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IMPLEMENTATION COMMITTEE UNDER THE
NON-COMPLIANCE PROCEDURE FOR
THE MONTREAL PROTOCOL
Twenty-third meeting
Beijing, 27 November 1999

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

I. INTRODUCTION

1. The twenty-third meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the International Conference Centre, Beijing, on 27 November 1999.

II. ORGANIZATIONAL MATTERS

A. Opening of the meeting

2. The meeting was opened by Mr. Tom Land (United States of America), President of the Implementation Committee, at 10.40 a.m. on Saturday, 27 November 1999.

B. Attendance

3. The meeting was attended by Committee members from Antigua and Barbuda, Bolivia, Latvia, Pakistan, Poland, United Kingdom and the United States of America. Committee members from Kenya, Mali and Saudi Arabia did not attend.

4. The meeting was also attended by representatives of the implementing agencies of the Multilateral Fund for the implementation of the Montreal Protocol (the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank) and the secretariats of the Multilateral Fund and the Global Environment Facility (GEF).

5. At the invitation of the Committee, representatives of Azerbaijan, Bulgaria and the Russian Federation attended in order to participate in discussions regarding their country's progress towards compliance with the Montreal Protocol.

6. The full list of participants is contained in the annex to the present report.

III. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

7. The Committee adopted the following amended agenda on the basis of the provisional agenda that had been circulated as document UNEP/OzL.Pro/ImpCom/23/1:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Consideration of information relating to any situations of non-compliance by some Parties as well as their statements and adoption of any recommendations to the Parties at their Eleventh Meeting.
4. Statements by representatives of the Multilateral Fund secretariat, the GEF secretariat and the implementing agencies (UNDP, UNEP, UNIDO and the World Bank) on activities by their organizations in the countries receiving their technical and financial assistance.
5. Consideration of updated data report under Articles 7 and 9 of the Protocol.
6. Any other matters.
7. Closure of the meeting.

IV. CONSIDERATION OF INFORMATION RELATING TO ANY SITUATIONS OF NON-COMPLIANCE BY SOME PARTIES AS WELL AS THEIR STATEMENTS AND ADOPTION OF ANY RECOMMENDATIONS TO THE PARTIES AT THEIR ELEVENTH MEETING

A. Presentations by countries

8. The Secretariat drew the attention of the Committee to paragraph 1 of document UNEP/OzL.Pro/ImpCom/23/2, which summarized information requested from Parties that were subject to decisions adopted by the Tenth Meeting of the Parties (UNEP/OzL.Pro.10/9, para. 93, decisions X/20-X/27) or had been requested to provide similar information by the Implementation Committee during its twenty-second meeting (UNEP/OzL.Pro/ImpCom/22/4, paras. 11 and 12). Updating the

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information contained in that document, the Secretariat noted that Belarus had submitted the required information, so that subparagraph 1(c) should be deleted. In addition, all the Parties listed in paragraph 2, except Azerbaijan, had submitted data for 1997 and 1998. The Committee asked Azerbaijan to submit information to the Secretariat during the eleventh meeting of the Parties.

9. The Secretariat invited representatives from Parties listed in document UNEP/OzL.Pro/ImpCom/23/2 as well as the Russian Federation to make presentations to the Committee regarding their country's progress toward compliance with the Montreal Protocol.

1. Azerbaijan

10. The representatives of Azerbaijan reported that their Government had established ozone-depleting substance phase-out activities, including time-schedules, as required in decision X/20. Specific steps taken in this regard included initiating a public awareness campaign, facilitating cooperation among the relevant ministries, and drafting regulations to prohibit the import and export of ozone-depleting substances and to control the production and consumption of ozone-depleting substances.

11. The representative of GEF introduced a new report on GEF activities to assist ozone-depleting substance phase-out in countries with economies in transition. He said that the report which had been developed in consultation with the Government of Azerbaijan provided greater detail on ozone-depleting substance phase-out in Azerbaijan, including specific benchmarks. The representative of UNDP said that the four large ozone-depleting substance phase-out projects referred to by the representative of Azerbaijan were well under way and demonstrated the seriousness of the effort by Azerbaijan to phase out ozone-depleting substances.

2. Bulgaria

12. The representative of Bulgaria noted that her country was not in compliance with the Montreal Protocol in 1996 and 1997. She noted, however, that steps were being taken to bring Bulgaria into compliance and to phase-out ozone-depleting substances as soon as possible. In this regard she drew attention to conversion and recycling projects supported by the GEF as well as the recent development of a licensing system, increased training activity, expanded efforts to stop illegal traffic, and new public awareness activities.

13. Representatives of GEF and the World Bank noted that the new report on GEF activities to assist ozone-depleting substance phase-out provided greater detail regarding ozone-depleting substance phase-out in Bulgaria including specific benchmarks as requested by the Implementation Committee at its last meeting.

3. Latvia

14. The representative of Latvia reported that his Government continued to follow the phase-out plan submitted previously to the Implementation Committee and expected to achieve the benchmarks contained therein. A number of projects were under way with the assistance of GEF and UNDP. With this assistance, ozone-depleting substance phase-out should be completed in all sectors by 2002.

15. The representative of UNDP reported that projects in the foams, refrigeration and aerosol sectors were now well under way in Latvia and that obstacles within the aerosol sector appear to have been removed.

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4. Russian Federation

16. The representative of the Russian Federation noted that despite severe financial difficulties, the Russian Federation continued to make significant progress toward phasing out production and consumption of ozone-depleting substances. Ozone-depleting substance production had already been eliminated at three of the seven main production facilities, thanks to support provided by GEF and World Bank, and efforts continued to phase out production at the remaining four. Ozone-depleting substance banking was considered critical to the long-term success of phase-out efforts in the consumption sector. The Russian Federation continued to report the required data and other phase-out information to the Secretariat on a regular basis and would submit updated statistical figures during the meeting. The financial crisis in 1998 had had a significant negative impact on phase-out efforts with regard to Annex A substances, as had the continued demand for such substances by members of the Commonwealth of Independent States. The Russian Federation hoped that its efforts to phase out ozone-depleting substances would receive the attention and continued support of the international community.

17. The representative of the World Bank drew the attention of the Committee to a report by the World Bank and GEF on the third tranche of funding for ozone-depleting substance phase-out in the Russian Federation. This document provided greater detail concerning the points made by the representative of the Russian Federation as well as valuable background material and additional analysis and information on ozone-depleting substance phase-out activities in the Russian Federation.

5. Turkmenistan

18. No representative from Turkmenistan was present.

19. The Secretariat noted that Turkmenistan had reported data for 1997 and 1998. The President of the Committee noted that the Parties had never taken a decision regarding non-compliance by Turkmenistan.

6. Ukraine

20. No representative from Ukraine was present.

21. The Secretariat noted that Ukraine had committed to phase out ozone-depleting substances in 2000 but had not supplied interim benchmarks as required by decision X/27. The representative of GEF noted that such benchmarks had been developed by Ukraine, as indicated in the new GEF report, and that those benchmarks appeared realistic.

B. Action by the Committee

22. Following further discussion, the Committee:

(a) *Noted* that a new report by GEF contained detailed benchmarks and additional information on ozone-depleting substance phase-out activities for all the Parties for which such information had been requested by the Parties during their Tenth Meeting or by the Implementation Committee at its twenty-second meeting;

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(b) *Requested* that the Parties should supply benchmark and phase-out commitment information directly to the Secretariat as requested by the Parties during their Tenth Meeting and/or by the Implementation Committee at its twenty-third meeting.

23. With regard to Bulgaria, the Committee decided to recommend to the Eleventh Meeting of the Parties:

1. *To note* that Bulgaria acceded to the Vienna Convention and the Montreal Protocol on 20 November 1990 and acceded to the London and Copenhagen Amendments on 28 April 1999. The country is classified as a non-Article 5 Party under the Protocol and, for 1997, reported positive consumption of 1.6 ODP tonnes of Annex A Group II substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1997 Bulgaria was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;
2. *To note* with appreciation the work done by Bulgaria in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan to bring Bulgaria into compliance with the Montreal Protocol by 1 January 2000;
3. *To monitor* closely the progress of Bulgaria with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above and in this regard, to request that Bulgaria submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Bulgaria is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Bulgaria should continue to be treated in the same manner as a Party in good standing. In this regard, Bulgaria should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Bulgaria, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

24. With regard to Turkmenistan, the Committee decided to recommend to the Eleventh Meeting of the Parties:

1. *To note* that Turkmenistan acceded to the Vienna Convention and the Montreal Protocol on 18 November 1993 and acceded to the London Amendment on 15 March 1994. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 29.6 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996 Turkmenistan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;

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2. *To note* with appreciation the work done by Turkmenistan in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan to bring Turkmenistan into compliance with the Montreal Protocol in 2003;
3. *To note* that Turkmenistan, in cooperation with the Global Environment Facility, had delineated the following draft benchmarks that could serve to measure progress in the phase-out process until 2003:
 - (a) 1999: Import of CFCs should not exceed 22 ODP tonnes;
 - (b) 1 January 2000: Import/export licensing system in place; bans on import of equipment using and containing ozone-depleting substances; import quota for CFCs in 2000 not exceeding 15 ODP tonnes (roughly - 50 per cent compared to 1996)
 - (c) 1 January 2000: Ban on the import of all Annex A and B substances except CFCs listed in Annex A (1);
 - (d) 1 January 2000: Import quota for CFCs in 2001 not exceeding 10 ODP tonnes (-66 per cent compared to 1996); effective system for monitoring and controlling ozone-depleting substance trade in place and working;
 - (e) 1 July 2001: recovery and recycling and training projects completed;
 - (f) 1 January 2002: Import quota for CFCs in 2002 not to exceed 6 ODP tonnes (-80 per cent compared to 1996);
 - (g) 1 January 2003: Total prohibition of imports of Annex A and B substances/zero quota; completion of Global Environment Facility project.
4. *To monitor* closely the progress of Turkmenistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above and, in this regard, to request that Turkmenistan submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Turkmenistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Turkmenistan should continue to be treated in the same manner as a Party in good standing. In this regard, Turkmenistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Turkmenistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

IV. CONSIDERATION OF UPDATED DATA REPORT UNDER ARTICLES 7 AND 9 OF THE PROTOCOL

A. Discussion

25. The Secretariat drew the attention of the meeting to documents UNEP/OzL.Pro.11/6 and Add.1 and Corr.1, the report of the Secretariat on information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol, and noted, in particular, the data reported by the Russian Federation and the Czech Republic for 1998. The Czech Republic had reported methyl bromide data for 1998 and had submitted a letter explaining that an additional quantity had been seized as an illegal import. The Secretariat sought clarification by the Implementation Committee of how to address such situations as they had not arisen before.

26. The President noted that the increase in the number of Parties reporting their data on time and the increasing speed with which the Secretariat was able to tabulate and analyse those data presented the Implementation Committee with an opportunity to begin evaluating issues of non-compliance that had arisen from the data reported for the previous calendar year. Several members of the Committee expressed the view that such evaluations would be useful.

27. The Committee considered the question of data reporting and the burden which it placed on the countries' ozone units. It was noted that, even over the previous twelve months, the standard of reporting had improved greatly. While some members of the Committee felt that the reporting requirements were still too onerous, others thought that, with the new and simplified forms, the amount of work involved was reasonable.

28. The Committee further discussed the role played by national ozone units in data collection and reporting and other matters relating to compliance with the Montreal Protocol. It was agreed that the national ozone units faced many challenges. The Committee urged the Parties to raise the profile of their national ozone unit with the pertinent ministry and among government agencies to ensure high level support for activities that would ensure compliance with obligations under the Montreal Protocol.

29. Regarding the Russian Federation, the Committee noted that a review of the submitted data for 1998 revealed that the Russian Federation had not met the benchmark in the phase-out plan submitted. The Committee also noted that the lengthy presentation by the representative of the Russian Federation offered specific explanations for the discrepancy between the data reported to the Secretariat and the benchmark for 1998. The Implementation Committee urged the Russian Federation to take all practical steps to achieve the target for 1999 to avoid measures under the indicated list of non-compliance actions.

30. Regarding the Czech Republic, the Committee noted the importance of encouraging all Parties actively to combat illegal trade in ozone-depleting substances. Consequently, a Party should not suffer the appearance of a penalty as a consequence of reporting the seizure of illegal imports of ozone-depleting substances. In the case under consideration, the Committee noted that the Czech Republic had acted commendably both in detecting the illegal import and in bringing the matter to the attention of the Secretariat.

31. The Committee considered options to persuade Parties that were not reporting adequately or on time to do so. The Committee concluded that one of the best ways of achieving that objective was to present a list of such countries in its report to the technical segment at the Meeting of the Parties.

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B. Action by the Committee

32. Following further discussion, the Committee decided to recommend to the Eleventh Meeting of the Conference of the Parties:

1. *To note* the improvement in the timely submission of data in accordance with Article 7 of the Protocol;
2. *To note* that Parties not reporting data by 30 September of the following year are considered in non-compliance with obligations under Article 7 of the Protocol;
3. *To urge* all Parties to introduce licensing systems in accordance with the provisions of Decision IX/8 and Article 4B of the Protocol to facilitate accuracy in data submission under Article 7;
4. *To note* that data collection on ODS sectors is important in assisting a Party to meet its obligations under the Protocol and that the Parties might wish to consider the burden of collecting sector data and other data required in the context of the Montreal Protocol at a future meeting;
5. *To note* that, because of the significant improvement in the timely submission of data, the Implementation Committee had been able in 1999 to review the control status of Parties for the previous year, 1998. In earlier years, the Implementation Committee had reviewed only the control status for two years prior. Accordingly, the Implementation Committee should begin a full review of data for the year immediately prior to the Meeting of the Parties beginning in 2000;
5. *To note* that many Parties with economies in transition have established a phase-out plan with specific interim benchmarks in cooperation with the Global Environment Facility;
6. *To urge* Parties with economies in transition to submit to the Secretariat the phase-out plans with specific interim benchmarks developed with the Global Environment Facility in accordance with requests made at the Tenth Meeting of the Parties.

V. STATEMENTS BY REPRESENTATIVES OF THE FUND SECRETARIAT, GEF SECRETARIAT, IMPLEMENTING AGENCIES (UNDP, UNEP, UNIDO, WORLD BANK) ON ACTIVITIES BY THEIR ORGANIZATIONS IN THE COUNTRIES RECEIVING THEIR TECHNICAL AND FINANCIAL ASSISTANCE

33. The representative of the Secretariat of the Multilateral Fund reported that, by the end of the twenty-ninth meeting of the Executive Committee, the Fund had disbursed over 1 billion dollars to Article 5 countries, bringing about the phase-out of 120,000 ODP tonnes of ozone-depleting substances. Recalling that funding for methyl bromide projects had started only in 1997, he noted that the Executive Committee had now approved funding for nearly 50 methyl bromide demonstration projects in some 30 Article 5 countries, to a value of about \$18 million. The Executive Committee had already approved the production sector phase-out plan for China and, in its meeting of the previous

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week, had reached agreement on a proposal for the production sector in India. Since those two countries accounted for 50 per cent of the production of CFCs worldwide, this represented a significant achievement that should have the added benefit of assisting the battle against illegal trafficking in CFCs.

34. The representative of GEF reported that, with a relatively modest investment of \$140 million, it had made possible the phase-out of 60,000 ODP tonnes. That success would soon allow it to withdraw from funding ozone-depleting substance phase-out activities. With Tajikistan having submitted its country programme, the only two countries left under the GEF ozone funding mandate were Kazakhstan and Estonia, which were expected to begin action in the year 2000. There were some minor activities to be completed which had not been foreseen when the country programmes were developed, such as trade control regimes and methyl bromide phase-out activities, but the work of GEF in the ozone area had been completed. In response to a question, he clarified that the assistance to phase-out activities in the countries with economies in transition had been provided on the basis of a temporary mandate given by the GEF Council and that, as the economies of those countries strengthened, it was hoped that they would be able to undertake, on their own, the phase-out of ozone-depleting substances in other annexes to the Protocol.

35. The representative of UNDP informed the Committee that UNDP was active in 66 countries: 55 in the context of the Multilateral Fund, 11 under GEF. It was working on some 900 projects, for which \$254 million had been approved and approximately \$120 million disbursed. The projects had already phased out over 11,000 ODP tonnes. UNDP was also currently running 22 institutional strengthening projects, in nearly all the larger countries and some smaller ones. While commending the active role played by the national ozone units, he noted that they often faced difficulties in gathering their data, and wondered what the Parties might do to raise their status and thus facilitate their task.

36. The representative of UNEP reported that UNEP was assisting 83 Article 5 countries and various countries with economies in transition. In addition to the improvement in countries' reporting of current data, he said that there had also been a marked improvement in the reporting of past data. There had also been an improvement in the reporting of data by regions. The improvements were due in part to the publication of the new data-reporting handbook that had been sent to all ozone units and was also available on the UNEP website. For the future, UNEP intended to concentrate on activities concerning import and export licences; the ban on trade in equipment which used ozone-depleting substances; and the ban on trade in ozone-depleting substances themselves. In the context of the improved scale of data reporting, he noted that considerable amounts of time were expended simply filling out reports, leaving less time for assessing the accuracy of the data. There was also a need for harmonization and synchronization of the data-reporting requirements.

37. The representative of UNIDO reported that, of the 54 countries being assisted by UNIDO, only seven had not met the mandated freeze. Some of those had been involved in armed conflict, such as Bosnia and Herzegovina. On the other hand, 28 countries had gone far beyond their strict requirements under the Montreal Protocol.

38. The representative of the World Bank noted that the Bank had been working on three significant initiatives in the present year: phase-out of the production sector in China, India and the Russian Federation. Together, those three activities would phase out 72 percent of the remaining CFC production over the coming five years.

VI. OTHER MATTERS

39. There were no other matters.

VII. CLOSURE OF THE MEETING

40. Following the customary exchange of courtesies, the President declared the twenty-third meeting of the Implementation Committee closed at 3:30 p.m. on Saturday, 27 November 1999.

Annex

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