24 January 2002. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$2,912,410 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note in addition that Honduras's baseline for the controlled substance in Annex E is 259.43 ODP-tonnes. It reported consumption of 412.52 ODP-tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002, Honduras was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. To recognize the devastation and disruption to agriculture caused by Hurricane Mitch in October 1998, which contributed to the increase in use of methyl bromide, and to applaud Honduras's efforts to recover from the situation;
4. To note with appreciation Honduras's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Honduras specifically commits itself:
 - (a) To reduce methyl bromide consumption from 412.52 ODP-tonnes in 2002 as follows:
 - (i) To 370.0 ODP tonnes in 2003;
 - (ii) To 306.1 ODP tonnes in 2004;
 - (iii) To 207.5 ODP tonnes in 2005;
 - (b) To monitor its system for licensing imports and exports of ODS, including quotas, in force since May 2003;
 - (c) To monitor its ban on imports of ODS-using equipment, in force since May 2003;
5. To note that the measures listed above in paragraph 4 should enable Honduras to return to compliance by 2005, and to urge Honduras to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex E;
6. To resolve to monitor closely the progress of Honduras with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Honduras is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Honduras should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Honduras, in accordance with item B of

the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/-. Non-compliance with the Montreal Protocol by Papua New Guinea

1. To note that Papua New Guinea ratified the Montreal Protocol on 27 October 1992, the London Amendment on 4 May 1993, and the Copenhagen Amendment on 7 October 2003. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$704,454 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note in addition that Papua New Guinea's baseline for Annex A, group I, substances is 36.30 ODP-tonnes. It reported consumption of 44.3 ODP-tonnes of Annex A, group I, substances for the control period 1 July 2000-30 June 2001. As a consequence, for the July 2000-June 2001 control period, Papua New Guinea was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To note with appreciation Papua New Guinea's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A group I substances, and to note further that, under the plan, Papua New Guinea specifically commits itself:
 - (a) To reduce CFC consumption from 35 ODP-tonnes in 2002 as follows:
 - (i) To 35 ODP tonnes in 2003;
 - (ii) To 26 ODP tonnes in 2004;
 - (iii) To 17 ODP tonnes in 2005;
 - (iv) To 8 ODP tonnes in 2006;
 - (v) To 4.5 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 2004, a system for licensing imports and exports of ODS, including quotas;
 - (c) To ban, on or before 31 December 2004, imports of ODS-using equipment;
4. To note that the measures listed above in paragraph 3 should enable Papua New Guinea to return to compliance by 1 January 2004, and to urge Papua New Guinea 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;
5. To resolve to monitor closely the progress of Papua New Guinea with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Papua New Guinea is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Papua New Guinea should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Papua New Guinea, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/- **Non-compliance with the Montreal Protocol by Uganda**

1. To note that Uganda ratified the Montreal Protocol on 15 September 1988, the London amendment on 20 January 1994, the Copenhagen amendment on 22 November 1999 and the Montreal amendment on 23 November 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved \$547,896 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note in addition that Uganda's baseline for Annex A Group I substances is 12.8 ODP tonnes. It has failed to report data for either of the control periods 1 July 2000-30 June 2001, or 1 July 2001-31 December 2002, and has reported annual data for 2001 which is above its baseline. In the absence of further clarification, Uganda is presumed to be in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To urge Uganda, accordingly, to report data for the control periods from 1 July 2000-30 June 2001, and 1 July 2001-31 December 2002, as a matter of urgency;
4. To note further that Uganda has presented sufficient information to justify its request for a change in its baseline consumption of the controlled substance in Annex E from 1.9 ODP tonnes to 6.3 ODP tonnes, and that this change is therefore approved;
5. To note in addition that Uganda presented its request for a baseline change before the Implementation Committee had been able to recommend a standard methodology for the presentation of requests for such changes, and that all future requests should follow the methodology described in decision XV/-;
6. To note, however, that Uganda reported consumption of 30 ODP tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002, even after the revision in its baseline, Uganda was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
7. To note with appreciation Uganda's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, without prejudice to the operation of the financial mechanism of the Montreal Protocol, under the plan, Uganda specifically commits itself:
 - (a) To reduce methyl bromide consumption from 30 ODP-tonnes in 2002 as follows:
 - (i) To 24 ODP tonnes in 2003 and in 2004;
 - (ii) To 6 ODP tonnes in 2005;
 - (iii) To 4.8 ODP tonnes in 2006;
 - (iv) To phase out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase out of methyl bromide consumption, save for critical uses that might be authorized by the Parties;
 - (b) To monitor its system for licensing imports and exports of ODS, including quotas, introduced in 1998;
 - (c) To monitor its ban on imports of ODS-using equipment introduced in May 2003;
8. To note that the measures listed above in paragraph 7 should enable Uganda to return to compliance by 2007, and to urge Uganda to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;
9. To resolve to monitor closely the progress of Uganda with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Uganda is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Uganda should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Uganda, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely

manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and methyl bromide (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/– **Non-compliance with the Montreal Protocol by Uruguay**

1. To note that Uruguay ratified the Montreal Protocol on 8 January 1991, the London Amendment on 16 November 1993, the Copenhagen Amendment on 3 July 1997, the Montreal Amendment on 16 February 2000 and the Beijing Amendment on 9 September 2003. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$4,856,042 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note in addition that Uruguay's baseline for the controlled substance in Annex E is 11.2 ODP tonnes. It reported consumption of 17.7 ODP tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002, Uruguay was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. To note with appreciation Uruguay's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Uruguay specifically commits itself:
 - (a) To reduce methyl bromide consumption from 17.7 ODP tonnes in 2002 as follows:
 - (i) To 12 ODP tonnes in 2003;
 - (ii) To 4 ODP tonnes in 2004;
 - (iii) To phase out methyl bromide consumption by 1 January 2005, as provided in the plan for reduction and phase out of methyl bromide consumption, save for critical uses that might be authorized by the Parties;
 - (b) To monitor its system for licensing imports and exports of ODS, including quotas;
4. To note that the measures listed above in paragraph 3 should enable Uruguay to return to compliance by 2004, and to urge Uruguay to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;
5. To resolve to monitor closely the progress of Uruguay with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Uruguay is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Uruguay should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Uruguay, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Decision XV/– **Institutional strengthening assistance to countries with economies in transition**

1. To note with appreciation the assistance that the Global Environment Facility has provided to date to countries with economies in transition;
2. To note further with appreciation that the Council of the Global Environment Facility has earmarked sixty million United States dollars to assist countries with economies in transition phase out methyl bromide and HCFCs;

3. To note that, while such assistance has been successful in furthering ODS phase-out, continued institutional strengthening assistance is necessary to ensure that such progress is sustained and that the Parties continue to comply with their reporting obligations;
4. To note the recent decision of the Council of the Global Environment Facility to launch a major capacity-building initiative across all its focal areas;
5. To urge those countries with economies in transition that are experiencing difficulty in meeting their obligations under the Protocol to consider working with the implementing agencies to seek assistance for institutional strengthening from the capacity-building initiative of the Global Environment Facility;
6. To request the Global Environment Facility to consider favourably such applications for assistance, in accordance with the criteria applicable to its capacity-building initiative.

Annex II

List of participants

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