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IMPLEMENTATION COMMITTEE UNDER THE  
NON-COMPLIANCE PROCEDURE FOR THE  
MONTREAL PROTOCOL

Twenty-fifth meeting  
Ouagadougou, Burkina Faso, 9 December 2000

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

**I. INTRODUCTION**

1. The 25th meeting of the Implementation Committee under the Non-compliance Procedure for the Montreal Protocol was held at the Ouagadougou International Conference Centre in Ouagadougou, Burkina Faso, on 9 December 2000.

**II. ORGANIZATIONAL MATTERS**

**A. Opening of the meeting**

2. The President of the Committee, Mr. Mamadou Diallo Iam (Mali), opened the meeting at 10 a.m. on 9 December 2000.

**B. Attendance**

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

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

### **C. Adoption of the agenda and organization of work**

6. The Committee adopted the following agenda based on the provisional agenda circulated as document UNEP/OzL.Pro/ImpCom/25/1:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Report of the secretariat on data compliance issues and follow-up on the recommendations of the previous meetings of the Implementation Committee and comments from invited Parties.
4. Remarks by implementing agencies – UNDP, UNEP, UNIDO, World Bank.
5. Analysis of data reported and policies adopted by Article 5 parties to achieve compliance with the initial control measures of the Montreal Protocol - Fund secretariat.
6. Report on countries with economies in transition.
7. Other matters.
8. Consideration and approval of the report of the meeting.
9. Closure of the meeting.

### **III. REPORT OF THE SECRETARIAT ON DATA COMPLIANCE ISSUES AND FOLLOW-UP ON THE RECOMMENDATIONS OF THE PREVIOUS MEETINGS OF THE IMPLEMENTATION COMMITTEE AND COMMENTS FROM INVITED PARTIES**

7. A member of the Secretariat presented the report on data by highlighting important milestones achieved by Parties in complying with data reporting and with the phase-out schedule for ozone-depleting substances. He also pointed out some instances of deviations from compliance with phase-out schedules by a few Parties and the steps taken by the secretariat to obtain clarifications from those Parties. Representatives from those Parties had been requested to appear before the Committee in order to provide further information. As a result, the representatives of Israel and the Russian Federation attended the Committee meeting, while a statement from the European Community with regard to the phase-out of carbon tetrachloride in 1998 was read out by a member of the Committee.

8. The observer from Israel informed the Committee that, while it was true that a 3 per cent increase in methyl bromide consumption occurred in 1998, the government agencies responsible had improved their organization and in 1999 had achieved a reduction of 30 per cent, as against the commitment of 25 per cent. Israel had also introduced a licensing system and was considering further regulations to control the handling of methyl bromide, and also the price, to prevent profiteering. She assured the Committee of full compliance by Israel in future.

9. A member of the Ozone Secretariat recalled that a confidential communication from the Russian Federation had been circulated to Committee members, in which the Russian Federation appealed to the Parties for understanding after failing to complete the closure of ODS production facilities by June 2000 as agreed.

10. The observer from the Russian Federation said that his country would return to compliance with the Montreal Protocol as soon as possible and, under the Special Initiative for ODS Production Closure in the Russian Federation, would end all ODS production by 20 December 2000. On 1 March 2000 the Russian Federation had stopped all imports and exports of ODS listed in Annexes A and B of the Montreal Protocol. The Russian State Committee for Environmental Protection had been abolished in May 2000 and responsibility for Russia's commitments under the Montreal Protocol had been transferred to the Ministry of Natural Resources.
11. The Committee noted that the Russian Federation had not complied with its commitments to a CFC phase-out under decision X/26 and expressed serious concern that large amounts of CFCs had been stockpiled in the country in anticipation of the closure of CFC production facilities. The Committee noted that an agreement had been reached to halt all production of CFCs by 20 December 2000, and looked forward to receiving a report confirming the halt at its next meeting.
12. In a statement read out at the meeting, the European Community requested the Committee to allow more time for the Community to investigate the issue of non-compliance with the phase-out of carbon tetrachloride which had been pointed out by the Secretariat. The Community promised to examine the matter expeditiously and would report its findings back to the Secretariat. The Committee took note of that request and looked forward to addressing the matter at its next meeting in the light of the response from the European Community.
13. A member of the Ozone Secretariat drew attention to the communication from India by means of which India had added about 4,000 ODP tons to its base level of CFC consumption and also to the 1999 consumption figure. India explained that it had earlier wrongly ignored the CFCs in imported polyols for foam production, which had now been included.
14. The observer from India explained that UNDP was completing a detailed ODS data collection effort in the foam sector under the Multilateral Fund-approved Foam Strategy project. However, the Government already knew that levels of CFC-11 used in the foam sector were significantly above what it had reported to the Ozone Secretariat in previous years. CFC-11 in pre-mixed/pre-blended polyols had not been included in previous data reports since the customs and environmental authorities had not realized that several polyols contained CFCs. The Government had informed the Ozone Secretariat of its preliminary estimate that CFC-11 baseline (1995-1997) consumption and current consumption for 1999 would increase by around 4,000 tons. However, that was only a preliminary estimate and the situation was being reviewed, so the Committee should not be unduly alarmed. India did believe, however, that CFCs contained in pre-mixed/pre-blended polyol imports were controlled substances and that that was the case in several Article 5 Parties.
15. The representative of UNDP added that, in India, CFC-11 was used in rigid foam applications, in flexible moulded foams and in integral skin foams. It was only during the preparation of an SME group rigid foam project in 1999 that UNDP had found that domestic ODS producers had supplied around 700 tons of CFC-11 in pre-mixed/pre-blended polyols. However, it had now been found that imported CFC-11 in pre-mixed/pre-blended polyols had been used for rigid foams (1,225 tons), flexible moulded foams (750 tons) and integral skin foams (1,350 tons), giving a total of 3,325 tons of imported CFC-11 blends. Further, the use of CFC-11 in flexible moulded and integral skin foams had increased markedly only since 1996, while the country programme had been approved in 1993. The total of 3,325 tons had been imported under Open General Licences and the Government was now aware that its customs codes needed to be revised to identify imported polyols containing CFCs and control their import. Meetings had already been held between the Ministries of Commerce and Environment, with the participation of industry, to start the process. The data were being reviewed in detail to eliminate any inconsistencies. He also mentioned that projects had already been funded that covered conversion in several enterprises which had used the imported CFC-11 blends, and that the data correction reflected only what had been found during the recent ODS consumption surveys in the foam sector.

16. The Committee agreed to draw India's attention to decision I/12 A, and especially subparagraph (e) (iii), which made clear that polyols were to be regarded as a product under the terms of the Montreal Protocol so that CFCs in polyols should not be counted as consumption by the importing country. Some members pointed out that in Annex D, adopted at the Third Meeting of the Parties, polyols (pre-polymers) were listed as products containing CFCs and not as controlled substances. A member of the secretariat observed that that could result in consumption phased out by the Multilateral Fund projects in a country to exceed the reported consumption by that country, but the Committee felt that no difficulty was raised by such a situation.

17. One representative sought clarification from the secretariat concerning follow-up to the Committee's decision at its 24th meeting to seek information from Estonia, Kazakhstan and Turkmenistan on their deviations from reduction schedules under the Protocol (UNEP/OzL.Pro/ImpCom/24/4, paras. 10-12).

18. A member of the secretariat clarified that the responses from these parties had been included on page 7 of the report of the Secretariat on data (UNEP/OzL.Pro.12/4). With respect to those countries with economies in transition, specifically Armenia, Kazakhstan, Kyrgyzstan and Tajikistan, that had not yet submitted their phase-out plans to the Parties, the secretariat was asked to request them to submit their plans to be formulated in cooperation with the implementing agencies.

19. One representative pointed out that Bosnia-Herzegovina and Togo, which were classified as Article 5 countries, had passed every deadline for the submission of baseline data, with the result that their compliance with the Montreal Protocol could not be assessed. With a view to identifying the underlying problems for their failure to submit such data, the Committee agreed to recommend to the Meeting of the Parties that it should request the two countries to provide an explanation in time for consideration by the Committee at its 26th meeting.

#### **IV. REMARKS BY IMPLEMENTING AGENCIES**

##### **UNDP**

20. The representative of UNDP said that projects had been started in five CIS countries, where UNDP was working in cooperation with GEF – Azerbaijan, Latvia, Lithuania, Tajikistan and Uzbekistan - in the context of GEF's project implementation review process. Significant progress had taken place. Kazakhstan had yet to ratify the London Amendment to the Protocol, but was making progress in that direction, which was a prerequisite to presentation of an ODS reduction programme to the GEF Council. In Armenia and Kyrgyzstan, project preparation had just been approved by GEF.

21. Bangladesh had reported data for 1998 and 1999 but had been unable to comply with the 1999 CFC freeze, since there had been a delay in obtaining Government approval for Multilateral Fund funding of an aerosol project, with the result that aerosol production had risen. However, the country would soon be in compliance, as that large project would be completed by December 2000. In China, data would be submitted shortly. In Lebanon, data had been received recently, and needed to be included in the database. Argentina had been asked to clarify a disparity of 165 tons which had not been accounted for. In Brazil, consumption had risen in 1999 by 10 per cent because the closure of a CFC production plant had been accompanied by stockpiling, but data for the year 2000 would indicate a situation of compliance. In Paraguay, consumption in 1999 was 350 tons against a baseline of 147 tons, but projects just approved by the Executive Committee of the Multilateral Fund would help to reduce the level, and the UNDP business plan for 2001 would help further. Meanwhile, a new licensing system would be succeeded by a ban on imports by 2005.

**UNEP**

22. The representative of UNEP informed the Committee that countries operating under Article 5 had achieved a significant increase in data reporting in all regions. Among countries assisted by UNEP through networks and institutional strengthening projects, 98 per cent had reported base-level data for their commitment to a CFC freeze. Among the Article 5 countries as a whole, 89 per cent had reported. Regulatory policies, such as licensing, quotas and bans, had been initiated or implemented in 95 countries. He said that 76 countries operating under Article 5 were on track to meet their commitment to the CFC freeze. A further 36 countries needed additional efforts to meet the freeze, while 3 would need special efforts and assistance to meet the freeze. Of countries that had received institutional strengthening assistance, 65 per cent had achieved reductions beyond compliance level, while of those that had received network assistance, 80 per cent had achieved reduction beyond compliance levels.

**UNIDO**

23. The representative of UNIDO said that only three UNIDO-aided countries had provided no baseline data according to the Ozone Secretariat's report. Country programmes had now been approved for Oman and the Libyan Arab Jamahiriya, which should soon lead to the establishment of national ozone units, followed by reporting to the Ozone Secretariat, while in Bosnia-Herzegovina, an agreement would soon be finalized for the establishment of a single unit for the whole country. All countries with UNIDO institutional strengthening projects were in full compliance with their phase-out plans.

**World Bank**

24. The representative of the World Bank confirmed that the Special Initiative in the Russian Federation was proceeding according to schedule, and that CFC production was expected to be halted before the end of 2000. As in many GEF-aided countries, special circumstances had given rise to problems in the servicing sector, of which the Committee should take note. The Bank was working with GEF in relation to the status of implementation in the remaining eight countries. All 22 other countries assisted by the Multilateral Fund through the World Bank would comply with the CFC production and consumption freeze and were on course to meet their 2005 obligations. Halons had been identified as a special problem; two countries would be enabled to meet their obligations thanks to decisions taken at the recent meeting of the Executive Committee of the Multilateral Fund.

25. In response to a question concerning World Bank funding for activities in countries with economies in transition related to substances in annexes C and E, as distinct from support hitherto provided under annexes A and B, the representative of the World Bank said that some small projects on annex E substance were under way, and that residual funds were available for such activities. The Bank would report further to the Committee at a later date.

**Multilateral Fund**

26. A member of the Multilateral Fund secretariat, endeavouring to provide an overall assessment of compliance by the Article 5 countries with the help of the Fund, said that the aim of the London Amendment had been to assist Article 5 countries to achieve compliance. To that end the Fund had spent \$1.2 billion, and analysis of the measures taken and their outcome indicated that the money had been well spent and that policy measures did have a role to play in the ability of countries to comply with their obligations. At the same time, much still remained to be done in the framework of the joint undertaking between the Fund and governments.

**V. ANALYSIS OF DATA REPORTED AND POLICIES ADOPTED BY ARTICLE 5 PARTIES TO ACHIEVE COMPLIANCE WITH THE INITIAL CONTROL MEASURES OF THE MONTREAL PROTOCOL – FUND SECRETARIAT**

27. In response to a question, a member of the secretariat pointed out that, in accordance with long-standing practice, any Party could submit corrected data to the secretariat in the interest of accuracy at any time. However, data changes should be accompanied by adequate justification.
28. One representative pointed out that, when it received data from individual countries, the secretariat might usefully send, together with its acknowledgement of receipt, a printout from its database reflecting the manner in which the data had been incorporated, to give countries an opportunity to detect any errors. A related policy issue was the criteria to be used by the secretariat in deciding which revisions of data should be brought to the attention of the Committee. The secretariat explained that it used its discretion and brought only revisions it considered significant before the Committee.
29. One representative said that in decision XI/23 the Meeting of the Parties had requested the Implementation Committee to conduct a full review of data for the year immediately prior to the Meeting of the Parties starting in 2000, but that had not been done. A member of the secretariat said that the review had been initiated, but that a large number of countries had yet to reply to requests for data or for clarifications.
30. One representative said that, under decision XI/23, the Committee should have been supplied with information on failures to comply with obligations for 1998 and 1999. It would be useful if the Committee could review such information and make recommendations to the Meeting of the Parties on the previous year rather than the year before that. If the time available between the deadline of 30 September for submission of data and the meeting of the Committee was not sufficient, perhaps consideration should be given to moving the deadline to an earlier date.
31. The Committee agreed to recommend that, in view of the fact that the Committee would be examining data relating to the first year of compliance for Article 5 Parties in 2001, while the deadline for reporting was 30 September, the Meeting of the Parties should urge Parties to send in their data as early as possible, and no later than 30 September 2001.

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

32. A member of the Ozone Secretariat reported that a letter had been received from the GEF secretariat indicating that the process of programming adequate resources to facilitate the phase-out of ODS in the countries with economies in transition had been largely completed. GEF would provide an updated report on progress made in meeting that objective. However, in keeping with GEF's presentation at the 23rd meeting of the Implementation Committee, it would not be sending a representative to the 25th meeting of the Committee. The Committee agreed to recommend to the Meeting of the Parties that it should adopt a decision requesting GEF to clarify its position regarding existing and future funding activities until a complete ODS phase-out had been achieved.

**VII. OTHER MATTERS**

33. A member of the secretariat drew attention to the fact that Slovenia had requested to be removed from the list of developing countries under the Montreal Protocol. The Committee agreed to recommend to the Meeting of the Parties that it should accede to the request.

34. One representative noted, and the Committee agreed, that the discussions on strategic planning of the Multilateral Fund during the previous week had highlighted the fact that there was a substantial group of Article 5 countries which were in danger of non-compliance with the CFC production and consumption freeze. The number of cases with which the Committee would have to deal could be reduced if such problems were tackled in a preventative spirit. The Committee agreed that the secretariat should write to such countries enumerating the factual details of their situation, offering them an opportunity to explain it and how they planned to deal with it, and inviting them to approach the implementing agencies for further assistance and to consider adopting laws and regulations in order to avert the risk of non-compliance.

35. One representative pointed out that, under current arrangements, the terms of office of the Implementation Committee as well as those of the President and Vice-President ended when the Committee's second meeting of the year ended, leaving a gap until the next meeting. The Committee agreed that, beginning in 2001, the terms of the Committee and the two officers would run from 1 January to 31 December and that, beginning with the Twelfth Meeting, the new Implementation Committee elected or confirmed by the Meeting of the Parties should elect the President and Vice-President for the next year during the Meeting of the Parties.

36. One representative expressed the view that the reporting requirement on process agents set out in decision X/14 was not sufficiently clear, leading to problems with the drafting of data form 6 and its eventual approval. It was agreed that the secretariat would identify the Parties which would be affected by the reporting requirement and invite them to discuss which data should be provided and how the form should be designed. It would then report back to the Committee with a view to a recommendation being made to the Meeting of the Parties.

37. In response to a question, a member of the secretariat said that there had been no further developments with the joint forum on data reporting and the electronic reporting format since the Multilateral Fund's presentation to the 20th meeting of the Open-ended Working Group.

#### **VIII. CONSIDERATION AND APPROVAL OF THE REPORT OF THE MEETING**

38. The President and the Vice-President (who is also the Rapporteur) were entrusted with the completion and approval of the report.

#### **IX. CLOSURE OF THE MEETING**

39. The President declared the meeting closed at 3.30 p.m. on 9 December 2000.

LIST OF PARTICIPANTS

**A. Implementation Committee members**

**ARGENTINA**

Mr. Roberto Aiello  
Oficina Programa Ozono  
San Martin No. 451 Oficina 71  
Buenos Aires  
Argentina  
Tel: (54 11) 4348-8383  
Fax: (54 11) 4348-8274  
Email: raiello@medioambiente.gov.ar

Mr. Juan Carlos Morelli  
Minister  
Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
Esmeralda 1212, 14° Floor  
Dir-Gral. de AA. Ambientales  
1007 Buenos Aires  
Argentina  
Tel: (54 11) 4819 7414  
Fax: (54 11) 4819 7413  
Email: jkm@mrecic.gov.ar

**BANGLADESH**

Mr. Khoudoker Rashidul  
Director-General  
Department of Environment  
8/16, Agougaon  
Dhaka-120  
Tel: (880 2) 811 2461  
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) 671 22 735  
Fax: (420 2) 6731 1949

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

**EGYPT**

Ms. Eng. Salwa El Tayeb  
Director of National Ozone Unit  
Egyptian Environmental Affairs Agency  
30 Misr Helwan El-Zyrae Rd. Maadi/Cairo, ARE,  
Egypt.  
Tel/Fax: (202) 5256462  
Email: ozone\_unit@hotmail.com

**MALI**

Mr. Mamadou Diallo Iam  
Directeur du Centre National de la  
Recherche Scientifique et  
Technologique  
Ministère des Enseignements  
Secondaire,  
Supérieur et de la Recherche Scientifique  
Boite postale – 3052  
3052 Bamako, Mali  
Tel: (223) 21 90 85  
Fax: (223) 21 66 98/218446  
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 OF GREAT  
BRITAIN AND NORTHERN IRELAND**

Ms. Maria Nolan  
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 0207) 944 5215  
Fax: (44 0207) 944 5219  
Email: Maria\_Nolan@detr.gsi.gov.uk

Mr. Robert Mason  
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 0207) 944 5235  
Fax: (44 0207) 944 5219  
Email: Robert-mason@detr.gsi.gov.uk

**UNITED STATES OF AMERICA**

Mr. Tom Land  
Office of Atmospheric Programs  
Global Programs Division  
US Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460, USA  
Tel: (1 202) 564 9185  
Fax: (1 202) 565 2093  
Email: land.tom@epa.gov

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

**MULTILATERAL FUND**

Mr. Sheng Shuo Lang  
Deputy 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: secretariat@unmfs.org

Mr. Eduardo Ganem  
Project Management 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: eganem@unmfs.org

Mr. Andrew Reed  
Economic Affairs 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: areed@unmfs.org

Mr. Richard Abrokwa-Ampadu  
Project Management 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 Ext. 241  
Fax: (1 514) 282 0068  
Email: rabrokwa@unmfs.org

**WORLD BANK**

Mr. Erik Pedersen  
Technical Adviser  
Montreal Protocol Operations Unit  
Environment Department, World Bank  
1818 H St. NW, Room S2-115  
Washington, DC 20433, USA  
Tel: (1 202) 473 5877  
Fax: (1 202) 522 3258  
Email: sgorman@worldbank.org

Ms. Mary-Ellen Foley  
Environment Department, World Bank  
1818 H St. NW, Room S2-115  
Washington, DC 20433, USA  
Tel: (1 202) 458 0445  
Fax: (1 202) 522 3258  
Email: mfoley1@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 50 42  
Fax: (1 212) 906 69 47  
E-Mail: frank.pinto@undp.org

Ms. Suely Carvalho  
Co-Chair  
Montreal Protocol Unit  
United Nations Development Programme  
Room FF-9116  
304 East 45th Street  
New York, NY 10017  
United States of America  
Tel: (1 212) 906 66 87  
Fax: (1 212) 906 69 47  
E-Mail: suely.carvalho@undp.org

Mr. Jacques van Engel  
United Nations Development Programme  
Room FF-9116  
304 East 45th Street  
New York, NY 10017  
United States of America  
Tel: (1 212) 906 57 82  
Fax: (1 212) 906 69 47  
E-Mail: Jacques.van.engel@undp.org

**UNIDO**

Mr. Sidi Siahmed  
Chief, Methyl Bromide Unit  
Montreal Protocol Branch  
Industrial Sectors and Environment Division  
Vienna International Centre  
P.O. BOX 30  
A-1400 Vienna, Austria  
Tel: (43-1) 26026 3782/5184  
Fax: (43-1) 2146 3782  
Email: ssi-ahmed@unido.org

Ms. Seniz Yalcindag  
Director  
Montreal Protocol Branch  
Vienna International Centre  
P.O. Box 30  
A-1400 Vienna  
Austria  
Tel: (431) 26026 3347/3654  
Fax: (431) 26026 6804  
Email: sylvindag@unido.org

**UNEP : DTIE**

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

Mr. Geoffrey Tierney  
Network Manager  
Tour Mirabeau  
39-43 quai André Citroën  
75739 Paris, Cedex 15  
France  
Tel: (33 1) 4437 7633  
Fax: (33 1) 4437 1474  
Email: Geoffrey.tierney@unep.fr

Mr. Alejandro Ramirez,  
Programme Officer  
Division of Technology, Industry and  
Economics  
Tour Mirabeau  
39-43 quai André Citroën  
75739 Paris, Cedex 15, France  
Tel: (33 1) 4437 1464  
Fax: (33 1) 4437 1474  
Email: aramirez@unep.fr

**UNEP: OZONE SECRETARIAT**

Mr. Michael Graber  
Deputy Executive Secretary  
Ozone Secretariat  
UNEP  
P.O. Box 30552  
Nairobi, Kenya  
Tel: (254 2) 623855  
Fax: (254 2) 623601/3913  
Email: Michael.Graber@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) 623601/3913  
Email: Gilbert.Bankobeza@unep.org