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**Implementation Committee under the
Non-compliance procedure for the
Montreal Protocol
Thirty-third meeting**
Prague, 17–19 November 2004

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

I. Opening of the meeting

1. The thirty-third meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Hilton Hotel, Prague, from 17 to 19 November 2004.

A. Opening statements

2. The President of the Committee, Mr. Hassen Hannachi (Tunisia), opened the meeting at 10.15 a.m. on 17 November 2004 and welcomed the members of the Committee, the representatives of the Multilateral Fund for the Implementation of the Montreal Protocol and representatives of the implementing agencies and of those Parties present at the invitation of the Committee. He particularly welcomed Ms. Tamara Curll to the Secretariat in the new position of Programme Officer for Compliance and Monitoring and wished her every success in her future work.

3. Mr. Marco González, Executive Secretary of the Ozone Secretariat, added his welcome to that of the President and thanked the Government of the Czech Republic and the Minister of the Environment, Mr. Libor Ambrozek, in particular, for hosting the meeting. He congratulated the members of the Committee for their part in the success of the Montreal Protocol to date. It was rare in the history of an environmental treaty for so many Parties to have made such progress towards compliance in such a short time. Nevertheless, to maintain the current rate of progress, closer cooperation and a concerted effort were needed so as to assist Parties in complying with the Protocol. To that end, a coordination meeting was to be held immediately after the Meeting of the Parties between the Ozone Secretariat, the Secretariat of the Multilateral Fund and the implementing agencies.

B. Attendance

4. The following members of the Committee attended the meeting: Australia, Belize, Ethiopia, Italy, Jordan, Maldives, the Russian Federation and Tunisia. Members from Honduras and Lithuania did not attend.
5. The representatives of Azerbaijan, Guinea-Bissau, Lebanon, Nepal, Pakistan, Philippines, Tajikistan, Thailand and Yemen also attended at the invitation of the Committee.
6. The meeting was also attended by representatives of the Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, the Chair of the Executive Committee of the Multilateral Fund and the representatives of the implementing agencies of the Multilateral Fund – UNDP, UNEP, UNIDO and the World Bank. The full list of participants is contained in annex II to the present report.

II. Adoption of the agenda and organization of work

7. The Committee adopted the following agenda, based on the provisional agenda circulated as document UNEP/OzL.Pro/ImpCom/33/1/Rev.1, as follows:
 1. Opening of the meeting.
 2. Adoption of the agenda and organization of work.
 3. Presentation by the Secretariat on the non-compliance procedure.
 4. Report of the Secretariat on data.
 5. Information by:
 - (a) Fund Secretariat on any relevant decisions by the Executive Committee to facilitate compliance by Parties not in compliance with ozone-depleting substance phase-out obligations;
 - (b) Implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) on relevant activities carried out to facilitate compliance by Parties in non-compliance with the Montreal Protocol.
 6. Review of the status of compliance with specific decisions of the Parties and recommendations of the Implementation Committee on non-compliance:
 - (a) Parties required to limit their consumption of ozone-depleting substances according to the agreed benchmarks applicable for 2003:
 - (i) Albania (decision XV/26 and recommendation 32/4);
 - (ii) Belize (decision XIV/33);
 - (iii) Bolivia (decision XV/29);
 - (iv) Bosnia and Herzegovina (decision XV/30 and recommendation 32/9);
 - (v) Botswana (decision XV/31);
 - (vi) Ethiopia (decision XIV/34);
 - (vii) Guatemala (decision XV/34);
 - (viii) Honduras (decision XV/35);

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- (ix) Libyan Arab Jamahiriya (decision XV/36 and recommendations 32/4 and 32/9);
 - (x) Maldives (decision XV/37);
 - (xi) Namibia (decision XV/38);
 - (xii) Papua New Guinea (decision XV/40);
- (b) Follow-up on previous decisions and recommendations for individual Parties:
- (i) Azerbaijan (decision XV/28 and recommendation 32/12);
 - (ii) Kazakhstan (decision XIII/19);
 - (iii) Mexico (decision XV/22 and recommendation 32/10);
 - (iv) Morocco (decision XV/23);
 - (v) Nepal (decision XV/39 and recommendation 32/13);
 - (vi) Pakistan (decision XV/22 and recommendation 32/11);
 - (vii) Qatar (decision XV/41);
 - (viii) Saint Vincent and the Grenadines (decision XV/42 and recommendation 32/14);
 - (ix) Tajikistan (decision XIII/20);
 - (x) Turkmenistan (decision XI/25 and recommendation 32/4);
 - (xi) Uganda (decision XV/43);
- (c) Follow-up on recommendations by the Implementation Committee for groups of Parties:
- (i) Armenia (recommendation 32/9);
 - (ii) Cape Verde and Sao Tomé and Príncipe (recommendation 32/2);
 - (iii) Cook Islands and Niue (recommendation 32/3);
 - (iv) Angola, Federated States of Micronesia, Grenada, Indonesia, Monaco (recommendation 32/4);
 - (v) Guinea-Bissau and Palau (recommendation 32/5);
 - (vi) Lesotho and Somalia (recommendation 32/6);
 - (vii) Marshall Islands and Oman (recommendation 32/7);
 - (viii) Congo and Mozambique (recommendation 32/8).
7. Consideration of compliance issues arising out of the data report:
- (a) Data reporting;
 - (b) Compliance with control measures.

8. Review of information on requests for change of baseline data:
 - (a) Lebanon (recommendation 32/17);
 - (b) Philippines (recommendation 32/16);
 - (c) Thailand (recommendation 32/18);
 - (d) Yemen
9. Information on compliance by Parties present at the invitation of the Implementation Committee.
10. Other matters.
11. Adoption of the report of the meeting.
12. Closure of the meeting.

III. Presentation by the Secretariat on the non-compliance procedure

8. The representative of the Ozone Secretariat reviewed the non-compliance procedure for the benefit of the new members of the Committee for 2004.
9. Following that presentation, one representative sought further clarification as to how the Secretariat would deal with a case in which a Party was in non-compliance as a result of an insufficient level of funding. The representative of the Secretariat said that, to his knowledge, such a situation had never occurred, but if it were to, the Parties would need to look closely at the issue, in accordance with the provisions of Article 5, paragraphs 5 and 6, of the Protocol.

IV. Report of the Secretariat on data and consideration of compliance issues

10. The representative of the Ozone Secretariat drew attention to the report of the Secretariat on information provided by Parties in accordance with Article 7 of the Protocol, contained in documents UNEP/OzL.Pro.16/4 and UNEP/OzL.Pro.16/4/Add.1, on data reporting as well as document UNEP/OzL.Pro/ImpCom/33/3, on deviations from the Protocol's consumption and production control measures in 2003. He clarified that his presentation would focus on the non-compliance issues arising from the data report, although the report in fact contained information going beyond those issues. The non-compliance issues fell into two categories: on the one hand data reporting, and on the other the control measures for 2003. Compliance with the control measures for the Parties operating under Article 5 and those not so operating would be covered separately, since they differed, for the two categories of Parties.
11. With regard to the requirement to report base-year data, (relating to 1986 for Annex A substances, 1989 for Annexes B and C, and 1991 for Annex E) as covered in Article 7, paragraphs 1 and 2, 184 Parties were fully in compliance. Three Parties, Afghanistan, Cook Islands and Niue, were non-compliant, and indeed had never reported any data at all. The cases of the Cook Islands and Niue had been addressed at the preceding meeting of the Implementation Committee, in July 2004, at which a draft decision had been prepared on those two Parties.
12. In the case of baseline data (defined as the average of years 1995–1997 for Annex A substances, of 1998–2000 for Annex B substances, and of 1995–1998 for the Annex E substance), 140 Parties operating under Article 5 had fully reported all their baseline data, as shown in annexes VIII–XIV to document UNEP/OzL.Pro.16/4. Afghanistan, Cook Islands and Niue, never having reported any data, were thus also in non-compliance with Article 5, paragraphs 3 and 8 ter of the Montreal Protocol.
13. Four Parties operating under Article 5, Lebanon, Philippines, Thailand and Yemen, had requested a revision of their baseline data for the Annex E substance, and Yemen had also requested a revision of its baseline data for Annex A substances. The quantities concerned were shown in Annex XVII to document UNEP/OzL.Pro.16/4.

14. With regard to annual data reporting, for 2003 a total of 171 out of 184 (93 per cent) of the Parties required to report had done so. That represented a significant improvement on the preceding year's figure of 85 per cent. The data reported by the Parties for 2003 were given in annexes I A and IB to document UNEP/OzL.Pro.16/4 and annex I to document UNEP/OzL.Pro.16/4/Add.1. Thirteen Parties (Botswana, Federated States of Micronesia, Lesotho, Liberia, Liechtenstein, Nauru, Republic of Korea, Russian Federation, Saudi Arabia, Solomon Islands, Switzerland, Turkmenistan and Tuvalu) were in non-compliance with Article 7, paragraphs 3 and 4, of the Protocol, owing to their failure to report data for 2003, with the Federated States of Micronesia also having failed to report data for 2002 and 2001. The list of Parties was provided in tables 5 and 6 of document UNEP/OzL.Pro.16/4.

15. For 2002, 182 out of 183 Parties required to report data had done so. The actual data reported were reproduced in annexes VII A and VII B to document UNEP/OzL.Pro.16/4.

16. Concerning data reporting for the period 1986–2003, 171 out of 187 (91 per cent) of the Parties required to report had done so, thus fully complying with all their data-reporting requirements under Article 7, paragraphs 3 and 4. Details were given in paragraph 15 and Annex XVI of document UNEP/OzL.Pro.16/4 and in paragraph 4 and table 1 of document UNEP/OzL.Pro.16/4/Add.1, and in addition to the data presented there, Grenada had reported within the past few days. Again, that represented a significant improvement over the preceding year's figure of 78 per cent.

17. The second non-compliance issue related to the control measures for 2003. The cases of potential non-compliance in that area by Parties not operating under Article 5 were listed in tables 8 and 9 of document UNEP/OzL.Pro.16/4. Following corrections of data and clarifications given by the European Community for both CFCs and carbon tetrachloride, by Italy for CFCs, and by Kazakhstan for methyl bromide, only Azerbaijan remained in non-compliance.

18. The cases of potential non-compliance with the control measures by Parties operating under Article 5 for 2003 were listed in table 10 of document UNEP/OzL.Pro.16/4 and table 5 of document UNEP/OzL.Pro.16/4/Add.1. Following clarifications and explanations given by the Bahamas for Annex B, group I, substances, by Costa Rica and the Marshall Islands for Annex B, group III, substances and by Nicaragua and Singapore for methyl bromide, 17 Parties remained in non-compliance (Bangladesh, Bosnia and Herzegovina, Chile, Congo, Ecuador, Fiji, Guinea-Bissau, Islamic Republic of Iran, Lebanon, Libyan Arab Jamahiriya, Oman, Pakistan, Philippines, Saint Vincent and the Grenadines, Somalia, Thailand and Yemen). Of those Parties, four – Lebanon, Philippines, Thailand and Yemen – had requested a revision of their baseline. In addition, five Parties – Congo, Guinea-Bissau, Oman, Saint Vincent and the Grenadines and Somalia – were the subject of draft decisions taken at previous Implementation Committee meetings.

V. Information by the Fund Secretariat on any relevant decisions by the Executive Committee to facilitate compliance by Parties not in compliance with ozone-depleting substance phase-out obligations and by the implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) on relevant activities carried out to facilitate compliance by Parties in non-compliance with the Montreal Protocol

19. In accordance with the arrangement agreed on by the Committee, the Secretariat of the Multilateral Fund gave a combined statement on the agenda items, providing information in addition to that found in the Secretariat report on the status of implementation of the decisions of the Parties and recommendations of the Committee on non-compliance with the Protocol, contained in documents UNEP/OzL.Pro/ImpCom/33/2 and Add.1.

20. All Parties in non-compliance regarding CFCs had received assistance from the Multilateral Fund to enable them to return to compliance, except Saint Vincent and the Grenadines. A request for the preparation of an update to the Party's refrigerant management plan was to be considered by the Executive Committee at its forty-fourth meeting.

21. All Parties in non-compliance regarding halons had received halon banking assistance, except Somalia, for security reasons, and the Libyan Arab Jamahiriya – although a request had been submitted and then withdrawn by that Party. China had produced 1,885 ODP tonnes of halons in 2003, and the Netherlands had destroyed 2,815 ODP tonnes and Norway 13 ODP tonnes. Production and consumption data had not been reported by the Republic of Korea. Given that, overall, 2003 consumption was higher than the previous year, implementing agencies had been asked to verify whether halon imports were for virgin or recycled halon.

22. All Parties operating under Article 5 whose latest consumption of methyl bromide had exceeded their baselines either had agreements with the Executive Committee or projects that aimed to enable them to achieve compliance by the 2005 deadline. Some Parties had reported methyl bromide consumption that included amounts used for quarantine and pre-shipment. More information was required about consumption and quarantine and pre-shipment uses in Papua New Guinea in order to verify non-compliance.

23. There appeared to be some confusion about the need to report quantities of methyl chloroform and carbon tetrachloride for laboratory and analytical uses, the need to phase out the substances given that many consider that those uses were essential, and the possibility that there might be alternatives for some applications. Some Parties which had reported a few kilograms of consumption were found to be in non-compliance owing to a baseline of zero. There was a need to identify uses in those Parties operating under Article 5 and to ascertain whether alternatives existed or whether specific laboratory and analytical uses fell within those set out under the global exemption for Parties operating under Article 5. Furthermore, in terms of compliance, Oman had been deemed to be in non-compliance owing to a small deviation from the baseline of 0.003 ODP tonnes. In order to assess compliance, more information was required about methyl chloroform use in Costa Rica, although there could have been an error in the Party's data reporting, and Ecuador, and about carbon tetrachloride use in Bahrain, Barbados, Ghana, Indonesia, the Islamic Republic of Iran and Paraguay.

24. The data on the implementation of their country programmes in 2003 submitted by Brunei Darussalam, Islamic Republic of Iran and Nicaragua indicated that consumption in Brunei Darussalam and Nicaragua was below the country baseline, but the 2003 consumption of methyl bromide by the Islamic Republic of Iran had exceeded its baseline. The Islamic Republic of Iran was therefore considering requesting a change in the baseline.

25. The Marshall Islands had written to the Fund Secretariat indicating that its consumption of methyl chloroform and carbon tetrachloride had been incorrectly reported and should have been zero.

26. Bolivia reported its 2003 CFC consumption to the Fund Secretariat on 20 October 2004, indicating that this was 32.8 ODP tonnes and therefore below its baseline of 63.6 ODP tonnes.

27. Furthermore, the UNDP regional methyl bromide project was assisting the Government of the Congo in introducing measures to eliminate the use of methyl bromide and was expected to achieve its target of a 20 per cent reduction in 2005.

28. Assessments that had been presented to the Executive Committee indicated that there remained between 21,000 and 23,000 ODP tonnes of ozone depleting substances to be addressed by the Executive Committee. Implementing agencies had submitted projects for all the Parties with compliance difficulties that were in the 2004 business plan except in Albania, where a terminal phase-out management plan covered all ozone-depleting substances, and Somalia, where security issues were delaying progress.

29. A representative of UNEP described some of the issues that need ed further consideration. Countries did not always want to receive imports. In such an instance, the country was to inform the Fund Secretariat accordingly. Cooperation was required from exporting Parties and perhaps WTO was a more appropriate forum in which to decide the procedures.

30. After the presentation, representatives of UNEP, UNIDO, and UNDP made some additional remarks regarding the experiences of the implementing agencies. There had been problems in Albania in getting equipment and goods into the country because of the value added tax (VAT) payment that was required by Albanian law. Policy and licensing issues were also causing complications. High-level visits had, however, helped improve the situation and the Ministry of the Environment had given assurances that implementing the Protocol was a priority in Albania. More experts were to be recruited and an independent auditor appointed.

31. The representative of UNEP reported that a high percentage of the required reporting had been submitted by Parties. In 2002, 99 per cent of the required reporting had been submitted and 91 per cent in 2003. Despite potential difficulties, low-volume-consuming countries were not lagging behind. Of the 140 Parties operating under Article 5 submitting reports, 101 were low-volume-consuming countries. Furthermore, of the 41 Parties found to be in non-compliance at the Fifteenth Meeting of the Parties, 28 had now returned to compliance and 19 of those were low-volume-consuming. They had been able to achieve compliance owing to assistance from the Multilateral Fund and UNEP compliance assistance programme. The Committee was also informed that, in 2003, four more Parties had set up licensing systems, bringing the total to 129.

32. UNEP had been facilitating regional dialogues among countries in order to improve information exchange. Those dialogues had been very effective tools in combating illegal trade. To date, three such dialogues had taken place: China and Mongolia; Afghanistan, Pakistan and the Islamic Republic of Iran; China, India and Nepal. UNEP had also been encouraging interaction between Governments and producers which also had a vested interest in stemming illegal trade. Training for customs officers was another way in which the Programme hoped to reduce the opportunities for illegal trade. It was suggested that a study should be conducted into the effect of free-trade zones on perpetuating illegal trade. Coordination and cooperation between developing and developed countries, and between users and producers was also required. A draft decision was circulated but not forwarded to the Meeting of the Parties.

33. In response to the request made by one member for advice from the Ozone Secretariat and the Multilateral Fund Secretariat as to whether methyl chloroform and carbon tetrachloride misreporting constituted a major problem, the representative of the Ozone Secretariat pointed out examples of the significant discrepancies that had been noted between export and import totals of methyl chloroform and carbon tetrachloride in 2002.

34. The Multilateral Fund Secretariat said that, in its view, the problem arose for two reasons. First, very small quantities were involved and, second, there was uncertainty as to whether carbon tetrachloride should be reported for laboratory and analytical uses. The Secretariat had requested Parties operating under Article 5 to provide information on the nature of the uses to determine whether they may be eligible for Multilateral Fund assistance. The Secretariat suggested that the UNEP compliance assistance programme could gather such information.

VI. Review of the status of compliance with specific decisions of the Parties and recommendations of the Implementation Committee on non-compliance

35. The representative of the Secretariat introduced the review of the status of compliance with specific decisions of the Parties and recommendations of the Implementation Committee on non-compliance. Detailed information was contained in documents UNEP/OzL.Pro/ImpCom/33/2, UNEP/OzL.Pro/ImpCom/33/2/Add.1 and UNEP/OzL.Pro/ImpCom/33/3. He drew the Committee's attention to the long list of parties which were scheduled for consideration under this item. Of the total of 39 Parties, however, 21 Parties had been included on the agenda in order for the Committee to discharge its duty of monitoring the status of compliance by those Parties, while the remaining Parties now had no outstanding issues to consider. The Committee agreed not to discuss those Parties in detail, but to note with appreciation their progress towards complying with their commitments under the Protocol in the text of the report of the meeting.

36. The Chair of the Executive Committee requested clarification from UNDP as to why Armenia was receiving assistance from GEF when it was classified as a Party operating under Article 5. The representative of UNDP explained that the GEF Council had approved assistance for Armenia while it had still been classified as a Party not operating under Article 5. The GEF Council had debated whether or not it should continue providing assistance to Armenia, in the light of the Meeting of the Parties decision to reclassify Armenia as a Party operating under Article 5, and had decided to maintain the assistance.

37. In connection with recommendations dealing with plans of action for parties in non-compliance, one member of the Committee queried the legality of requirements for the establishment of import quota systems and bans on the import of ODS-using equipment. He understood why import and export licensing systems could be included, as these had been introduced to the Protocol by the Montreal

Amendment – though he also queried whether these could be imposed on countries which were not parties to the relevant amendment – but was not clear whether quotas and import bans could be included, as these were not required by the Protocol. Another member added that it was important for voluntary measures to be distinguished from compulsory measures, and that Parties could only be required to fulfil their obligations under the Protocol: they could not have voluntary measures imposed on them.

38. Representatives of the Secretariat recalled that decision IX/8, which had been adopted by the Meeting of the Parties at the same time as it had agreed on the Montreal Amendment, had appealed to all Parties to establish licensing systems. At more or less the same time, many Parties operating under Article 5 had become concerned about imports of ODS-using equipment, particularly from Parties not operating under Article 5 which had just banned the use of the ODS that they contained. Those imports of equipment raised ODS consumption in the countries concerned, and possibly contributed to illegal imports. A series of decisions of the Parties had therefore encouraged Parties to ban those imports, and exporting Parties to cooperate in the export bans. Finally, quotas had proved essential to enable Parties to control their volumes of imports and thereby comply with the Protocol. All those measures had proved highly effective in ensuring compliance.

39. Furthermore, none of those actions were imposed on Parties – they were included in plans of action to assist non-complying Parties to return to compliance which were negotiated with the Parties in question and then agreed, and given standing, by the Meeting of the Parties. The use of the term “voluntary measures” was misleading, as these were measures which Parties agreed to undertake in order to return to compliance, in accordance with their obligation under the Protocol. What the Committee was doing at its current meeting was to review Parties’ status of compliance with the measures agreed by them and included in their plans of action.

40. The Executive Secretary observed that the Montreal Protocol was operating in line with the principle of “constructive agreement”, common in public international law. Parties had agreed, by consensus, to go beyond the strict control measures laid out in the Protocol in order to address non-compliance in a pragmatic manner, one that proved highly effective in practice.

A. Parties required to limit their consumption of ozone-depleting substances according to the agreed benchmarks applicable for 2003:

1. Albania (decision XV/26 and recommendation 32/4);

41. The representative of the Secretariat noted that decision XV/26 had committed Albania to a plan of action to reduce its CFC consumption and to establish licensing and quota systems for imports and exports of ODS, and to ban the import of ODS-using equipment. In addition, under recommendation 32/4, the Committee had requested Albania to report outstanding data from the period 1999–2002. Since the last meeting, Albania had reported data for CFC consumption in 2003 meeting its benchmark, and had reported all the outstanding data. It had not yet, however, reported on progress with the licensing and quota systems and import ban, though UNIDO had reported that work was in progress.

42. The Committee therefore *agreed*:

(a) To note with appreciation Albania’s progress towards complying with its CFC phase-out commitments, as set out in the plan of action noted in decision XV/26, and Albania’s submission of its outstanding data;

(b) To urge Albania to continue its efforts to establish an ODS import and export licensing and quota system and a ban on the import of ODS-using equipment;

(c) To request Albania to report on the status of this commitment in time for consideration at the thirty-fourth meeting of the Committee.

Recommendation 33/1

2. Belize (decision XIV/33)

43. The representative of the Secretariat noted that decision XIV/33 had committed Belize to a plan of action to reduce its CFC consumption and to establish licensing and quota systems for imports and exports of ODS, and to ban the import of ODS-using equipment. Belize had reported data for CFC consumption in 2003 meeting its benchmark, and had established the licensing and quota systems and

import ban. The Committee noted with appreciation Belize's progress towards complying with its commitments set out in decision XIV/33.

3. Bolivia (decision XV/29)

44. The representative of the Secretariat noted that decision XV/29 had committed Bolivia to a plan of action to reduce its CFC consumption. Bolivia had reported data for CFC consumption in 2003 meeting its benchmark. The Committee noted with appreciation Bolivia's progress towards complying with its commitments set out in decision XV/29.

4. Bosnia and Herzegovina (decision XV/30 and recommendation 32/9)

45. The representative of the Secretariat noted that decision XV/30 had committed Bosnia and Herzegovina to a plan of action to reduce its CFC and methyl bromide consumption and to establish licensing and quota systems for imports and exports of ODS. In addition, under recommendation 32/9, the Committee had requested Bosnia and Herzegovina to report outstanding base-year data. Since the last meeting, Bosnia and Herzegovina had reported data for CFC consumption in 2003 meeting its benchmark, the establishment of its licensing and quota system, and the outstanding base-year data.

46. Bosnia and Herzegovina had also reported 2003 data for methyl bromide consumption above its baseline, but this was expected, and the first benchmark in its plan of action for methyl bromide consumption did not occur until 2005. It had also reported 2003 data for methyl chloroform consumption, however, which appeared to place it in a state of non-compliance, and had not responded to a request from the Secretariat for clarification.

47. The representative of UNIDO commented on progress by Bosnia and Herzegovina with its plan of action. It was in the process of preparing new legislation, and expected to see it in place by early 2005, and CFC phase-out in the foam and refrigeration sectors was on track. Consumption of methyl bromide should be brought down to its first benchmark by 2005.

48. The Committee therefore *agreed*:

(a) To note with appreciation progress by Bosnia and Herzegovina towards complying with its phase-out commitments, as set out in the plan of action noted in decision XV/30, and Bosnia and Herzegovina's submission of its outstanding base year data;

(b) To remove Bosnia and Herzegovina from the draft decision contained in recommendation 32/9, dealing with data reporting;

(c) To include Bosnia and Herzegovina in the draft decision dealing with non-compliance with the control measures for methyl chloroform, contained in annex I (section D) to the present report, to be forwarded to the Meeting of the Parties.

Recommendation 33/2

5. Botswana (decision XV/31)

49. The representative of the Secretariat noted that decision XV/31 had committed Botswana to a plan of action to reduce its methyl bromide consumption and to establish licensing and quota systems for imports and exports of ODS. Botswana had not yet reported data for methyl bromide consumption for 2003, however, making its status of compliance impossible to ascertain. It had also not reported on the establishment of its licensing and quota system, and neither had it yet ratified the Montreal Amendment.

50. The representative of UNIDO observed that she expected Botswana's report to be submitted in a few days' time. The phase-out project was proceeding as planned, and she anticipated full phase-out by the end of 2004.

51. The Committee *agreed*:

(a) To note with regret that Botswana had not reported data for 2003, precluding an assessment of its compliance with its commitment under decision XV/31 to reduce its methyl bromide consumption to 0.4 ODP tonnes in 2003;

(b) To remind Botswana of its commitments, under decision XV/31, to establish an ODS import and export licensing and quota system;

(c) To request Botswana to report its 2003 data and the status of its implementation of its commitment to establish an ODS import and export licensing and quota system, as a matter of urgency, for consideration by the Committee at its next meeting.

(d) To include Botswana in the draft decision dealing with data reporting, contained in annex I (section A) to the present report, to be forwarded to the Meeting of the Parties.

Recommendation 33/3

6. Ethiopia (decision XIV/34)

52. The representative of the Secretariat noted that decision XIV/34 had committed Ethiopia to a plan of action to reduce its CFC consumption. Ethiopia had reported data for CFC consumption in 2003 meeting its benchmark. The Committee noted with appreciation Ethiopia's progress towards complying with its commitments set out in decision XIV/34.

7. Guatemala (decision XV/34)

53. The representative of the Secretariat noted that decision XV/34 had committed Guatemala to a plan of action to reduce its CFC and methyl bromide consumption and to establish licensing and quota systems for imports and exports of ODS. Guatemala had reported data for CFC and methyl bromide consumption in 2003 meeting its benchmark, and had established the licensing and quota system. The Committee noted with appreciation Guatemala's progress towards complying with its commitments set out in decision XV/34.

8. Honduras (decision XV/35)

54. The representative of the Secretariat noted that decision XV/35 had committed Honduras to a plan of action to reduce its methyl bromide consumption. Honduras had reported data for methyl bromide consumption in 2003 meeting its benchmark. The Committee noted with appreciation Honduras's progress towards complying with its commitments set out in decision XV/35.

9. Libyan Arab Jamahiriya (decision XV/36 and recommendations 32/4 and 32/9)

55. The representative of the Secretariat noted that decision XV/36 had committed the Libyan Arab Jamahiriya to a plan of action to reduce its CFC consumption and to establish licensing and quota systems for imports and exports of ODS. In addition, under recommendations 32/4 and 32/9, the Committee had requested the Libyan Arab Jamahiriya to report outstanding data. Since the last meeting, the Libyan Arab Jamahiriya had reported data for CFC consumption in 2003 meeting its benchmark, and had reported all the outstanding data. It had not yet, however, reported on progress with the licensing and quota systems.

56. In addition, the Libyan Arab Jamahiriya had reported 2003 data for halon consumption that showed it to be in non-compliance. It had confirmed that those data were accurate and had announced its intention to contact UNIDO to study the issue and assist it to prepare a proposal for 2005 to ensure compliance.

57. The representative of UNIDO observed that the Libyan Arab Jamahiriya was making good progress with its phase-out plan, but the issues of the establishment of a licensing and quota system, and of halon consumption still needed to be addressed.

58. The Committee therefore *agreed*:

(a) To note with appreciation progress by the Libyan Arab Jamahiriya towards complying with its CFC phase-out commitments, as set out in the plan of action noted in decision XV/36, and the Party's submission of its outstanding data;

(b) To remind the Libyan Arab Jamahiriya of its commitment to establish an ODS import and export licensing and quota system and to request it to report on the status of this commitment in time for consideration at the thirty-fourth meeting of the Committee;

(c) To remove the Libyan Arab Jamahiriya from the draft decision contained in recommendation 32/9, dealing with data reporting;

(d) To forward the draft decision on the Libyan Arab Jamahiriya contained in annex I (section K) to the present report to the Meeting of the Parties.

Recommendation 33/4

10. Maldives (decision XV/37)

59. The representative of the Secretariat noted that decision XV/37 had committed the Maldives to a plan of action to maintain its CFC consumption at zero for the period 2003–2005, and to ban the import of ODS-using equipment. The Maldives had reported zero CFC consumption in 2003, and the establishment of an import ban, thereby meeting its benchmarks. The Committee noted with appreciation the Maldives' progress towards complying with its commitments set out in decision XV/40.

11. Namibia (decision XV/38)

60. The representative of the Secretariat noted that decision XV/38 had committed Namibia to a plan of action to reduce its CFC consumption and to establish licensing and quota systems for imports and exports of ODS, and a ban on imports of ODS-using equipment. Namibia had reported data for CFC consumption in 2003 meeting its benchmark, and confirmed the establishment of the licensing and quota system and ODS-using equipment ban. The Committee noted with appreciation Namibia's progress towards complying with its commitments set out in decision XV/38.

12. Papua New Guinea (decision XV/40)

61. The representative of the Secretariat noted that decision XV/40 had committed Papua New Guinea to a plan of action to maintain its CFC consumption at the same level in 2003 as in 2002, and to establish licensing and quota systems for imports and exports of ODS. Papua New Guinea had reported data for CFC consumption in 2003 meeting its benchmark, and had established the licensing and quota system. The Committee noted with appreciation Papua New Guinea's progress towards complying with its commitments set out in decision XV/40.

B. Follow-up on previous decisions and recommendations for individual Parties:

1. Azerbaijan (decision XV/28 and recommendation 32/12)

62. The representative of the Ozone Secretariat explained the outstanding issue with regard to Azerbaijan. Under decision X/20 of the Meeting of the Parties, Azerbaijan should have ceased consumption, other than for approved essential uses, of CFCs and halons by 1 January 2001, which had not happened. Under decision XV/28, the Meeting of the Parties had noted that Azerbaijan had submitted data for 2001–2002 showing that it was in non-compliance with its commitment to phase out CFCs and had not yet reported on its commitment to ban halon imports. Pursuant to the request in Implementation Committee recommendation 32/12, the Secretariat had provided a report based on the information provided by Azerbaijan which indicated that the Party intended to complete the phase-out of CFCs by 1 January 2005 and had already banned the import of halons. It appeared that part of the reason for the Party's continuing consumption of CFCs was the recent construction of a new factory for the production of small refrigeration appliances using CFC -11 and HCFC -22.

63. The representative of UNDP noted that the refrigeration sector project in Azerbaijan had been completed several years previously, and that a new factory would in any event not be eligible for assistance, having been established after 1995. He suggested that discussions should be held with the Party to see what could be done to eliminate the new consumption, perhaps in the context of an institutional strengthening project.

64. The representative of the Ozone Secretariat drew attention to additional information in paragraphs 13–16 of document UNEP/OzL.Pro/ImpCom/33/3, primarily comprising indications received from the GEF Secretariat on the status of the GEF strategic approach to capacity-building and the additional assistance which that approach might provide to countries with economies in transition relating to institutional strengthening projects.

65. At a later stage in the meeting, at the invitation of the Committee, a representative of Azerbaijan attended and responded to questions from the Committee. He said that financial support had been received for phase-out projects, which had been due to conclude in July 2002, but technical problems

had delayed their completion until the end of 2003. At that point CFCs were still being consumed, but only in small amounts. The Ministry of Environment and Natural Resources had recently requested the Cabinet, however, to confirm that no more CFCs would be imported from 1 January 2005, and a copy of the letter could be provided to the Secretariat.

66. He also stated that halon imports had been banned from January 1999; that had been reported to the Secretariat on several occasions and he was not clear why questions were still being raised about it. The State statistics and customs committees had confirmed that no halons were being imported.

67. The representative of UNDP confirmed that the investment projects which it had operated in Azerbaijan had experienced some delays, but had all been completed more than a year ago. The representative of UNEP commented that GEF funding for institutional strengthening had ended in 2002, so there was now no national ozone unit in the country, and ozone matters were the responsibility of the climate change centre.

68. The Committee *agreed*:

(a) To note with appreciation Azerbaijan's progress towards complying with its commitments to phase out consumption of CFCs, and to ban imports of halons, as submitted to its thirty-first meeting;

(b) To forward the draft decision on Azerbaijan contained in annex I (section F) to the present report to the Meeting of the Parties;

Recommendation 33/5

2. Kazakhstan (decision XIII/19)

69. The representative of the Ozone Secretariat explained the issue with regard to Kazakhstan. The Party had reported all required data and appeared to be in compliance with all of its ODS reduction commitments, with the exception of its undertaking to ban imports of ODS-using equipment.

70. The representative of UNEP said that it was known that regulations were in place on the licensing of import of ODS-containing equipment. Document UNEP/OzL.Pro/ImpCom/33/2 referred, however, to a ban on imports of ODS-using equipment. UNEP was trying to obtain clarification of that point, and he recommended that the Implementation Committee should shelve any action until that had been done.

71. The representative of the Ozone Secretariat clarified that the language used had come from the Party itself, which had also confirmed that the ban on the import of ODS-using equipment had been drafted, and was proceeding through the appropriate ministerial processes.

72. The Committee *agreed*:

(a) To note with appreciation Kazakhstan's progress towards complying with its commitments set out in its plan of action and contained in decision XIII/9;

(b) To urge Kazakhstan to continue its efforts to implement as soon as possible its commitment to ban the import of ODS-using equipment.

Recommendation 33/6

3. Mexico (decision XV/22 and recommendation 32/10)

73. The representative of the Ozone Secretariat recalled that decision XV/29 had presumed Mexico to be in non-compliance with the halon freeze in 2002. Mexico had now reported halon consumption of 103.0 ODP tonnes for 2003, below its baseline consumption of 124.6 tonnes, and had also undertaken to reduce halon consumption by 50 percent by 2005. The Committee noted with appreciation Mexico's return to compliance and its commitment to achieve the 50 per cent reduction in consumption mandated by the Montreal Protocol.

4. Morocco (decision XV/23)

74. The representative of the Ozone Secretariat recalled that decision XV/23 had required Morocco to submit to the Implementation Committee an explanation for its excessive consumption of

hydrobromofluorocarbons (HBFCs) in 2002. The Party had explained that the figures resulted from a technical error, since in fact it did not consume HBFCs at all. The Committee welcomed the clarification and confirmed that the Party was in compliance with its ODS phase-out obligations.

5. Nepal (decision XV/39 and recommendation 32/13);

75. The representative of the Secretariat recalled that, in recommendation 32/13, Nepal had been requested to revise its import and export ban of ozone-depleting substances to allow the export of the residual 7.9 ODP tonnes of CFCs which were included in its action plan for 2003. Since the year 2003 had already passed, the Committee had been unable to include that amount in the action plan. Nepal had responded to the Secretariat's request to review the draft plan of action to accommodate the 7.9 ODP tonnes of CFCs originally intended to be consumed in 2003 and had confirmed the time-specific benchmarks that it had proposed and discussed with the Committee for the Party's return to compliance.

76. He also explained another issue relating to Nepal, concerning the interpretation of paragraph 7 of decision XIV/7. That paragraph provided that any Party which seized illegal ODS substances should not place them on its own market. Nepal had seized illegally imported ODS substances, and wished to place them on the market, but sought clarification of whether it would be contravening paragraph 7 of decision XIV/7 thereby. It had been concluded that the issue could be resolved only by the Meeting of the Parties, not by the Implementation Committee. The approval of Nepal's action plan with its time-specific benchmarks would have to take into account any resolution of that issue by the Meeting of the Parties.

77. At a later stage of the meeting, at the invitation of the Committee, a representative of Nepal attended and responded to questions from the Committee. He requested the Implementation Committee to inform the Meeting of the Parties that his country had been in compliance since 2000, as the illegal substances seized were still held at customs and should not have been counted. Not even a single kilogram had been released on to the market.

78. He expressed the hope that Nepal was not the first country to have reported seizure of such consignments and asked what other countries had done in such cases: Nepal was prepared to follow their example. He stressed that issues of non-compliance should be dealt with more expeditiously than in the case of Nepal, where the matter had been dragging on for more than three years. Stakeholders in the country had suffered greatly due to non-availability of certain controlled substances during that period. Nepal was committed to making the appropriate adjustments if the Sixteenth Meeting of the Parties approved its intended disposal of the residual 7.9 tonnes. In any event, that quantity would be appropriately managed in consultation with the Secretariat and not released on to the market other than in conformity with Nepal's obligations under the Protocol.

79. The Committee *agreed* to forward the draft decision on Nepal contained in annex I (section L) to the present report to the Meeting of the Parties.

Recommendation 33/7

6. Pakistan (decision XV/22 and recommendation 32/11)

80. The representative of the Ozone Secretariat explained that the issue with regard to Pakistan was non-compliance with respect to halon consumption. The Party should have achieved a freeze on consumption of halons by 2002 but the information available to the Ozone Secretariat indicated excessive consumption of halons, significantly greater than had been expected. Pakistan had responded to the Committee's request, made at its meeting in July, for a plan of action to return the Party to compliance with regard to its consumption of halons and had also informed the Secretariat that it was due to introduce a licensing and quota system by 1 January 2005.

81. At a later stage of the meeting, at the invitation of the Committee, a representative of Pakistan attended and responded to questions from the Committee. He informed the Committee that an import licensing system had been introduced in 2000, but that in 2002 halons had still been imported in marginal excess of the permitted limits. The Government had thought that the excess amount was so small as not to warrant placing the country in a state of non-compliance, but nevertheless it had acted to plug the gaps in the licensing system and a new regulation had been introduced in 2004. The revised regulation could not have been issued earlier, as the halon phase-out project had not been approved until December 2003, which meant that the country had remained in non-compliance for two years.

82. The Committee *agreed* to forward the draft decision on Pakistan contained in annex I (section N) to the present report to the Meeting of the Parties.

Recommendation 33/8

7. Qatar (decision XV/41)

83. The representative of the Ozone Secretariat recalled that decision XV/41 had presumed Qatar to be in non-compliance with the CFC control measures for 2001-2002. Qatar had subsequently reported consumption data for 2003 indicating that it had returned to compliance. It had also confirmed that it had an operational licensing system for both CFCs and halons. The Committee noted with appreciation Qatar's success in returning to compliance, including its work with its counterparts to ensure the timely implementation of the regional halon bank project approved under the Multilateral Fund.

8. Saint Vincent and the Grenadines (decision XV/42 and recommendation 32/14)

84. The representative of the Secretariat said that Saint Vincent and the Grenadines had proposed revised benchmarks for its return to compliance, under the plan of action forwarded by the Committee to the Party following its July meeting, which would return it to compliance two years earlier than the benchmarks originally proposed. It had also introduced an import licensing system and undertaken to introduce an ODS quota system in the last quarter of 2004, but which was expected to enter into operation in early 2005.

85. The Committee *agreed* to forward the draft decision on Saint Vincent and the Grenadines contained in annex I (section O) to the present report to the Meeting of the Parties.

Recommendation 33/9

9. Tajikistan (decision XIII/20)

86. The representative of the Secretariat noted that decision XIII/20 had committed Tajikistan to reducing its CFC consumption. Tajikistan had reported data for CFC consumption in 2003 meeting its benchmark. The Committee noted with appreciation Tajikistan's progress towards complying with its commitments.

87. At a later stage in the meeting, at the invitation of the Committee, a representative of Tajikistan attended. The representative of the Secretariat suggested that he might like to comment on his country's record of success in meeting its commitments under its plan of action in the light of the difficulties faced by other countries with economies in transition.

88. The representative of Tajikistan gave a full presentation of ODS use in his country and Tajikistan's efforts to comply with the requirements of decision XIII/20, and observed that the country had met all its obligations.

10. Turkmenistan (decision XI/25 and recommendation 32/4)

89. The representative of the Secretariat said that Turkmenistan had reported all the missing information except that relating to 2003. The representative of UNEP pointed out that, like other countries with economies in transition, in which the initial institutional strengthening projects had been conducted long ago, and the officials involved had moved on, Turkmenistan urgently needed new funding for institutional strengthening. The representative of the Secretariat explained that information on the matter had been sought from GEF, which had explained that its strategic approach to capacity-building, which might provide institutional strengthening assistance to those countries, was still being developed. She also explained that application of the approach would, in any event, depend on the funding available and the GEF Council decision on the fourth replenishment, and could also be affected by the outcome of the current strategic approach to international chemicals management (SAICM) process.

90. The representative of UNEP stressed that that issue was urgent, that the sums involved were relatively small, in GEF terms, and that GEF should be encouraged to provide a funding window to enable those countries to benefit from institutional strengthening projects which might otherwise be impeded by standard GEF procedures. He said that a strong recommendation from the Committee to

that effect would help achieve that result. One member of the Committee stressed that low-volume-consuming countries also needed financial assistance for institutional strengthening.

91. A representative of Turkmenistan had been invited to be present at the meeting of the Committee in order to provide additional information and to respond to questions, but did not attend.

92. The Committee therefore *agreed*

(a) To note with regret that Turkmenistan had not reported data for 2003, precluding an assessment of its compliance with its commitment under decision XV/25 to phase out Annex A and B substances by January 2003;

(b) To request Turkmenistan to report its 2003 data as a matter of urgency, for consideration by the Committee at its next meeting.

(c) To include Turkmenistan in the draft decision dealing with data reporting, contained in annex I (section A) to the present report, to be forwarded to the Meeting of the Parties.

Recommendation 33/10

11. Uganda

93. The representative of the Secretariat said that Uganda had not yet reported on any action it might have taken to introduce an import ban on ODS-using equipment pursuant to decision XV/43. The representative of UNEP said that his organization was assisting Uganda under its compliance assistance programme, but pointed out that problems often arose with the application of legislation to ODS-using equipment, rather than the implementation of a licensing system of the sort that most Parties operating under Article 5 were by now familiar with.

94. The Committee therefore *agreed* to remind Uganda of its commitment to report on the establishment of its ban on ODS-using equipment, requesting it to do so in time for the Committee's consideration at its thirty-fourth meeting.

Recommendation 33/11

C. Follow-up on recommendations by the Implementation Committee for groups of Parties:

1. Armenia (recommendation 32/9)

95. The representative of the Secretariat said that, in recommendation 32/9, Armenia had been requested to submit best possible estimates of the data for one or more of the base-years 1986, 1989 and 1991 under Article 7 of the Protocol. The Committee noted with appreciation Armenia's return to compliance with its data-reporting obligations and *agreed* to remove its name from the draft decision contained in recommendation 32/9.

Recommendation 33/12

2. Cape Verde and São Tomé and Príncipe (recommendation 32/2)

96. The representative of the Secretariat said that, in recommendation 32/2, Cape Verde and São Tomé and Príncipe had been requested to submit outstanding data. Since the last meeting, the Parties had submitted all the data required. They therefore joined the other Parties listed in recommendation 32/2, namely, China, Djibouti, Grenada, Guinea-Bissau, Haiti, Honduras, India, Liberia, Mali, Marshall Islands, Micronesia (Federated States of), Nauru, Nigeria, Somalia and Suriname, in reporting data in response to decisions XV/16, XV/17 and XV/18. The Committee noted with appreciation all those Parties' efforts to report the information required under the Protocol.

3. Cook Islands and Niue (recommendation 32/3)

97. The representative of the Secretariat said that, to date, no data had been reported by the Cook Islands and Niue and suggested that the draft decision considered by the Committee at its previous meeting in July 2004 should therefore be forwarded as it stood to the Meeting of the Parties. The representatives of the Multilateral Fund Secretariat and of UNEP clarified that UNEP had submitted a proposal to the Fund that the Cook Islands, Niue and Nauru should be added to the existing Pacific islands strategy.

98. The representative of UNEP wondered whether it might not be counterproductive to start criticizing Parties for non-compliance when they had ratified the Protocol only recently: instead of encouraging them to seek compliance, it might have the effect of causing them to regret their decision to ratify. The representative of the Secretariat pointed out that the draft decision acknowledged that the Cook Islands and Niue had only ratified the Protocol very recently and had not as yet received any assistance from the Multilateral Fund; furthermore, the Committee was obliged, under its terms of reference, to remind Parties of their non-compliance, regardless of the circumstances of their ratification.

99. The Committee *agreed* that the draft decision contained in annex I to the present report should be forwarded to the Meeting of the Parties.

Recommendation 33/13

4. Angola, Federated States of Micronesia, Grenada, Indonesia, Monaco (recommendation 32/4)

100. The representative of the Secretariat said that, in recommendation 32/4, Angola, the Federated States of Micronesia, Grenada, Indonesia and Monaco had been requested to report missing data. Since the last meeting, Angola, Grenada, Indonesia and Monaco had reported their data. The Committee noted with appreciation those Parties' return to compliance with their data-reporting obligations under the Protocol.

101. The representative of the Secretariat said that, to date, the Federated States of Micronesia had still not reported its outstanding data for 2001, 2002 and 2003.

102. The Committee therefore *agreed* to urge the Federated States of Micronesia to provide those data at the earliest possible stage and to include Federated States of Micronesia in the draft decision dealing with data reporting, contained in annex I (section A) to the present report, to be forwarded to the Meeting of the Parties.

Recommendation 33/14

5. Guinea-Bissau and Palau (recommendation 32/5)

103. The representative of the Secretariat said that, in recommendation 32/5, Guinea-Bissau and Palau had been requested to provide an explanation of their excess consumption of CFCs. Since the last meeting, Palau had responded, explaining that its reported consumption of CFCs had been due to a data-reporting error. The Committee noted with appreciation Palau's response and confirmed that Party's compliance with the Protocol's CFC control measures for 2003.

104. The representative of the Secretariat further stated that Guinea-Bissau had provided information on measures to phase out its consumption of CFCs, setting out two scenarios, one with constraints and one – to achieve phase-out – without constraints. The representative of UNDP, pointing out that the phase-out scenario outlined by Guinea-Bissau would leave it in non-compliance until 2010, suggested that the country might have confused metric tonnes and ODP tonnes in preparing the benchmarks.

105. It was subsequently clarified that a mathematical error had been made and the corrected figures to be inserted into the row "With constraints" of the table on page 9 of document UNEP/OzL.Pro/ImpCom/33/3, should be: 26.275, 13.137, 13.137, 3.941, 3.941, 3.941 ODP tonnes. It was noted that those revised benchmarks would return Guinea-Bissau to compliance for 2004 and maintain it in compliance until the phase-out date, including the reductions in 2005 and 2007.

106. At a later stage of the meeting, at the invitation of the Committee, a representative of Guinea-Bissau attended and responded to questions from the Committee. He reiterated that the fact that the benchmarks in his country's proposed plan of action did not comply with the Protocol's control measures was due only to mathematical error and confirmed Guinea-Bissau's commitment to the protection of the ozone layer. He explained that draft laws on consumption of ODS and on regulation of ODS imports had been approved by the Council of Ministers and by the President of the Republic. Both instruments had been expected to enter into force in October 2004, but there had then been a coup d'état in the country. It was still expected, however, that the instruments would enter into force very shortly, possibly in the current week.

107. The Committee *agreed* to forward the draft decision on Guinea-Bissau contained in annex I (section I) to the present report to the Meeting of the Parties.

Recommendation 33/15

6. Lesotho and Somalia (recommendation 32/6)

108. The representative of the Secretariat said that, in recommendation 32/6, Lesotho and Somalia had been requested to provide an explanation for their excess halon consumption and to submit plans of action with time-specific benchmarks to ensure their prompt return to compliance. Lesotho had explained that its apparent excess consumption of halons in 2002 was due to a technical error in its data submission and it had subsequently submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Under the plan, it would phase out all consumption of halons, except for essential uses, by 2008. The plan also included a quota system.

109. The representative of the Secretariat pointed out that, under the Protocol, exemptions for essential uses were only permitted after total phase-out, which, for developing countries, would only be achieved in 2010.

110. Lesotho had been invited to be present at the meeting of the Committee in order to provide additional information and to respond to questions, but no representative attended.

111. The Committee *agreed* to forward the draft decision on Lesotho contained in annex I (section I) to the present report, which was based on the plan of action with time-specific benchmarks submitted by the Party to the Secretariat before the meeting, to the Meeting of the Parties.

Recommendation 33/16

112. With regard to Somalia, the representative of the Secretariat reported that no response had been received from the Party with regard to its excess halon consumption for 2002 and 2003. The Committee therefore *agreed* to forward a revised version of the draft decision contained in recommendation 32/6 to the Meeting of the Parties. The draft decision is contained in annex I (section C) to the present report.

Recommendation 33/17

7. Marshall Islands and Oman (recommendation 32/7)

113. The representative of the Secretariat said that, in recommendation 32/7, the Marshall Islands and Oman had been requested to provide an explanation of their excess consumption of methyl chloroform for 2003. The Marshall Islands had clarified that its reported consumption had been due to a data-reporting error. The Committee confirmed the Marshall Islands' compliance with its methyl chloroform phase-out obligations for 2003 and agreed to remove its name from the draft decision in recommendation 32/7.

114. The representative of the Secretariat said that Oman, which had reported consumption of 0.003 tonnes of methyl chloroform, in excess of its zero consumption requirement, had also pointed out that there were no available alternatives, that its consumption was limited to laboratory and pharmaceutical uses, that it had taken all necessary precautions and had imposed a ban on further imports from 2005.

115. The Committee therefore *agreed* to commend Oman on its efforts to return to compliance and to forward the draft decision on Oman contained in annex I (section M) to the present report to the Meeting of the Parties.

Recommendation 33/18

8. Congo and Mozambique (recommendation 32/8)

116. The representative of the Secretariat said that, for 2003, the Congo had reported consumption of methyl bromide above the freeze level. The Secretariat had requested the Party to provide an explanation by 30 September. The Congo had responded that it was investigating excess consumption by some importers and would pass the results of its enquiries on to the Secretariat as soon as possible. Information provided by UNDP indicated that the importer in question was a petroleum company but that the uses to which the methyl bromide was being put had not been indicated.

117. The representative of UNDP subsequently reported that a mission to the Congo had been carried out in October 2004 and a training workshop had been held. It was hoped that the state of non-compliance would cease in 2005.

118. The Committee *agreed* that the draft decision contained in annex I (section E) to the present report should be forwarded to the Meeting of the Parties.

Recommendation 33/19

119. The representative of the Secretariat said that Mozambique had reported excess consumption of methyl bromide in 2002 and 2003. The Secretariat had requested it to provide an explanation by 30 September 2004. Mozambique had provided new data which showed that it was in compliance in 2003 but no explanation had been given for the excess consumption in 2002.

120. The representative of UNEP stated that during discussions with Mozambique it had received additional information which it had subsequently requested in written form. Farmers from a neighbouring country were relocating to Mozambique and hence methyl bromide use had increased, while the country's means to deal with the problem had remained the same. The representative of UNEP suggested that a special methyl bromide survey should be conducted.

121. The Committee therefore *agreed* to ask Mozambique to provide all the information needed to clarify the 2002 excess consumption of methyl bromide, and submit the measures that it had taken in order to limit that consumption.

Recommendation 33/20

VII. Consideration of compliance issues arising out of the data report

A. Data reporting

122. The representative of the Secretariat introduced the item on compliance issues arising from the data report. Detailed information was contained in documents UNEP/OzL.Pro/16/4, UNEP/OzL.Pro/16/4/Add.1 and UNEP/OzL.Pro/ImpCom/33/3. Three Parties – Afghanistan, Cook Islands and Niue – had never reported any base-year and baseline data and were therefore in non-compliance with Article 7 reporting requirements. As the Cook Islands and Niue had already been considered under agenda item 6 (c), only Afghanistan was to be considered under the present item.

123. The representative of UNEP explained that Afghanistan had ratified the Montreal Protocol only very recently. The Executive Committee had been very efficient and flexible in providing the Party with assistance. It had a country programme and refrigerant management plan, and was benefiting from institutional strengthening projects. A national ozone unit had been set up in the Government and officers assigned the task of overseeing implementation of the Protocol. Afghanistan had also signed a tripartite agreement with the Islamic Republic of Iran and Pakistan to help combat illegal trade. Despite the remarkable progress, however, the situation in Afghanistan was still delicate and those special circumstances should be taken into account.

124. Although the members of the Committee recalled the Protocol provision that Parties had to submit their data reports within three months of ratification, noting Afghanistan's concerted efforts to date, the Committee *agreed* not to set a deadline for Afghanistan's submission of its data reports, but to request the Party to do so as soon as possible. That would ensure that all surveys could be completed, the data compiled, and accurate reporting submitted. The corresponding draft decision is contained in annex I (section B) to the present report.

Recommendation 33/21

125. The representative of the Secretariat then explained that 10 Parties had not submitted annual data: Botswana, Federated States of Micronesia, Lesotho, Turkmenistan – which had been considered under agenda item 6 (b) – and Liberia, Nauru, Russian Federation, Saudi Arabia, Solomon Islands and Tuvalu. The cases of the latter six Parties would therefore be dealt with under the current item. Liechtenstein, Republic of Korea and Switzerland had recently submitted data and so were no longer in non-compliance.

126. The Committee noted with appreciation the steep improvement in data reporting by developing countries. The efforts of those countries, particularly low-volume-consuming countries, and countries with economies in transition, needed to be recognized and encouraged. Almost all those countries had reported baseline data and more than 90 per cent of them had reported 2003 data by the 30 September deadline. The Committee further noted with appreciation the efforts made by the UNEP Division of Technology, Industry and Economics under its compliance assistance programme and urged the Division to sustain its momentum and further improve the number of countries reporting data.

127. The Committee also noted with appreciation that 92 Parties had submitted their 2003 data by 30 June, as requested in decision XV/15. That was helpful not only to the Committee, but also to the Secretariat of the Multilateral Fund. The Committee acknowledged that early reporting of that nature could sometimes cause difficulties for some Parties, particularly low-volume-consuming countries and small island States, but recalled that decision XV/15 had encouraged, rather than required, Parties to report data by 30 June. The Committee *agreed* that the draft decision dealing with data reporting contained in annex I (section A) to the present report, should be forwarded to the Meeting of the Parties.

Recommendation 33/22

B. Compliance with control measures.

128. Introducing the subitem, the representative of the Secretariat said that Azerbaijan, on account of its CFC consumption, was the only Party not operating under Article 5 that had been found to be in non-compliance regarding consumption. The case had already been considered under agenda item 6 (b).

129. The only other outstanding issue was a concern about bromochloromethane use by Canada. The Party had reported that its consumption of the substance was all for laboratory and analytical uses. The Secretariat said that it had been unable to determine whether that consumption was consistent with the decisions of the Parties concerning essential use exemptions for laboratory and analytical uses.

130. The Secretariat further explained that with the exception of decision XV/8, all decisions on exemption taken by the Meeting of the Parties had been adopted before bromochloromethane became a controlled substance. Decision XV/8 extended laboratory-use exemptions to 2007, but it was unclear from the wording whether that included bromochloromethane. Furthermore, the European Community had been accorded an emergency exemption for laboratory use of controlled substances, which called into question whether Canada's laboratory use was subject to an exemption and therefore whether the Party was in compliance or not.

131. The Committee felt that only the Meeting of the Parties was able to interpret or amend the Protocol and that legal advice needed to be sought before further consideration of the issue.

132. A member of the Committee subsequently asked for clarification as to why bromochloromethane could not be included under the category of "other substances" listed in the exemption for laboratory and analytical uses agreed by the Sixth Meeting of the Parties. The representative of Secretariat explained that they had received conflicting messages from the Parties. On the one hand, the category of "other substances" could be interpreted as including bromochloromethane. On the other hand, however, discussions had been held specifically on extending that category to include bromochloromethane, and the Fifteenth Meeting of the Parties, in 2003, had approved an

emergency exemption for the use of bromochloromethane for laboratory and analytical uses by the European Community, in each case suggesting that Parties thought that the category did not already include bromochloromethane.

133. The Committee therefore *agreed*:

(a) To hold in abeyance its recommendation on the compliance status of Canada with respect to the consumption of bromochloromethane until guidance had been obtained from the Meeting of the Parties on the extent to which the Parties' decisions on the global exemption for laboratory analytical essential uses of controlled substances applied to bromochloromethane;

(b) To request such guidance from the Sixteenth Meeting of the Parties.

Recommendation 33/23

134. Certain Committee members suggested that instances of non-compliance involving very small amounts of controlled substances consumed too much of the budget and resources of the Secretariat and that, rather than a baseline of zero, a new limit could be set under which no action would be taken. Alternatively, in such cases an automatic letter of warning might be sent. They believed that this issue would be of particular importance in future years as Parties operating under Article 5, in particular low-volume-consuming countries, reported their compliance with 2005 and 2007 control measures.

135. Other members considered that non-compliance had to be treated as such regardless of the amount involved as the Protocol did not allow for any flexibility in this regard. Some members considered that an opinion on any such innovation should be sought from the United Nations Office of Legal Affairs, but the representative of the Secretariat clarified that the ultimate legal authority governing the work of the Implementation Committee was the Meeting of the Parties. He also pointed out that experience had shown that non-compliance often began with a small amount, only to increase steadily year after year. The Secretariat reminded the Committee that, when a Party was found to be in non-compliance, it was given assistance and support to return to compliance.

136. The representative of the Secretariat introduced the Parties operating under Article 5 that had been found to be in non-compliance: Bosnia and Herzegovina, Congo, Guinea-Bissau, Libyan Arab Jamahiriya, Oman, Pakistan, Saint Vincent and the Grenadines and Somalia – that had been considered under agenda item 6 – and Bangladesh, Chile, Ecuador, Fiji, Islamic Republic of Iran, Lebanon, Philippines, Thailand and Yemen – which were to be considered under the current agenda item.

1. Bangladesh

137. Bangladesh had been found to be in non-compliance for methyl chloroform. The representative of UNDP explained that the Party had had its national plan of action approved in July 2004 and the documents were just about to be signed. The Party had consumed 25 kg over the limit, which could be due to a rounding error.

138. The Committee therefore *agreed* that Bangladesh should be included in the draft decision contained in annex I (section D) to the present report, to be forwarded to the Meeting of the Parties.

Recommendation 33/24

2. Chile

139. The representative of the Ozone Secretariat recalled that the control measures applicable to Parties operating under Article 5 for 2003 required a continued freeze in methyl bromide consumption at baseline levels, and from 1 January 2003 both a 20 per cent reduction in their consumption of Annex B, group I, substances (other fully halogenated CFCs), against baseline levels, and a freeze in methyl chloroform consumption at baseline levels. Chile had reported consumption of Annex B, group I, substances (other fully halogenated CFCs), of zero ODP tonnes in 2002, as well as methyl chloroform consumption representing a 99 per cent increase from 2002 to 2003 and methyl bromide consumption representing a 66 per cent increase from 2002 to 2003. Chile's consumption deviations for 2003 were recorded in table 5 of document UNEP/OzL.Pro.16/4/Add.1, but it had not responded to the Secretariat's request to explain the cause for each of them.

140. He said that the World Bank was implementing a methyl bromide demonstration project in Chile on soil treatment applications for tomatoes and peppers, which was experiencing slow progress, and, at its forty-third meeting, the Executive Committee had agreed to request the World Bank to submit an additional status report on the project at its forty-fourth meeting.

141. UNDP was also implementing a methyl bromide demonstration and phase-out project in Chile on soil fumigation for tree production and replanting, under which Chile had committed itself to reduce its total national consumption of controlled uses of methyl bromide to no more than 170 ODP tonnes in 2003. In the light of the observation by the Multilateral Fund Secretariat at the forty-third meeting of the Executive Committee that initial figures suggested that Chile's level of methyl bromide imports in 2003 was above the methyl bromide baseline for compliance and also above the 2003 level stipulated in the agreement between the Government of Chile and the Executive Committee, the Executive Committee had decided to note the Party's commitment to return to compliance and its undertaking to present a plan of action for that purpose at its forty-fourth meeting. With regard to Chile's deviations relating to Annex B, group I, substances (other fully halogenated CFCs), and methyl chloroform, UNDP was implementing a solvent sector phase-out plan, which was due to start operation in the near future.

142. The representative of the World Bank confirmed that Chile had prepared a sector plan, which was to have been submitted to the Executive Committee at its forty-fourth meeting, but it had been observed that there was some overlap and inconsistency between the World Bank projects and UNDP projects, and it had therefore been agreed to defer consideration of the sector plan to the forty-fifth meeting. It was expected that the sector plan would bring Chile back into compliance.

143. The representative of UNDP explained that there had been difficulties in having the project document signed. There had been a personnel change in the national ozone unit, which could explain why Chile's data reporting might contain inconsistencies.

144. The Committee *agreed* to forward the draft decision on Chile contained in annex I (section G) to the present report to the Meeting of the Parties.

Recommendation 33/25

3. Ecuador

145. The representative of the Ozone Secretariat recalled that the control measures applicable to Parties operating under Article 5 for Annex B, group III, substances (methyl chloroform) required a freeze in consumption from 1 January 2003 at baseline levels, noting that Ecuador's methyl chloroform consumption had increased by 25 per cent between 2002 and 2003.

146. In its response to the Multilateral Fund Secretariat's request for advice on the nature of the impediments to its compliance with the methyl chloroform control measures, Ecuador had said that its establishment in May 2004 of a licensing system that included methyl chloroform would enable it to comply with the methyl chloroform freeze.

147. The World Bank had undertaken a mission to Ecuador in November 2004, as part of which it intended to follow up on the consumption deviation and complete the arrangements for the final assessment of methyl chloroform consumption in Ecuador to ensure full compliance in future years. The Secretariat subsequently reported, on the World Bank's behalf, that Ecuador had established a new licensing and quota system, including methyl chloroform, which had been published in May 2004.

148. The Committee therefore *agreed* that Ecuador should be included in the draft decision contained in annex I (section D) to the present report, to be forwarded to the Meeting of the Parties.

Recommendation 33/26

4. Fiji

149. The representative of the Ozone Secretariat recalled that the control measures applicable to Parties operating under Article 5 for methyl bromide required a continued freeze in consumption in 2003 at baseline levels. Fiji had reported its 2003 consumption on 26 October 2004. From 2002 to 2003, Fiji's reported methyl bromide consumption had risen from 0.3 to 1.506 ODP tonnes. The Party's methyl bromide consumption deviation for 2003 has been recorded in table 5 of document UNEP/OzL.Pro.16/4/Add.1, but it had not responded to the Secretariat's request to explain the cause of the deviation by the time that document had been finalized. A letter had been received very recently,

however, confirming that a response was being prepared. That response was subsequently submitted to the Secretariat.

150. In its progress report to the Executive Committee at its forty-third meeting, UNEP had said that the institutional strengthening project included discussions with methyl bromide stakeholders on improving fumigation standards. With regard to the implementation of the refrigerant management plan component, UNEP had reported that the ODS project assistant had submitted a copy of the memorandum of understanding to the legal section of the Fiji Islands Customs Services, but that the memorandum could not be signed until all issues had been agreed with the Customs Services. In response to that progress report, the Executive Committee had requested UNEP to submit an additional status report on the project at its forty-fourth meeting.

151. The representative of UNEP recalled that Fiji was the first Party operating under Article 5 to report zero consumption of CFCs, which it had done for the past three years. Maintaining the consumption at zero required constant efforts, and it might be that those efforts were preventing the national ozone unit from giving full attention to the issue of methyl bromide consumption. The representative of UNDP reported that his agency had been asked to work together with UNEP to resolve the issue of Fiji's non-compliance with methyl bromide consumption.

152. The Committee therefore *agreed* to forward the draft decision on Fiji contained in annex I (section H) to the present report to the Meeting of the Parties.

Recommendation 33/27

5. Islamic Republic of Iran

153. The representative of the Ozone Secretariat recalled that the control measures applicable to Parties operating under Article 5 for Annex B, group III substances (methyl chloroform) required a freeze in consumption from 1 January 2003 at baseline levels and, from 1 January 2005, a 30 per cent reduction in consumption, as calculated against the Party's baseline. On 11 November 2004, UNEP had submitted methyl chloroform consumption data for the Islamic Republic of Iran for 2003 that were unchanged from 2002. The methyl chloroform consumption deviation for 2003 had been recorded in table 5 of document UNEP/OzL.Pro.16/4/Add.1, but the Islamic Republic of Iran had not responded to the Secretariat's request to explain the cause of it by the time that document was finalized.

154. UNDP was the implementing agency responsible for the institutional strengthening project in the Islamic Republic of Iran. UNEP, one of the agencies involved in the Party's national CFC phase-out plan, had informed the Multilateral Fund Secretariat that a licensing system covering all ODS was under review. At the forty-third meeting of the Executive Committee, the representative of the Islamic Republic of Iran had reported that his country was waiting for customs training to be implemented before the system was established, but that he expected that to happen by autumn 2004.

155. UNIDO was the agency responsible for assisting the Party develop a phase-out project for carbon tetrachloride and methyl chloroform. The Islamic Republic of Iran had informed UNIDO that it had requested a change in baseline for carbon tetrachloride and methyl chloroform, before the new guidelines for the submission of such requests, contained in decision XV/19, had been adopted by the Fifteenth Meeting of the Parties. UNIDO had informed the Multilateral Fund Secretariat that it was unlikely that the Party could satisfy the requirements of decision XV/19 in regard to its entire request owing to the fact that a portion of the carbon tetrachloride and methyl chloroform was consumed by the military, but that invoices were available to justify some of the Party's request.

156. At its thirty-first meeting, the Committee had considered the request of the Islamic Republic of Iran to change its carbon tetrachloride and methyl chloroform baseline data. At that meeting the Committee had agreed that the information submitted in support of the request did not appear to be adequate and that, once the methodology for requesting baseline revisions had been approved by the Fifteenth Meeting of the Parties, the Secretariat should communicate that methodology to the Islamic Republic of Iran and request it to submit a comprehensive package of information, drawn up in accordance with it, to the Committee at its thirty-third meeting. It should also invite the Islamic Republic of Iran to attend that meeting in order to present its request.

157. A submission had only been received during the present meeting of the Committee. In order to ensure that adequate consideration could be given to the submission, the Committee decided to defer consideration of the request to its thirty-fourth meeting.

158. The Committee therefore *agreed* :

(a) To include consideration of the request by the Islamic Republic of Iran for a change in its baseline data for carbon tetrachloride and methyl chloroform on the agenda of its thirty-fourth meeting;

(b) To request the Islamic Republic of Iran to submit to the Secretariat a more comprehensive package of information, in accordance with the methodology contained in decision XV/19, including copies of its survey report or equivalent documentation, in order to support the request for change in baseline data and to facilitate the Committee's consideration of that request;

(c) That the Islamic Republic of Iran should be included in the draft decision contained in annex I (section D) to the present report, to be forwarded to the Meeting of the Parties, but also to note in the decision the Party's request for a change in baseline data

Recommendation 33/28

159. It was noted that the last four Parties which had issues of compliance with control measures – namely, Lebanon, Philippines, Thailand and Yemen – had also submitted a request for change of baseline data, and that consequently they could be considered under agenda item 8.

VIII. Review of information on requests for change of baseline data

A. Lebanon (recommendation 32/17)

160. The representative of the Ozone Secretariat recalled that Lebanon had requested revision of each of the four baseline years for methyl bromide as stated in annex XVII to document UNEP/OzL.Pro/16/4. In recommendation 32/17, Lebanon had been requested, pursuant to paragraph 2 (a) of decision XV/19, to submit to the Committee, through the Secretariat, a copy of its survey report, together with an explanation of the methodology used in collecting and verifying the proposed new baseline data. That copy was in annex IV to document UNEP/OzL.Pro/ImpCom/33/2.

161. At a later stage of the meeting, at the invitation of the Committee, a representative of Lebanon attended and responded to questions from the Committee. Members of the Committee thanked Lebanon for the very full information submitted to the Committee and the hard work that evidently been put into it.

162. In response to questions, the representative of Lebanon confirmed that the requested change in baseline was solely due to the inclusion of data from the important agricultural area of south Lebanon, liberated in 2000, and not to any revised data from the rest of the country. The new regulation for controlling imports had been worked on for more than a year; it had now been finalized and sent to the Council of Ministers, which was due to approve it in early 2005.

163. The Committee therefore *agreed* to recommend Lebanon's proposal for changes in its baseline data for methyl bromide, as set out in the draft decision included in annex I (section P) to the present report.

Recommendation 33/29

B. Philippines (recommendation 32/16)

164. The representative of the Ozone Secretariat recalled that the Philippines had requested revision of its methyl bromide consumption data for the baseline year 1998, as stated in annex XVII to document UNEP/OzL.Pro/16/4.

165. In recommendation 32/16, the Philippines had been requested, pursuant to paragraph 2 (a) of decision XV/19, to submit to the Committee, through the Secretariat, an explanation of the methodology used in collecting and verifying the existing baseline data, and also a copy of its survey report, together with an explanation of the methodology used in collecting and verifying the proposed new baseline

data. A copy of the survey report submitted by the Philippines in response to the Committee's request was contained in annex V to document UNEP/OzL.Pro/ImpCom/33/2.

166. The Philippines' response also corrected an arithmetic error in the subtotal for non-quarantine and pre-shipment uses of methyl bromide by sector in 2002, which had been pointed out at the Committee's previous meeting.

167. The representative of the World Bank reported that the Philippines had presented its phase-out strategy to the Executive Committee, together with a commitment that the Party would achieve complete phase-out ahead of schedule. The strategy had been recommended for approval at the forty-fifth meeting of the Executive Committee, independently of the issue of a change in baseline.

168. At a later stage of the meeting, at the invitation of the Committee, a representative of the Philippines attended and responded to questions from the Committee. In response to a request for clarification of the spike in non-quarantine and pre-shipment uses of methyl bromide in 1997, he said that the most probable explanation was an increased frequency of application in flour mills. Methyl bromide in such situations was not applied on a regular schedule, but in response to the pest infestation observed.

169. The Committee therefore *agreed* to recommend the Philippines' proposal for changes in its baseline data for methyl bromide, as set out in the draft decision included in annex I (section P) to the present report.

Recommendation 33/30

C. Thailand (recommendation 32/18).

170. The representative of the Ozone Secretariat recalled that Thailand had requested revision of its methyl bromide consumption data for all the baseline years 1995–1998, as stated in annex XVII to document UNEP/OzL.Pro/16/4. In recommendation 32/18, the Party had been requested, pursuant to paragraph 2 (a) of decision XV/19, to submit to the Committee, through the Secretariat, a copy of its survey report, together with an explanation of the methodology used in collecting and verifying the proposed new baseline data. A copy of the survey report was contained in annex VI to document UNEP/OzL.Pro/ImpCom/33/2. Thailand has been invited to be present during the meeting of the Committee to provide any clarification that the Committee might need on its submission.

171. The World Bank was the implementing agency for Thailand's institutional strengthening project and had prepared a methyl bromide phase-out project for Thailand, which had been submitted to the Executive Committee's at its forty-fourth meeting. In addition, UNEP had indicated that it would provide assistance for the methyl bromide sector phase-out plan and with implementation of decision XV/25 as a special compliance assistance program initiative if requested by the Party.

172. The representative of the World Bank confirmed that Thailand had submitted its sector plan for methyl bromide and that the funding for it had been approved pending approval by the Executive Committee at its next meeting. Any change in the baseline would not alter the recommended level of funding.

173. One member of the Committee asked whether the Thailand Ministry of Defence, which had had responsibility before 1997 for controlling imports of methyl bromide, had records for those years. The representative of the Ozone Secretariat replied that unfortunately such records were not extant.

174. At a later stage of the meeting, at the invitation of the Committee, a representative of Thailand attended. The President asked whether any members of the Committee wished to put specific questions to him. There being none, he thanked the representative of Thailand for the information provided.

175. The Committee therefore *agreed* to recommend Thailand's proposal for changes in its baseline data for methyl bromide, as set out in the draft decision included in annex I (section P) to the present report.

Recommendation 33/31

D. Yemen

176. The representative of the Secretariat introduced Yemen's request for changes in its baseline data for CFCs, halons and methyl bromide for all relevant years. She recalled that the matter had been held over from the thirtieth meeting of the Committee, at which the Government of Yemen had presented its request. The Committee had asked for further information, in particular on sources of imports of ODS for the period 1995–1997 and copies of customs invoices for ODS import data for 2001 and 2002. Yemen had been unable to provide that information sooner, as it had given priority to developing its new regulations, but had now submitted extensive information, contained in Annex VII to document UNEP/OzL.Pro/ImpCom/33/2/Add.1.

177. She added that Yemen was already receiving assistance from the Multilateral Fund, and UNDP was implementing a CFC recycling and recovery project. UNEP and other implementing agencies had provided assistance with the preparation of Yemen's survey. France and Germany were implementing a bilateral project on halon banking for the region, but had not been able to identify the source of Yemen's consumption of halons in 2003.

178. Several members of the Committee commended Yemen on the comprehensive nature of the information it had provided which, in their view, fully met the requirements of decision XV/19. Members wondered, however, why the proposed changes were so large, and why the original reported baseline data had been so inaccurate.

179. The representative of UNEP reminded the Committee of the background to Yemen's request. Yemen had ratified the Protocol in 1996, and had been enthusiastic to begin phase-out of ODS, but had started to experience severe political troubles at about the same time. By 1998, when financing had become available for drawing up the country programme, the troubles had worsened, and about half the country had been inaccessible to the Government. It had proved very difficult to find any consultants prepared to work in the country, and the first survey had been carried out under very difficult conditions. As soon as the institutional strengthening project had started, the Government had realized how inaccurate the data were and Yemen had been requesting changes in its baseline data since 2000.

180. The representatives of UNIDO and UNDP confirmed that background, adding that it had not been possible to gain access to all the country until 2001, after the civil war had ended. It had become rapidly clear that the original data were inaccurate. Compared to some of the other Parties requesting changes in baseline data, Yemen had a larger population, and a higher proportion of the country had not been included in the original survey.

181. At a later stage in the meeting, at the invitation of the Committee, a representative of Yemen attended. The President asked whether any members of the Committee wished to put specific questions to him. There being none, he thanked the representative of Yemen for the hard work that it had put in to preparing the documents.

182. The Committee therefore *agreed* to recommend Yemen's proposal for changes in its baseline data for CFCs, halons and methyl bromide, as set out in the draft decision included in annex I (section P) to the present report.

Recommendation 33/32

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

183. Representatives of nine Parties attended the meeting at the invitation of the Committee. Their presentations and responses to questions are included above in the following paragraphs: Azerbaijan (paragraphs 62–68); Guinea-Bissau (paragraphs 103–107); Lebanon (paragraphs 160–163); Nepal (paragraphs 75–79); Pakistan (paragraphs 80–82); the Philippines (paragraphs 164–169); Tajikistan (paragraphs 86–88); Thailand (paragraphs 170–175); and Yemen (paragraphs 176–182).

X. Adoption of the report of the meeting

184. The Committee adopted its report on the basis of the draft, contained in documents UNEP/OzL.Pro/ImpCom/33/L.1 and Add.1, which had been circulated in the meeting and on the understanding that finalization of the report would be entrusted to the rapporteur working in consultation with the Secretariat.

XI. Closure of the meeting

185. Following the customary exchange of courtesies, the President declared the meeting closed at 5.30 p.m. on Friday, 19 November 2004.

Annex I

Draft decisions for the consideration of the Meeting of the Parties

A. Decision XVI/- **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 174 Parties out of the 184 that should have reported data for 2003 have now done so, but that the following Parties have still not reported to date: Botswana, Lesotho, Liberia, Micronesia (Federated States of), Nauru, the Russian Federation, Saudi Arabia, Solomon Islands, Turkmenistan and Tuvalu;
3. To note further that the Federated States of Micronesia has also still not reported data for 2001 and 2002;
4. To note that this places those Parties in non-compliance with their data reporting obligations under the Montreal Protocol, and to urge them, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties at the next meeting;
5. To note also that lack of timely data-reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;
6. To recall decision XV/15, which encouraged the Parties to forward data on consumption and production to the Secretariat as soon as the figures were available, and preferably by 30 June each year, in order to enable the Implementation Committee to make recommendations in good time before the Meeting of the Parties;
7. To note further with appreciation that 92 Parties out of the 184 that could have reported data by 30 June 2004 succeeded in meeting that deadline;
8. To note also that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund in assisting Parties operating under Article 5 to comply with the control measures of the Montreal Protocol;
9. To encourage Parties to continue to report consumption and production data as soon as the figures are available, and preferably by 30 June each year, as agreed in decision XV/15;

B. Decision XVI/- **Non-compliance with data-reporting requirements under Articles 5 and 7 of the Montreal Protocol by Parties recently ratifying the Montreal Protocol**

1. To note that the following Parties, temporarily classified as operating under Article 5, have not reported any consumption or production data to the Secretariat: Afghanistan, Cook Islands and Niue;
2. To note that that situation places those Parties in non-compliance with their data-reporting obligations under the Montreal Protocol;
3. To acknowledge that all those Parties have only recently ratified the Montreal Protocol and also to note that Cook Islands and Niue have not yet received assistance with data collection from the Multilateral Fund through the implementing agencies;

4. To urge those 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 those Parties with respect to data reporting at its next meeting

C. Decision XVI/- Potential non-compliance with consumption of Annex A, group II, ozone-depleting substances (halons) by Somalia in 2002 and 2003, and request for a plan of action

1. To note that Somalia has reported annual data for Annex A, group II, ozone-depleting substances (halons) for both 2002 and 2003 which are above its requirement for a freeze in consumption;

2. To note further that, in the absence of further clarification, Somalia is presumed to be in non-compliance with the control measures under the Protocol;

3. To request Somalia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting explanations for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Somalia may wish to consider including in its 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 ozone-depleting substances-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Somalia with regard to the phase-out of halons. To the degree that Somalia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as Parties in good standing. In that regard, Somalia 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 may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Somalia, 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 Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance ;

D. Decision XVI/- Potential non-compliance with consumption of the controlled substance in Annex B, group III (methyl chloroform) by Article 5 Parties in 2003, 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 B, group III (methyl chloroform), for 2003 which is above their requirement for a freeze in consumption: Bangladesh, Bosnia and Herzegovina, Ecuador and the Islamic Republic of Iran. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol. To note, however, that the Islamic Republic of Iran has submitted a request for a change in its baseline data for methyl chloroform that will be considered by the Implementation Committee at its next meeting;

2. To request those Parties, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting explanations for their excess consumption, together with plans of action with timespecific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans 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 those Parties with regard to the phase-out of methyl chloroform. To the degree that those 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

that regard, those 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 may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions those 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 Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

E. Decision XVI/- Potential non-compliance with consumption of the controlled substance in Annex E (methyl bromide) by the Congo in 2003, and requests for plans of action

1. To note that the Congo have reported annual data for the controlled substance in Annex E (methyl bromide) for 2003 which are above its requirements for a freeze in consumption;

2. To note further that, in the absence of further clarification, the Congo is presumed to be in non-compliance with the control measures under the Protocol;

3. To request the Congo, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting an explanation for its excess consumption, together with plans of action with timespecific benchmarks to ensure a prompt return to compliance. The Congo may wish to consider including in its plans 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;

4. To monitor closely the Congo's progress with regard to the phase-out of methyl bromide. To the degree that 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 that regard, the Congo 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 may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions 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 Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of 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;

F. Decision XVI/- Non-compliance with the Montreal Protocol by Azerbaijan

1. To recall that, under decision X/20, Azerbaijan committed itself, among other things, to a complete phase-out of Annex A, group I substances (CFCs), and to a ban on imports of Annex A, group II substances (halons), by 1 January 2001, in order to ensure its return to compliance with its obligations under Articles 2A and 2B of the Montreal Protocol;

2. To note with appreciation that Azerbaijan prohibited the import of halons in 1999, in accordance with decision X/20;

3. To note with great concern, however, that data submitted for 2001, 2002 and 2003 show consumption of CFCs that places Azerbaijan in non-compliance with its obligations under Article 2A of the Montreal Protocol;

4. To note also that Azerbaijan has not fulfilled its undertaking, contained in decision XV/28, to ban the consumption of CFCs from January 2003;

5. To note Azerbaijan's undertaking that complete phase-out of CFCs would be achieved by 1 January 2005 and to urge Azerbaijan to confirm its introduction of a ban on the import of CFCs, to support that undertaking;

6. To urge Azerbaijan to report its 2004 consumption data to the Secretariat as soon as they become available, and to request the Implementation Committee to review the situation of Azerbaijan at its thirty-fourth meeting;

G. Decision XVI/- Non-compliance with the Montreal Protocol by Chile

1. To note that Chile has reported annual data for the controlled substances in Annex B, group I (other fully halogenated CFCs), Annex B, group III (methyl chloroform) and Annex E (methyl bromide) for 2003 which are above its requirements for those substances. As a consequence, for 2003, Chile was in non-compliance with its obligations under Articles 2C, 2E and 2H of the Montreal Protocol;

2. To request Chile, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Chile may wish to consider including in its 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 Chile with regard to the phase-out of other CFCs, methyl chloroform and methyl bromide. To the degree that Chile is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as Parties in good standing. In that regard, Chile 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 may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, 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 Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of other CFCs, methyl chloroform 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;

H. Decision XVI/- Non-compliance with the Montreal Protocol by Fiji

1. To note that Fiji has reported annual data for the controlled substances in Annex E (methyl bromide) for 2003 that is above its requirement for that substance. As a consequence, for 2003, Fiji was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

2. To request Fiji, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Fiji may wish to consider including in its 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 Fiji with regard to the phase-out of methyl bromide. To the degree that Fiji is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Fiji 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 may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Fiji, 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 Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of 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;

I. Decision XVI/- Non-compliance with the Montreal Protocol by Guinea-Bissau

1. To note that Guinea-Bissau ratified the Montreal Protocol and the London, Copenhagen and Beijing amendments on 12 November 2002. Guinea-Bissau 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 2004. The Executive Committee has approved \$669,593 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Guinea-Bissau's baseline for the controlled substances in Annex A, group I (CFCs), is 26.275 ODP-tonnes. It reported consumption of 29.446 ODP-tonnes of CFCs in 2003. As a consequence, for 2003 Guinea-Bissau was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note with appreciation Guinea-Bissau's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group I (CFCs), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Guinea-Bissau specifically commits itself:

(a) To reducing CFC consumption from 29,446 ODP-tonnes in 2003 as follows:

(i) To 26.275 ODP-tonnes in 2004;

(ii) To 13.137 ODP-tonnes in 2005;

(iii) To 13.137 ODP-tonnes in 2006;

(iv) To 3.941 ODP-tonnes in 2007;

(v) To 3.941 ODP-tonnes in 2008;

(vi) To 3.941 ODP-tonnes in 2009;

(vii) To phasing out CFC consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

(b) To introduce a system for licensing imports and exports of ozone-depleting substances, including quotas by the end of 2004;

4. To note that the measures listed in paragraph 3 above should enable Guinea-Bissau to return to compliance by 2004, and to urge Guinea-Bissau to work with the relevant implementing agencies to implement the plan of action and phase out consumption of CFCs;

5. To monitor closely the progress of Guinea-Bissau with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Guinea-Bissau is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Guinea-Bissau should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Guinea-Bissau, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

J. Decision XVI/- Non-compliance with the Montreal Protocol by Lesotho

1. To note that Lesotho ratified the Montreal Protocol on 25 March 1994. Lesotho 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. The Executive Committee has approved \$311,332 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Lesotho's baseline for the controlled substances in Annex A, group II (halons) is 0.2 ODP-tonnes. It reported consumption of 1.8 ODP-tonnes of halons in 2002. As a consequence, for 2002 Lesotho was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

3. To note with appreciation Lesotho's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group II (halons), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Lesotho specifically commits itself:

- (a) To reducing halon consumption from 1.8 ODP-tonnes in 2002 as follows:
 - (i) To 0.8 ODP-tonnes in 2004;
 - (ii) To 0.2 ODP-tonnes in 2005;
 - (iii) To 0.1 ODP-tonnes in 2006;
 - (iv) To 0.1 ODP-tonnes in 2007;
 - (v) To zero ODP-tonnes in 2008, save for essential uses that may be authorized by the Parties after 1 January 2010;
- (b) To introduce a quota system for the import of halons;
- (c) To introduce a ban on the import of halon-based equipment and systems in 2005;

4. To note that the measures listed in paragraph 3 above should enable Lesotho to return to compliance by 2006, and to urge Lesotho to work with the relevant implementing agencies to implement the plan of action and phase out consumption of halons;

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

K. Decision XVI/- Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya

1. To note that the Libyan Arab Jamahiriya has reported annual data for the controlled substances in Annex A, group II (halons) for 2003 which is above its requirements for those substances. As a consequence, for 2003, the Libyan Arab Jamahiriya was in non-compliance with its obligations under Article 2B of the Montreal Protocol;

2. To request the Libyan Arab Jamahiriya, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Libyan Arab Jamahiriya may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on the import of ozone-depleting substances-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the phase-out of halons. 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 that regard, the Libyan Arab Jamahiriya 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 may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions 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 Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

L. Decision XVI/- Non-compliance with the Montreal Protocol by Nepal

1. To note that Nepal ratified the Montreal Protocol and the London Amendment on 6 July 1994. Nepal 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 1998. The Executive Committee has approved \$453,636 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To recall that in its decision XV/39 the Fifteenth Meeting of the Parties had congratulated Nepal on seizing 74 ODP-tonnes of imports of CFCs that had been imported in 2000 without an import license, and on reporting the quantity as illegal trade under the terms of decision XIV/7;

3. To recall that, in paragraph 5 of decision XV/39, the Parties had stated that, if Nepal decided 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;

[4. To clarify the meaning of paragraph 5 of decision XV/39 to mean that Nepal would only be considered to be in non-compliance if the amount of CFCs released on to the market in any one year exceeded its permitted consumption level under the Protocol for that year;]

5. To note further that Nepal's baseline for CFCs is 27 ODP tonnes;

6. To note with appreciation Nepal's submission of its plan of action to manage the release of the seized CFCs, and to note further that, under the plan, Nepal specifically commits itself:

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

(i) 27.0 ODP-tonnes in 2004;

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

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

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

7. To note that the measures listed in paragraph 6 above will enable Nepal to remain in compliance;

8. To monitor closely the progress of Nepal with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Nepal is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Nepal should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Nepal, in accordance with item B of the indicative list of measures that, in the event that it fails to abide by the limits specified in its plan of action, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

M. Decision XVI/- Non-compliance with the Montreal Protocol by Oman

1. To note that Oman has reported annual data for the controlled substance in Annex B, group III (methyl chloroform) for 2003 which are above its requirements for that substance. As a consequence, for 2003, Oman was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

2. To note that, in response to a request from the Implementation Committee for an explanation for its excess consumption and a plan of action to return it to compliance, Oman has introduced a ban on the import of methyl chloroform;

3. That no action is required on this incident of non-compliance, but that Oman should ensure that a similar case should not occur again.

N. Decision XVI/- Non-compliance with the Montreal Protocol by Pakistan

1. To note that Pakistan ratified the Montreal Protocol and the London Amendment on 18 December 1992 and the Copenhagen Amendment on 17 February 1995. Pakistan 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. The Executive Committee has approved \$18,492,150 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note that, in accordance with decision XV/22 of the Fifteenth Meeting of the Parties, Pakistan was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

3. To note with appreciation Pakistan's submission of its plan of action, and to note also that, under the plan, Pakistan specifically commits itself:

(a) To reducing halon consumption from 15.0 ODP-tonnes in 2003 as follows:

(i) To 14.2 ODP-tonnes in 2004;

(ii) To 7.1 ODP-tonnes in 2005;

(iii) To phasing out halon consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

(b) To monitor its enhanced system for licensing imports and exports of ozone-depleting substances, including quotas, introduced in 2004;

4. To note that the measures listed in paragraph 3 above should enable Pakistan to return to compliance by 2004, and to urge Pakistan 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 (halons);

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

O. Decision XVI/- Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines

1. To note that Saint Vincent and the Grenadines ratified the Montreal Protocol and the London and Copenhagen Amendments on 2 December 1996. Saint Vincent and the Grenadines 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 1998. The Executive Committee has approved \$166,019 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note that, in accordance with decision XV/42 of the Fifteenth 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;

3. To note with appreciation submission by Saint Vincent and the Grenadines of its plan of action, and to note also that, under the plan, Saint Vincent and the Grenadines specifically commits itself:

(a) To reducing CFC consumption from 3.07 ODP-tonnes in 2003 as follows:

(i) To 2.15 ODP-tonnes in 2004;

- (ii) To 1.39 ODP-tonnes in 2005;
- (iii) To 0.83 ODP-tonnes in 2006;
- (iv) To 0.45 ODP-tonnes in 2007;
- (v) To 0.22 ODP-tonnes in 2008;
- (vi) To 0.1 ODP-tonnes in 2009;
- (vii) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;

(b) To monitoring its existing system for licensing imports of ozone-depleting substances and its ban on imports of ozone-depleting substances-using equipment, introduced in 2003;

(c) To introducing an ozone-depleting substances quota system by the last quarter of 2004, which will become effective from 1 January 2005;

4. To note that the measures listed in paragraph 3 above should enable Saint Vincent and the Grenadines to return to compliance by 2008, and to urge Saint Vincent and the Grenadines 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 (CFCs);

5. To monitor closely the progress of Saint Vincent and the Grenadines with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Meeting of the Parties cautions Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

P. Decision XVI/- Requests for changes in baseline data

1. To note that, in accordance with decision XIII/15 of the Thirteenth Meeting of the Parties, Parties that had requested changes in reported baseline data for the base years were asked to submit their requests to the Implementation Committee, which would in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval;

2. To note further that decision XV/19 of the Fifteenth Meeting of the Parties set out the methodology for the submission of these requests;

3. To note that the following Parties have presented sufficient information, in accordance with decisions XIII/15 and XV/19, to justify their requests for a change in their baseline consumption of the relevant substances:

(a) Lebanon to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 152.4 to 236.4 ODP-tonnes;

(b) Philippines, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 8.0 to 10.3 ODP-tonnes;

(c) Thailand, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 164.9 to 183.0 ODP-tonnes;

(d) Yemen, to change its baseline consumption data for Annex A, group I, substances (CFCs) from 349.1 to 1796.1 ODP-tonnes; for Annex A, group II substances (halons) from 2.8 to 140.0 ODP-tonnes; and for the controlled substance in Annex E (methyl bromide) from 1.1 to 54.5 ODP-tonnes;

5. To accept these requests for changes in the respective baseline data;

6. To note that these changes in baseline data place the Parties in compliance with their respective control measures for 2003;

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

1. To note with appreciation that 80 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 also 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 40 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;

Annex II

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