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IMPLEMENTATION COMMITTEE UNDER  
THE NON-COMPLIANCE PROCEDURE FOR  
THE MONTREAL PROTOCOL  
Twenty-fourth meeting  
Geneva, 10 July 2000

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

**I. INTRODUCTION**

1. The twenty-fourth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Palais des Nations, Geneva, on 10 July 2000.

**II. ORGANIZATIONAL MATTERS**

**A. Opening of the meeting**

2. The meeting was opened by the representative of the Ozone Secretariat at 10 a.m. on Monday, 10 July 2000.

**B. Attendance**

3. The meeting was attended by Committee members from Argentina, Bangladesh, Czech Republic, Ecuador, Egypt, Mali, Poland, United Kingdom of Great Britain and Northern Ireland and United States of America. The Committee member from 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 secretariat of the Multilateral Fund.

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

### **C. Election of the President and Vice-President**

6. The Committee elected Mr. M. Mamadou Diallo Iam (Mali) as President and Ms. Maria Nolan (United Kingdom of Great Britain and Northern Ireland) as Vice-President. The President thanked Mr. Tom Land (United States of America), the outgoing President, for his work over the past year.

### **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/24/1/Rev.1:

1. Opening of the meeting.
2. Election of the President and Vice-President.
3. Adoption of the agenda and organization of work.
4. Report of the Secretariat on compliance and on the follow-up on the recommendations of the previous meetings of the Implementation Committee.
5. Evaluation of compliance prospects of developing countries – presentation by the Fund Secretariat.
6. Report on Countries with Economies in Transition – GEF Secretariat.
7. Progress in establishing licensing systems, regulations and policies – UNEP OzonAction Programme.
8. Remarks by Implementing Agencies.
9. Other matters – Fund Secretariat’s electronic data-reporting forms.
10. Consideration and approval of the report of the meeting.
11. Closure of the meeting.

### **IV. REPORT OF THE SECRETARIAT ON COMPLIANCE AND ON THE FOLLOW-UP ON THE RECOMMENDATIONS OF THE PREVIOUS MEETINGS OF THE IMPLEMENTATION COMMITTEE**

#### **A. Report of the Secretariat on information provided by the Parties in accordance with Article 7 of the Montreal Protocol on Substances that Deplete the Ozone Layer**

8. The Secretariat drew the attention of the Committee to document UNEP/OzL.Pro/ImpCom/24/2, containing data received by the Secretariat pursuant to Article 7 of the Montreal Protocol.

Noting that reporting of data was an obligation under the Montreal Protocol, the Committee decided to ask the Secretariat to send letters to those Parties that were not doing so, requesting them to report the required information as soon as possible.

9. Noting that some Parties operating under Article 5 had not reported some or all data for 1995, 1996 and 1997, and that the Secretariat was therefore unable to determine the baseline for phase-out for Annex A substances, the Committee decided to ask the Secretariat to send letters to the following Parties: Albania, Bosnia and Herzegovina, Democratic Republic of the Congo, Djibouti, Honduras, Lao People's Democratic Republic, Liberia, Madagascar, Marshall Islands, Micronesia (Federated States of), Mozambique, Oman, Saudi Arabia, Suriname, Togo, Tonga and Vanuatu.

10. Noting that Estonia's consumption of Annex B/I substances had increased in 1998 and that Estonia had not met its benchmark for Annex A and B substances, the Committee decided to ask the Secretariat to send a letter to Estonia, alerting that country to the deviation from the reduction schedule and requesting clarification on why the benchmark had not been met.

11. Noting that in the cases of Israel, Kazakhstan and Turkmenistan, a satisfactory explanation was not given for the deviation from the consumption reduction schedule, the Committee decided to ask the Secretariat to send letters to those countries, requesting an explanation.

12. With respect to baseline data reporting for 1986 for Article 5 Parties, the Committee noted that it would not be necessary to list those countries that had not reported data, since that information was not required to assess their compliance.

#### **B. Report of the Secretariat on compliance and on the follow-up on the recommendations of the previous meetings of the Implementation Committee**

13. The Secretariat drew the attention of the Committee to document UNEP/OzL.Pro/ImpCom/24/3, which contained the report of the Secretariat on compliance and on the follow-up on the recommendations of the previous meetings of the Implementation Committee. He pointed out that it was difficult in some cases to determine whether countries were in compliance or not, since they were entitled to wait until 30 September 2000 before reporting their 1999 data.

14. One representative pointed out that implementation of an import/export licensing system was a new requirement under Article 4 of the Montreal Amendment, and it was not always clear whether countries had introduced such a system or not. He suggested and the Committee decided that letters should be sent enquiring into that question, since such systems not only prevented illegal trade, but also ensured that accurate data were provided.

#### **V. EVALUATION OF COMPLIANCE PROSPECTS OF DEVELOPING COUNTRIES – PRESENTATION BY THE FUND SECRETARIAT**

15. The representative of the Secretariat of the Multilateral Fund introduced document UNEP/Oz.L.Pro/ExCom/31/Inf.2, an analysis of the status of Article 5 countries in achieving compliance with the initial control measures of the Montreal Protocol. He stressed that the precise status of countries would not be known for certain until 2001, since the freeze target for CFC consumption and production covered the period 1999-2000, and most countries would not report 2000 data until 2001. He indicated that the data used for the analysis was based primarily on data reported under Article 7 to the Ozone Secretariat as supplemented by data reported by Article 5 countries to the Fund Secretariat, as well as information provided by the implementing agencies in their most recent progress reports. Based on the data limitations and boundary conditions used in the analysis, the representative of the Fund Secretariat indicated that, on that basis, of 99 countries reporting data on CFC consumption, 64 appeared to be potentially in compliance, and 38 countries appeared to be potentially in compliance with the 2005 target

of a 50 per cent reduction. Fifteen countries might achieve compliance by the end of 2002 if projects approved for them were implemented by that date, but 20 countries might not achieve compliance by 2002 and additional action might be required. At a global level, aggregate consumption of CFCs and methyl bromide was already lower than in the baseline period, whereas consumption of halons was somewhat higher.

16. The Ozone Secretariat drew the attention of the Committee to the fact that the analysis had been carried out on the basis of 1998 data received by the Ozone Secretariat for most countries, and on the 1999 data received from some countries, and it was likely that a number of countries had unusually high consumption in that year due to stockpiling in preparation for phase-out. Also, the Multilateral Fund data were collected on a different basis from those collected by the Ozone Secretariat, representing sectoral consumption figures rather than consumption, production, imports and exports. It was likely that the key challenge for the majority of countries would be to regulate their importers. The Secretariat also observed that an analysis of the policies and regulations adopted by countries would be valuable to the Implementation Committee in examining which countries might need further assistance.

17. The representative of the Multilateral Fund Secretariat confirmed that an analysis of policies and data adopted by countries would be presented to the Executive Committee at its next meeting, and could also be presented to the Implementation Committee. He agreed that the report would be sent out to Implementation Committee members at the same time as its despatch to the Executive Committee.

## **VI. REPORT ON COUNTRIES WITH ECONOMIES IN TRANSITION – GEF SECRETARIAT**

18. The representative of UNDP briefed the Committee on the implementation status of ODS elimination projects in CIS countries. The Azerbaijan programme was ongoing with the refrigeration, compressors, halon banking and refrigerant recovery/recycling projects expected to be completed in the second quarter of 2001. Latvia completed its refrigeration project in February 2000, the aerosols sector phase-out would be completed in the second quarter of 2001 and the refrigerant recovery/recycling project by the third quarter of 2001. Lithuania completed one refrigeration project in February 2000; the other refrigeration project and the aerosols project were scheduled for completion in the third quarter of 2000 and the refrigerant recovery/recycling project in the first quarter of 2001. Turkmenistan's refrigerant recovery/recycling programme was scheduled for completion in the third quarter of 2001. Uzbekistan's refrigerant recovery/recycling project was scheduled for completion in the third quarter of 2001, but its Sino refrigeration project completion had been delayed since it had merged into a joint venture with a Turkish company and the new management board was reviewing long-term plans. Programmes for Kazakhstan and Tajikistan had been finalized and were considered by the GEF Council in mid-2000; both countries were awaiting resolution of certain issues posed by one donor country so that programme implementation could start; meetings had been scheduled for 11 July during the Meeting of the Open-ended Working Group to resolve these matters. Only two countries (Armenia, Kyrgyzstan) were left to be covered under the GEF programme.

## **VII. PROGRESS IN ESTABLISHING LICENSING SYSTEMS, REGULATIONS AND POLICIES – UNEP OZONATION PROGRAMME**

19. The representative of UNEP introduced a report on the progress of those Article 5 countries assisted by UNEP in establishing licensing systems, regulations and policies. He stressed that his report was based on data verified through discussions at regional network meetings as well as that reported to the Secretariat. He further stated that, trend analysis in the production and consumption of CFCs that had been started in 1998 by UNEP was utilized for discussion in network meetings. It was available on the UNEP web site, and was updated every six months. In general, he believed that the report reflected good progress amongst Article 5 countries in reporting data and in implementing appropriate policies.

20. On progress in adopting policies for licensing systems, quotas and controls of imports of ODS-using equipment, 85 countries had initiated or implemented such policies whereas 25 had yet to act. This represented a significant increase in initiatives on domestic policy-setting, particularly in the African region. On data reporting, 93 per cent of countries that were assisted by UNEP through institutional strengthening projects had reported data for the baseline period 1995-97, and 84 per cent had reported data for 1998. Again, this represented a significant improvement compared to previous years; the main regions requiring further action were Africa and West Asia. On production and consumption figures. He stated that low-volume consuming countries had shown a 21 per cent reduction in consumption of CFCs in 1998 over the freeze baseline. For larger countries, that reduction was 14 per cent. Sixty-seven countries were expected to meet the freeze as long as their policy implementation was sustained; 21 countries were 'on the edge', and would need additional efforts; and 17 countries would need significant additional efforts.

21. He considered that the remaining challenges faced by Article 5 countries were illegal trade and dumping of obsolete equipment; the complexities of the data reporting requirements; inadequate assistance for institutional strengthening projects; and inadequate enforcement of regulations. He concluded that there was a need for enhanced policy assistance; focused help for countries in difficulties in meeting the freeze; continued interaction with National Ozone Units; and a shift in emphasis to non-investment activities.

### **VIII. REMARKS BY IMPLEMENTING AGENCIES**

#### UNDP

22. The representative of UNDP stated that UNDP was an implementing agency for 22 institutional strengthening projects in larger (Brazil, China, India), medium-sized (Argentina, Colombia, Indonesia, Iran, Malaysia, Mexico, Nigeria, Pakistan, Thailand, Venezuela) and low-volume (Bangladesh, Costa Rica, Cuba, Ghana, Kenya, Lebanon, Sri Lanka, Trinidad & Tobago, Uruguay) ODS consuming countries. In 19 of these 22 countries, policy measures had been introduced to help them comply with the ODS phase-out provisions of the Montreal Protocol. Fourteen countries (Argentina, Brazil, China, Colombia, Costa Rica, Cuba, India, Indonesia, Malaysia, Mexico, Pakistan, Sri Lanka, Thailand, Venezuela) had reported to UNDP that specific legislation such as controls on ODS imports or bans on use of certain CFCs and halons were in place as of end-1999, and five other countries had mentioned that such measures were being drafted. This showed the seriousness with which Article 5 Parties view their obligations under the Protocol. Through its institutional strengthening projects, UNDP would continue to report back to the Implementation Committee in future meetings on additional progress made in this regard.

#### World Bank

23. The representative of the World Bank reported that projects within its portfolio were making good progress. The phase-out of the production sector in China and in India were making good progress, and it was expected that the agency would submit a proposal for phase-out of the production sector in Argentina to the next meeting of the Executive Committee. Although there had been some delay in finalizing the agreement to phase out the production sector in the Russian Federation due to the changeover of government in that country, a final agreement was expected to be signed in the near future.

UNIDO

24. The representative of UNIDO reported that country programmes were currently being finalized for Libya and for Oman and would be submitted to the Executive Committee for approval at its next meeting. With regard to preparation of a country programme in Bosnia and Herzegovina, that country had requested additional funding for preparation of a country programme in an area that was not a signatory to the Montreal Protocol, without which it claimed it could not start project implementation.

25. The Chief Officer of the Secretariat of the Multilateral Fund clarified that the Executive Committee had approved an institutional strengthening project for Bosnia and Herzegovina and the Secretariat had received no comments from that Government requesting additional funding. Under the rules of the Executive Committee, where a project was delayed for a specific amount of time there was a risk of the project being cancelled, with the funds being returned to the Multilateral Fund. If Bosnia and Herzegovina had difficulties in implementing the project, it had to bring that to the attention of the Secretariat of the Multilateral Fund, through the implementing agency, for consideration by the Executive Committee. The Implementation Committee took note with appreciation of the remarks by the implementing agencies.

26. Following a request by one representative, the Implementation Committee decided to recommend that the documentation analysing the policies and regulations in place in countries, as prepared by UNEP and other implementing agencies and provided to the Secretariat of the Multilateral Fund would, in future, also be provided to members of the Implementation Committee prior to their meeting.

27. The Implementation Committee also decided to request the Ozone Secretariat to provide to the Secretariat of the Multilateral Fund copies of corrected data supplied by countries.

28. It was further agreed that the Ozone Secretariat and the Secretariat of the Multilateral Fund would consider how data compiled by the implementing agencies could best be presented to the Implementation Committee, in the form of one annual report through the Secretariat of the Multilateral Fund.

29. One representative pointed out that in her experience compliance with the Montreal Protocol was strongly linked to the provision of financial assistance for institutional strengthening projects, as well as non-investment and investment projects in Article 5 countries.

**IX. OTHER MATTERS**

Fund Secretariat's electronic data-reporting forms

30. A representative of the Secretariat of the Multilateral Fund gave a brief presentation on electronic forms of reporting data and other information under the Multilateral Fund. After briefly describing the database developed by the Fund Secretariat he outlined the objectives of the new reporting format and explained how to enter data on the forms. In conclusion, he said that, following some slight modifications and editorial corrections, the database would be posted on the web site of the Multilateral Fund Secretariat. Because of its size, the software required for stand-alone use of the application would be sent out to Article 5 Parties separately.

31. The Implementation Committee decided to recommend that the Secretariat of the Multilateral Fund provide its electronic reporting software to Parties, with the aim of seeking comments on the application, refining it, and placing the matter on the agenda of the 13<sup>th</sup> Meeting of the Parties to the Montreal Protocol for approval.

**X. CONSIDERATION AND APPROVAL OF THE REPORT OF THE MEETING**

32. The Committee adopted its report on Monday, 10 July 2000 on the basis of the draft report contained in UNEP/OzL.Pro.11/ImpCom/24/L.1.

**XI. CLOSURE OF THE MEETING**

33. Following the customary exchange of courtesies, the President declared the Twenty-fourth Meeting of the Implementation Committee closed at 4.10 p.m. on Monday, 10 July 2000.

Annex

**A. Implementation Committee members**

**ARGENTINA**

Isabel Tomadin  
Oficina Programa Ozono  
San Martin No. 459 Oficina 71  
Buenos Aires  
Argentina  
Tel: (54 11) 4398-8383  
Fax: (54 11) 4348-8274  
Email: itomadin@sernah.gov.ar

Mr. Julio Herrera  
Secretaria de Desarrollo Sustentable  
Politica Ambiental  
Ministerio de Desarrollo Social y  
Medio Ambiente  
San Martin No. 459  
Buenos Aires  
Argentina  
Tel: (54 11) 4348-8465  
Email: jherrera@sernah.gov.ar

Mr. Andrea Repetti  
Second Secretary  
Permanent Mission of Argentina  
10 route de l'Aéroport  
Case Postale 536  
Geneva 15 (1215)  
Switzerland  
Tel: (41 22) 929 8600  
Fax: (41 22) 798 5995  
Email: asr@mrecic.gov.ar

**BANGLADESH**

Mr. Md. Abdus Sobhan  
Deputy Director (Technical)  
Department of Environment  
E/16, Agargaon, Dhaka-1207  
Bangladesh  
Tel: (880 2) 912 4005  
Fax: (880 2) 912 4005  
Email: ocelldoe@bdcom.com

**CZECH REPUBLIC**

Ms. Martina Motlova  
Ministry of the Environment of the  
Czech Republic  
Department of Global Relations  
Vršovická 65  
100 10 Prague 10  
Czech Republic  
Tel: (420 2) 6712 2735  
Fax: (420 2) 6731 1949  
Email: motlova\_martina@env.cz

Mr. Jiri Dobiasovsky  
Ministry of Environment  
Air Protection Department  
Vršovická 65, 100 10 Prague 10  
Czech Republic  
Tel: (420 2) 6712 2365  
Fax: (420 2) 6731 0166  
Email: dobiasovsky@env.cz

**ECUADOR**

Mr. Augusto Tosi  
Ministerio de Comercio Exterior  
AV. Amazonas y Eloy Alfaro  
(Edificio MAG Piso 3),  
Quito  
Ecuador  
Tel/Fax: (593 2) 566686/541852  
Fax: (593 2) 562 258  
Email: Micip5@micip.gov.ec

**EGYPT**

Dr. Ibrahim Abdel-Gelil  
Chief Executive Officer  
Egyptian Environmental Affairs Agency  
30 Misr Helwan El-Zyrae Rd. Maadi/Cairo,  
ARE, Egypt.  
Tel/Fax: (20 2) 5256462  
Email: ozone\_unit@hotmail.com  
iagelil@idsc.gov.eg



**MALI**

Mr. M. Mamadou Diallo Iam  
Directeur de Centre National de la  
Recherche Scientifique et  
Technologique  
Ministère de l'Education  
Boîte postale – 3052  
3052 Bamako  
Mali  
Tel: (223) 21 90 85  
Fax: (223) 21 66 98/21 84 46  
Email: bom@spider.toolnet.org

**POLAND**

Mr. Ryszard Purski  
Ministry of Environment  
Department of Environmental Protection  
52/54 Wawelska Street  
00-922 Warsaw  
Poland  
Tel: (48 22) 825 4560  
Fax: (48 22) 825 3972  
Email: RPURSKI@MOS.GOV.PL

**UNITED KINGDOM**

Ms. Maria Nolan  
Global Atmosphere Division  
Department of the Environment  
Transport and the Regions  
3/A3 Ashdown House, 123 Victoria Street  
London SW1E 6DE, UK  
Tel: (44 20) 7944 5215  
Fax: (44 20) 7944 5219  
Email: Maria\_Nolan@detr.gsi.gov.uk

Mr. Phil Callaghan  
Global Atmosphere Division  
Department of the Environment  
Transport and the Regions  
3/A3 Ashdown House  
123 Victoria Street  
London SW 1E 6DE, UK  
Tel: (44 20) 7944 5235  
Fax: (44 20) 7944 5219  
Email: philip\_callaghan@detr.gsi.gov.uk

**UNITED STATES OF AMERICA**

Mr. Tom Land  
Office of Atmospheric Programs Stratospheric  
Protection Division US Environmental  
Protection Agency 401 M Street, SW (6205J)  
Washington, DC 20460, USA  
Tel: (1 202) 564 9185  
Fax: (1 202) 565 2093  
Email: land.tom@epamail.epa.gov

**B. Secretariats of the Multilateral Fund and implementing agencies**

**MULTILATERAL FUND**

Dr. Omar El-Arini  
Chief Officer  
Multilateral Fund for the Implementation  
of the Montreal Protocol  
1800 McGill College Avenue  
27th Floor, Montreal Trust Building  
Montreal, Quebec, Canada H3A 3J6  
Tel: (1 514) 282 1122  
Fax: (1 514) 282 0068  
Email: oelarini@unmfs.org

Mr. Shengshuo Lang  
Deputy Chief Officer  
Multilateral Fund Secretariat  
1800 Ave. McGill College  
Montreal, Quebec H3A 3J6  
Canada  
Tel: (1 514) 282 1122  
Fax: (1 514) 282 0068  
Email: slang@unmfs.org

Mr. Andrew Reed  
Economic Affairs Officer  
Multilateral Fund Secretariat  
1800 Ave. McGill College  
Montreal, Quebec H3A 3J6  
Canada  
Tel: (1 514) 282 1122  
Fax: (1 514) 282 0068  
Email: areed@unmfs.org

Mr. Richard Abrokwa-Ampadu  
Projects Management Officer  
Multilateral Fund Secretariat  
1800 Ave. McGill College  
Montreal, Quebec H3A 3J6  
Canada  
Tel: (1 514) 282 1122  
Fax: (1 514) 282 0068  
Email: ampadu@unmfs.org

Mr. Eduardo Ganem  
Projects Management Officer  
Multilateral Fund Secretariat  
1800 Ave. McGill College  
Montreal, Quebec H3A 3J6  
Canada  
Tel: (1 514) 282 1122  
Fax: (1 514) 282 0068  
Email: eganem@unmfs.org

**WORLD BANK**

Mr. Steve Gorman  
Unit Chief  
Montreal Protocol Operations Unit  
Environment Department, World Bank  
1818 H St. NW, Room S2-111  
Washington, DC 20433, USA  
Tel: (1 202) 473 5865  
Fax: (1 202) 522 3258  
Email: sgorman@worldbank.org

**UNDP**

Mr. Frank Pinto  
Chief, Montreal Protocol Unit  
United Nations Development Programme  
Room FF-9116  
304 East 45th Street  
New York, NY 10017, USA  
Tel: (1 212) 906 5042  
Fax: (1 212) 906 6947  
Email: frank.pinto@undp.org

Ms. Suely Carvalho  
Deputy Chief, Montreal Protocol Unit  
United Nations Development Programme  
Room FF-9108  
304 East 45th Street  
New York, NY 10017, USA  
Tel: (1 212) 906 6687  
Fax: (1 212) 906 6947  
Email:suely.carvalho@undp.org

**UNIDO**

Mr. Sidi Siahmed  
Chief, Methyl Bromide Unit  
Montreal Protocol Branch  
Industrial Sectors and Environment Division  
Vienna International Centre  
P.O. Box 300  
A-1400 Vienna  
Austria  
Tel: (43 1) 26026 3782/5184  
Fax: (43 1) 26026 6804  
Email:ssi-ahmed@unido.org

Mr. Georgios Anestis  
Industrial Development Officer  
Montreal Protocol Branch  
Industrial Sectors and Environment Division  
Vienna International Centre  
P.O. Box 300  
A-1400 Vienna  
Austria  
Tel: (43 1) 26026 4565  
Fax: (43 1) 26026 6804  
Email:ganestis@unido.org

**UNEP DTIE**

Mr. Rajendra M. Shende  
Chief, Energy and OzonAction Unit  
Division of Technology, Industry  
and Economics  
Tour Mirabeau  
39-43 quai Andre Citroen  
75739 Paris, Cedex 15  
France  
Tel: (33 1) 4437 1459  
Fax: (33 1) 4437 1474  
Email:rsmshende@unep.fr

**UNEP: OZONE SECRETARIAT**

Mr. K.M. Sarma  
Executive Secretary  
Ozone Secretariat  
UNEP  
P.O. Box 30552  
Nairobi  
Kenya  
Tel: (254 2) 623885  
Fax: (254 2) 623913/623601  
Email:Madhava.Sarma@unep.org

Mr. Michael Graber  
Deputy Executive Secretary  
Ozone Secretariat  
UNEP  
P.O. Box 30552  
Nairobi  
Kenya  
Tel: (254 2) 623855  
Fax: (254 2) 623601/623913  
Email: Michael.Grabber@unep.org

Mr. Gilbert M. Bankobeza  
Senior Legal Officer  
Ozone Secretariat  
UNEP  
P.O. Box 30552  
Nairobi  
Kenya  
Tel: (254 2) 623854  
Fax: (254 2) 623601/623913  
Email: Gilbert.Bankobeza@unep.org

