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**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol**
Thirty-fourth meeting
Montreal, 2 July 2005

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

I. Opening of the meeting

1. The thirty-fourth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held in Montreal at the Headquarters of the International Civil Aviation Organization on 2 July 2005.

A. Opening statements

2. The President of the Committee, Mr. Maas Goote (Netherlands), opened the meeting at 10.05 a.m. on 2 July 2005 and welcomed the members of the Committee, the Chair of the Executive Committee and the representatives of the Multilateral Fund and the implementing agencies.

3. Mr. Marco González, Executive Secretary of the Ozone Secretariat, added his welcome to that of the President. He congratulated the Implementation Committee on adopting an innovative approach to managing its work which demonstrated its commitment to using its time strategically so that the more complex compliance issues could be afforded adequate consideration.

4. Over 120 Parties had reported their Article 7 data for 2004; the increasing efficiency in data reporting had made the Committee's approach of distinguishing between those recommendations for blanket approval and those requiring individual consideration a timely innovation. In order to assist the Committee, the Secretariat had introduced a number of innovations designed to improve its services to the Committee and had introduced a secure web site for posting Committee documents. The Secretariat had also restructured the meeting documents to consolidate information on a Party-by-Party basis in order to minimize the need to refer to multiple documents.

B. Attendance

5. Representatives of the following members of the Committee attended the meeting: Australia, Belize, Cameroon, Ethiopia, Georgia, Guatemala, Jordan (Vice-President and Rapporteur), Nepal, Netherlands and Russian Federation.

* Reissued for technical reasons.

6. The representatives of Azerbaijan, Bangladesh, Bosnia and Herzegovina, Chile, Fiji, Islamic Republic of Iran and Somalia were also present, at the invitation of the Committee, during its consideration of agenda item 9.

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

II. Adoption of the agenda and organization of work

8. The Committee adopted the following agenda, based on the provisional agenda circulated as document UNEP/OzL.Pro/ImpCom/34/1, 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 their ozone-depleting substance phase-out obligations;
 - (b) Implementing agencies (the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank) on the activities carried out to facilitate the compliance of Parties in non-compliance with the Montreal Protocol.
6. Review of the status of compliance with specific decisions of the Parties on non-compliance:
 - (a) Non-compliance with data reporting for 2003 (decision XVI/17):
 - (i) Botswana;
 - (ii) Lesotho;
 - (iii) Liberia;
 - (iv) Federated States of Micronesia (also data for 2001 and 2002);
 - (v) Nauru;
 - (vi) Russian Federation;
 - (vii) Solomon Islands;
 - (viii) Turkmenistan;
 - (ix) Tuvalu;
 - (b) Non-compliance with data reporting for Parties temporarily classified as operating under article 5, paragraph 1, of the Montreal Protocol (decision XVI/18):
 - (i) Afghanistan;
 - (ii) Cook Islands;
 - (c) Follow-up on previous decisions requesting Parties to submit explanations or plans of action for their return to compliance:
 - (i) Bangladesh (decision XVI/20);
 - (ii) Bosnia and Herzegovina (decision XVI/20);
 - (iii) Chile (decision XVI/22);
 - (iv) Ecuador (decision XVI/20);
 - (v) Fiji (decision XVI/23);
 - (vi) Islamic Republic of Iran (decision XVI/20);
 - (vii) Libyan Arab Jamahiriya (decision XVI/26);
 - (viii) Somalia (decision XVI/19);

- (d) Follow-up on previous decisions of the Parties and recommendations of the Implementation Committee regarding compliance by Parties with commitments contained in their approved plans of action for their return to compliance with the Montreal Protocol:
- (i) Albania (decision XV/26 and recommendation 33/1);
 - (ii) Azerbaijan (decision XVI/21);
 - (iii) Belize (decision XIV/33);
 - (iv) Bolivia (decision XV/29);
 - (v) Bosnia and Herzegovina (decision XV/30);
 - (vi) Botswana (decision XV/31 and recommendation 33/3);
 - (vii) Cameroon (decision XV/32);
 - (viii) Guatemala (decision XV/34);
 - (ix) Guinea-Bissau (decision XVI/24);
 - (x) Honduras (decision XV/35);
 - (xi) Kazakhstan (decision XIII/19 and recommendation 33/6);
 - (xii) Lesotho (decision XVI/25);
 - (xiii) Libyan Arab Jamahiriya (decisions XV/36 and XVI/26 and recommendation 33/4 (b));
 - (xiv) Maldives (decision XV/37);
 - (xv) Mozambique (recommendation 33/20);
 - (xvi) Namibia (decision XV/38);
 - (xvii) Nepal (decision XVI/27);
 - (xviii) Nigeria (decision XIV/30);
 - (xix) Pakistan (decision XVI/29);
 - (xx) Papua New Guinea (decision XV/40);
 - (xxi) Saint Vincent and the Grenadines (decision XVI/30);
 - (xxii) Tajikistan (decision XIII/20 and recommendation 33/10);
 - (xxiii) Turkmenistan (decision XI/25);
 - (xxiv) Uganda (decision XV/43 and recommendation 33/11);
 - (xxv) Uruguay (decision XV/44).
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: Islamic Republic of Iran.
9. Information on compliance by parties present at the invitation of the Implementation Committee.
10. Consideration of updated information submitted by some Parties to the Secretariat by 31 March 2005 pursuant to decision XV/3 (Obligations of Parties to the Beijing Amendment under Article 4 of the Montreal Protocol with respect to hydrochlorofluorocarbons).
11. Consideration of the report of the Secretariat on the Parties that have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol).
12. Other matters.
13. Adoption of the report of the meeting.
14. Closure of the meeting.

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

9. The representative of the Ozone Secretariat reviewed the non-compliance procedure for the implementation of the Montreal Protocol for the benefit of the new members of the Committee for 2005.

IV. Report of the Secretariat on data

10. The representative of the Ozone Secretariat drew attention to the report of the Secretariat on the information provided by Parties in accordance with Article 7 of the Protocol, contained in its report on data, document UNEP/OzL.Pro/ImpCom/34/3. With regard to the status of ratification, almost half the Parties had ratified all the amendments to the Montreal Protocol.

11. With regard to the requirements to report base-year data (1986 for Annex A substances, 1989 for Annexes B and C, and 1991 for Annex E), as required under Article 7, paragraphs 1 and 2, 184 Parties were fully compliant. Five Parties – Afghanistan, Cook Islands, Eritrea, Kiribati and Nauru – had not yet reported some or all of their base-year data.

12. In the case of baseline data (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 and IX to the data report. Afghanistan, Cook Islands, Eritrea, Serbia and Montenegro and the United Arab Emirates had not yet reported some or all of their baseline data. The Islamic Republic of Iran had requested a revision of its baseline data for Annex B substances; the quantities concerned were shown in section R of document UNEP/OzL.Pro/ImpCom/34/2.

13. With regard to annual reporting of data for 2004, over 120 out of 189 (64 per cent) of the Parties had already done so; the data was included in annexes IA, IB and IC of the data report. In recent years there had been a significant increase, resulting from the encouragement which Parties had been given to report early in the year, in the number of Parties reporting by 30 June. For earlier years, 183 out of 184 Parties required to report had fully complied with all their data-reporting requirements under Article 7, paragraphs 3 and 4. Only Tuvalu had data outstanding for 2003.

14. With regard to possible non-compliance with the control measures, two Parties not operating under Article 5 had reported data showing deviations from their consumption control schedules for 2004; the listing was given in table 10 of the data report. Two Parties not operating under Article 5 whose data for 2003 were received too late to be reviewed in 2004 had reported data showing deviations from their consumption or production control schedules for 2003; that listing was given in table 14 of the document.

15. Seven Parties operating under Article 5 had reported data showing deviations from their consumption or production control schedules for 2004; the listing was given in table 12 of the data report. One Party operating under Article 5 which had reported late its data for years prior to 2004 had reported data showing deviations from its consumption control schedules for those years; it was listed in table 13 of the document.

V. Information by the Fund Secretariat and the implementing agencies (UNDP, UNEP, UNIDO and the World Bank) on activities carried out to facilitate compliance by Parties in non-compliance with the Montreal Protocol

16. In accordance with the arrangement which had been agreed by the Committee, the Chief Officer and a representative of the Multilateral Fund Secretariat gave a combined statement on behalf of the Fund Secretariat and the implementing agencies on the agenda item, providing information on Parties operating under Article 5 of the Protocol which was in addition to that found in the Secretariat's report on deviations from the Protocol's consumption and production reduction schedules and data reports requirements, documents UNEP/OzL.Pro/ImpCom/34/2 and 34/2/Add.1, and information in addition to the data on licensing systems given in document UNEP/OzL.Pro/ImpCom/34/5. The Chief Officer introduced the report of the Multilateral Fund on the status and prospects of Parties operating under Article 5 of the Protocol in achieving compliance with the control measures of the Montreal Protocol, document UNEP/OzL.Pro/34/INF/1. Based on the data submitted to the Fund Secretariat, there remained 16,372 ODP-tonnes of substances to be dealt with by the Executive Committee, a significant reduction from the 23,000 ODP-tonnes reported to the Implementation Committee at its thirty-third meeting. The 2005 business plans of the implementing agencies addressed all phase-out needs identified at that time, with either ongoing or planned activities or through the UNEP Compliance Assistance Programme.

17. A representative of the Fund Secretariat reported on the status of activities in Parties whose 2004 consumption data had exceeded the control measures of the Montreal Protocol. Based on the data received by the Multilateral Fund Secretariat from Parties operating under Article 5 of the Protocol and the Secretariat's review of those data relative to the Parties' obligations under the Protocol, additional actions were needed to help both Kyrgyzstan and Somalia achieve compliance for phase-out of halons, and for Nepal, Sierra Leone and Uganda to achieve compliance with the phase-out of carbon tetrachloride. He reported that in the case of Ecuador, a World Bank project for methyl chloroform would also cover carbon tetrachloride.

18. Concerning CFCs, with the approval of a refrigerant management plan for Saint Vincent and the Grenadines, due to be submitted to the Executive Committee at its forty-seventh meeting, all Parties in non-compliance would have received assistance from the Multilateral Fund. It was noted that the Federated States of Micronesia had reported CFC consumption which exceeded the freeze level, but the Party had indicated that its estimated baseline for CFCs was incorrect and it had been recommended, by UNEP, that the Party should either request a change in baseline data, under the provisions of decision XV/19, or develop a new action plan to return to compliance.

19. Turkey had reported 16.4 ODP-tonnes of bromochloromethane consumption to be phased out and UNIDO had included a request for such a project in its 2006 business plan. However, the Open-ended Working Group had indicated that bromochloromethane used in the production of Sultamicillin should be categorized as feedstock, and if that was accepted by the seventeenth Meeting of the Parties, the proposed project would no longer be eligible.

20. Based on Article 7 data for the years 1994–2004, the installed capacity of halon consumption in Parties operating under Article 5 of the Protocol was almost 300,000 ODP-tonnes. With the exception of Kyrgyzstan, the Libyan Arab Jamahiriya and Somalia, all Parties in non-compliance with the Protocol's halon consumption control measures had received halon banking assistance. A halon banking project was included in the 2005 business plan for the Libyan Arab Jamahiriya, and UNEP had informed the Multilateral Fund Secretariat that the 2004 consumption of halons for Kyrgyzstan had been 0.75 ODP-tonnes rather than 2.4 ODP-tonnes. That would, however, still put Kyrgyzstan in potential non-compliance, as its baseline was zero.

21. With the exception of four Parties, all Parties operating under Article 5 of the Protocol whose 2004 consumption of methyl bromide exceeded either their baselines or their plans of action had agreements with the Executive Committee, or projects, which should enable them to achieve the freeze in methyl bromide consumption and the 2005 reduction. The exceptions were Armenia, Fiji, the Libyan Arab Jamahiriya and Tunisia.

22. There were no cases of methyl chloroform consumption which had not been addressed by the Executive Committee through project approvals or by activities in implementing agencies' business plans or the Compliance Assistance Programme. In the case of carbon tetrachloride, the first control measure fell in 2005, but several Parties might need additional actions to achieve the 85 per cent reduction. All those Parties had received assistance from the Executive Committee, except Zimbabwe, for which a project had been included in the 2005 business plan. It was also reported that Ecuador had a licensing system for controlling carbon tetrachloride and methyl chloroform consumption, and that Nepal, Sierra Leone and Uganda were being assisted through the Compliance Assistance Programme activities of UNEP.

23. It was reported that the Fund Secretariat had received some 2004 data from Parties operating under Article 5 of the Protocol which had not yet been reported to the Ozone Secretariat. Those data indicated that Bosnia and Herzegovina had had a consumption of 163.73 ODP-tonnes of CFCs, below its plan of action requirement of 167 ODP-tonnes, and that the Libyan Arab Jamahiriya had had a consumption of 459 ODP-tonnes of CFCs, which was equal to its plan of action requirement.

24. Information had also been provided by the implementing agencies on licensing systems established and implemented. That information was in agreement with the data reported by the Ozone Secretariat, except that UNEP had reported that ODS licensing had been established in the Marshall Islands in 2004 and UNDP had reported that ODS regulation and licensing systems had been enacted in Sierra Leone but were still awaiting signature. The representative of the Ozone Secretariat observed that confusion was sometimes caused by the failure to report when licensing systems became operational. He stressed that it was important to inform the Ozone Secretariat not only of the establishment of licensing systems but also of when they became operational.

25. The Multilateral Fund Secretariat, the Ozone Secretariat and the implementing agencies were commended for their excellent work.

VI. Review of the status of compliance with specific decisions of the Parties on non-compliance

- A. Non-compliance with data-reporting for 2003, concerning Botswana, Lesotho, Liberia, Federated States of Micronesia, Nauru, Russian Federation, Solomon Islands, Turkmenistan and Tuvalu (decision XVI/17)**
- B. Non-compliance with data reporting requirements for Parties temporarily classified as operating under article 5, paragraph 1, of the Montreal Protocol, concerning Afghanistan and the Cook Islands (decision XVI/18)**
- C. Follow-up on previous decisions requesting parties to submit explanations or plans of action for their return to compliance, concerning Bangladesh, Bosnia and Herzegovina, Chile, Ecuador, Fiji, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, and Somalia**
- D. Follow-up on previous decisions by the Parties and recommendations of the Implementing Committee regarding compliance by Parties with commitments contained in their approved plans of action for their return to compliance with the Montreal Protocol, concerning Albania, Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Botswana, Cameroon, Guatemala, Guinea-Bissau, Honduras, Kazakhstan, Lesotho, the Libyan Arab Jamahiriya, Maldives, Mozambique, Namibia, Nepal, Nigeria, Pakistan, Papua New Guinea, Saint Vincent and the Grenadines, Tajikistan, Turkmenistan, Uganda and Uruguay**

26. See chapter IX below.

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

- A. Data reporting**
- B. Compliance with control measures**

27. See chapter IX below.

VIII. Review of information on requests for change of baseline data: Islamic Republic of Iran

28. See chapter IX below.

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

29. The Committee decided to consider agenda items 6 to 9 in chronological order but agreed to adopt the associated recommendations by Party, in alphabetical order.

30. A member of the Committee asked whether it was possible to recategorize or otherwise distinguish in the agenda of the meeting those Parties which were subject to decisions with time-specific benchmarks for phasing out ODS but had subsequently returned to compliance with the Protocol. The current approach to listing such Parties in the agenda could sometimes give the mistaken impression that those Parties had not returned to compliance and were not working hard to stay so. The President of the Committee agreed to consult with the Vice-President and the Secretariat over a different way of preparing the agenda in the future.

A. Afghanistan

31. Afghanistan had been listed for consideration because it was included in decision XVI/18, on non-compliance with data reporting requirements.

32. The representative of the Secretariat explained that decision XVI/18 had stated that the Party was temporarily classified as operating under Article 5, as it had not reported any consumption or production data to the Secretariat, thereby placing it in non-compliance with the data-reporting obligations of the Protocol. The decision further noted that Afghanistan had only recently ratified the Protocol and urged the Party to work with UNEP, under its Compliance Assistance Programme, and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat for review by the Implementation Committee at its thirty-fifth meeting.

33. To date, the Party had not submitted any consumption or production data to the Secretariat but had submitted a statement which reflected the strong political will present in Afghanistan to implement the Montreal Protocol, the difficulties experienced by the Party in complying with its obligations under the Protocol, which arose largely from its late ratification of the ozone treaties and its recent troubled history, and the efforts it was undertaking and planning to undertake in order to achieve compliance.

34. UNEP informed the Committee that Afghanistan had established a national ozone unit and that it was confident that the Party would be able to report its outstanding data to the Ozone Secretariat by 30 September 2005.

35. The Committee considered the information, noting in particular the Party's efforts to submit baseline data through analysis of data collected through a survey recently completed with technical assistance from UNEP, and that until those data were submitted, it would be premature to consider issues relating to Afghanistan's compliance with the Protocol's control measures for the phase-out of ODS.

36. The Committee therefore *agreed*:

(a) To note with appreciation Afghanistan's efforts to collect and submit data in accordance with its obligations under the Protocol;

(b) To urge the Party to continue those efforts to submit data, in accordance with decision XVI/18, to the Secretariat as soon as possible and no later than 30 September 2005, so that the data could be reviewed by the Committee at its thirty-fifth meeting.

Recommendation 34/1

B. Albania

37. Albania had been listed for consideration because of a previous decision of the Parties (decision XV/26) which set forth the Party's plan of action for returning to compliance with the Protocol's CFC control measures, and a previous recommendation of the Committee (recommendation 33/1) which urged Albania to continue its efforts to implement the commitment in its plan of action to introduce a licensing and quota system and a ban on imports of ODS-using equipment by 2004. Its report on the status of those commitments in accordance with recommendation 33/1 showed, however, that it had not met the 2004 deadline, but expected to have a licensing and quota system operational by June 2005 and an import ban by January 2006.

38. The Committee therefore *agreed*:

(a) To note with appreciation Albania's progress in implementing its plan of action to phase out CFCs and its continued efforts to comply with the Protocol's CFC control measures;

(b) To consider at its thirty-fifth meeting Albania's response to recommendation 33/1, in the light of its commitment in decision XV/26 to establish by 2004 a system for licensing the import and export of ODS, including quotas and a ban on the import of ODS-using equipment.

Recommendation 34/2

C. Armenia

39. Armenia had been listed for consideration because of compliance issues arising out of the data report.

40. The representative of the Secretariat explained that Armenia had reported consumption of 1.020 ODP-tonnes of methyl bromide in 2004. That consumption represented a deviation from the Party's obligation under the Protocol to freeze its consumption at its baseline level of zero. Armenia had reported consumption of 4.141 ODP-tonnes of methyl bromide in 2002 but zero consumption for every

other year. In correspondence dated 15 June 2005, the Secretariat had requested Armenia to submit an explanation for the deviation.

41. Armenia had explained that the methyl bromide consumption was unexpected and had been detected by a national consultant engaged in data collection. While Armenia considered the data to be an approximation, it would not be possible to obtain more accurate data for that year. The Party had further stated that it expected the accuracy of its data reporting in 2005 to improve as a result of legislation on ozone-depleting substances which should be introduced in that year.

42. One member informed the Committee that Armenia had not reported methyl bromide consumption between 2002 and 2004 because it was meeting its methyl bromide demand from existing stockpiles. Now that those stockpiles were exhausted, it was likely that the Party's methyl bromide consumption would continue. The member also noted that the assistance which the Party had received from the Global Environment Facility (GEF) to phase out ODS did not cover methyl bromide, and made requests that an implementing agency should begin working with Armenia to help with phase-out and that the Fund Secretariat should advise whether Armenia was eligible for assistance from the Multilateral Fund.

43. The representative of the Multilateral Fund Secretariat explained that Armenia's GEF ODS phase-out programme did not include methyl bromide because the Party had a zero baseline. Also, although the Executive Committee had not addressed the issue of providing assistance from the Multilateral Fund for future phase-out activities where GEF had already provided an ODS phase-out programme, the matter was nevertheless to be put before the Executive Committee at its forty-sixth meeting.

44. The representative of UNDP explained that there had been delays in the implementation of its programme in Armenia because it had had to wait until the Party ratified the London Amendment before it could begin. The project was now, however, up and running.

45. The Committee agreed that, following Armenia's submission of a plan of action with time-specific benchmarks for returning to compliance, it would revisit the issue of potential opportunities for the Party to obtain assistance.

46. The Committee therefore *agreed*:

(a) To note with appreciation Armenia's explanation for its consumption deviation reported in 2004 for the Annex E substance (methyl bromide);

(b) To request Armenia to submit to the Secretariat as soon as possible, and no later than 30 September 2005, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(c) To invite Armenia, if necessary, to send a representative to the thirty-fifth meeting of the Committee to discuss the matter;

(d) To agree, in the absence of the submission of a plan of action, to request the seventeenth Meeting of the Parties to endorse the request in (b) above by forwarding to that Meeting for approval the draft decision contained in annex I (section A) to the present report.

Recommendation 34/3

D. Azerbaijan

47. Azerbaijan had been listed for consideration because of a previous decision of the Parties (decision XVI/21).

48. The representative of the Secretariat explained that under decision XVI/21, Azerbaijan had committed itself to a complete phase-out of CFCs by 1 January 2005, but the data reported for 2004 showed consumption of 69.9 ODP-tonnes for 2004, a marked increase from the 10.2 ODP-tonnes reported for 2003, and in contrast to the downwards trend experienced over the previous four years. It had been reported previously that the increase in CFC consumption was attributable to a new company starting up, but it was not clear what actions were being taken to phase out CFC use by that enterprise. In regard to the Party's commitment contained in decision XVI/21 to introduce a CFC import ban to support the 1 January 2005 total CFC phase-out, the Party had communicated to the Secretariat its regret for the delay in introducing the ban, advising that the process of consideration and consultation with concerned organizations was still under way and that working groups had been established to consider the matter.

49. The Secretariat also noted a recent evaluation of the assistance Azerbaijan had received from GEF which had concluded that, while many of the planned results had been accomplished, the national ozone unit was no longer operating adequately and the legal framework established under the project needed further improvement. In response to the Secretariat's request for advice on the status of the GEF Council's major capacity-building initiative, the Strategic Approach to Enhancing Capacity-Building, the GEF secretariat had advised that the World Bank was preparing a study to provide information on the further development of the strategic approach, whereas UNEP was preparing a project to implement the strategic approach.

50. At the invitation of the Committee, a representative of Azerbaijan attended and responded to questions. He informed the Committee that in 2002 investment projects had successfully phased out CFC consumption in all enterprises except one, which should have ceased using CFCs completely by 1 January 2005. The high volume of imports of CFCs in 2004 could not be intended for use by those companies; he assumed therefore that it was intended for stockpiles. However, he doubted that import figures had really been as low in the years prior to 2004 as the Secretariat had mentioned. In response to a further question, he agreed that possibly consumption and use figures had become confused.

51. He had heard about the supposed new company at the Committee's thirty-third meeting, but enquiries among other ministries in Azerbaijan had failed to elicit any information about it. He also observed that his country contained much old, Soviet-era refrigeration equipment which continued to need servicing with CFCs. In response to a question, however, he agreed that that need could be met from recovery and recycling operations already under way.

52. With regard to the import ban, his department had informed Azerbaijan's Cabinet of Ministers of the need to implement an import ban by 1 January 2005, in line with the Party's commitments, but the Cabinet had responded by requesting the department to carry out studies of the situation, in consultation with other Government departments and relevant stakeholders. A final response from the Cabinet was expected imminently.

53. The representative of Azerbaijan observed that many of the problems his country had experienced with phasing out ozone-depleting substances had been attributable to the ending of GEF financial assistance for institutional strengthening, which had led to the national ozone unit effectively ceasing to function. The functions of the unit had now been incorporated into his department, but the relevant section was understaffed and underfunded; also, all the previous staff had left, so that the section was effectively starting again from scratch.

54. A member of the Committee commented that the withdrawal of GEF support for institutional strengthening had led to problems for most countries with economies in transition. The decision of the GEF Council to provide new assistance was welcome, but no extra funding had yet been forthcoming, and the situation was now urgent. A representative of an implementing agency added that it would be helpful if the Parties to the Montreal Protocol could emphasize that continuous assistance was required from GEF if those Parties were to achieve phase-out successfully.

55. The Committee concluded its discussions in camera. It recognized the tremendous problems faced by Azerbaijan, and the fact that the representative who had been present at the Committee's invitation was starting his country's work on ozone depletion after a gap of three years during which the national ozone unit had not functioned. Nevertheless, the reasons for the increase in CFC consumption were still not completely clear, and the representative's presentation had raised some further questions on which the Committee would need to seek clarification.

56. The Committee also expressed its hope that the implementing agencies involved in operationalizing the GEF strategic approach to enhancing capacity building would keep the Ozone Secretariat updated on developments.

57. The Committee therefore *agreed*:

(a) To note with concern that Azerbaijan had reported an increase in CFC consumption for 2004, but to note also the oral explanation provided by the Party for the increase;

(b) To note further Azerbaijan's advice that it was progressing with the introduction of a CFC import ban, but also to note with concern that failure to introduce the import ban might compromise the Party's ability to fulfil its commitment, contained in decision XVI/21, to complete the phase-out of CFCs by 1 January 2005;

(c) To urge Azerbaijan to continue its efforts to introduce the ban as a matter of urgency, and to request Azerbaijan to report to the Secretariat on its progress, and to provide further written information to explain its reported increase in CFC consumption between 2003 and 2004, in time for the Committee's consideration at its thirty-fifth meeting;

(d) To remind Azerbaijan that it had previously been cautioned by the Meeting of the Parties in regard to its non-compliance with the Protocol, and that in the event that it was unable to fulfil its commitments, as contained in decision XVI/21, the Parties might consider measures consistent with item C of the indicative list of measures under the non-compliance procedure of the Protocol. Those measures included the possibility of actions available under Article 4 of the Protocol, such as ensuring that the supply of CFCs (i.e., the subject of non-compliance) was ceased so that exporting Parties were not contributing to a continuing situation of non-compliance;

(e) To encourage Azerbaijan to work with implementing agencies to develop a request for additional assistance from the GEF for capacity-building, in order to support its efforts to return to compliance with the Protocol in a timely manner.

Recommendation 34/4

E. Bangladesh

58. Bangladesh had been listed for consideration because a previous decision of the Parties (decision XVI/20) had requested it to submit an explanation, or a plan of action for its return to compliance with the Protocol's methyl chloroform control measures.

59. The representative of the Secretariat explained that decision XVI/20 had presumed Bangladesh to be in non-compliance with the Protocol's methyl chloroform control measures for 2003 because the Party had reported methyl chloroform consumption for that year in excess of its freeze level. The decision had therefore requested the Party to submit to the present meeting of the Committee an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure return to compliance.

60. The Party had submitted the requested information but had also reported methyl chloroform consumption for 2004 of 0.55 ODP-tonnes, returning it to compliance and putting it in advance of the time-specific benchmark for 2005 which the Party had included in its plan of action.

61. At the invitation of the Committee, a representative of Bangladesh attended the meeting and responded to questions arising from the submitted plan of action. He clarified that the licensing system for ozone-depleting substances in Bangladesh did indeed include a quota system and that Bangladesh did not intend to exceed in 2005 its reported methyl chloroform consumption for 2004. He also reiterated his country's commitment to achieving the time-specific benchmarks contained in the national ODS phase out plan approved by the Executive Committee. He also predicted that full phase-out would be achieved well before the agreed deadline of 2015. The representative of UNDP estimated that zero consumption would be reached in 2006. The President of the Committee reminded members that it was important to distinguish between the phase-out schedule prescribed by the Protocol and any phase-out schedule agreed between a Party and the Executive Committee, as the latter was outside the Implementation Committee's review remit under the non-compliance procedure.

62. The Committee therefore *agreed*:

(a) To note with appreciation that Bangladesh had reported methyl chloroform consumption for 2004 which indicated that it had returned to compliance with the Protocol's control measures for that substance, and to congratulate Bangladesh on that achievement;

(b) To note with appreciation also Bangladesh's submission of a plan of action for phasing out the Party's methyl chloroform consumption, in accordance with decision XVI/20;

(c) To forward the draft decision set forth in annex I (section B) to the present report, which incorporated Bangladesh's plan of action, to the seventeenth Meeting of the Parties for approval.

Recommendation 34/5

F. Belize

63. Belize had been listed for consideration because of a previous decision of the Parties (decision XIV/33) which contained the Party's plan of action for returning to compliance with the Protocol's CFC control measures.

64. The Committee *agreed* to note with appreciation that Belize continued to be in advance of its commitments to phase out CFCs, as contained in decision XIV/33 and prescribed under the Protocol.

Recommendation 34/6**G. Bolivia**

65. Bolivia had been listed for consideration because of a previous decision of the Parties (decision XV/29) which contained the Party's plan of action for returning to compliance with the Protocol's CFC control measures.

66. The Committee *agreed* to urge Bolivia to submit its 2004 data to the Secretariat as soon as possible, and no later than 30 September 2005, in order that the Committee might at its thirty-fifth meeting assess the Party's implementation of its commitment, contained in decision XV/29, to reduce its CFC consumption to 47.6 ODP-tonnes in 2004.

Recommendation 34/7**H. Bosnia and Herzegovina**

67. Bosnia and Herzegovina had been listed for consideration because of a previous decision of the Parties (decision XV/30) containing the Party's commitments to return to compliance with the Protocol's CFC and methyl bromide control measures, and another decision (decision XVI/20) which had requested it to submit an explanation, or a plan of action for its return to compliance with the Protocol's methyl chloroform control measures.

68. The representative of the Secretariat explained that decision XV/30 had noted with appreciation Bosnia and Herzegovina's commitment to, among other things, reduce its CFC consumption from 243.6 ODP-tonnes in 2002 to 167 ODP-tonnes in 2004, and to establish a system for licensing imports and exports of ozone-depleting substances, including quotas, by 2004. That, however, had not been possible as a result of the difficult political situation in the Party.

69. Since the preparation of the meeting documents, Bosnia and Herzegovina had reported CFC consumption of 187.9 ODP-tonnes for 2004. Although the Party had been unable to meet its compliance commitments for reasons relating to its transitional economy, that quantity was a reduction of 42.1 ODP-tonnes on its 2003 level.

70. Decision XVI/20 had presumed Bosnia and Herzegovina also to be in non-compliance with the Protocol's methyl chloroform control measures for 2003, as it had reported methyl chloroform consumption for that year of 3.6 ODP-tonnes, which exceeded its freeze level. The decision had therefore requested the Party to submit to the Committee at the present meeting an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance.

71. Bosnia and Herzegovina had reported that its excess consumption was attributable to the discovery, while the national phase-out plan was being prepared, of a methyl-chloroform-using factory. UNIDO had further informed the Multilateral Fund Secretariat that it had not been possible to complete the methyl chloroform component of the plan as quickly as desired because the factories concerned were undergoing privatization after the project had been approved, and technical discussions had not been possible until the second half of 2004.

72. Although still in non-compliance, the Party had reported that consumption of methyl chloroform in 2004 had fallen to 2.44 ODP-tonnes, and the Secretariat had been informed that, provided that the technical assistance component of its national phase-out plan was provided in a timely manner, Bosnia and Herzegovina could be back in compliance by the end of 2005.

73. At the invitation of the Committee, a representative of Bosnia and Herzegovina attended the meeting and responded to questions. She clarified that the revised methyl bromide phase-out plan included in the written submission circulated to the Committee incorrectly contained a target of 6 ODP-tonnes for 2005. That was a rounding error; the Party was indeed committed to achieving its original commitment of 5.6 ODP-tonnes for 2005, as contained in decision XV/30.

74. As far as the revised CFC phase-out plan was concerned, the representative explained that the companies which were supposed to co-finance the phase-out were struggling to stay in business. The Party was nevertheless committed to meeting its compliance obligations by the beginning of 2009. She stressed that the situation was complicated by the Party's very low baseline, which reflected the post-war situation and the lack of any verification procedure. As of 2006, however, CFCs would be used only in the servicing sector.

75. The Committee concluded its discussions in camera. It agreed that the proposed plan of action with regard to methyl chloroform was satisfactory, but it was concerned about the rate of progress with the CFC phase-out. Although its plan of action for CFCs had been agreed only two years ago with the Meeting of the Parties, Bosnia and Herzegovina already appeared to want to revise the benchmarks included in it. A representative of the Secretariat observed that a phase-out plan of action agreed by a Meeting of the Parties for a Party in non-compliance had never subsequently been revised, and to start doing so now would set a very worrying precedent, suggesting that Parties facing difficulties with returning to compliance could simply revise their benchmarks at will.

76. The Committee agreed that before deciding on a course of action it needed to understand fully the reasons for Bosnia and Herzegovina's expected inability to comply with its commitments to the Meeting of the Parties, as contained in decision XV/30, to ensure its return to compliance with the Protocol's CFC control measures. Further dialogue with the Party and, through the Executive Committee, with the implementing agencies with which it was working, would be necessary before the Committee returned to the issue at its thirty-fifth meeting.

77. The Committee therefore *agreed*:

(a) To note with appreciation that Bosnia and Herzegovina had submitted an explanation for its excess consumption of methyl chloroform in 2003, and a plan of action with time-specific benchmarks to ensure its prompt return to compliance;

(b) To request the Secretariat to prepare a draft decision which incorporated the Party's plan of action for the Committee's consideration at its thirty-fifth meeting;

(c) To recall decision XV/30, which contained, among other things, Bosnia and Herzegovina's commitment to meet time-specific benchmarks for returning to compliance with its obligations under the Protocol to phase out Annex A group I (CFC) substances, and for the time being to continue to review the Party's CFC phase-out progress with reference to those benchmarks;

(d) To note that Bosnia and Herzegovina had reported consumption of CFCs for 2004 which was inconsistent with the time-specific benchmark for that year contained in decision XV/30 and, in the light of the written and oral explanations provided by the Party, to reconsider the issue at the thirty-fifth meeting of the Committee, taking into account any relevant information made available by the Executive Committee in accordance with paragraph 7 (f) of the Protocol's non-compliance procedure;

(e) To note that Bosnia and Herzegovina expected, by the end of 2005, to meet its commitment contained in decision XV/30 to establish an ODS licensing and quota system, and to request the Party to submit to the Secretariat an update on the status of that commitment in time for the Committee's consideration at its thirty-fifth meeting.

Recommendation 34/8

I. Botswana

78. Botswana had been listed for consideration because it was included in decision XVI/17 for being in non-compliance with data reporting requirements for 2003, and also because of a previous decision of the Parties (decision XV/31) which contained the Party's plan of action for returning to compliance with the Protocol's methyl bromide control measures.

79. The representative of the Secretariat explained that under its plan of action, Botswana had committed itself to reduce methyl bromide consumption to 0.4 ODP-tonnes in 2003 and 0.2 ODP-tonnes in 2004, but had not reported 2003 data by the time of the thirty-third meeting of the

Committee. Botswana had now reported consumption data for both 2003 and 2004, and consumption had been well below the Party's permitted levels, but it had not yet reported as requested on the implementation of its licensing and quota system.

80. The Committee therefore *agreed*:

(a) To note with appreciation Botswana's submission of its outstanding 2003 data, in accordance with decision XVI/17;

(b) To note with appreciation also that the Party's 2003 data placed it in compliance with its methyl bromide consumption reduction commitments as contained in decision XV/31, while its 2004 data returned it to compliance with Protocol's methyl bromide control measures;

(c) To urge Botswana to submit to the Secretariat updated information on its progress in establishing an ODS licensing and quota system as soon as possible, and no later than 30 September 2005, so that at its thirty-fifth meeting the Committee could assess the Party's implementation of that commitment contained in decision XV/31.

Recommendation 34/9

J. Cameroon

81. Cameroon had been listed for consideration because of a previous decision of the Parties (decision XV/32) which contained the Party's plan of action for returning to compliance with the Protocol's halon control measures.

82. The representative of the Secretariat explained that Cameroon had reported 2004 consumption data for halons well below the level permitted under its plan of action. In response to a request from a member of the Committee, the representative of the Multilateral Fund Secretariat clarified that on the basis of inaccurate data reported earlier in the year Cameroon had been included in a list of Parties which might need further assistance to meet the 50 per cent reduction in halon consumption required by the Protocol. The data had now been corrected and showed that Cameroon had already reduced its halon consumption by over 50 per cent, resulting in its removal from the list.

83. The Committee therefore *agreed* to note with appreciation that Cameroon continued to be in advance of its commitments to phase out halons, as contained in decision XV/32 and prescribed under the Protocol.

Recommendation 34/10

K. Chile

84. Chile had been listed for consideration because of a decision of the Parties (decision XVI/22) which had noted that the Party had reported consumption of Annex B group I substances (other fully halogenated CFCs), methyl bromide and methyl chloroform for 2003 which placed it in non-compliance with the Protocol's control measures for those substances in that year. The decision requested it to submit an explanation, or a plan of action for its return to compliance.

85. The representative of the Secretariat explained that Chile had responded to decision XVI/22, advising that its Annex B group I (other fully halogenated CFCs) consumption in 2003 had actually been zero. Following the sixteenth Meeting of the Parties, Chile's national customs service had reviewed its records and advised that the entire quantity previously reported against the customs code for the Annex B group I substance CFC-112 should in fact have been classified against the customs code for HFC-134a.

86. In regard to the Party's 2003 methyl chloroform deviation, Chile had explained that its imports of that ODS fluctuated from year to year as companies used very small quantities of the ODS and therefore delayed their imports until they had a sufficient quantity to justify the customs clearance costs. The Secretariat further informed the Committee that the Party had subsequently reported 2004 methyl chloroform consumption data of 3.605 ODP-tonnes, which returned the Party to compliance with the Protocol's methyl chloroform control measures for that year.

87. In regard to the Party's 2003 methyl bromide deviation, Chile had explained that its 2003 non-compliance could be attributed to a combination of steady growth in its agricultural sector, in particular the production of strawberry plants and fruit, and a weak regulatory framework. The Party had also reported its 2004 methyl bromide consumption data of 262.78 ODP-tonnes, which was still in excess of the Protocol's requirement that Chile must freeze its methyl bromide consumption at its baseline level, but did represent a reduction in consumption from 2003.

88. The Secretariat further noted that Chile's submission to the Committee stated that the Party intended to use a combination of regulatory measures and Multilateral Fund assistance to return to compliance with the Protocol's methyl chloroform and methyl bromide control measures. In March 2005 it had introduced into its Parliament a bill which provided powers to establish phase-out schedules and bans and also quotas to ensure compliance with the reduction schedule established in the Protocol. In regard to methyl bromide, the Party had also advised that it had suspended methyl bromide imports for soil fumigation in April 2005, until the end of the year.

89. The Committee noted that at its forty-fifth meeting the Executive Committee had approved a methyl bromide agreement for Chile whereby the Party committed itself to annual sustained reductions in methyl bromide consumption and a total phase-out by 2013, and that Chile had stated in its submission to the Implementation Committee that it could no longer accept that agreement. The Committee also took note of the draft decision which had been prepared by the Secretariat on the basis of Chile's response to decision XVI/22.

90. At the invitation of the Committee, a representative of Chile attended and summarized its submission to the meeting, highlighting that with regard to methyl bromide the Government had, in late 2004, begun to design and implement a strategy for phasing out methyl bromide consumption. In relation to the draft bill on licensing and quotas which had been submitted to the national legislature and the interim ban which had been placed on further imports of methyl bromide for 2005, she expressed the hope that those measures would be sufficient to return Chile to compliance in 2005.

91. With respect to the draft decision prepared by the Secretariat, Chile proposed corrections to the time-specific benchmarks contained in that decision for both methyl chloroform and methyl bromide so that they reflected the Party's phase-out schedules for those substances as prescribed by the Protocol. The representative of Chile noted that the corrections would result in the possibility of a small increase in the Party's methyl chloroform consumption in 2005 relative to 2004, and advised that that latitude was necessary because the assistance which the Party was receiving from the Multilateral Fund was not an investment project with planned phase-out but rather a technical assistance project. With regard to the issue of the expected date of introduction of Chile's licensing and quota system, she advised that the legislation would be implemented as soon as possible, but the sovereignty of Chile's national legislature meant that no exact date could be determined as yet.

92. The Committee therefore *agreed*:

(a) To note with appreciation Chile's submission of revised data for the consumption of Annex B group I substances (other fully halogenated CFCs) for 2003 which showed that the Party had been in compliance with the Montreal Protocol's control measures for those substances in that year;

(b) To note with appreciation also Chile's explanation for its deviations from the Protocol's methyl chloroform and methyl bromide control measures in 2003, and its submission of a plan of action for ensuring a prompt return to compliance with those control measures, in accordance with decision XVI/22, including a ban on the import of methyl bromide until December 2005;

(c) To note with appreciation further Chile's submission of 2004 data which showed that it had returned to compliance with the Protocol's control measures for methyl chloroform in that year;

(d) To forward the draft decision, contained in annex I (section C) to the present report, which incorporated Chile's plan of action, to the seventeenth Meeting of the Parties for approval.

Recommendation 34/11

L. Cook Islands

93. Cook Islands had been listed for consideration because it was included in decision XVI/18, on non-compliance with data reporting requirements as it had not reported any consumption or production data to the Secretariat.

94. The Committee *agreed*:

(a) To note with appreciation the Cook Islands' submission of data which confirmed its status as a Party operating under Article 5 of the Protocol;

(b) To urge the Cook Islands to submit its baseline data for the ozone-depleting substances in Annexes A, B and E of the Protocol, as well as its Annex A 1986 base-year data, as soon as possible and no later than 30 September 2005, in order that the Committee might assess the Party's compliance with the Protocol at its thirty-fifth meeting.

Recommendation 34/12

M. Ecuador

95. Ecuador had been listed for consideration because of a decision of the Parties (decision XVI/20) which had requested it to submit an explanation, or a plan of action for its return to compliance with the Protocol's methyl chloroform control measures.

96. The representative of the Secretariat explained that decision XVI/20 had presumed Ecuador to be in non-compliance with the Protocol's methyl chloroform control measures for 2003 since it had reported methyl chloroform consumption in excess of its freeze level. In its report to the Executive Committee at its forty-sixth meeting, dated 6 June 2005, the Multilateral Fund Secretariat had included information from the World Bank stating that Ecuador had intended to submit a plan of action requested by the decision to the Ozone Secretariat in May 2005 and that the plan included an import quota system which had been in place since 14 May 2004, technical workshops for end users, and a visit by an international expert to assess the need for an investment project in the sector.

97. During the present meeting of the Implementation Committee, the World Bank had submitted to the Ozone Secretariat a copy of the Party's response to decision XVI/20, written in Spanish, which had been sent to the Secretariat in May but had not been received. The Party had not, however, submitted its data for 2004 to enable assessment of its efforts to move towards compliance in accordance with that decision. It had also been invited to be present at the meeting of the Committee but had failed to attend.

98. A member of the Committee indicated interest in understanding the reason behind the upward trend in CFC consumption reported by Ecuador since 2001.

99. The Committee therefore *agreed*:

(a) To note that, during its thirty-fourth meeting, it had received Ecuador's response to the request contained in decision XVI/20 that the Party should submit an explanation for its excess consumption of methyl chloroform in 2003 or a plan of action containing time-specific benchmarks for ensuring its prompt return to compliance;

(b) To note also that, as there had not been sufficient time to translate the Party's response from Spanish into other languages, it would consider the Party's submission at its thirty-fifth meeting;

(c) To invite Ecuador to send a representative to the thirty-fifth meeting of the Committee to discuss the matter.

Recommendation 34/13

N. Federated States of Micronesia

100. Federated States of Micronesia had been listed for consideration because it was included in decision XVI/17 for being in non-compliance with data reporting requirements for 2001, 2002 and 2003.

101. The Committee *agreed*:

(a) To note with appreciation that the Party had reported its outstanding data for the years 2001, 2002 and 2003 in accordance with decision XVI/17, and had also reported its ODS data for the year 2004;

(b) To defer consideration of the Party's compliance in those years with the Protocol's control measures until its thirty-fifth meeting, in the light of the limited time which the Federated States of Micronesia had had to review the data reports generated by the Secretariat from its 2001–2004 data submission and to respond to the Secretariat's request for advice on the apparent deviations from its requirement to freeze consumption of Annex A group I (CFC) substances at its baseline level in those years.

Recommendation 34/14

O. Fiji

102. Fiji had been listed for consideration because of a decision of the Parties (decision XVI/23) which had requested it to submit an explanation, or a plan of action for its return to compliance with the Protocol's control measures for methyl bromide.

103. The representative of the Secretariat explained that decision XVI/23 had noted that Fiji had reported consumption of methyl bromide in 2003 which placed it in non-compliance with the Protocol's control measures. The plan of action requested by the decision had been submitted, along with a description of the activities taken to date to address the previously identified cause of the Party's non-compliance. A methyl bromide data survey had been completed, resulting in the revision of the Party's 2004 methyl bromide consumption from 2.100 ODP-tonnes to 1.609 ODP-tonnes and the Party's decision not to seek a revision of its methyl bromide baseline data. A methyl bromide technical working group had been convened to oversee the development and implementation of Fiji's national methyl bromide phase-out plan. Development of the plan, assisted by UNDP and UNEP, would commence in July 2005, with planned submission to the Executive Committee at its forty-seventh meeting. A draft quota system for non-quarantine and pre-shipment methyl bromide imports had been prepared and presented to the technical working group, and was expected to be implemented by January 2006.

104. The plan contained time-specific benchmarks for returning to compliance, specifying the activities which the Party expected would enable it to reach each of the benchmarks. The benchmarks would return Fiji to compliance in 2008.

105. At the invitation of the Committee, a representative of Fiji attended and responded to questions. He informed the Committee that his Government had created a Methyl Bromide Working Group composed of members drawn from Government, industry, importers and users. As a result of the broad consultations that had taken place, the benchmarks which had been included in the draft plan of action were realistic and the best which Fiji could achieve at that time. He emphasized, however, that those benchmarks would be reviewed in the light of the recommendations of the consultant scheduled to visit Fiji in July 2005 to assist the Party in preparing its national methyl bromide phase-out plan. Fiji undertook to notify the Committee, through the Secretariat, prior to its thirty-fifth meeting should its proposed benchmarks change.

106. The Committee therefore *agreed*:

(a) To note that Fiji's methyl bromide data for 2004 had been revised such that it reported consumption of 1.609 ODP-tonnes in 2004, and to note that that represented a deviation from the Party's obligation to freeze its consumption of methyl bromide at its baseline level of 0.671 ODP-tonnes in 2004;

(b) To note with appreciation, however, that Fiji has submitted a plan of action with time-specific benchmarks for returning to compliance with the Protocol's methyl bromide control measures, in accordance with decision XVI/23;

(c) To forward the draft decision, contained in annex I (section D) of the present report, which incorporates Fiji's plan of action, to the seventeenth Meeting of the Parties for approval, should the Party not notify the Committee prior to the conclusion of its thirty-fifth meeting that it wishes to revisit the time-specific benchmarks contained in the draft decision.

Recommendation 34/15

P. Guatemala

107. Guatemala had been listed for consideration because of a previous decision of the Parties (decision XV/34) which contained the Party's plan of action for returning to compliance with the Protocol's CFC and methyl bromide phase-out obligations.

108. The Committee *agreed*:

(a) To note with appreciation Guatemala's progress towards complying with the commitments set forth in its plan of action and noted in decision XV/34;

(b) To remind the Party of its commitment, contained in decision XV/34, to ban the import of ODS-using equipment by 2005, and to request Guatemala to report on the status of that commitment, through the Secretariat, to the Committee at its thirty-fifth meeting.

Recommendation 34/16**Q. Guinea-Bissau**

109. Guinea-Bissau had been listed for consideration because of a previous decision of the Parties (decision XVI/24) which contained the Party's plan of action for returning to compliance with the Protocol's CFC phase-out obligations.

110. The Committee *agreed*:

(a) To note with appreciation that Guinea-Bissau had reported data for the consumption of Annex A group I substances (CFCs) in 2004 that showed that it was in advance of its commitment contained in decision XVI/24 and returned the Party to compliance with the Protocol's CFC control measures;

(b) To note with appreciation also that the Party had reported the establishment of a system for licensing the import and export of ODS, in accordance with decision XVI/24;

(c) To urge Guinea-Bissau to submit to the Secretariat as soon as possible, and no later than 30 September 2005, a report on the status of its commitment contained in decision XVI/24 to introduce an ODS quota system by the end of 2004, for the Committee's consideration at its thirty-fifth meeting.

Recommendation 34/17**R. Guyana**

111. Guyana had been listed for consideration because of compliance issues arising out of the 2004 data report submitted by the Party in accordance with Article 7 of the Protocol.

112. The representative of the Secretariat explained that Guyana had reported consumption of 6.300 ODP-tonnes of Annex B, group I substances (other fully halogenated CFCs) in 2004. That consumption represented a deviation from the Party's obligation under the Protocol to achieve a 20 per cent reduction under the Montreal Protocol. The Party had originally reported zero baseline-level consumption of other fully halogenated CFCs. It was the first time that Guyana had reported any consumption of Annex B, group I substances.

113. Guyana had also reported consumption of 0.085 ODP-tonnes of methyl chloroform, a deviation from the Party's obligation to freeze its consumption at its baseline level of zero, and the first time that Guyana had reported any methyl chloroform consumption since 1996. In correspondence dated 13 June 2005, the Secretariat had requested Guyana to submit explanations for the deviations.

114. Guyana had informed the Secretariat that, upon revisiting the data, it had found that imports had been allocated to the incorrect customs codes and had therefore been wrongly reported as ODS. The revised data showed that the Party had not consumed methyl chloroform or Annex B group I substances in 2004, and was therefore in compliance with the Protocol's control measures for ODS in that year.

115. The Committee *agreed* to note that Guyana had submitted revised data for 2004 to correct the misclassification of imports as methyl chloroform and Annex B group I substances (other fully halogenated CFCs), and that the revised data placed the Party in compliance with the Protocol's control measures in 2004.

Recommendation 34/18

S. Honduras

116. Honduras had been listed for consideration because of a previous decision of the Parties (decision XV/35) which contained the Party's plan of action for returning to compliance with the Protocol's methyl bromide phase-out obligations.

117. The Committee *agreed* to urge Honduras to submit to the Secretariat its data for 2004 as soon as possible, and no later than 30 September 2005, so that at its thirty-fifth meeting the Committee might assess the Party's implementation of its commitments contained in decision XV/35.

Recommendation 34/19

T. Islamic Republic of Iran

118. The Islamic Republic of Iran had been listed for consideration because of a decision of the Parties (decision XVI/20) which had requested it to submit an explanation, or a plan of action for its return to compliance with the Protocol's control measures for methyl chloroform, and also because it was requesting a change in its baseline data for both methyl chloroform and carbon tetrachloride.

119. The representative of the Secretariat explained that decision XVI/20 had presumed the Islamic Republic of Iran to be in non-compliance with the Protocol's methyl chloroform control measures for 2003 since it had reported methyl chloroform consumption in excess of its freeze level. Recommendation 33/28 (b) had requested the Party to submit a more comprehensive package of information, in accordance with the methodology given in decision XV/19, in support of its request for changes in its baseline data.

120. The Islamic Republic of Iran had responded by providing a plan of action with time-specific benchmarks based on the assumption that its baseline data would be revised, but the benchmarks would not return it to compliance and in any case it had also informed the Secretariat that it was still in the process of verifying its requested figures.

121. The Party's more comprehensive package of information in support of its request for baseline data revision had given rise to a series of questions concerning the methodology used in collecting and verifying the original and proposed baseline data set forth in full in document UNEP/OzL.Pro/ImpCom/34/2; the availability of documentation substantiating the procedures used to collect and verify the proposed baseline data and their findings; and a further question about the extent to which the companies responding to the data-collection survey had supplied full details for each category of chemical used.

122. A representative of UNIDO responded to the question concerning the availability of substantiating documentation, advising that invoices were available only for the post-2000 period. Also, the representative advised that the terms of reference for the exercise to verify the proposed methyl chloroform baseline data had been completed and it was expected that the exercise would be completed in time for its findings to be submitted to the Committee at its thirty-fifth meeting, in December 2005.

123. At the invitation of the Committee, a representative of the Islamic Republic of Iran attended and responded to questions, including those outlined in the document UNEP/OzL.Pro/ImpCom/34/2. He informed the Committee that there had been a misunderstanding about the possible revision of the request for a change in baseline data. His country had treated the 2002 data as given, looked at the growth in use in subsequent years and extrapolated back to calculate estimated baseline data. The existing baseline data could not be considered as accurate, as they simply repeated the data reported for 1998 in the other baseline years of 1999 and 2000.

124. While it was true that not every consuming enterprise had been visited individually in the course of the survey, the reports were based on studies of a reasonably representative sample; over 300 companies had been written to and most had responded. Many responses had also been followed up by telephone to check the accuracy of the data submitted. It had not been possible to derive import data based on customs codes, as such data had not been reported by the customs authority, but the survey estimates had been checked with customs and could be considered reasonably accurate. Further, the survey had been carried out by international experts familiar with the issue of ozone depletion and by national experts familiar with the sectors and previously involved in projects funded by the Multilateral Fund, and he had every confidence in their reliability and accuracy.

125. Responding to a further question about whether imports for stockpiling could have been counted as consumption in the baseline years, the representative commented that companies often imported more than a single year's consumption at a time. The survey had covered a wide range of enterprises, distributors and trade associations, as well as end-users, and he was confident that the annual figures reported were correct.

126. The Committee concluded its discussions in camera. With regard to the requested changes in baseline data, the Secretariat reminded the Committee that the sixteenth Meeting of the Parties had decided that the report of the Committee should summarize the supporting information provided by the Party concerned so that all Parties could understand the basis on which the Committee felt able to approve requests.

127. Members of the Committee agreed that more information was needed, including in particular the outcome of the data verification process being carried out by UNIDO, to allow them to reach a final decision on the requests for baseline data changes.

128. The Committee therefore *agreed*:

(a) To take note of the Islamic Republic of Iran's submission pursuant to decision XVI/20 and recommendation 33/28(b);

(b) To note with appreciation the Party's advice that it had established in December 2004 a system for licensing the import and export of ODS, and planned to establish in October 2005 an import quota to freeze methyl chloroform imports at 2003 consumption levels;

(c) To reconsider the request of the Islamic Republic of Iran to revise its baseline data at the thirty-fifth meeting of the Committee, in the light of the Party's submission pursuant to recommendation 33/28(b), the Committee's dialogue with the Party at its thirty-fourth meeting and the results of the exercise being undertaken to verify the Party's proposed baseline data for methyl chloroform;

(d) To urge the Party to submit the findings of its data-verification exercise to the Secretariat as soon as possible and no later than 30 September 2005;

(e) To request the Islamic Republic of Iran, as a matter of urgency, to submit to the Implementation Committee, for consideration at its thirty-fifth meeting, a revised plan of action with time-specific benchmarks to ensure its prompt return to compliance with the Protocol's methyl chloroform control measures, as requested in decision XVI/20, noting that the time-specific benchmarks contained in its existing plan of action would not return it to compliance.

Recommendation 34/20

U. Kazakhstan

129. Kazakhstan had been listed for consideration because of a previous decision of the Parties (decision XIII/19) which contained the Party's plan of action for returning to compliance with the Protocol's control measures for Annex A and B substances, and a previous recommendation of the Committee (recommendation 33/6) urging Kazakhstan to continue efforts to implement as soon as possible its commitment contained in decision XIII/19 to ban the import of ODS-using equipment.

130. The representative of the Secretariat explained that Kazakhstan, a Party not operating under Article 5, had committed itself, under its plan of action, to phase out consumption of CFCs and methyl bromide by 2004, and to ban imports of ODS-using equipment by 2003. Despite reminders, it had not yet reported either consumption data for 2004 or the status of its commitment to ban the import of ODS-using equipment. UNEP, however, had reported that a regulation to ban equipment imports was in the process of adoption, although the ban appeared to be hindered by the Party's large ODS consumption and economic circumstances. Reference material provided by GEF indicated that several activities were being implemented under that institution by UNEP and UNDP to phase out consumption of CFCs and methyl bromide.

131. A member of the Committee stated, however, that as Kazakhstan had not yet ratified the Copenhagen Amendment, it could not be eligible for assistance from GEF with the phase-out of methyl bromide; the reference to such assistance in the report of the Secretariat must therefore be incorrect. He had checked the situation with the ozone officer from Kazakhstan, who had confirmed that her country had neither applied for nor received any such assistance; that statement had also been confirmed by the representative of UNDP. The Committee took note of the error in the report of the Secretariat.

132. The Committee *agreed* to urge Kazakhstan to submit to the Secretariat its data for 2004 and a report on the status of its import ban on ODS-using equipment as soon as possible, and no later than 30 September 2005, so that at its thirty-fifth meeting the Committee might assess the Party's implementation of its commitments contained in decision XIII/19.

Recommendation 34/21

V. Kyrgyzstan

133. Kyrgyzstan had been listed for consideration because of compliance issues arising out of the 2004 data report submitted by the Party in accordance with Article 7 of the Protocol.

134. The representative of the Secretariat explained that Kyrgyzstan had reported consumption of 2.400 ODP-tonnes of halons in 2004. That consumption represented a deviation from the Party's obligation under the Protocol to freeze its consumption of halons at its baseline level of zero, and was the first time that the Party had reported any halon consumption at all. In correspondence dated 13 June 2005, the Secretariat had requested Kyrgyzstan to submit an explanation for the deviation.

135. Kyrgyzstan had informed the Secretariat that new data-collection skills, acquired at a recent regional workshop, had enabled the Party to collect data on military usage for the first time. As military supplies were not subject to customs procedures or reported to the Ministry of Foreign Trade and Industry, they had not previously been captured in the data-collection process.

136. The representative of the Secretariat explained that the Fund Secretariat had advised that the Party's country programme stated that there were neither facilities nor workshops for recharging halon-based equipment in Kyrgyzstan and that the import of halon had been banned in 1994 or 1995. UNEP had further advised that Kyrgyzstan was revising its licensing system, and in November 2004 had banned the import and export of equipment containing ozone-depleting substances listed in annexes A and B of the Protocol. UNEP was working closely with the Party to help it produce a plan of action for return to compliance.

137. The Committee therefore *agreed*:

(a) To note with appreciation Kyrgyzstan's explanation for the deviation in its consumption of halons reported for 2004 and to congratulate the Party on its improved data-collection process;

(b) To request Kyrgyzstan to submit to the Secretariat as soon as possible, and no later than 30 September 2005, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(c) To invite Kyrgyzstan, if necessary, to send a representative to the thirty-fifth meeting of the Committee to discuss the matter;

(d) To agree, in the absence of the submission of a plan of action, to request the seventeenth Meeting of the Parties to endorse the request in (b) above by forwarding to that Meeting for approval the draft decision contained in annex I (section E) to the present report.

Recommendation 34/22

W. Lesotho

138. Lesotho had been listed for consideration because it was included in decision XVI/17 for being in non-compliance with data reporting requirements for 2003, and also because of a previous decision of the Parties (decision XVI/25) which contained the Party's plan of action for returning to compliance with the Protocol's halon control measures.

139. The Committee *agreed*:

(a) To note with appreciation Lesotho's submission of its outstanding data for 2003 and its data for 2004, which in the latter case showed that it was in advance of its halon phase-out commitments for 2004 contained in its plan of action and had returned to compliance with the Protocol's control measures for halons;

(b) To note the information that Lesotho had established an import permit system for halons and CFCs;

(c) To urge Lesotho to report to the Secretariat as soon as possible, and no later than 30 September 2005, on the status of its commitment contained in decision XVI/25 to ban the import of halon-based equipment and systems, and also on whether its halon permit arrangements incorporated a quota system in accordance with its commitment contained in decision XVI/25.

Recommendation 34/23**X. Liberia**

140. Liberia had been listed for consideration because it was included in decision XVI/17 for being in non-compliance with data reporting requirements for 2003.

141. The Committee *agreed* to note with appreciation Liberia's submission of its outstanding data in accordance with decision XVI/17.

Recommendation 34/24**Y. Libyan Arab Jamahiriya**

142. Libyan Arab Jamahiriya had been listed for consideration because of a previous decision of the Parties (decision XV/36) which contained the Party's plan of action for returning to compliance with the Protocol's CFC control measures and a previous recommendation of the Committee (recommendation 33/4(b)) which reminded the Party of its commitment contained in decision XV/36 to establish an ODS import and export licensing and quota system and report on its status. Another decision (decision XVI/26) had also requested it to submit an explanation, or a plan of action for its return to compliance with the Protocol's halon control measures.

143. The representative of the Secretariat explained that decision XV/36 included the Party's commitment to reduce its consumption of CFCs from 985.0 ODP-tonnes in 2001 to 610.0 ODP-tonnes in 2004 and to establish a system for licensing imports and exports of ODS, including quotas, by 2004.

144. At its thirty-third meeting, the Committee had noted with appreciation that the Libyan Arab Jamahiriya had reported CFC consumption of 704.1 ODP-tonnes for 2003, consistent with its consumption benchmark under decision XV/36 for that year, returning it to compliance with its CFC phase-out obligations under the Protocol. The Committee noted that UNIDO had subsequently submitted the Party's 2004 data and that those data had not yet been processed by the Secretariat for review by the Party.

145. The Libyan Arab Jamahiriya had also responded to recommendation 33/4 (b), advising that a draft regulation on a licensing system had been prepared. It included a mechanism for the allocation of quotas to importers and producers of ozone-depleting substances, and provisions relating to the import and export of products containing such substances. The Party expected the regulation to be adopted and enacted in 2005.

146. Decision XVI/26 had noted that the Libyan Arab Jamahiriya had reported consumption of halons in 2003 in excess of its freeze requirement, thereby placing the Party in non-compliance with the Protocol's halon control measures. The Party had responded to the request to submit, as a matter of urgency, a plan of action with time-specific benchmarks for returning the Party to compliance. The Party had advised that it could not prepare the requested plan of action until its halon phase-out plan had been approved by the Executive Committee of the Multilateral Fund. The Executive Committee, at its forty-fifth meeting, in April 2005, had approved funding for UNIDO to assist the Libyan Arab Jamahiriya in preparing a halon phase-out plan, and the Party expected that it would submit the halon phase-out plan for approval to the Executive Committee at its forty-seventh meeting, in November 2005.

147. The Committee therefore *agreed*:

(a) To note with appreciation the report of the Libyan Arab Jamahiriya on the status of its commitment to establish an ODS import and export licensing and quota system, and also to note its advice regarding the implementation of decision XVI/26, which requested the Libyan Arab Jamahiriya to prepare a plan of action with time-specific benchmarks for ensuring its prompt return to compliance with the Protocol's control measures for halons;

(b) To urge the Libyan Arab Jamahiriya to prepare the requested plan of action and submit it to the Secretariat as soon as possible, and no later than 30 September 2005, for consideration by the Committee at its thirty-fifth meeting, noting that that meeting and the seventeenth Meeting of the Parties would be held after the forty-seventh meeting of the Executive Committee;

(c) To urge the Libyan Arab Jamahiriya also to submit to the Secretariat an update on the status of its commitment to establish an ODS import and export licensing and quota system, no later than 30 September 2005, for consideration by the Committee at its thirty-fifth meeting;

(d) To invite the Libyan Arab Jamahiriya, if necessary, to send a representative to the thirty-fifth meeting of the Committee to discuss the matter.

Recommendation 34/25

Z. Maldives

148. Maldives had been listed for consideration because of a previous decision of the Parties (decision XV/37) which contained the Party's plan of action for returning the Party to compliance with the Protocol's CFC control measures.

149. The Committee *agreed* to note with appreciation Maldives' progress in implementing its plan of action, contained in decision XV/37, and its continued efforts to comply with the Protocol's CFC control measures.

Recommendation 34/26

AA. Mozambique

150. Mozambique had been listed for consideration because of a previous recommendation of the Committee (recommendation 33/20) which reiterated a previous request of the Committee that Mozambique should provide all information needed to clarify its 2002 excess consumption of methyl bromide and also requested the Party to explain the measures which it had taken to limit that consumption.

151. The representative of the Secretariat explained that at its thirty-third meeting the Committee had agreed to ask Mozambique how it had managed to return to compliance so quickly so that the Committee could learn from its experience, but although a verbal explanation had been given to UNEP, the written explanation which had been requested had not yet been received by the Secretariat.

152. The representative of UNEP confirmed that no written explanation had yet been received. However, UNEP was assisting the Party in conducting a national survey of methyl bromide consumption, for which results were expected soon; UNEP was also planning a mission to Mozambique to evaluate the results of the survey and to help the Party draft its national phase-out plan. An official answer to the request should be forthcoming when that process was complete.

153. The Committee therefore *agreed* to urge Mozambique to provide to the Secretariat as soon as possible the information requested in recommendation 33/20, noting that the information was sought in order to improve the Committee's understanding of actions taken by Parties to return to compliance with the Protocol's methyl bromide control measures in a timely manner.

Recommendation 34/27

BB. Namibia

154. Namibia had been listed for consideration because of a previous decision of the Parties (decision XV/38) which contained the Party's plan of action for returning to compliance with the Protocol's CFC control measures.

155. The Committee *agreed* to note with appreciation that Namibia was well in advance of its commitments to phase out CFCs, as contained in decision XV/38 and prescribed under the Protocol.

Recommendation 34/28

CC. Nauru

156. Nauru had been listed for consideration because it was included in decision XVI/17 for being in non-compliance with its data reporting obligation for 2003.

157. The Committee *agreed*:

(a) To note with appreciation Nauru's submission of its outstanding data in accordance with decision XVI/17;

(b) To remind Nauru to submit to the Secretariat as soon as possible its outstanding base-year data, recalling that paragraphs 1 and 2 of Article 7 of the Protocol provided for Parties to submit best possible estimates of base-year data where actual data are not available.

Recommendation 34/29

DD. Nepal

158. Nepal had been listed for consideration because of a previous decision of the Parties (decision XVI/27) containing the Party's plan of action to manage the release of 27 ODP-tonnes of CFC previously seized by Nepal.

159. The Committee *agreed* to note with appreciation Nepal's progress in implementing its commitments contained in decision XVI/27.

Recommendation 34/30

EE. Nigeria

160. Nigeria had been listed for consideration because of a previous decision of the Parties (decision XIV/30) which contained the Party's plan of action for returning to compliance with the Protocol's CFC control measures.

161. The Committee *agreed* to urge Nigeria to submit to the Secretariat its data for 2004 as soon as possible, and no later than 30 September 2005, in order that at its thirty-fifth meeting the Committee may assess the Party's implementation of its commitments contained in decision XIV/30.

Recommendation 34/31

FF. Pakistan

162. Pakistan had been listed for consideration because of a previous decision of the Parties (decision XVI/29) which contained the Party's plan of action for returning to compliance with the Protocol's CFC control measures.

163. The Committee *agreed* to urge Pakistan to submit to the Secretariat its data for 2004 as soon as possible, and no later than 30 September 2005, so that at its thirty-fifth meeting the Committee may assess the Party's implementation of its commitments contained in decision XVI/29.

Recommendation 34/32

GG. Panama

164. Panama had been listed for consideration because of compliance issues arising out of the 2004 data report submitted by the Party in accordance with Article 7 of the Protocol.

165. The representative of the Secretariat explained that Panama had reported consumption for methyl bromide for 2004 which appeared to be a deviation from the Party's obligation to freeze its consumption. In response to a request for an explanation, the Party had explained that the consumption had been wrongly reported, and had been in fact for pre-shipment and quarantine measures; Panama had had no methyl bromide consumption in 2004 for controlled uses.

166. The Committee therefore *agreed* to note that Panama had submitted revised data for 2004 which corrected its previous data on methyl bromide imports used for quarantine and pre-shipment uses, and that the revised data placed the Party in compliance with the Protocol's control measures in 2004.

Recommendation 34/33

HH. Papua New Guinea

167. Papua New Guinea had been listed for consideration because of a previous decision of the Parties (decision XV/40) which contained the Party's plan of action for returning to compliance with the Protocol's CFC control measures.

168. The Committee *agreed* to note with appreciation Papua New Guinea's progress in implementing its plan of action to phase out CFCs and its continued efforts to comply with the Protocol's control measures for CFCs.

Recommendation 34/34

II. Russian Federation

169. The Russian Federation had been listed for consideration because of non-compliance with its data reporting obligation for 2003, and also because of compliance issues arising out of the 2004 data report submitted by the Party in accordance with Article 7 of the Protocol.

170. The representative of the Secretariat explained that after decision XVI/17 had noted that the Russian Federation had not reported data for 2003, the Party had reported the outstanding data, showing both consumption and production of carbon tetrachloride for 2003 of 40.37 ODP-tonnes. That production and consumption represented deviations from the Party's obligation to maintain total phase-out.

171. The representative of the Secretariat also noted that the Russian Federation continued to receive assistance from the Special Initiative for ODS Production Closure, which had facilitated its return to compliance through the permanent closure of its CFC and halon production capacity. Annual monitoring missions continued to show that all enterprises involved in the Special Initiative had fully implemented the agreed closure plan, and that there was no evidence of CFC or halon production.

172. The representative of the Russian Federation, a member of the Committee, explained that the 40.37 ODP-tonnes of carbon tetrachloride were a by-product which had been produced in 2003 and consumed in the following year, 2004, as feedstock. The Party therefore believed that it had misclassified the excess production and consumption. Carbon tetrachloride was produced by the Party throughout the year as by-product and used as feedstock by domestic enterprises or by the Parties to which the Russian Federation exported. Consequently, the Russian Federation would always have a quantity of carbon tetrachloride remaining at the end of each year as a by-product which could not be put to its intended feedstock use until the following year. The representative informed the Committee that that information had not yet been officially communicated to the Secretariat.

173. The Committee therefore *agreed*:

(a) To recall that decision XIV/35 of the fourteenth Meeting of the Parties, in 2002, noted with appreciation that the Russian Federation had reported data for 2001 which confirmed its complete phase-out of production and consumption of Annexes A and B ODS;

(b) To note the Russian Federation's submission of its 2003 data, in accordance with decision XVI/17;

(c) To note with concern that the Russian Federation had reported consumption and production of carbon tetrachloride for 2003 which indicated deviations from the Party's obligations under the Protocol to maintain complete phase-out;

(d) To request the Party to submit as soon as possible, and no later than 30 September 2005, an official explanation of its carbon tetrachloride consumption and production deviations and also its 2004 data and, if relevant, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance;

(e) To invite the Russian Federation, if necessary, to send a representative to the thirty-fifth meeting of the Committee to discuss the matter;

(f) To agree, in the absence of an official explanation of the Party's excess consumption, to request the seventeenth Meeting of the Parties to endorse the request in (d) above by forwarding for approval the draft decision contained in annex I (section F) of the present report.

Recommendation 34/35

JJ. Saint Vincent and the Grenadines

174. Saint Vincent and the Grenadines had been listed for consideration because of a previous decision of the Parties (decision XVI/30) which contained the Party's plan of action for returning to compliance with the Protocol's CFC control measures.

175. The Committee *agreed*:

(a) To note with appreciation the submission by Saint Vincent and the Grenadines of its 2004 data, which showed its consumption to be consistent with its 2004 benchmark for reducing CFC consumption, as contained in decision XVI/30;

(b) To encourage Saint Vincent and the Grenadines to continue its efforts to implement its commitment contained in decision XVI/30 to introduce an ODS quota system by the last quarter of 2004 as soon as possible and to report to the Secretariat on its status no later than 30 September 2005, for consideration by the Committee at its thirty-fifth meeting.

Recommendation 34/36

KK. Sierra Leone

176. Sierra Leone had been listed for consideration because of compliance issues arising out of the 2004 data report submitted by the Party in accordance with Article 7 of the Protocol.

177. The Committee *agreed*:

(a) To request Sierra Leone to submit to the Secretariat as soon as possible, and no later than 30 September 2005, an explanation for the deviation in its consumption of halons reported for 2004 and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(b) To invite Sierra Leone, if necessary, to send a representative to the thirty-fifth meeting of the Committee to discuss the matter;

(c) To agree, in the absence of an explanation of the excess consumption, to request the seventeenth Meeting of the Parties to endorse the request in (a) above by forwarding the draft decision contained in annex I (section G) to the present report to that Meeting for approval.

Recommendation 34/37

LL. Solomon Islands

178. Solomon Islands had been listed for consideration because it was included in decision XVI/17 for being in non-compliance with data reporting requirements for 2003.

179. The Committee *agreed* to note with appreciation the Solomon Islands' submission of its outstanding data in accordance with decision XVI/17.

Recommendation 34/38

MM. Somalia

180. Somalia had been listed for consideration because of a decision of the Parties (decision XVI/19) which had requested it to submit an explanation, or a plan of action for its return to compliance with the Protocol's halon control measures.

181. The representative of the Secretariat explained that decision XVI/19 had noted that Somalia had reported consumption of halons for 2002 and 2003 which had placed it in non-compliance with the Protocol's control measures. Somalia had been requested to submit an explanation, and had done so; it had attributed its excess consumption of halons to a high number of fire incidents in the capital and throughout the country, which had led to the use of halon-based fire protection equipment and increased imports of halons. Somalia planned to establish an ODS licensing system, was drafting a proposal to ban the import of halon-dependent products and equipment and would soon apply an interim measure imposing import quotas which would freeze halon consumption at baseline levels and support the Protocol's phase-out schedule.

182. At the invitation of the Committee, a representative of Somalia attended and responded to questions. He confirmed that the planned import licensing and quota system and ban on halon-dependent equipment had been approved by the Party's Executive and were expected to be introduced by December 2005. Also, the data on ozone-depleting substances for 2004 would be submitted before September 2005. Somalia had experienced difficulties in collecting data because of the protracted period of civil war and a lack of trained staff and financial and technical resources, and sought assistance to address the latter difficulties. There had been an increase in the consumption of ODS as peace had been restored, and ODS had been imported before the Government had been able to reassert its border controls.

183. A member of the Committee suggested that Somalia should work together with regional networks, under the UNEP Compliance Assistance Programme, to aid in capacity-building for its technical staff. The representative of the Fund Secretariat informed the Committee that it was expected that a country programme and refrigerant management plan for Somalia would be presented to the Executive Committee at its forty-seventh meeting. The representative of UNEP added that a one-year programme for institutional strengthening for Somalia was in operation and that the Party was a very active regional network member.

184. The Committee therefore *agreed*:

(a) To note with appreciation Somalia's response to decision XVI/19, including its advice that it expected to introduce its proposed ban on the import of halon-dependent equipment and its interim import quota system by December 2005;

(b) To request Somalia, following the introduction of its interim import quota system, to provide to the Secretariat details of the time-specific benchmarks contained in the system, noting that that information was required in order to identify the time-specific benchmarks for returning to compliance which the sixteenth Meeting of the Parties had requested Somalia to include in its plan of action;

(c) To note the constraints under which Somalia was operating but still to urge that Party to make its best efforts to submit to the Secretariat its data for 2004 by 30 September 2005, to assist the Committee's consideration of Somalia's situation at its thirty-fifth meeting.

Recommendation 34/39

NN. Switzerland

185. Switzerland had been listed for consideration because of compliance issues arising out of the 2004 data report submitted by the Party in accordance with Article 7 of the Protocol.

186. The Committee *agreed* to defer consideration of the Party's compliance with the Protocol's control measures in 2004 until its thirty-fifth meeting, in the light of the limited time which Switzerland had had to review the data reports generated by the Secretariat from its 2004 data submission and to respond to the Secretariat's request for information on the apparent deviations from its requirement to maintain total phase-out of carbon tetrachloride and methyl chloroform in that year.

Recommendation 34/40

OO. Tajikistan

187. Tajikistan had been listed for consideration because of a previous decision of the Parties (decision XIII/20) which contained the Party's plan of action for returning it to compliance with the Protocol's control measures for Annex A and B substances.

188. The Committee *agreed* to urge Tajikistan to submit to the Secretariat its data for 2004 as soon as possible, and no later than 30 September 2005, so that at its thirty-fifth meeting the Committee might assess the Party's implementation of its commitments contained in decision XIII/20.

Recommendation 34/41

PP. Turkey

189. Turkey had been listed for consideration because of compliance issues arising out of the 2004 data report which the Party had submitted in accordance with Article 7 of the Protocol.

190. The representative of the Secretariat explained that Turkey had submitted data showing consumption of bromochloromethane of 16.44 ODP-tonnes in 2004. The Party had explained that the substance had been imported for the production of Sultamicillin,¹ 14.04 ODP-tonnes had been used for that purpose in 2004 and the remainder was intended for use for the same purpose in 2005. She noted that the Open-ended Working Group at its twenty-fifth meeting had considered a report by the Technology and Economic Assessment Panel which had determined that bromochloromethane used in the production of Sultamicillin was not a process-agent application, but rather a feedstock use, and that Turkey had not yet informed the Secretariat as to whether it should revise the Party's data report with regard to that substance.

191. Turkey's import and stockpiling of bromochloromethane for an apparent feedstock use in a subsequent year had raised a more general question of whether, when that type of stockpiling was presented as the explanation for a deviation from the Protocol's production or consumption control measures, the Secretariat should report that deviation to the Committee as a case of potential non-compliance. The Secretariat would welcome guidance from the Committee on the matter.

192. The Committee decided to place the issue on the agenda of its thirty-fifth meeting and requested the Secretariat to circulate an information document on the subject before that meeting.

193. The Committee also *agreed*:

(a) To note with appreciation Turkey's advice in regard to its deviation from the control schedules for the consumption of bromochloromethane reported for 2004 but also to note that the information provided did not reconcile the deviation with the Party's obligations under the Protocol's control measures for bromochloromethane;

(b) To invite Turkey to submit further information to explain the deviation, noting the Technology and Economic Assessment Panel's review of its use of bromochloromethane in the production of Sultamicillin which had concluded that the application was a feedstock use rather than a process-agent use;

(c) To invite Turkey, if necessary, to send a representative to the thirty-fifth meeting of the Committee to discuss the matter.

Recommendation 34/42

QQ. Turkmenistan

194. Turkmenistan had been listed for consideration because it was included in decision XVI/17 for being in non-compliance with data reporting requirements for 2003, and also because of a previous decision of the Parties (decision XI/25) which contained the Party's plan of action for returning to compliance with the Protocol's control measures for Annex A and B substances.

195. The representative of the Secretariat explained that Turkmenistan, which had originally been categorized as a Party not operating under Article 5, had been operating under its plan of action agreed under decision XI/25, which had included the commitment to achieve total phase-out of Annex A and B substances by 2003. Data reported for 2003 showed consumption of CFCs of 43.39 ODP-tonnes, which was inconsistent with that commitment. At the sixteenth Meeting of the Parties, however, Turkmenistan had been reclassified as a Party operating under Article 5, which meant that its compliance status would be assessed against the phase-out schedules applicable to Parties operating under Article 5. For 2003 and 2004, however, its compliance status must still be assessed against the benchmarks agreed in its earlier plan of action.

196. The Committee recognized, however, that as Turkmenistan had only recently been asked for an explanation of the deviation in its 2003 data, it was not appropriate to consider the Party's compliance status at the present meeting. A member of the Committee noted that the Eastern Europe and Central Asia regional network had established a special working group to assist Turkmenistan. The representative of the Multilateral Fund Secretariat added that the Party had submitted a request for assistance with institutional strengthening, which would be considered by the Executive Committee at

¹ Given by the Party in its original submission as "sultamillicine".

its forty-sixth meeting, which would be held the following week, and might also change the situation to be considered by the Implementation Committee.

197. The Committee therefore *agreed*:

(a) To note with appreciation Turkmenistan's submission of its outstanding data for 2003, in accordance with decision XVI/17;

(b) To defer consideration of the Party's compliance in 2003 with that commitment until its thirty-fifth meeting, in the light of the limited time which Turkmenistan had had to respond to the Secretariat's request for information on the Party's apparent deviation in 2003 from its commitment contained in decision XI/25 to achieve total phase out by 1 January 2003 of Annex A and Annex B substances;

(c) To urge Turkmenistan to submit to the Secretariat as soon as possible, and no later than 30 September 2005, an explanation for that deviation, and its 2004 data, in order that at its thirty-fifth meeting the Committee might assess the Party's compliance status;

(d) To remind Turkmenistan that its classification as a Party not operating under Article 5 for 2003 and 2004 required the Committee to review the Party's compliance status in those years by reference to its commitments contained in decision XI/25;

(e) To recall that, in accordance with decision XVI/39, the Committee would review Turkmenistan's compliance status in 2005 by reference to the Protocol's control measures applicable to Parties operating under Article 5, which required Turkmenistan to reduce its CFC consumption in 2005 to 18.666 ODP-tonnes in order to achieve compliance in that year.

Recommendation 34/43

RR. Tuvalu

198. Tuvalu had been listed for consideration because it was included in decision XVI/17 for being in non-compliance with data reporting requirements for 2003.

199. The Committee *agreed* to note with regret that Tuvalu had not reported its 2003 data as requested by the sixteenth Meeting of the Parties, and to urge the Party to submit that information, and also its 2004 data, to the Secretariat as soon as possible, and no later than 30 September 2005, so that at its thirty-fifth meeting the Committee might assess the Party's compliance status.

Recommendation 34/44

SS. Uganda

200. Uganda had been listed for consideration because of a previous decision of the Parties (decision XV/43) which contained the Party's plan of action for returning to compliance with the Protocol's methyl bromide control measures, and a previous recommendation of the Committee (recommendation 33/11) which reminded Uganda of its commitment to report on the implementation of its commitment contained in decision XV/43 to ban imports of ODS-using equipment.

201. The Committee *agreed* to note with appreciation Uganda's continued progress in implementing its plan of action to phase out methyl bromide, including the implementation of its commitment to introduce a ban on imports of ODS-using equipment, as required by decision XV/43 and requested by recommendation 33/11.

Recommendation 34/45

TT. Uruguay

202. Uruguay had been listed for consideration because of a previous decision of the Parties (decision XV/44) which contained the Party's plan of action for returning to compliance with the Protocol's methyl bromide control measures.

203. Uruguay had reported methyl bromide consumption of 11.1 ODP-tonnes for 2004. That consumption level was in compliance with the Protocol's requirement that Uruguay must freeze its methyl bromide consumption in 2004 at its baseline level of 11.202 ODP-tonnes, but was inconsistent with the Party's commitment contained in its plan of action not to exceed 4.0 ODP-tonnes of methyl bromide consumption in 2004 and represented an increase in consumption relative to 2003.

204. In response to the Secretariat's request that the Party explain the apparent deviation and increase in methyl bromide consumption relative to 2003, Uruguay had advised that some methyl bromide alternatives originally identified in its phase-out project implemented under the Multilateral Fund to replace methyl bromide consumption in its horticulture sector had proven not to be applicable to all cases, achieved uneven results or were difficult to obtain. Also, alternative chemicals which had been tested in the field with promising results had not yet been registered for use in Uruguay. The Party also noted that some farmers had adjusted their harvesting times to respond to new markets. The new harvest times did not accommodate the treatment time required for the originally proposed alternatives. The ongoing availability of methyl bromide at affordable prices had also contributed to Uruguay's inability to comply with its commitment to reduce its methyl bromide consumption to 4.0 ODP-tonnes in 2004.

205. To redress that situation, the Party was working on a series of measures, including strengthening the relationship with the horticulture association in the region where most of the difficulties had arisen in order to consolidate the progress made in phasing out methyl bromide and further advance the adoption of alternatives; facilitating the registration process and market availability of new chemical alternatives which had had promising results in demonstration trials; and strengthening, in coordination with the Ministry of Agriculture, the methyl bromide import monitoring system established by the Ozone Unit.

206. Uruguay had also advised that in the light of the poor results so far achieved in the application of some of the proposed alternatives in one specific horticultural production area, and taking into account the expected time required for the registration, commercialization and adoption of the new alternatives and completion of associated education and training, it had submitted for consideration by the Executive Committee at its forty-sixth meeting, to be held the following week, a request to revise the time-specific benchmarks contained in its agreement with that Committee.

207. The revised benchmarks were consistent with Uruguay's methyl bromide phase-out obligations under the Protocol and would result in the Party achieving total phase-out in advance of its Protocol obligations. Uruguay and UNIDO had committed themselves to submitting a full report on the implementation of the revised agreement, together with a status report on the alternatives to methyl bromide available in Uruguay, in 2010, and also considering the possibility of completing total phase-out of methyl bromide earlier than 2013.

208. The Committee *agreed*:

(a) To note with concern that, while Uruguay's reported methyl bromide consumption for 2004 had been consistent with the Protocol's requirement to freeze consumption at the Party's baseline level, it had been inconsistent with its consumption reduction commitments contained in decision XV/44, and represented an increase in consumption relative to 2003;

(b) To note with appreciation, however, Uruguay's prompt submission of an explanation for the deviation in its methyl bromide consumption and a description of the measures which it was undertaking to redress the situation;

(c) To request Uruguay to submit to the Secretariat as soon as possible, and no later than 30 September 2005, their proposed revised plan of action to replace the plan contained in decision XV/44, so that it might be considered by the Committee at its thirty-fifth meeting;

(d) To remind Uruguay that the Protocol's control measures required it to reduce its methyl bromide consumption by 20 per cent in 2005 and that paragraph 5 of decision XV/44 provided that to the degree that Uruguay was 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, but also cautioned the Party that in the event that it failed to return to compliance in a timely manner, the Parties would consider measures consistent with item C of the indicative list of measures which may be taken by a Meeting of the Parties in respect of non-compliance. Those measures might include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (i.e., the subject of non-compliance) was ceased so that exporting Parties were not contributing to a continuing situation of non-compliance.

Recommendation 34/46

UU. Data reporting

209. Under agenda item 6 (a), the representative of the Secretariat introduced the data report contained in document UNEP/OzL.Pro/ImpCom/34/3. She drew the Committee's attention to issues arising out of that report, specifically, non-compliance with the requirement to report base-year data and non-compliance with the requirement to report baseline data.

210. The Committee *agreed* to request the Secretariat to remind the Parties in non-compliance with their data reporting obligations under the Protocol to submit their outstanding data as soon as possible, and no later than 30 September 2005, for consideration by the Committee at its thirty-fifth meeting.

Recommendation 34/47

X. Consideration of updated information submitted by some Parties to the Secretariat pursuant to decision XV/3 (Obligations of Parties to the Beijing Amendment under Article 4 of the Montreal Protocol with respect to hydrochlorofluorocarbons)

211. At its twenty-fifth meeting, held from 27 to 30 June 2005, the Open-ended Working Group of the Parties to the Montreal Protocol had noted that the present meeting of the Committee would consider information submitted to the Secretariat pursuant to decision XV/3 since the thirty-second meeting of the Committee. As a result of the limited time available, however, the Committee requested the Secretariat to include in the present report a factual statement on that information, and agreed to reconsider the issue at its thirty-fifth meeting. The factual statement is set forth below.

212. Paragraph 1 (c) of decision XV/3 allowed that the term "State not party to the Protocol" would not apply to a Party not operating under Article 5 of the Protocol which had not ratified the Copenhagen and Beijing amendments to the Protocol for the purpose of trade in hydrochlorofluorocarbons (HCFCs) until the seventeenth Meeting of the Parties if a Party had submitted the information set forth in paragraphs 1 (c) (i)–(iii) of that decision by 31 March 2004 in the first instance, and had then updated that information by 31 March 2005. Subparagraphs 1 (c) (i)–(iii) provided, as follows, for each Party to have:

- (i) Notified the Secretariat that it intended to ratify, accede or accept the Beijing Amendment as soon as possible;
- (ii) Certified that it was in full compliance with Articles 2, 2A–2G and 4 of the Protocol as amended by the Copenhagen Amendment;
- (iii) Submitted data on (i) and (ii) above to the Secretariat.

213. Pursuant to paragraph 3 of decision XV/3, at its thirty-second meeting, held in July 2004, the Committee had forwarded its comments on those Parties which had submitted information in 2004 pursuant to paragraph 1 (c) of decision XV/3, which were presented to the sixteenth Meeting of the Parties in document UNEP/OzL.Pro.16/9.

214. At its thirty-second meeting, in July 2004, the Committee had identified Australia, Greece, Italy, Kazakhstan, Poland, Portugal, the Russian Federation and Ukraine as Parties appearing to fall outside the definition of "State not party to this Protocol" until the seventeenth Meeting of the Parties, on the basis of the information submitted by those Parties prior to 31 March 2004, provided they updated their submissions to the Secretariat by 31 March 2005 in accordance with decision XV/3. Subsequent to the meeting:

- (a) Italy had ratified the Beijing Amendment;

(b) Australia, Greece, Poland, Portugal, the Russian Federation and Ukraine had updated their submissions prior to 31 March 2005. Pursuant to paragraph 1 (c) (i) and (ii), each Party had notified the Secretariat of its intention to ratify the Beijing Amendment and certified its full compliance with the Protocol as amended by the Copenhagen Amendment. Pursuant to paragraph 1 (c) (iii), Australia and the Russian Federation submitted updated data, which confirmed the former's certification of full compliance with the Copenhagen Amendment, but raised a compliance issue with regard to the latter which would be reviewed by the Implementation Committee at its thirty-fifth meeting. Greece and Portugal had submitted updated production data but had not submitted consumption data, stating that their consumption data was reported by the European Community. The European Community submitted

data in accordance with Article 7 of the Protocol after 31 March 2005 which was still being processed by the Secretariat. Ukraine also had not submitted any data with its updated submission, but had submitted to the Secretariat on 6 June 2005 data for 2004 in accordance with Article 7 of the Protocol, which confirmed Ukraine's certification of full compliance with the Protocol as amended by the Copenhagen Amendment;

(c) Kazakhstan has not updated its submission.

215. At its thirty-second meeting, held in July 2004, the Committee had identified Austria, Azerbaijan, Belarus, Belgium, Ireland, Latvia, Tajikistan, Turkmenistan and Uzbekistan as Parties appearing to fall within the definition of "State not party to this Protocol" as they had not submitted the information prescribed in paragraph 1 (c) of decision XV/3 to the Secretariat before 31 March 2004. Subsequent to the meeting:

(a) Austria and Latvia had ratified the Beijing Amendment;

(b) Turkmenistan had been reclassified by the sixteenth Meeting of the Parties as a Party operating under Article 5, paragraph 1 of the Protocol;

(c) Ireland and Tajikistan had submitted information pursuant to paragraph 1 (c); however, only Tajikistan's information had been submitted prior to 31 March 2005. Both Ireland and Tajikistan had notified the Secretariat of their intention to ratify the Beijing Amendment and certified their full compliance with the Protocol as amended by the Copenhagen Amendment. Tajikistan had not submitted data pursuant to paragraph 1 (c) (iii) of decision XV/3, while Ireland, a non-producer of ozone-depleting substances, had stated that its consumption data was reported by the European Community;

(d) Of the remaining Parties, Azerbaijan, Belarus, Belgium and Uzbekistan, Belgium was a State member of the European Community, which became a Party to the Montreal Amendment on 11 August 2004.

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

216. The Committee agreed to defer consideration of the item until its thirty-fifth meeting because of lack of time.

XII. Other matters

217. The representative of Australia suggested that the Committee should consider the preparation of a document, along the lines of the "primer" prepared for the Executive Committee of the Multilateral Fund, which would explain and clarify the role and operational procedures of the Implementation Committee. Such a document would help ensure consistent and transparent treatment of the issues before the Committee, and should also be of assistance to new members. The Committee welcomed the suggestion, and the representative of Australia agreed to prepare a discussion paper on the issue, in cooperation with the Secretariat, for the Committee's consideration at its thirty-fifth meeting.

XIII. Adoption of the report of the meeting

218. The Committee considered and approved the text of the draft recommendations. It agreed to entrust finalization of the report of the meeting to the Secretariat, working in consultation with the Vice-President, serving also as Rapporteur, and with the President.

XIV. Closure of the meeting

219. Following the customary exchange of courtesies, the President declared the meeting closed at 9.30pm on Saturday, 2 July 2005.

Annex I

Draft decisions for the consideration of the seventeenth Meeting of the Parties

A. Decision XVII/– Non-compliance in 2004 with consumption of the controlled substance in Annex E (methyl bromide) by Armenia, and request for a plan of action

1. To note that Armenia ratified the Montreal Protocol on 1 October 1999 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol. The Council of the Global Environment Facility has approved \$2,090,000 to enable Armenia's compliance;

2. To note further that Armenia has reported annual consumption for the Annex E ozone-depleting substance (methyl bromide) for 2004 of 1.020 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for this controlled substances for that year, and that in the absence of further clarification, Armenia is therefore presumed to be in non-compliance with the control measures for methyl bromide under the Protocol;

3. To request Armenia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Armenia may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Armenia with regard to the phase-out of the Annex E substance (methyl bromide). To the degree that the Party 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, Armenia 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 Armenia, 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 the Annex E substance (methyl bromide) (that is, the subject of non-compliance) is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

B. Decision XVII/– Non-compliance with the Montreal Protocol by Bangladesh

1. To note that Bangladesh ratified the Montreal Protocol on 2 August 1990, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in September 1994. The Executive Committee has approved \$1,852,552 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Bangladesh's baseline for the controlled substance in Annex B group III (methyl chloroform) is 0.8667 ODP-tonnes. As the Party reported consumption of 0.892 ODP-tonnes of methyl chloroform in 2003, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;

3. To note with appreciation Bangladesh's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures, and to note that under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Bangladesh specifically commits itself:

- (a) To reducing methyl chloroform consumption from 0.550 ODP-tonnes in 2004 as follows:
 - (i) To 0.550 ODP-tonnes in 2005;
 - (ii) To 0.2600 ODP-tonnes in 2010;
 - (iii) To zero ODP-tonnes in 2015, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties after that date;
- (b) To monitoring its existing system for licensing imports and exports of ozone-depleting substances, which includes import quotas;

4. To note that the measures listed in paragraph 3 above have already enabled Bangladesh to return to compliance in 2004; to congratulate Bangladesh on that progress, and to urge Bangladesh to work with the relevant implementing agencies to implement the remainder of the plan of action and to phase out consumption of Annex B, group III ozone-depleting substances;

5. To monitor closely the progress of Bangladesh with regard to the implementation of its plan of action and the phase-out of methyl chloroform. To the degree that the Party 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, Bangladesh 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 Parties caution Bangladesh, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance 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 so that exporting Parties are not contributing to a continuing situation of non-compliance.

C. Decision XVII/– Non-compliance with the Montreal Protocol by Chile

1. To note that Chile ratified the Montreal Protocol on 26 March 1990, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in June 1992. The Executive Committee has approved \$10,388,451 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Chile's baseline for the controlled substance in Annex B group III (methyl chloroform) is 6.445 ODP-tonnes and its baseline for the controlled substance in Annex E (methyl bromide) is 212.510 ODP-tonnes. As the Party reported consumption of 6.967 ODP-tonnes of methyl chloroform and 274.302 ODP-tonnes of methyl bromide in 2003, it was in non-compliance with its obligations under Articles 2E and 2H of the Montreal Protocol in that year;

3. To note with appreciation Chile's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform and methyl bromide control measures, and to note that under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Chile specifically commits itself:

- (a) To varying methyl chloroform consumption from 3.605 ODP-tonnes in 2004 as follows:
 - (i) To 4.512 ODP-tonnes in 2005;
 - (ii) To 1.934 ODP-tonnes in 2010;
 - (iii) To zero ODP-tonnes by 1 January 2015, save for essential uses that may be authorized by the Parties after that date;

(b) To reducing methyl bromide consumption from 262.776 ODP-tonnes in 2004 as follows:

- (i) To 170 ODP-tonnes in 2005;
- (ii) To zero ODP-tonnes by 1 January 2015, save for critical uses that may be authorized by the Parties after that date;

(c) To introducing an enhanced ozone-depleting substances licensing and import quota system from the moment the bill is approved in Parliament and ensuring compliance in the interim period by adopting regulatory measures that the Government is entitled to apply;

4. To note that Chile has reported data for 2004 that indicate that it has already returned to compliance with its obligations under Article 2E of the Protocol to phase out methyl chloroform, to congratulate Chile on that progress, and to urge the Party to work with the relevant implementing agencies to implement the remainder of the plan of action to achieve total phase-out of methyl chloroform;

5. To note also that the measures listed in paragraph 3 above should enable Chile to return to compliance with its obligations under Article 2H of the Protocol to phase out methyl bromide by 2005, and to urge Chile to work with the relevant implementing agencies to implement the plan of action to achieve total phase-out of methyl bromide;

6. To monitor closely the progress of Chile with regard to the implementation of its plan of action and the phase-out of methyl chloroform and methyl bromide. To the degree that the Party 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, Chile 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 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 methyl chloroform and methyl bromide (that is, the subjects of non-compliance) is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

D. Decision XVII/– Non-compliance with the Montreal Protocol by Fiji

1. To note that Fiji ratified the Montreal Protocol on 23 October 1989 and the Copenhagen Amendment to the Protocol on 17 May 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in June 1993. The Executive Committee has approved \$542,908 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Fiji's baseline for the controlled substance in Annex E (methyl bromide) is 0.6710 ODP-tonnes. As the Party reported consumption of methyl bromide of 1.506 ODP-tonnes in 2003 and 1.609 ODP-tonnes in 2004, it was in non-compliance with its obligations under Article 2H of the Montreal Protocol in those years;

3. To note with appreciation Fiji's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl bromide control measures, and to note that under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Fiji specifically commits itself:

- (a) To reducing methyl bromide consumption from 1.609 ODP-tonnes in 2004 as follows:
 - (i) To [1.5] ODP-tonnes in 2005;
 - (ii) To [1.3] ODP-tonnes in 2006;
 - (iii) To [1.0] ODP-tonnes in 2007;
 - (iii) To [0.5] ODP-tonnes in 2008;
- (b) To monitoring its existing system for licensing imports and exports of ozone-depleting substances;
- (c) To commence implementation of a methyl bromide import quota system in 2006;

4. To note that the measures listed in paragraph 3 above should enable Fiji to return to compliance in 2008, and to urge Fiji to work with the relevant implementing agencies to implement the plan of action and phase out consumption of methyl bromide;

5. To monitor closely the progress of Fiji with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that the Party 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 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 Parties caution Fiji, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance 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 so that exporting Parties are not contributing to a continuing situation of non-compliance.

E. Decision XVII/– Non-compliance in 2004 with consumption of the controlled substances in Annex A group II (halons) by Kyrgyzstan, and request for a plan of action

1. To note that Kyrgyzstan ratified the Montreal Protocol on 31 May 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in July 2002. The Executive Committee has approved \$1,206,732 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note further that Kyrgyzstan has reported annual consumption for Annex A, group II ozone-depleting substances (halons) for 2004 of 2.40 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for those controlled substances for that year, and that Kyrgyzstan is therefore in non-compliance with the control measures under the Protocol;

3. To request Kyrgyzstan, as a matter of urgency, to submit to the Implementation Committee for consideration at its thirty-sixth meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Kyrgyzstan may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of ozone-depleting-substance-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Kyrgyzstan with regard to the phase-out of Annex A, group II substances (halons). To the degree that the Party 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, Kyrgyzstan 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 Kyrgyzstan, 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 Annex A, group II substances (halons) (that is, the subject of non-compliance) is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

F. Decision XVII/– Potential non-compliance in 2004 with consumption of the controlled substance in Annex B, group II (carbon tetrachloride) by the Russian Federation, and request for a plan of action

1. To note that the Russian Federation ratified the Montreal Protocol on 10 October 1988 and is classified as a Party not operating under paragraph 1 of Article 5 of the Protocol;

2. To recall that in decision XIV/35, the Meeting of the Parties in 2002 noted with appreciation that the Russian Federation had reported data for 2001 that confirmed its complete phase-out of production and consumption of Annexes A and B ozone-depleting substances;

3. To therefore note with concern that the Russian Federation has reported annual data for the Annex B, group II, ozone-depleting substance (carbon tetrachloride) for 2004 which are above its requirement for the total phase-out of consumption and production except for uses agreed by the Parties to be essential, and that in the absence of further clarification, the Russian Federation is therefore presumed to be in non-compliance with the control measures under the Protocol;

4. To request the Russian Federation, as a matter of urgency, to submit to the Implementation Committee for consideration at its thirty-sixth meeting an official explanation for its excess consumption and production, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. In preparing its plan of action, the Russian Federation is encouraged to draw upon the assistance provided to the Party through the “Special Initiative for ODS Production Closure in the Russian Federation”, which was signed in October 1998 and is still being implemented;

5. To monitor closely the progress of the Russian Federation with regard to the phase-out of the Annex B, group II ozone-depleting substance. To the degree that the Party 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 Russian Federation 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 Russian Federation, 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 carbon tetrachloride (that is, the subject of non-compliance) is ceased so that importing or exporting Parties are not contributing to a continuing situation of non-compliance.

G. Decision XVII/– Potential non-compliance in 2004 with consumption of the controlled substances in Annex A, group II (halons) by Sierra Leone, and request for a plan of action

1. To note that Sierra Leone ratified the Montreal Protocol on 29 August 2001, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in December 2003. The Executive Committee has approved \$660,021 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note further that Sierra Leone has reported annual consumption for Annex A, group II ozone-depleting substances (halons) for 2004 of 18.45 ODP-tonnes, which exceeds the Party’s maximum allowable consumption level of 16.00 ODP-tonnes for those controlled substances for that year, and that in the absence of further clarification, Sierra Leone is therefore presumed to be in non-compliance with the control measures under the Protocol;

3. To request Sierra Leone, 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 a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Sierra Leone may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of ozone-depleting-substance-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of Sierra Leone with regard to the phase-out of Annex A, group II substances (halons). To the degree that the Party 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, Sierra Leone 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 Sierra Leone, 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 Annex A, group II substances (halons) (that is, the subject of non-compliance) is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

Annex II

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