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**Implementation Committee under the
Non-compliance procedure for the
Montreal Protocol
Fortieth meeting**
Bangkok, 2-4 July 2008**Report of the Implementation Committee under the Non-Compliance
Procedure for the Montreal Protocol on the work of its fortieth
meeting****I. Opening of the meeting**

1. The fortieth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the United Nations Conference Centre in Bangkok from 2 to 4 July 2008.

A. Opening statements

2. Mr. Hassen Hannachi (Tunisia), President of the Implementation Committee, opened the meeting at 10.10 a.m. on Wednesday, 2 July, welcoming the members of the Committee and representatives of the Global Environment Facility, the Multilateral Fund for the Implementation of the Montreal Protocol and the Fund's implementing agencies. He also welcomed Ms. Sophia Mylona, who had recently been selected for the post of Compliance and Monitoring Officer in the Ozone Secretariat and was attending the meeting as an observer in preparation for her duties in the Secretariat.

3. Mr. Marco González, Executive Secretary of the Ozone Secretariat, welcomed the new members of the Committee and drew the Committee's attention to the revised format of the meeting's key background document: the Secretariat report on cases of deviation from the Protocol's consumption and production reduction schedules and data reporting requirements, contained in document UNEP/OzL.Pro/ImpCom/40/3. He explained that the document had been considerably streamlined and shortened, with a view to focusing on the most relevant information, but pointed out that the reduction in the coverage provided by the document would entail greater reliance on contributions and clarifications from the representatives of the Multilateral Fund and the implementing agencies in the Committee's consideration of non-compliance issues.

4. In that context, he expressed optimism about the general issue of compliance, noting the steady decline in the numbers of Parties in non-compliance and pointed out that the long list of countries in the meeting's current agenda reflected past cases which had to be reviewed and updated and many of which had been satisfactorily resolved, rather than continuing or new cases of non-compliance. At the same time, only 18 months remained before the target date for total phase-out – 1 January 2010, and those months would be critical for the success of the Protocol. Accordingly, concerted efforts would be required both from the Committee and from the Multilateral Fund and its implementing agencies to assist Parties in returning to compliance.

5. He also drew attention to a change in the Secretariat's own working methods, with the introduction of a more regional approach, designed to ensure an enhanced coordination framework:

certain Secretariat officers had been assigned specific regions in which they would coordinate with regional Compliance Assistance Programme teams, as set out below:

English-speaking Africa and West Asia	–	Mr. Gilbert Bankobeza
French-speaking Africa	–	Mr. Gerald Mutisya
Europe	–	new Compliance Officer
Asia and the Pacific	–	Ms. Megumi Seki
Americas and the Caribbean	–	Mr. Paul Horwitz

6. Finally, he drew attention, with reference to item 9 of the provisional agenda, on the difficulties faced by some Article 5 Parties manufacturing metered-dose inhalers which used chlorofluorocarbons (CFCs), to a workshop to be held on Sunday, 6 July 2008, representing the culmination of a series of regional meetings on that issue.

B. Attendance

7. Representatives of the following members of the Committee attended the meeting: Bolivia, India, Jordan, Mauritius, Mexico, the Netherlands, New Zealand and Tunisia. The representatives of Georgia and the Russian Federation were unable to attend.

8. At the prior invitation of the Committee, the representative of Bangladesh attended the meeting. Saudi Arabia had also been invited to send a representative, but had been precluded from so doing by unforeseeable circumstances.

9. The meeting was also attended by representatives of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, the Chair and Vice-Chair of the Executive Committee of the Multilateral Fund, a representative of the Global Environment Facility and representatives of the implementing agencies of the Multilateral 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 contained in annex II to the present report.

10. At the invitation of the President, Ms. Sophia Mylona, the future Compliance and Monitoring Officer in the Ozone Secretariat, attended the meeting as an observer.

II. Adoption of the agenda and organization of work

11. The Committee adopted the following agenda, based on the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/40/1, as amended:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Report of the Secretariat on data under Article 7 of the Montreal Protocol.
4. Information provided by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) to facilitate compliance by Parties.
5. Follow-up on previous decisions of the Parties and recommendations of the Implementation Committee on non-compliance-related issues:
 - (a) Data-reporting obligations: decision XIX/25 and recommendation 39/41;
 - (b) Existing plans of action to return to compliance:
 - (i) Albania (decision XV/26);
 - (ii) Armenia (decision XVIII/20);
 - (iii) Azerbaijan (recommendation 39/3);
 - (iv) Bangladesh (decision XVII/27);
 - (v) Belize (decision XIV/33);

- (vi) Bolivia (decision XV/29);
 - (vii) Bosnia and Herzegovina (decision XV/30);
 - (viii) Botswana (decision XV/31 and recommendation 39/7);
 - (ix) Chile (decision XVII/29 and recommendation 39/8);
 - (x) Democratic Republic of the Congo (decision XVIII/21);
 - (xi) Dominica (decision XVIII/22);
 - (xii) Ethiopia (decision XIV/34);
 - (xiii) Federated States of Micronesia (decision XVII/32 and recommendations 38/17 and 39/14);
 - (xiv) Fiji (decision XVII/33);
 - (xv) Guatemala (decisions XV/34 and XVIII/26 and recommendations 38/19 and 39/17);
 - (xvi) Guinea Bissau (decision XVI/24);
 - (xvii) Honduras (decision XVII/34);
 - (xviii) Islamic Republic of Iran (decision XIX/27);
 - (xix) Kenya (decision XVIII/28);
 - (xx) Kyrgyzstan (decision XVII/36);
 - (xxi) Lesotho (decision XVI/25);
 - (xxii) Libyan Arab Jamahiriya (decisions XV/36 and XVII/37 and recommendation 39/22);
 - (xxiii) Maldives (decision XV/37);
 - (xxiv) Namibia (decision XV/38);
 - (xxv) Nepal (decision XVI/27);
 - (xxvi) Nigeria (decision XIV/30);
 - (xxvii) Papua New Guinea (decision XV/40);
 - (xxviii) Paraguay (decision XIX/22);
 - (xxix) Saint Vincent and the Grenadines (decision XVI/30);
 - (xxx) Uganda (decision XV/43);
 - (c) Draft plans of action to return to compliance:
 - (i) Ecuador (recommendation 39/9);
 - (ii) Eritrea (recommendation 39/12);
 - (iii) Saudi Arabia (decision XIX/23);
 - (d) Other recommendations and decisions on compliance:
 - (i) Bangladesh (recommendation 39/4);
 - (ii) Somalia (recommendation 39/32);
 - (iii) United Arab Emirates (recommendation 39/36);
 - (iv) Plan of action for establishment and operation of licensing systems for ozone-depleting substances (decision XIX/26, paragraph 2);
 - (e) Requests for change of baseline data: Ukraine (recommendation 39/35).
6. Consideration of other non-compliance issues arising out of the data report.
7. Information on compliance by Parties present at the invitation of the Implementation Committee.

8. Consideration of the report of the Secretariat on Parties that have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol).
9. Difficulties faced by some Article 5 Parties manufacturing metered-dose inhalers which use chlorofluorocarbons (decision XVIII/16, paragraph 5).
10. Other matters.
11. Adoption of the report of the meeting.
12. Closure of the meeting.

12. Following a proposal from the President, the Committee agreed to consider under item 11, "Other matters", an issue raised by one Party regarding requests and directions on information reporting by Parties, as contained in decisions of the Meetings of the Parties, and the extent to which they were mandatory.

III. Report of the Secretariat on data under Article 7 of the Montreal Protocol

13. The representative of the Ozone Secretariat provided a summary of the information set out in the report of the Secretariat on information provided by Parties in accordance with Article 7 of the Protocol (UNEP/OzL.Pro/ImpCom/40/2). He outlined the data-reporting requirements that Parties had to meet, and explained that the report contained information on the data reported for 2006 and also for 2007, as the 2007 Meeting of the Parties had taken place earlier than usual, before the deadline for data reporting, and therefore before several Parties had been able to report their data for 2006.

14. He was happy to report that all Parties had reported their base-year and baseline data for all the controlled substances. For consumption and production data for 2006, just two Parties – Tuvalu and Vanuatu – had not reported data, and United Arab Emirates had not reported data for carbon tetrachloride. All three Parties were therefore in non-compliance with their data-reporting requirements. For 2007 data, for which the reporting deadline was 30 September 2008, 76 Parties had reported to date.

15. With regard to deviations from the control schedules, he explained the exemptions, allowances and special cases permitted under the Montreal Protocol. These included essential use exemptions for CFCs, critical use exemptions for methyl bromide, the global exemption for laboratory and analytical uses, and allowances for production to meet the basic domestic needs of Article 5 Parties. Deviations attributable to stockpiling under the terms of decision XVIII/17 had been deferred for consideration until the 2009 Meeting of the Parties and, for Article 5 Parties, deviations attributable to laboratory uses of carbon tetrachloride had been deferred for consideration until 2010. For Parties operating under plans of action included in decisions of the Meeting of the Parties, the relevant benchmarks were used in determining adherence to obligations, instead of using the Protocol control measures.

16. Bearing in mind all these permitted deviations, no non-Article 5 Party was in non-compliance with its production or consumption requirements for 2006 or, on the basis of data reported to date, for 2007. Similarly, no Article 5 Party was in non-compliance with its production requirements for 2006 or, on the basis of data reported to date, for 2007.

17. For 2006, four Article 5 Parties were in a state of possible non-compliance with regard to consumption: Saudi Arabia (methyl bromide), Solomon Islands (CFCs), Somalia (halons) and the United Arab Emirates (carbon tetrachloride). That said, however, Saudi Arabia was requesting a revision of its baseline data for methyl bromide, and Solomon Islands had only recently reported data and the Secretariat was still seeking clarification of the deviation.

18. For 2007, four Article 5 Parties had unexplained deviations with regard to consumption: Chile (carbon tetrachloride), Cuba (carbon tetrachloride), Ecuador (methyl bromide), and El Salvador (methyl bromide). The Secretariat was seeking clarification of all those deviations.

19. Finally, decision XVII/16 had urged Parties to report exports and destinations of all controlled substances, and recommendation 39/41 had requested the Secretariat to include in its report information on Parties that had not so reported. One Party, however, had subsequently stated its belief that the use of the word "urge" meant that that reporting was not compulsory. The Committee would revert to that issue later in the meeting.

20. In summary, the Secretariat reported that 32 Parties that had reported exports for 2006, of which 30 had provided information on the destinations for some or all of those exports. For 11 Parties, some

exports had not had their destinations specified. Some of the reasons advanced by exporting Parties for not reporting destinations included the fact that sales were reported to shipping companies rather than specific countries and, in the case of one Party, confidentiality concerns over the information.

21. Members of the Committee thanked the representative of the Secretariat for his clear and comprehensive report. Responding to a question about the reports of sales to shipping companies, he explained that the Secretariat always advised such Parties that those data should be recorded as exports to the country of origin or country of registration of the shipping company.

IV. Information provided by the Fund secretariat on relevant decisions of the Executive Committee and on activities carried out by the implementing agencies (United Nations Development Programme, United Nations Environment Programme, United Nations Industrial Development Organization and the World Bank) to facilitate compliance by Parties

22. The Chief Officer and the Senior Programme Management Officer of the Multilateral Fund Secretariat presented a report under the item. Dealing first with the decisions of the fifty-third and fifty-fourth meetings of the Executive Committee related to compliance, the Chief Officer said that the Executive Committee, in decision 53/4, had requested the Fund Secretariat to revise the status of compliance document by including an assessment of risks of non-compliance, and to report back to the Executive Committee at its fifty-seventh meeting on the usefulness of and level of effort associated with preparing that assessment. The first risk assessment had been presented at the fifty-fourth meeting, and by decision 54/4 the Executive Committee had requested the Fund Secretariat to continue its efforts to obtain feedback from Article 5 Parties on the risk assessment, the indicators contained therein and their ability to achieve compliance.

23. By decision 53/39, the Executive Committee had requested the Secretariat to review levels of capacity-building and explore the extent, nature and eligibility of any additional requirements in respect of hydrochlorofluorocarbon (HCFC) phase-out consistent with guidelines on institutional strengthening activities to be agreed by the Executive Committee, and to report on the matter to the fifty-seventh meeting of the Executive Committee.

24. The Executive Committee had approved institutional strengthening for Vanuatu, in respect of its non-compliance, for one year instead of two and had approved one-year renewals for Eritrea and Tonga, on certain conditions. The Tonga decision was a precedent.

25. The Executive Committee had requested that information on all ozone-depleting substances, including HCFCs and their alternatives, be included in country programme data reports (decision 54/4) and had decided that an HCFC analysis should be included in future versions of the compliance-oriented model, indicating that the Executive Committee now considered HCFC activities as required for compliance in the light of the 2013 freeze.

26. Turning to the issue of country programme data, the Chief Officer said that 72 of 141 Article 5 Parties had reported 2007 country programme data using the new format. To improve the timely submission of data, the Executive Committee had decided to require Article 5 Parties to submit country programme data no later than the third Executive Committee meeting of the year.

27. Continuing the presentation, the Senior Programme Management Officer said that a total of 132 Parties had provided information on regulatory measures; 92 per cent of those Parties had operational licensing systems and 79 per cent had quota systems in place. Average prices for substitutes in Article 5 countries were still higher than for CFC-11. While several Parties had not yet submitted 2007 Article 7 data, their country programme data for 2007 indicated probable compliance. Those Parties included Albania (CFC), Armenia (methyl bromide), Dominica (CFC), Fiji (methyl bromide), Honduras (methyl bromide), Islamic Republic of Iran (carbon tetrachloride), Kenya (CFC), Kyrgyzstan (halon) and Papua New Guinea (CFC).

28. Turning next to the status of and prospects for compliance, he said that, based on its assessment of the most recent data, the Executive Committee had provided assistance to all Parties that might need it to meet their compliance targets, except for Somalia, where assistance for halon would be provided when conditions permit, and El Salvador, where assistance may not be needed as consumption of carbon tetrachloride was for laboratory and analytical uses. The Solomon Islands had not submitted

2006 Article 7 data but the 2006 country programme data indicated possible non-compliance; and country programme data had not been provided for 2006 or 2007 for Tuvalu, the United Arab Emirates and Vanuata. In 38 countries that had not submitted 2007 data, 2006 consumption levels exceeded the 85 per cent baseline reduction; all, however, had received funding for phase-out projects.

29. The Fund Secretariat estimated the installed capacity of halon in Article 5 countries at 188,697 ODP tonnes, a decrease of 38,523 ODP tonnes compared to the previous year's estimate. Regarding methyl bromide, all Parties whose latest consumption exceeded their baselines or the 20 per cent baseline reduction (Ecuador, Honduras and Saudi Arabia) had either agreements with the Executive Committee or approved projects that should facilitate achievement of the 2005 reduction. Regarding carbon tetrachloride, of the Parties at risk of not meeting the 85 per cent reduction in 2005 (Bolivia, Chile, Cuba, El Salvador, Ethiopia and Mexico), all with the exception of El Salvador had projects to assist them. No countries were at risk of not meeting the freeze and the 30 per cent baseline reduction targets.

30. Considering next the assessment of compliance risk factors, he said that since the fifty-third meeting of the Executive Committee the Fund Secretariat had prepared an assessment of compliance risk factors based on general indicators of risk and indicators of risk by ozone-depleting substance. The 70 Parties that had responded thus far had indicated they were either very confident or confident that they would achieve compliance or maintain it.

31. Following the presentation there was considerable discussion of future compliance issues and the difficulties faced by Parties as they sought to phase out CFC consumption by 1 January 2010, and how the Ozone Secretariat and the Fund Secretariat might best assist in resolving those difficulties. Some members drew attention to the dangers that might result from a situation where several Parties continued in non-compliance, including illicit trafficking and a temptation to continue illegal production, particularly in a situation where the price of substitutes remained high.

32. The Executive Secretary of the Ozone Secretariat, responding to the issues raised, said that the success of the Montreal Protocol thus far had earned worldwide recognition and, with many treaties and agreements monitoring progress towards completion, it was important to maintain momentum during the latter stages of CFC phase-out, and to carry forward that momentum during the accelerated phase-out of HCFCs. Responsibility for achieving the aims of the Protocol lay not only with its institutions but with the Parties themselves; in that regard, the Article 5 Parties had shown that, when given adequate financial and technical support, they were excellent partners in tackling global environmental issues. Ultimately, it was the responsibility of the Parties themselves to ensure that actions were taken in time to comply with control measures. Noting the progress currently being made in enhancing coordination and linkages between organizations and agreements within the United Nations system, he stressed the importance of developing more permanent, formal procedures for coordination between the different bodies of the Montreal Protocol in order to render more efficient services to Parties, especially within a regional framework.

33. The representative of the Ozone Secretariat said that under the Montreal Protocol there was no mechanism for collective compliance; compliance was evaluated and assessed individually for each Party on a case-by-case basis. He said that the assessment of compliance risk factors being undertaken by the Fund Secretariat at the request of the Executive Committee could form the basis of an assessment of compliance at the national level and assist Parties potentially in non-compliance with their phase-out schedule.

34. In response one member said that, while compliance was an issue for individual Parties, it was important to maintain the wide-ranging support programme, including through regional networks, to assist those Parties unable to achieve compliance by their own devices. He said that a first stage might be, using the available data and risk indicators, to list those Parties most likely to be in non-compliance, and to set up a task force, comprising members of the Implementation Committee, the Ozone Secretariat, the Multilateral Fund Secretariat and the implementing agencies, which could visit countries not in compliance and provide them with the required assistance, including the development of a terminal phase-out management plan.

35. The representative of the Fund Secretariat said that the majority of Article 5 Parties had approved terminal phase-out management plans. With regard to future compliance, the Fund had, through the mandate given it by the Executive Committee, gone beyond the traditional method of operating to provide assistance to developing countries by funding specific projects and activities. The assessment of compliance risk factors had been of assistance to implementing agencies and Parties in indicating possible difficulties with compliance and the measures to be taken in response, and had also provided useful information for the Compliance Assistance Programme of UNEP. Whether the

Executive Committee would mandate the Fund Secretariat to continue the assessment would be under review at the fifty-seventh meeting of the Executive Committee.

36. The representative of UNEP said that, in relation to the compliance risk assessment, care needed to be taken to ensure that work on compliance was undertaken within the mandates of the relevant officers and bodies, in order to send the correct signals to Parties and properly identify the types of assistance they need. Regarding country visits, he said that such missions were organized under the Compliance Assistance Programme, but agreed that high-level visits would assist those Parties who were in danger of non-compliance and needed to take urgent action. He suggested that the issue be taken up as an agenda item at the regional network meetings in the coming months.

37. The President requested the members from India, Jordan and Mauritius to prepare an aide-memoire summarizing the issues raised during the discussion, which might form the basis of a recommendation for possible submission to the Open-ended Working Group.

38. At the closing session of the meeting, on the afternoon of Friday, 4 July 2008, a draft text was circulated and discussed and it was agreed that it would be further reviewed at the Committee's forty-first meeting.

V. Follow-up on previous decisions of the Parties and recommendations of the Implementation Committee on non-compliance-related issues

39. The Committee decided to consider item 5 in conjunction with item 7 (Information on compliance by Parties present at the invitation of the Implementation Committee) and agreed to adopt the associated recommendations by Party, in alphabetical order. Accordingly, the record of the discussions under the two items may be found below, in chapter VII.

VI. Consideration of other non-compliance issues arising out of the data report

A. Compliance issues

40. While preparing the report by the Secretariat on data reported under Article 7 of the Montreal Protocol, the Secretariat had identified the following deviations in the data reported by a number of countries, including Chile and Cuba.

41. Chile had reported consumption of the Annex B, group II, controlled substance (carbon tetrachloride) of 0.7 ODP tonnes in 2007. That represented a deviation from the Party's obligation under the Protocol to limit its consumption of carbon tetrachloride to no greater than 15 per cent of its consumption baseline for that substance, namely 0.1 ODP tonnes. In its report, the Party had indicated that it was aware of the apparent deviation, and was investigating the matter further; it was possible that it could be accounted for by laboratory and analytical uses, but that had not yet been confirmed.

42. Cuba had reported consumption of the Annex B, group II, controlled substance (carbon tetrachloride) of 1.6 ODP tonnes in 2007. That represented a deviation from the Party's obligation under the Protocol to limit its consumption of carbon tetrachloride to no greater than 15 per cent of its consumption baseline for that substance, namely 0.4 ODP tonnes. In correspondence dated 5 May 2008, Cuba had been requested to submit an explanation for that deviation and a response was awaited.

43. Subsequent to the preparation of the data report, other Parties had reported data that showed deviations from their Protocol obligations for either 2006 or 2007. The Secretariat presented those new cases, which included Ecuador and El Salvador for methyl bromide consumption for 2007, and the Solomon Islands for CFC consumption for 2006.

B. Recommendation

44. The Committee therefore agreed:

(a) To take note of the cases of apparent consumption deviation suggested by the data submitted by Chile, Cuba, Ecuador, El Salvador and the Solomon Islands that were still under review by the Secretariat and the Parties concerned;

(b) That, should the current review not resolve the outstanding consumption deviation by the time of the next meeting of the Implementation Committee, the draft decision contained in annex I

(section C) to the present report could be considered by the Committee for each of the Parties listed in paragraph (a) above.

Recommendation 40/1

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

A. Parties that are the subject of decisions of the Meeting of the Parties that have not reported their ozone-depleting substances data for the year 2006

1. Compliance issue

45. In decision XIX/25, Parties that had not yet reported their ozone-depleting substance data for 2006 had been urged to report the required data to the Secretariat in accordance with the provisions of Article 7 of the Montreal Protocol and had been encouraged to continue to report consumption and production data as soon as figures were available, preferably by 30 June each year, as agreed in decision XV/15. To date the following Parties had not submitted to the Secretariat some or all of their ozone-depleting substance data for 2006, thereby rendering it impossible to confirm their implementation of their obligations in relation to the control measures of the Montreal Protocol for that year: Tuvalu, United Arab Emirates and Vanuatu.

2. Recommendation

46. The Committee therefore agreed,

Noting with concern that the following Parties had not submitted some or all of their ozone-depleting substances data pursuant to Article 7 of the Montreal Protocol for 2006 and that their implementation of their commitments to limit their consumption or production of particular ozone-depleting substances to the levels specified in the Protocol could not be confirmed: Tuvalu, United Arab Emirates and Vanuatu;

Noting also that their failure to submit some or all of the 2006 data by 30 September 2007 had placed them in a situation of non-compliance with the data-reporting obligations of the Protocol;

To urge Tuvalu, the United Arab Emirates and Vanuatu to submit to the Ozone Secretariat their outstanding ozone-depleting substances data for the year 2006 as soon as possible, but preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Parties' compliance with the Protocol's ozone-depleting substances control measures.

Recommendation 40/2

B. Parties that are the subject of previous decisions of the Meetings of the Parties and recommendations of the Implementation Committee on non-compliance related issues

1. Albania

47. Albania had been listed for consideration with regard to its implementation of decision XV/26

(a) Compliance issue subject to review: CFC consumption reduction commitment

48. Albania had committed itself, as recorded in decision XV/26, to reducing its consumption of CFCs from 15.2 ODP tonnes in 2006 to 6.2 ODP tonnes in 2007.

(b) Status of compliance issue

49. Albania had not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year could not be confirmed.

(c) Recommendation

50. The Committee therefore agreed to remind Albania to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than

1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's chlorofluorocarbon consumption control measures.

Recommendation 40/3

2. Armenia

51. Armenia had been listed for consideration with regard to its implementation of decision XVIII/20.

(a) Compliance issues subject to review: update on implementation of commitment not to exceed zero consumption of methyl bromide from 2007

52. Armenia had committed itself, as recorded in decision XVIII/20, to maintaining its methyl bromide consumption at no more than zero ODP tonnes from 2007.

(b) Status of compliance issue

53. Armenia had submitted its ozone-depleting substance data for 2007, reporting consumption of methyl bromide at 0.0 ODP tonnes. That information indicated that the Party was in compliance with its commitment contained in decision XVIII/20.

(c) Recommendation

54. The Committee therefore agreed to note with appreciation that Armenia had reported data for the consumption of the Annex E controlled substance (methyl bromide) in 2007 which showed that it was in compliance with its commitment contained in decision XVIII/20 to maintain methyl bromide consumption at no greater than 0.0 ODP tonnes and in advance of its obligations under the methyl bromide control measures of the Montreal Protocol for that year.

Recommendation 40/4

3. Azerbaijan

55. Azerbaijan had been listed for consideration with regard to its implementation of recommendation 39/3.

(a) Compliance issue subject to review: apparent deviation from Annex B, group I (other CFCs) consumption control measures

56. In recommendation 39/3, Azerbaijan had been urged to work with UNEP to expedite the implementation of the additional institutional strengthening project approved by the Global Environment Facility and to submit to the Ozone Secretariat a report on those efforts as soon as possible, and no later than 29 February 2008, for consideration by the Committee at its fortieth meeting.

(b) Status of compliance issue

57. In a communication to the Secretariat dated 27 March 2008, Azerbaijan had indicated that it had been informed by the UNEP Division of Global Environment Facility Coordination that the project funds had been programmed and a draft agreement received for review and comment. Part of the funds had been allotted to the UNEP Division of Technology, Industry and Economics to allow the participation of representatives of Azerbaijan's Ozone Unit in selected activities of the Regional Ozone Network for Europe and Central Asia. As a result of that arrangement, the ozone officer from Azerbaijan had participated in the Europe and Central Asia network meeting in Tirana, Albania, in March 2008, which had focused on transition strategies for metered-dose inhalers, HCFC-related policies and alternatives and the review of import and export licensing systems, among other issues. Azerbaijan had further clarified that the signing of the newly approved institutional strengthening project should not depend on the financial completion report of the old similar project. The Party expected that, after translation of the agreement into the Azeri language, the Government would be in a position to sign the agreement and subsequently notify the Ozone Secretariat.

58. The subsequent communication from the UNEP Division of Global Environment Facility Coordination had clarified that it would forward all new funding, less the amount of money that Azerbaijan had been unable to account for in financial reporting under the old project. The terms of the previous project had stated that, if the Party could not account for expenditure of funds received, then they should be returned. Azerbaijan had submitted an independent audit report reflecting receipt of the funds in question, but the National Ozone Unit has been unable to provide expenditure reports to show what had been done with the funds received.

(c) Discussion at the current meeting

59. The representative of the Secretariat stressed that Azerbaijan was currently in full compliance with its plan of action. That said, however, the fact that the National Ozone Unit did not appear to be functioning properly, as revealed in its inability fully to account for expenditure under the old project, which was delaying disbursement of the new funding, raised concerns over possible future non-compliance. The representative of UNEP confirmed that no financial support had been provided to Azerbaijan's National Ozone Unit since the first institutional strengthening project had been completed in 2005. The UNEP Division of Global Environment Facility Coordination was working to finalize a funding agreement with Azerbaijan. The National Ozone Unit had provided comments on the draft agreement and it was hoped that final agreement could be reached soon. Members of the Committee observed that the full operation of the National Ozone Unit was essential to the prospects for Azerbaijan's compliance with the Montreal Protocol, and they hoped that the funding agreement could be finalized before their next meeting.

(d) Recommendation

60. The Committee therefore agreed,

Noting with appreciation Azerbaijan's updated information on the implementation of the additional institutional strengthening project approved by the Global Environment Facility for implementation by the United Nations Environment Programme,

To request Azerbaijan, in cooperation with the United Nations Environment Programme and the Global Environment Facility, to complete the formalities for signing the pending agreement so that the full implementation of the project could get under way.

Recommendation 40/5

4. Bangladesh

61. Bangladesh had been listed for consideration with regard to its implementation of recommendation 38/4.

(a) Methyl chloroform consumption reduction commitment

62. Bangladesh had committed itself, as recorded in decision XVII/27, to maintaining its consumption of the Annex B, group III, controlled substance (methyl chloroform) at no greater than 0.550 ODP tonnes in 2007.

(b) Notification of potential future CFC non-compliance

63. Bangladesh had notified the Committee at its thirty-seventh meeting that, despite having made its best bona fide efforts, it anticipated that it would be unable to comply fully with the Protocol's consumption control measures for the Annex A, group I, controlled substances (CFCs) as prescribed by Articles 2 A and 5 of the Protocol for the years 2007, 2008 and 2009. At that meeting the Committee had requested Bangladesh to submit a copy of the 2007 and 2008 annual implementation programmes for the national ozone-depleting substance phase-out plan and estimates of the total amount by which it expected to exceed its annual maximum allowable consumption of CFCs in each of the years from 2007 to 2009. The Party had also been requested to submit to the Secretariat its transition strategy for the phase-out of CFC-based metered-dose inhalers for consideration by the Committee.

64. In addition, Bangladesh had been requested by the Implementation Committee in recommendation 39/4 to submit to the Ozone Secretariat a report on the implementation of its national phase-out plan and any revisions that could be made, in the light of the progress made in implementation, to the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years from 2007 to 2009, for consideration by the Committee at its fortieth meeting.

65. The Implementation Committee had further urged Bangladesh to submit an update on its progress in implementing its national transition strategy and conversion project, including any revisions that could be made to the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years from 2007 to 2009 for consideration by the Committee at its fortieth meeting. The Party had also been requested to submit information regarding the following points raised by the members of the Committee while reviewing the Party's situation:

- (a) Confirmation that Bangladesh would impose a ban from the year 2010 on the import of CFCs for the manufacture of metered-dose inhalers for which there were alternatives;
- (b) A further explanation of why CFC consumption was expected to increase over the period 2007–2009;
- (c) An explanation of why projects already under way and the availability of alternatives were not expected to reduce CFC consumption over the period 2007–2009;
- (d) A timetable for the introduction of the anticipated regulatory measures to control CFC supply, CFC metered-dose inhaler sales and to promote CFC-free alternatives;
- (e) An explanation for the Party's decision to stockpile CFCs over the period 2007–2009 to meet demand over the period 2010–2012 rather than to seek CFC supply through the Protocol's essential-use exemption process, noting that obtaining CFCs through the essential-use process could have enabled the Party to avoid or at least minimize its non-compliance with the Protocol's CFC control measures over the period 2007–2009.

(c) Status of compliance issues

(i) Methyl chloroform consumption reduction commitment

66. Bangladesh had not yet reported ozone-depleting substance data for 2007, thus its implementation of its commitment contained in decision XVII/27 could not be confirmed.

(ii) Notification of potential future CFC non-compliance

67. In response to recommendation 39/4, Bangladesh had submitted a report on 28 February 2008, contained in annex I to document UNEP/OzL.Pro/ImpCom/40/INF/3, on implementation of its national phase-out plan.

(iii) Compliance assistance

68. In 2006, UNEP had informed the Ozone Secretariat that it planned to assist the Party to complete preparation of its national transition strategy to phase out CFC metered-dose inhalers by November 2007. At its fiftieth meeting, in November 2006, the Executive Committee had approved funding for the preparation of the strategy, and also for the preparation of a project to phase out CFCs in the Party's metered-dose inhaler manufacturing sector, on condition that Bangladesh signed the project document with UNDP for the national ozone-depleting substance phase-out plan and commenced implementation of activities in other sectors that would result in reductions in CFC consumption. In its 2007–2009 business plan, UNDP had stated that it intended to submit the project to phase out CFCs in Bangladesh's metered-dose inhaler manufacturing sector to the Executive Committee at its meeting in July 2007 for approval.

(iv) Background information on CFC consumption in Bangladesh

69. The national phase-out plan agreed between Bangladesh and the Executive Committee had imposed more stringent consumption restrictions than the Protocol's control measures, requiring the Party to reduce its CFC consumption to no greater than 87.1 ODP tonnes in 2007, 71.0 ODP tonnes in 2008 and 53.0 ODP tonnes in 2009

(d) Discussion at the current meeting

70. At the invitation of the Committee, a representative of Bangladesh attended the current meeting. He explained that manufacture of CFC-based metered-dose inhalers had only begun in the country from 1997, and therefore consumption for this use had not been reflected in the CFC consumption baseline figure established in 1995–1997. Now three companies were manufacturing such inhalers, and if the Party was to adhere to its phase-out target of an 85 per cent reduction in CFC consumption by 2007, it would not be able to supply those companies with the CFCs that they needed. It had therefore decided to continue to authorize production of CFC-based metered-dose inhalers and would accordingly be in a state of non-compliance when the 2007 data were submitted, which he expected to be soon.

71. Bangladesh had first raised the issue in 2004, and had raised it at every meeting of the Parties since. Decision XVIII/16 had requested the Implementation Committee to give "special consideration" to the situation of Parties such as Bangladesh. He hoped that it would be possible to implement the transition strategy for the metered-dose inhaler sector with the same degree of success as the national phase-out plan for the refrigeration sector currently under way.

72. Responding to questions from members of the Committee, the representative of Bangladesh explained that, because of the time needed to approve alternatives to CFC-based metered-dose inhalers, he did not expect CFC consumption for the sector to fall in 2008 or 2009. Possibly consumption for 2010 could be lower, but that could in any case be covered by essential-use exemptions. All CFC use in the sector was for domestic consumption; no CFC-based metered-dose inhalers were exported. He believed that the volumes included in the transition strategy would enable Bangladesh to remain self-sufficient in the manufacture of metered-dose inhalers. With regard to the refrigeration servicing phase-out plan, he expected it to achieve total phase-out by 2010, in line with the Protocol's requirements.

73. In subsequent discussions, Committee members expressed the view that the situation of Bangladesh could be typical of other Article 5 Parties manufacturing CFC-based metered-dose inhalers, and that therefore the decision needed to be taken carefully, and could perhaps be deferred at least until after comprehensive discussion of the issue at the special workshop to take place that coming Sunday and at the twenty-eighth meeting of the Open-ended Working Group, the following week. There were precedents for deferring consideration of the issue to a future meeting, including the manner in which meetings of the Parties had decided to consider the use of methyl bromide for high-moisture dates, and carbon tetrachloride for laboratory and analytical uses.

74. The representative of the Ozone Secretariat observed, however, that in fact there was currently no other example of an Article 5 Party manufacturing CFC-based metered-dose inhalers that had formally declared itself to be experiencing the same problems as Bangladesh. The country was a special case, and would need careful monitoring and follow-up at every meeting of the Committee. The representatives of the Multilateral Fund Secretariat and UNDP confirmed that funding for the transition strategy had been agreed by the Executive Committee of the Multilateral Fund, but was currently held up because of Bangladesh's failure so far to sign the agreement; the Party had a complex procedure for such documents that required approval by several government ministries.

75. When it started, the conversion project would help to fund the development of non-CFC alternatives for metered-dose inhalers; that could be a slow process, both because most such alternatives now in use in non-Article 5 countries were patented and had therefore to be developed from scratch for Article 5 Parties, and because medical applications tended to have long approval procedures. The two main drugs used in metered-dose inhalers in Bangladesh, salbutamol and beclomethasone, together accounted for about 80 per cent of the market, however, and could be expected to be converted to non-CFC alternatives in 2010 or 2011.

(e) Recommendation

76. The Committee therefore agreed,

Noting with appreciation the information submitted by Bangladesh pursuant to recommendation 39/4 of the Implementation Committee,

(a) To urge Bangladesh to continue working with the United Nations Development Programme and the United Nations Environment Programme to expedite the implementation of the projects to phase out chlorofluorocarbons in the manufacture of metered-dose inhalers, including, as an immediate first step, and as a matter of urgency, the signing of the project document agreements with the United Nations Development Programme and the United Nations Environment Programme;

(b) To keep under review the implementation of the Party's transition strategy for the phase-out of chlorofluorocarbon metered-dose inhalers and, to this end, to request Bangladesh to report to the Implementation Committee through the Ozone Secretariat, at each meeting of the Committee from the forty-first meeting, updates on its implementation of the metered-dose inhaler transition strategy;

(c) To consider further this issue after the twenty-eighth meeting of the Open-Ended Working Group had considered the difficulties faced by Article 5 Parties with regard to the implementation of metered-dose inhaler transition strategies;

(d) To remind Bangladesh to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its methyl chloroform consumption commitment contained in decision XVII/27.

Recommendation 40/6

5. Belize

77. Belize had been listed for consideration with regard to its implementation of decision XIV/33.

(a) Compliance issues subject to review: CFC consumption reduction commitment

78. Belize had committed itself, as recorded in decision XIV/33, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 3.66 ODP tonnes in 2007.

(b) Status of compliance issue

79. Belize had submitted its ozone-depleting substance data for 2007, reporting consumption of CFCs at 2.2 ODP tonnes. That information indicated that the Party was in advance of its commitment contained in decision XIV/33 and ahead of its CFC phase-out obligations under the Protocol.

(c) Recommendation

80. The Committee therefore agreed to congratulate Belize on its reported data for the consumption of the Annex A, group I, controlled substances (chlorofluorocarbons) in 2007, which showed that it was in advance of both its commitment contained in decision XIV/33 to reduce its chlorofluorocarbon consumption to no greater than 3.7 ODP tonnes and its obligations under the chlorofluorocarbon control measures of the Montreal Protocol for that year.

Recommendation 40/7

6. Bolivia

81. Bolivia had been listed for consideration with regard to its implementation of decision XV/29.

(a) Compliance issue subject to review: CFC consumption reduction commitment

82. Bolivia had committed itself, as recorded in decision XV/29, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 11.35 ODP tonnes in 2007.

(b) Status of compliance issue

83. Bolivia had submitted its ozone-depleting substance data for 2007.

(c) Recommendation

84. The Committee therefore agreed to congratulate Bolivia on its reported data for the consumption of the Annex A, group I, controlled substances (chlorofluorocarbons) in 2007, which showed that it was in advance of both its commitment contained in decision XV/29 to reduce its chlorofluorocarbon consumption to no greater than 11.35 ODP tonnes and its obligations under the chlorofluorocarbon control measures of the Montreal Protocol for that year.

Recommendation 40/8

7. Bosnia and Herzegovina

85. Bosnia and Herzegovina had been listed for consideration with regard to its implementation of decisions XV/30 and XVII/28.

(a) Compliance issues subject to review: CFC consumption reduction commitment

86. Bosnia and Herzegovina had committed itself, as recorded in decision XV/30, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 3.0 ODP tonnes in 2007 and to reduce its consumption of the Annex E, group I, controlled substance (methyl bromide) to no greater than 0.0 ODP tonnes. Bosnia and Herzegovina had also committed itself, as recorded in decision XVII/28, to reducing consumption of the Annex B, group III, controlled substance (methyl chloroform) to no greater than 0.0 ODP tonnes in 2007.

(b) Status of compliance issue

87. Bosnia and Herzegovina had not submitted its ozone-depleting substance data for 2007, thus its implementation of its consumption reduction commitments contained in decisions XV/30 and XVII/28 could not be confirmed.

(c) Recommendation

88. The Committee therefore agreed to remind Bosnia and Herzegovina to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitments contained in decisions XV/30 and XVII/28.

Recommendation 40/9

8. Botswana

89. Botswana had been listed for consideration with regard to its implementation of recommendation 39/7.

(a) Compliance issue subject to review: establishment of licensing and quota system

90. Botswana had committed itself, as recorded in decision XV/31, to establishing a system for licensing imports and exports of methyl bromide, including quotas. The Party had been requested by the Implementation Committee, as recorded in recommendation 39/7, to submit to the Ozone Secretariat no later than 29 February 2008, in time for consideration at the present meeting, information to clarify the operation of its licensing system with respect to the control of exports of methyl bromide and the control of the import and export of mixtures containing methyl bromide. A similar request had earlier been made by the Committee in recommendation 38/7.

(b) Status of compliance issues

91. Botswana had not yet responded to recommendation 39/7 of the Implementation Committee, despite numerous attempts to elicit the required information. The Party had also not yet reported its data for 2007, which might have revealed its progress with phasing out consumption of methyl bromide even in the absence of a licensing and quota system.

(c) Discussion at the current meeting

92. Members of the Committee expressed their concern at Botswana's repeated failure to provide the requested information and requested the Ozone Secretariat to urge the Party, in the strongest possible terms, to do so before the next meeting of the Committee, and also to send a representative at an appropriately high level to the meeting so that the issue could be discussed fully.

(d) Recommendation

93. The Committee therefore agreed,

Noting with concern that Botswana had not submitted, in accordance with the recommendations of the Implementation Committee at two successive meetings, information to clarify the operations of its licensing system,

(a) To request Botswana to submit to the Ozone Secretariat, in accordance with recommendations 38/7 and 39/7, information to clarify the operation of its licensing system in respect of the control of exports of methyl bromide no later than 1 September 2008, in time for consideration by the Committee at its forty-first meeting;

(b) To remind Botswana to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its methyl bromide consumption commitment contained in decision XV/31;

(c) To invite Botswana, if necessary, to send a representative at an appropriately high level to the forty-first meeting of the Committee to discuss the matter.

Recommendation 40/10

9. Chile

94. Chile had been listed for consideration with regard to its implementation of recommendation 39/8.

(a) Compliance issue subject to review: methyl chloroform consumption reduction commitment and introduction of quota system

95. Chile had committed itself, as recorded in decision XVII/29, to maintaining consumption of the controlled substance in Annex B, group III (methyl chloroform) at no greater than 4.512 ODP tonnes in 2007.

96. Chile had been requested, as recorded in recommendation 39/8, to submit to the Secretariat by 29 February 2008 an update on its efforts to introduce an import quota system and on its progress in implementing alternatives to methyl chloroform in the solvent sector. Under decision XVII/29, Chile had committed to introduce an enhanced ozone-depleting substance licensing and import quota system from the moment the bill to enact the system, which had been drafted by the Party at the time of the adoption of decision XVII/29, had been approved in Parliament and to ensure compliance in the interim period by adopting regulatory measures that the Government was entitled to apply.

(b) Status of compliance issues

(i) 2007 ozone-depleting substance (methyl chloroform) consumption reduction

97. Chile had submitted its ozone-depleting substance data for 2007, reporting methyl chloroform consumption of 3.5 ODP tonnes, lower than its consumption reduction commitment contained in decision XVII/29 for that year.

(ii) Update on efforts to implement alternatives to methyl chloroform

98. The submission contained in annex II to document UNEP/OzL.Pro/ImpCom/40/INF/3 stated that the consumption of methyl chloroform in 2007 corresponded to a single importer, with whom the Government had maintained constant contact in order to reduce methyl chloroform imports and to pass on support information to its customers regarding possible alternatives. As part of the UNDP project for technical assistance to phase out ozone-depleting solvents in Chile, four of the six participating companies no longer imported such solvents into Chile.

(iii) Update on efforts to introduce import quota system

99. Chile had also submitted documentation pursuant to recommendation 39/8, as set out in annex II to document UNEP/OzL.Pro/ImpCom/40/INF/3. That documentation contained information on the decree adopted by the Government that had entered into force on 11 September 2007. The decree had established ozone-depleting substance import quotas, the maximum import volumes and criteria for their distribution. That licensing system applied to all ozone-depleting substances with reduction targets in the Montreal Protocol, except for hydrochlorofluorocarbons, whose import and export were controlled by a register, and which, after a baseline was established, would be subject to maximum import volumes. With the implementation of the maximum import volumes system, Chile would ensure compliance with the Montreal Protocol and would return to compliance in respect of methyl chloroform phase-out in 2008.

(c) Recommendation

100. The Committee therefore agreed:

(a) To congratulate Chile on its reported data for the consumption of the controlled substance in Annex B, group III (methyl chloroform) which, at 3.5 ODP tonnes, is lower than its consumption reduction commitment of 4.5 ODP tonnes in that year as contained in decision XVII/29;

(b) To note further with appreciation that Chile had submitted an update on its progress in introducing an import quota system and implementing alternatives to methyl chloroform in the solvent sector pursuant to its commitments contained in decision XVII/29 and in accordance with recommendation 39/8 of the Implementation Committee.

Recommendation 40/11

10. Democratic Republic of the Congo

101. The Democratic Republic of the Congo had been listed for consideration with regard to its implementation of decision XVIII/21.

(a) Compliance issues subject to review: carbon tetrachloride and methyl chloroform consumption reduction commitment

102. The Democratic Republic of the Congo had committed itself, as recorded in decision XVIII/21, to reducing its consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 2.2 ODP tonnes in 2007 and consumption of the Annex B, group III, controlled substance (methyl chloroform) to no greater than 3.3 ODP tonnes in 2007.

(b) Status of compliance issues

103. The Democratic Republic of the Congo had submitted its ozone-depleting substance data for 2007, reporting carbon tetrachloride consumption of 2.2 ODP tonnes and methyl chloroform consumption of 3.3 ODP tonnes, consistent with the Party's commitment contained in decision XVIII/21.

(c) Recommendation

104. The Committee therefore agreed to note with appreciation that the Democratic Republic of the Congo had reported data for 2007 that showed that the Party was adhering to its commitment contained in decision XVIII/21 for that year.

Recommendation 40/12

11. Dominica

105. Dominica had been listed for consideration with regard to its implementation of decision XVIII/22.

(a) Compliance issue subject to review: CFCs consumption reduction commitment

106. Dominica had been requested, as recorded in decision XVIII/22, to reduce consumption of the Annex A, group I, controlled substances (CFCs) to 0.45 ODP tonnes in 2006 and to zero ODP tonnes from 2007.

(b) Status of compliance issue

107. Dominica had submitted its ozone-depleting substance data for 2006 and 2007. The Committee agreed that, following the decision of the Eighteenth Meeting of the Parties to simplify reported consumption levels to one decimal place, Dominica's benchmark for 2006 would be rounded off to 0.5 ODP tonnes: accordingly, its consumption for 2006 matched that benchmark. For 2007, Dominica had reported zero consumption. Accordingly, the Committee agreed that Dominica was adhering to its commitments contained in decision XVIII/22.

(c) Compliance assistance

108. UNEP was providing institutional strengthening assistance to Dominica under the auspices of the Multilateral Fund and implementing in cooperation with UNDP a CFC terminal phase-out management plan, which had been approved at the forty-eighth meeting of the Executive Committee of the Multilateral Fund, in April 2006. UNDP was also completing implementation of a refrigerant management plan approved for Dominica. The 2007–2009 business plans of both agencies targeted Dominica for assistance in implementing its commitments contained in decision XVIII/22.

(d) Recommendation

109. The Committee therefore agreed to note with appreciation that Dominica had reported consumption of 0.5 ODP tonnes of the Annex A, group I, controlled substances (chlorofluorocarbons) in 2006 and of 0.0 ODP tonnes in 2007, consistent with the consumption reduction commitments contained in decision XVIII/22.

Recommendation 40/13

11. Ecuador

110. Ecuador had been listed for consideration with regard to its implementation of decision XVIII/23.

(a) Compliance issue subject to review: request for methyl bromide plan of action

111. Ecuador had been requested, as recorded in decision XVIII/23, to submit a plan of action with time-specific benchmarks for returning the Party to compliance with the Protocol's consumption control measures for the Annex E controlled substance (methyl bromide).

(b) Status of compliance issue

112. Ecuador had submitted the requested plan of action, as contained in annex III to document UNEP/OzL.Pro/ImpCom/40/INF/3. The Party attributed its non-compliance with the Protocol's consumption control measures for methyl bromide in 2005 to an importer's data entry error. Since that time, the Party had submitted its ozone-depleting substance data for both 2006 and 2007 showing consumption of 51.0 ODP tonnes in 2006 and 122.4 ODP tonnes in 2007. While the data for 2006 showed the Party to have been in compliance with the 20 per cent methyl bromide consumption reduction as required under control measures applicable to methyl bromide, consumption of that substance in 2007 had increased by 84.8 per cent from 51.0 ODP tonnes in 2006 to 122.4 ODP tonnes in 2007, placing the Party in non-compliance.

(c) Time-specific benchmarks for returning Ecuador to compliance

113. The revised plan of action submitted by Ecuador provided the following methyl bromide import levels, designed to return the Party to compliance with the Protocol's methyl bromide control measures by 2008 instead of 2010.

Year	Methyl bromide imports	
	metric tonnes	ODP tonnes
2007	204	122.4
2008	88	52.8

(d) Issues brought by the Secretariat to the attention of Ecuador in the context of its plan of action

114. In the light of its review of the plan of action submitted by Ecuador, the Secretariat had brought some issues and queries to the attention of the Party for its consideration and possible action and Ecuador had provided responses, including information on a number of seminars that it had organized.

115. It had also indicated that, while it could not accept an accelerated methyl bromide phase-out as long as there were no alternatives to methyl bromide, its proposed level of 52.8 ODP tonnes of methyl bromide imports in 2008 would bring it back to compliance.

116. Among other things, Ecuador had also reported that it had established the maximum quotas of annual consumption of methyl bromide by amending the existing quota system: in effect, it had adjusted its consumption quotas to match its benchmarks. The Party also indicated that, although the licensing system was automated and currently controlled by Ecuadorian Customs Corporation, it was the focal point for the Montreal Protocol in Ecuador which approved or refused the import request for substances controlled by the Montreal Protocol.

(e) Recommendation

117. The Committee therefore agreed,

Noting with appreciation that Ecuador had submitted, in accordance with recommendation 39/9 of the Implementation Committee, a revised plan of action for returning to compliance with the Protocol's control measures for the Annex E controlled substance (methyl bromide) by 2008,

To forward to the Twentieth Meeting of the Parties for consideration a draft decision incorporating the plan of action as contained in annex I (section A) to the present report.

Recommendation 40/14**12. Eritrea**

118. Eritrea had been listed for consideration with regard to its implementation of recommendation 39/12 and decision XVIII/24.

(a) Compliance issues subject to review: Plan of action to address CFC consumption deviation and establishment of licensing system

119. Eritrea had been requested, as recorded in recommendation 39/12 of the Implementation Committee, to work with relevant implementing agencies to submit to the Secretariat as soon as possible, and no later than 29 February 2008, a plan of action with time-specific benchmarks for returning the Party to compliance with the Protocol's CFC consumption control measures, in accordance with decision XVIII/24.

(b) Establishment and implementation of a licensing system

120. Eritrea, as a Party to the Montreal Amendment to the Montreal Protocol, was required to establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in annexes A, B, C and E to the Protocol. That obligation was set out in Article 4 (b) of the Protocol, under which it was also required that, within three months of the date of introducing its licensing system, Eritrea should report to the Ozone Secretariat on the establishment and operation of that system.

(c) Status of compliance issues

121. Eritrea had responded to recommendation 39/12 and decision XVIII/24 by submitting its ozone-depleting substance data for 2006 on 8 March 2008. The data included CFC consumption of 4.2 ODP tonnes in 2006, which showed that the Party was in advance of its obligations under the Protocol to phase out CFCs by 50 per cent against the baseline of 41.1 ODP tonnes. The data also represented a significant decrease in CFC consumption relative to 2005, for which Eritrea had reported CFC consumption of 30.2 ODP tonnes.

122. Eritrea had not yet established a licensing system as required under Article 4 (b) of the Montreal Protocol. On 7 April 2008, Eritrea had reported that the final draft of the licensing system had been submitted to the Ministry of Justice for harmonization with other legal notices and subsequent approval. The Party had also reported related activities that were being carried out, including public awareness-raising and educational activities for the protection of the ozone layer.

(d) Compliance assistance

123. The UNEP 2007–2009 business plan also stated the agency's intention to assist Eritrea to establish and enforce ozone-depleting substance regulations.

(e) Recommendation

124. The Committee therefore agreed,

Noting with appreciation the information submitted by Eritrea pursuant to recommendation 39/17 of the Implementation Committee that sought a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance with the chlorofluorocarbon consumption control measures, in accordance with decision XVIII/24,

Noting also with appreciation Eritrea's submission of its ozone-depleting substances data for 2006 and 2007 that included chlorofluorocarbon consumption of 4.2 and 3.1 ODP tonnes respectively, levels that were in advance of its obligations under the Protocol to phase out chlorofluorocarbons,

Recalling also that Eritrea was a Party to the Montreal Amendment to the Montreal Protocol and therefore must report on the establishment and operation of a system for licensing the import and export of controlled ozone-depleting substances, in accordance with its obligations under Article 4 (b) of the Protocol,

To congratulate Eritrea on its reported data for the consumption of the Annex A, group I, controlled substances (chlorofluorocarbons) in 2006 and 2007, which showed that it was in advance of its obligations under the chlorofluorocarbon control measures of the Montreal Protocol in those years.

Recommendation 40/15

13. Ethiopia

125. Ethiopia had been listed for consideration with regard to its implementation of decision XIV/34.

(a) Compliance issue subject to review: CFC consumption reduction commitment

126. Ethiopia had been requested, as recorded in decision XIV/34, to reduce consumption of the Annex A, group I, controlled substances (CFCs) to 5.0 ODP tonnes in 2007.

(b) Status of compliance issue

127. Ethiopia had not yet submitted its ozone-depleting substance data for 2007 and therefore its CFC consumption reduction commitment for that year could not be confirmed.

(c) Recommendation

128. The Committee therefore agreed to remind Ethiopia to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitments contained in decision XIV/34.

Recommendation 40/16

14. Federated States of Micronesia

129. The Federated States of Micronesia had been listed for consideration with regard to its implementation of decision XVII/32.

(a) Compliance issues subject to review: CFC consumption reduction commitment

130. The Federated States of Micronesia had committed itself, as recorded in decision XVII/32, to phasing out consumption of the Annex A, group I, controlled substances (CFCs), by 1 January 2006, save for essential uses that could be authorized by the Parties. The Party had also committed itself to introducing a system for licensing imports and exports of ozone-depleting substances, including a quota system, by 1 January 2006. The Implementation Committee had noted with concern in recommendation 38/17 that the Party had not submitted, in accordance with its recommendation at two successive meetings, and pursuant to decision XVII/32, a report on the implementation of its commitment to introduce the licensing system by 1 January 2006. At its thirty-ninth meeting, the Implementation Committee recalled this recommendation and, by recommendation 39/14, urged the Federated States of Micronesia to submit to the Ozone Secretariat the information requested in recommendation 38/17 no later than 29 February 2008. The Committee further urged the Party to submit to the Ozone Secretariat its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, no later than 30 September 2007, in order that the Committee might assess at its fortieth meeting the Party's compliance with its commitments contained in decision XVII/32.

(b) Status of compliance issue

131. The Federated States of Micronesia had submitted its ozone-depleting substance data for 2006, reporting consumption of the Annex A, group I, controlled substances (CFCs) of zero ODP tonnes. The data placed the Party in compliance with its commitment contained in decision XVII/32 to phase out consumption of these substances by 1 January 2006. The Party had also reported on the establishment and operation of a licensing system pursuant to decision XVII/32.

(c) Recommendation

132. The Committee therefore agreed to congratulate the Federated States of Micronesia on its reported data for the consumption of the Annex A, group I, controlled substances (chlorofluorocarbons) in 2006, which showed that it had phased out chlorofluorocarbon consumption ahead of its obligations under the chlorofluorocarbon control measures of the Montreal Protocol in that year and on the establishment and operation of a licensing system consistent with the commitment agreed in decision XVII/32.

Recommendation 40/17**15. Fiji**

133. Fiji had been listed for consideration with regard to its implementation of decision XVII/33.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment (decision XVII/33)

134. Fiji had committed itself, as recorded in decision XVII/33, to reducing its consumption of the Annex E controlled substance (methyl bromide) from 1.3 ODP tonnes in 2006 to 1.0 ODP-tonne in 2007.

(b) Status of compliance issue

135. Fiji had not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year could not be confirmed.

(c) Recommendation

136. The Committee therefore agreed to remind Fiji to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's methyl bromide consumption control measures.

Recommendation 40/18**16. Guatemala**

137. Guatemala had been listed for consideration with regard to its implementation of decisions XV/34 and XVIII/26.

(a) Compliance issues subject to review: CFC and methyl bromide consumption reduction and introduction of a ban on equipment using ozone-depleting substances

138. Guatemala had committed itself, as recorded in decision XV/34, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 20.0 ODP tonnes in 2007. Under that decision, Guatemala had also committed itself to banning by 2005 the import of equipment that used ozone-depleting substances and had been requested by the Implementation Committee in its recommendation 38/19 to submit to the Secretariat an explanation as to why that ban had not also covered the import of equipment using other ozone-depleting substances in accordance with the commitment detailed in paragraph 3 (d) of decision XV/34. Guatemala had also been requested to submit to the Secretariat an explanation as to why the maximum allowable CFC consumption limit for the year 2007 contained in its ozone-depleting substance regulations had appeared inconsistent with decision XV/34, which committed Guatemala to limiting its CFC consumption in 2007 to 20.0 ODP tonnes.

139. Guatemala had also committed itself, as recorded in decision XVIII/26, to reducing its consumption of methyl bromide to 361.0 ODP tonnes in 2007 under the revised plan of action to return to compliance with the control measures on methyl bromide consumption.

(b) Status of compliance issue**(i) CFC and methyl bromide consumption reduction commitments**

140. Guatemala had submitted its ozone-depleting substance data for 2007, reporting CFC consumption of 5.9 ODP tonnes and methyl bromide consumption of 290.8 ODP tonnes, indicating that the Party was in advance of its commitment contained in decisions XV/34 and XVIII/26 and its CFC and methyl bromide phase-out obligations under the Protocol.

(ii) Introduction of import ban on ozone-depleting substance-using equipment

141. Guatemala had submitted a report dated 17 October 2007 on its commitment to ban the import of equipment using ozone-depleting substances in response to recommendations 38/19 and 39/17 (contained in annex I to document UNEP/OzL.Pro/ImpCom/40/INF/3). It had confirmed that the Party was in compliance with the commitment agreed in decision XV/34 by indicating that the earlier ministerial decree to ban equipment using ozone-depleting substances had contained an unintentional error in respect of the regulation governing the importation of equipment using ozone-depleting substances for the 2007 quota and listed equipment. The error had subsequently been corrected in a revised ministerial decree with a national timetable for the reduction and phase-out of CFCs and limiting consumption of CFCs in 2007 to 20.0 ODP tonnes, which had been consistent with decision XV/34. The ministerial decree had also banned the import of equipment using ozone-depleting substances including CFCs and other equipment using ozone-depleting substances as detailed in decision XV/34.

(c) Recommendation

142. The Committee therefore agreed:

(a) To congratulate Guatemala on reporting data for 2007 that showed that the Party was in advance of both its commitment contained in decisions XV/34 and XVIII/26 and its obligations under the chlorofluorocarbon and methyl bromide control measures of the Montreal Protocol for that year;

(b) Also to congratulate Guatemala for banning imports of all equipment using ozone-depleting substances as committed in decision XV/34.

Recommendation 40/19**17. Guinea Bissau**

143. Guinea Bissau had been listed for consideration with regard to its implementation of decision XVI/24.

(a) Compliance issue subject to review: CFC consumption reduction commitment

144. Guinea Bissau had committed itself, as recorded in decision XVI/24, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 3.941 ODP tonnes in 2007.

(b) Status of compliance issue

145. Guinea Bissau had submitted its ozone-depleting substance data for 2007 showing a consumption of 2.9 ODP tonnes for CFCs, which was less than its benchmark for that year.

(c) Recommendation

146. The Committee therefore agreed to congratulate Guinea Bissau on its reported data for the consumption of the Annex A, group I, controlled substances (chlorofluorocarbons) in 2007, which showed that it was in advance of both its commitment contained in decision XVI/24 and its obligations under the chlorofluorocarbon control measures of the Montreal Protocol for that year.

Recommendation 40/20**18. Honduras**

147. Honduras had been listed for consideration with regard to its implementation of decision XVII/34.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment

148. Honduras had committed itself, as recorded in decision XVII/34, to reducing its consumption of the Annex E controlled substance (methyl bromide) to no greater than 255.0 ODP tonnes in 2007.

(b) Status of compliance issue

149. Honduras had not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year could not be confirmed.

(c) Recommendation

150. The Committee therefore agreed to remind Honduras to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's methyl bromide consumption control measures.

Recommendation 40/21

19. Islamic Republic of Iran

151. The Islamic Republic of Iran had been listed for consideration with regard to its implementation of decision XIX/27.

(a) Compliance issue subject to review: carbon tetrachloride consumption reduction commitment

152. The Islamic Republic of Iran had committed itself, as recorded in decision XIX/27, to reducing its consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 11.6 ODP tonnes in 2007.

(b) Status of compliance issue

153. The Islamic Republic of Iran has not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year cannot be confirmed.

(c) Recommendation

154. The Committee therefore agreed to remind the Islamic Republic of Iran to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's carbon tetrachloride consumption control measures.

Recommendation 40/22

20. Kenya

155. Kenya had been listed for consideration with regard to its implementation of decision XVIII/28.

(a) Compliance issue subject to review: CFC consumption reduction commitment

156. Kenya had committed itself, as recorded in decision XVIII/28, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 30.0 ODP tonnes in 2007.

(b) Status of compliance issue

157. Kenya had not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year could not be confirmed.

(c) Recommendation

158. The Committee therefore agreed to remind Kenya to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's chlorofluorocarbon consumption control measures.

Recommendation 40/23**21. Kyrgyzstan**

159. Kyrgyzstan had been listed for consideration with regard to its implementation of decision XVII/36.

(a) Compliance issue subject to review: halon consumption reduction commitment

160. Kyrgyzstan had committed itself, as recorded in decision XVII/36, to reducing its consumption of the Annex A, group II, controlled substances (halon) to no greater than 0.60 ODP tonnes in 2007.

(b) Status of compliance issue

161. Kyrgyzstan had not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year could not be confirmed.

(c) Recommendation

162. The Committee therefore agreed to remind Kyrgyzstan to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's halon consumption control measures.

Recommendation 40/24**22. Lesotho**

163. Lesotho had been listed for consideration with regard to its implementation of decision XVI/25.

(a) Compliance issue subject to review: halon consumption reduction commitment

164. Lesotho had committed itself, as recorded in decision XVI/25, to reducing its consumption of the Annex A, group II, controlled substances (halon) to no greater than 0.1 ODP tonnes in 2007.

(b) Status of compliance issue

165. Lesotho had not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year could not be confirmed.

(c) Recommendation

166. The Committee therefore agreed to remind Lesotho to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's halon consumption control measures.

Recommendation 40/25**23. Libyan Arab Jamahiriya**

167. The Libyan Arab Jamahiriya had been listed for consideration with regard to its implementation of decisions XV/36 and XVII/37.

(a) Compliance issues subject to review: CFC, halon and methyl bromide consumption reduction commitment

168. The Libyan Arab Jamahiriya had committed itself, as recorded in decision XV/36, to reducing its consumption of the Annex A, group I, controlled substances (CFC) to no greater than 107.0 ODP tonnes in 2007. The Party had also committed itself, as recorded in decision XVII/37, to reducing its

consumption of the Annex A, group II, controlled substances (halon) to no greater than 653.910 ODP tonnes in 2006 and 316.533 ODP tonnes in 2007 and the consumption of the Annex E controlled substance (methyl bromide) to no greater than 96.0 ODP tonnes in 2006 and 75.0 ODP tonnes in 2007. In recommendation 39/22, the Implementation Committee had noted with concern that the Libyan Arab Jamahiriya had not responded to the Committee's earlier request contained in recommendation 38/24 to submit its data for the year 2006. The Libyan Arab Jamahiriya was urged to submit to the Ozone Secretariat its data for the year 2006 by 30 September 2007.

(b) Status of compliance issues

169. The Libyan Arab Jamahiriya had not submitted its ozone-depleting substance data for 2007, thus its implementation of its consumption reduction commitments contained in decisions XV/36 and XVII/37 could not be confirmed. The Party had, however, reported data for 2006 confirming its consumption reduction commitment of halon from 714.5 ODP tonnes in 2004 to 304.5 ODP tonnes in 2006 and methyl bromide from 96.0 ODP tonnes in 2004 to 72.0 ODP tonnes in 2006. Those data were below the consumption benchmark commitment of 653.910 ODP tonnes of halons and 96.0 ODP tonnes of methyl bromide contained in decision XVII/37. The Party had also reported consumption of CFCs of 115.7 ODP tonnes in 2006, which was within the commitment of 303.0 ODP tonnes made in decision XV/36.

(c) Recommendation

170. The Committee therefore agreed:

(a) To congratulate the Libyan Arab Jamahiriya on reporting data for 2006 that showed that the Party was in advance of both its commitment contained in decisions XV/36 and XVII/37 and its obligations under the chlorofluorocarbons, halon and methyl bromide control measures of the Montreal Protocol for that year;

(b) To remind the Libyan Arab Jamahiriya to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its commitments to reduce consumption of chlorofluorocarbons to no greater than 316.533 ODP tonnes and consumption of methyl bromide to no greater than 75.0 ODP tonnes in 2007 as contained in decisions XV/36 and XVII/37.

Recommendation 40/26

24. Maldives

171. Maldives had been listed for consideration with regard to its implementation of decision XV/37.

(a) Compliance issue subject to review: CFC consumption reduction commitment

172. Maldives had committed itself, as recorded in decision XV/37, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 0.69 ODP tonnes in 2007.

(b) Status of compliance issue

173. Maldives had not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year could not be confirmed.

(c) Recommendation

174. The Committee therefore agreed to remind Maldives to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's chlorofluorocarbon consumption control measures.

Recommendation 40/27

25. Namibia

175. Namibia had been listed for consideration with regard to its implementation of decision XV/38.

(a) Compliance issue subject to review: CFC consumption reduction commitment (decision XV/38)

176. Namibia had committed itself, as recorded in decision XV/38, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) from 9.0 ODP tonnes in 2006 to 3.2 ODP tonnes in 2007.

(b) Status of compliance issue

177. Namibia had submitted its ozone-depleting substance data for 2007, reporting consumption of the Annex A, group I, controlled substances (CFCs) of zero ODP tonnes. That information showed that the Party was continuing its trend of total CFC phase-out exhibited in the 2006 data, where zero CFC consumption had also been reported, and was in advance of its commitment contained in decision XV/38.

(c) Recommendation

178. The Committee therefore agreed to congratulate Namibia on reporting zero consumption for 2007, which showed that the Party was in advance of both its commitment contained in decision XV/38 to reduce chlorofluorocarbon consumption to no greater than 3.2 ODP tonnes and its obligations under the chlorofluorocarbon control measures of the Montreal Protocol in that year.

Recommendation 40/28

26. Nepal

179. Nepal had been listed for consideration with regard to its implementation of decision XVI/27.

(a) Compliance issue subject to review: CFC consumption reduction commitment (decision XVI/27)

180. Nepal had committed itself, as recorded in decision XVI/27, to releasing no more than 4.05 ODP tonnes in 2007 of the Annex A, group I, controlled substances (CFCs) seized in 2000.

(b) Status of compliance issue

181. Nepal had submitted its ozone-depleting substance data for 2007, reporting consumption of CFCs of zero ODP tonnes. The Party had also reported that it had released 4.0 metric tonnes of CFCs from the amount seized in 2000. That information showed that the Party's was continuing its trend of total CFC phase-out exhibited in the 2006 data, where zero CFC consumption had also been reported, and was consistent with the commitment contained in decision XVI/27 for the gradual release of the CFCs seized.

(c) Recommendation

182. The Committee therefore agreed to note with appreciation that Nepal had reported data for 2007 that showed that the Party was adhering to its commitment contained in decision XVI/27 to release no greater than 4.05 ODP tonnes of chlorofluorocarbons into its local market in that year.

Recommendation 40/29

27. Nigeria

183. Nigeria had been listed for consideration with regard to its implementation of decision XIV/30.

(a) Compliance issue subject to review: CFC consumption reduction commitment

184. Nigeria had committed itself, as recorded in decision XIV/30, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) from 1,100.0 ODP tonnes in 2006 to no greater than 510.0 ODP tonnes in 2007.

(b) Status of compliance issue

185. Nigeria had not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year could not be confirmed.

(c) Recommendation

186. The Committee therefore agreed to remind Nigeria to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's chlorofluorocarbon consumption control measures.

Recommendation 40/30

28. Papua New Guinea

187. Papua New Guinea had been listed for consideration with regard to its implementation of decision XV/40.

(a) Compliance issue subject to review: CFC consumption reduction commitment

188. Papua New Guinea had committed itself, as recorded in decision XV/40, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) from 8.0 ODP tonnes in 2006 to no greater than 4.5 ODP tonnes in 2007.

(b) Status of compliance issue

189. Papua New Guinea had submitted its ozone-depleting substance data for 2007, reporting consumption of CFCs at 4.5 ODP tonnes. That information indicated that the Party was in compliance with its commitment contained in decision XV/40.

(c) Recommendation

190. The Committee therefore agreed to note with appreciation that Papua New Guinea had reported consumption of 4.5 ODP tonnes of the Annex A, group I, controlled substances (chlorofluorocarbons) in 2007, consistent with the consumption reduction commitments contained in decision XV/40.

Recommendation 40/31

29. Paraguay

191. Paraguay had been listed for consideration with regard to its implementation of decision XIX/22.

(a) Compliance issues subject to review: CFC and carbon tetrachloride consumption reduction commitment

192. Paraguay had committed itself, as recorded in decision XIX/22, to reducing its consumption of the Annex A, group I, controlled substance (CFCs) to no greater than 31.6 ODP tonnes in 2007 and the consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 0.1 ODP tonnes in 2007.

(b) Status of compliance issue

193. Paraguay had not submitted its ozone-depleting substance data for 2007, thus its implementation of its consumption reduction commitments contained in decision XIX/22 could not be confirmed.

(c) Recommendation

194. The Committee therefore agreed to remind Paraguay to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with its chlorofluorocarbon and carbon tetrachloride consumption reduction commitments contained in decision XIX/22.

Recommendation 40/32

30. Saint Vincent and the Grenadines

195. Saint Vincent and the Grenadines had been listed for consideration with regard to its implementation of decision XVI/30.

(a) Compliance issue subject to review: CFC consumption reduction commitment

196. Saint Vincent and the Grenadines had committed itself, as recorded in decision XVI/30, to reducing its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 0.45 ODP tonnes in 2007.

(b) Status of compliance issue

197. Saint Vincent and the Grenadines had submitted its ozone-depleting substance data for 2007, reporting CFC consumption of 0.2 ODP tonnes, indicating that the Party was in advance of its commitment contained in decision XVI/30 and its CFC phase-out obligations under the Protocol.

(c) Recommendation

198. The Committee therefore agreed to congratulate Saint Vincent and the Grenadines on reporting data for 2007 that showed that the Party was in advance of both its commitment contained in decision XVI/30 and its obligations under the Protocol's chlorofluorocarbon control measures in that year.

Recommendation 40/33

31. Saudi Arabia

199. Saudi Arabia had been listed for consideration with regard to its implementation of decision XIX/23.

(a) Compliance issue subject to review: excess consumption of methyl bromide and a plan of action

200. Saudi Arabia had been requested, as recorded in decision XIX/23, to submit to the Secretariat an explanation for its methyl bromide consumption of 27.6 ODP tonnes for 2005, which had exceeded its maximum allowable consumption of 0.5 ODP tonnes for that year, together with a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance. The Party had also been requested 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 would ensure progress in achieving methyl bromide phase-out.

201. Prior to decision XIX/23, Saudi Arabia had notified the Secretariat of its request to revise the existing methyl bromide consumption data reported for each of the baseline years 1995–1998. Based on the information obtained through the preparation of its country programme, the Party had concluded that its existing baseline data were incorrect. The Secretariat had explained to the Party that decision XV/19 specified the information that Saudi Arabia should submit to the Implementation Committee, through the Secretariat, to enable the Committee to review the Party's request and had furnished Saudi Arabia with a copy of that decision.

(b) Status of compliance issue

202. Saudi Arabia had submitted a report on 5 March 2008 on methyl bromide consumption and use (contained in annex V to document UNEP/Impcom/40/INF3). The report was based on the national survey of methyl bromide use in Saudi Arabia carried out with the assistance of the United Nations Industrial Development Organization (UNIDO) and UNEP and funding from the Multilateral Fund. The report identified, in table 1, the baseline years (1995–1998) data that were considered incorrect and provided proposed new figures for those years, consistent with the requirement in subparagraph 2 (a) (i) of decision XV/19. The table contained an additional breakdown of methyl bromide amounts imported by Saudi Arabia for the period 1993–2006, compared with amounts reported to Ozone Secretariat over that period.

203. The report also provided detailed explanation on pages 4–10 as to why the existing baseline data were incorrect, including information on the methodology used to collect and verify the data. The reasons cited for inaccuracy in the methyl bromide data reported to the Secretariat for the period 1993–2006 included lack of proper coordination between the Ministry of Agriculture, which was responsible for controlling methyl bromide import and use in Saudi Arabia, and the Presidency of Meteorology and Environment, where imports of methyl bromide should have been reported in the period 1993–2004. For the period 1993–2004, the Presidency of Meteorology and Environment had reported to the Ozone Secretariat methyl bromide data under Article 7 of the Montreal Protocol based on available best estimates on the assumption that it was restricted to quarantine and pre-shipment

applications only.

204. Other reasons given for incorrect data reporting included the absence of a dedicated national ozone unit and country programme to phase out ozone-depleting substances and the priority of phasing out other ozone-depleting substances such as CFCs and halon. Also cited was the Ministry of Agriculture's decision to apply a stepwise reduction of methyl bromide import and use in Saudi Arabia from 2001 by limiting use to sensitive applications and sectors, since it was unrealistic to ban the use of methyl bromide in the country completely before the introduction of suitable alternatives. The supporting documentation contained in annex V to document UNEP/ImpCom/40/INF/3 appeared to satisfy the requirements of subparagraph 2 (a) (ii) of decision XV/19.

205. The report explained why the requested changes should be considered correct, including the methodology used to collect and verify the accuracy of the proposed changes as required by subparagraph 2 (a) (iii) of decision XV/19. The methodology used in data collection included surveying historical methyl bromide quantities used in Saudi Arabia between 1993 and 2006 in all sectors, verification of the quantities of methyl bromide as reported by the national authorities and comparisons of the figures with actual uses, analysis of the quantities used by each individual sector and technical analysis of consumption in various sectors.

206. The report contained documentation to substantiate collection and verification procedures and their findings for all the imports listed in tables 2–4 by the three importing companies as required in subparagraph 2 (a) (iii) of decision XV/19. Copies of data collection questionnaires were also attached to the report. Data was collected through visits and meetings with representatives of governmental bodies and registered importers of methyl bromide, together with the main users. The survey collected data from importers and users of methyl bromide and cross-checked the same with the records kept by the Ministry of Agriculture for verification.

207. The report also contained information on ozone-depleting substance consumption trends and the business activity in the methyl bromide sector as required in subparagraph 2 (a) (iv) (c) of decision XV/19. According to the report, consumption trends and business activity in agricultural holdings, including irrigation holdings, the production and harvested areas and the fumigation of the date's sector, had been analysed against respective methyl bromide use. The survey had also looked at the procedure followed by three methyl bromide importers.

208. The major findings in the survey included extensive use of methyl bromide in the years prior to 2000 owing to extensive soil fumigation and greenhouse cultivation. Following the royal recommendation of 2000 requesting the Ministry of Agriculture to reduce dependency on methyl bromide by promoting feasible alternatives, however, methyl bromide imports had reduced dramatically in subsequent years.

209. Saudi Arabia had also submitted its ozone-depleting substance data for the year 2006, reporting consumption of the Annex E controlled substance (methyl bromide) of 30.4 ODP tonnes. This figure was much higher than the expected 20 per cent methyl bromide consumption reduction for Parties operating under paragraph 1 of Article 5 commencing on 1 January 2005. The Party would therefore appear to be in non-compliance with its methyl bromide consumption obligations for 2006. Should the Implementation Committee accept Saudi Arabia's request for change of its baseline data for the period 1995–1998, however, the baseline consumption would be 204.1 ODP tonnes, thus returning the Party to compliance with its methyl bromide consumption reduction obligations consistent with the Montreal Protocol control measures.

(c) Compliance assistance

210. UNIDO and UNEP were assisting Saudi Arabia to prepare a national ozone-depleting substance phase-out plan, for which funding was approved by the Executive Committee of the Multilateral Fund at its forty-ninth meeting in July 2006. Completion of the plan had been expected by January 2008. The 2007–2009 business plan submitted by UNEP to the Executive Committee at its fifty-first meeting, in March 2007, included a proposal to request institutional strengthening assistance for Saudi Arabia in 2007. The business plan had also indicated that UNEP planned to provide data reporting and policy support to the Party under its compliance assistance programme.

211. Saudi Arabia had reported the establishment of an ozone-depleting substance licensing system.

(d) Discussion at the current meeting

212. Responding to questions from members of the Committee, the representatives of UNIDO and UNEP confirmed that in November 2007 the Executive Committee had approved funding for a national phase-out plan, but that the methyl bromide component was very small. Funding for institutional strengthening had also been approved, and UNEP was working with the Government of Saudi Arabia to establish a national ozone unit, which would reinforce the capacity of the existing officials working on ozone-depleting substance phase-out.

213. Members of the Committee agreed that Saudi Arabia had fully complied with the requirements of decision XV/19 and had provided sufficient information to justify its request for a change in baseline data.

(e) Recommendation

214. The Committee therefore agreed,

Noting with appreciation the information submitted by Saudi Arabia in support of its request to revise its baseline consumption data for the period 1995–1998 for the Annex E controlled substance (methyl bromide), and in accordance with decision XIX/23,

Noting that decision XV/19 sets out the methodology that is to be used to review requests to revise baseline data,

Noting further with appreciation the extensive efforts made by Saudi Arabia to fulfil the information requirements of decision XV/19, in particular its efforts to verify the accuracy of its proposed new baseline data through the national survey of methyl bromide use in Saudi Arabia carried out with the assistance of the United Nations Industrial Development Organization and the United Nations Environment Programme and funding from the Multilateral Fund,

To forward for consideration by the Twentieth Meeting of the Parties the draft decision contained in annex I (section B) to the present report, which would approve the request of Saudi Arabia to revise its baseline consumption data for the period 1995–1998 for the Annex E controlled substance (methyl bromide) from 0.7 to 204.1 ODP tonnes based on the average calculated level of consumption for the following four-year period: 1995 – 162.0 ODP tonnes, 1996 – 223.0 ODP tonnes, 1997 – 210.0 ODP–tonnes and 1998 – 222.0 ODP tonnes.

Recommendation 40/34**32. Somalia**

215. Somalia had been listed for consideration with regard to its implementation of recommendation 39/32.

(a) Compliance issues subject to review: request for halon plan of action

216. Somalia had been requested, as recorded in recommendation 39/32 of the Implementation Committee, to submit to the Ozone Secretariat by 29 February 2008 a report on its efforts, in cooperation with relevant implementing agencies, to develop a plan of action for returning to compliance with the Protocol's halon control measures, together with a system for licensing the import and export of ozone-depleting substances.

(b) Status of compliance issue

217. Somalia had not responded to recommendation 39/32.

(c) Compliance assistance

218. UNEP was providing institutional strengthening assistance to Somalia under the auspices of the Multilateral Fund. In its 2007–2009 business plan, submitted to the Executive Committee of the Multilateral Fund at its fifty-first meeting in March 2007, UNEP had indicated that, when circumstances permitted in 2007, it would provide the Somali national ozone unit with guidance on awareness-raising and training and technical support to develop an ozone-depleting substance licensing system, under the agency's compliance assistance programme. The business plan also indicated that UNEP had planned a mission to Somalia in 2007.

(d) Discussion at the current meeting

219. There was extensive discussion on the difficulties faced by Somalia in achieving compliance within a very unstable political situation. While it was acknowledged that correct procedures needed to be followed, several members urged that a pragmatic approach be taken.

220. The representative of UNEP said that the UNEP compliance assistance programme team was regularly visited by people, with or without documentation, claiming to be the national ozone officer for Somalia. They were provided, as appropriate, with guidance, but contact was then invariably lost. Somalia was rated security phase 5 by the United Nations and country visits were not possible. UNEP was monitoring the situation and would renew its commitment to provide compliance assistance directly to Somalia once the situation permitted. Regarding a question on use of the informal prior informed consent system to gain information on Somalia's imports and exports, the representative of UNEP said that that system was currently in use only in the Asia-Pacific region, and was not applicable to Somalia at that time.

221. The representative of the Multilateral Fund Secretariat said that the Executive Committee had approved funding for Somalia but disbursement was pending until such time as the implementing agencies were able to visit Somalia and implement projects. In the meantime no further funding was being considered.

222. Suggestions as to a way forward included using export from other Parties to Somalia in order to estimate consumption, and using South-South cooperation to work with Somalia through a friendly country. One member suggested that, given the seriousness of the situation in Somalia, the matter would be best considered at a meeting of the Parties.

(e) Recommendation

223. The Committee therefore agreed,

Noting with concern that Somalia has not submitted a report on its efforts, in cooperation with relevant implementing agencies, to develop a plan of action for returning to compliance with Protocol's halon control measures, as well as a system for licensing the import and export of ozone-depleting substances,

Noting, however, the serious challenges faced by Somalia in implementing its obligations under the Montreal Protocol,

(a) To urge Somalia to submit to the Secretariat as a matter of urgency, and no later than 1 September 2008, a report on its efforts, in cooperation with relevant implementing agencies, to develop a plan of action for returning to compliance with Protocol's halon control measures, as well as a system for licensing the import and export of ozone-depleting substances,

(b) Further to urge Somalia to submit to the Secretariat as soon as possible, and preferably no later than 1 September 2008, its ozone-depleting substances data for the year 2007 in accordance with its data-reporting obligations contained in Article 7 of the Protocol, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol;

(c) To request the Executive Committee to consider requesting the implementing agencies currently working with Somalia to prepare a contingency action plan to provide expedited assistance to the Party with relation to the non-compliance issues, when conditions favourable to the implementation of the Montreal Protocol in the country permit. This request is made without prejudice to the decisions that might be taken by the Executive Committee of the Multilateral Fund on this matter.

Recommendation 40/35**33. Uganda**

224. Uganda had been listed for consideration with regard to its implementation of decision XV/43.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment

225. Uganda had committed itself, as recorded in decision XV/43, to reducing its consumption of the Annex E controlled substance (methyl bromide) from 4.8 ODP tonnes in 2006 to zero ODP tonnes by 1 January 2007.

(b) Status of compliance issue

226. Uganda had not submitted its ozone-depleting substance data for 2007, thus its implementation of its ozone-depleting substance consumption reduction commitments for that year could not be confirmed.

(c) Recommendation

227. The Committee therefore agreed to remind Uganda to submit to the Ozone Secretariat its data for the year 2007 in accordance with paragraph 3 of Article 7 of the Protocol as soon as possible, and preferably no later than 1 September 2008, in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol's methyl bromide consumption control measures.

Recommendation 40/36**34. Ukraine**

228. Ukraine had been listed for consideration with regard to its implementation of recommendation 39/35.

229. Accordingly, Ukraine had been invited, as stated in recommendation 39/35 of the Implementation Committee, that should it still wish to pursue its request to revise its methyl bromide baseline data, to submit to the Ozone Secretariat the information requested in recommendation 38/46 of the Implementation Committee as soon as possible, and no later than 29 February 2008, for consideration by the Committee at its fortieth meeting.

(a) Compliance issue subject to review: request to change methyl bromide baseline data

230. The outstanding information requested in recommendation 38/46 concerned paragraph 2 (a) (iv) of decision XV/19. That paragraph required Parties requesting the revision of baseline data to submit supporting documentation to substantiate the accuracy of the proposed new data. The request had been brought to the attention of Ukraine in correspondence from the Secretariat dated 29 May 2007 and again highlighted by the Committee in its discussion with the representatives of Ukraine at the thirty-eighth meeting of the Committee. The Committee had suggested that that requirement might be met through the submission of production invoices from the Saki State Chemistry Works for the year 1991. Ukraine's representatives at the meeting had undertaken to determine whether such documentation was available and, in the event that it was, to submit copies to the Secretariat for consideration by the Committee at its next meeting.

(b) Status of compliance issue

231. Ukraine had not responded to recommendation 38/46. The Party had, however, submitted its ozone-depleting substance data for 2006, reporting data consistent with its obligations under the Protocol to phase out those substances. The information provided by the Party to date in respect of its request to revise its methyl bromide baseline data had been reviewed by the Ozone Secretariat against the requirements of decision XV/19.

(c) Decision XV/19

232. Paragraph 2 (a) (i) of decision XV/19 required a Party requesting a revision of its baseline data to identify which of the baseline data for a given year or years were considered incorrect and to provide proposed new data. The methyl bromide consumption and production baseline for Parties not operating under paragraph 1 of Article 5 of the Protocol was determined by the calculated levels of production and consumption reported by those Parties for the year 1991.

233. Ukraine considered both its 1991 consumption and production data of zero ODP tonnes to be incorrect. The Party had proposed changing its 1991 production and consumption level to 2,087.6 ODP tonnes.

234. The proposed level of 2,087.6 ODP tonnes was based on revised official data reporting forms attached to the letter from Ukraine dated 14 February 2007. The forms indicated that Ukraine had produced 3,607 metric tonnes of methyl bromide in 1991, 127.7 metric tonnes of which had been produced for quarantine and pre-shipment uses. As production of methyl bromide for quarantine and pre-shipment uses was exempt from the Montreal Protocol's control measures, the controlled production of methyl bromide by Ukraine for the baseline year 1991 had been 3,479.3 metric tonnes (2,087.6 ODP tonnes). The revised data reporting forms also indicated that Ukraine did not import,

export or destroy methyl bromide in 1991. Consequently, the controlled methyl bromide consumption of Ukraine for the baseline year of 1991 was also 3,479.3 metric tonnes (2,087.6 ODP tonnes).

235. The Secretariat had brought to the Party's attention the need to submit supporting documentation, where available, to substantiate the accuracy of the proposed new data. The Party's representatives at the Committee's thirty-eighth meeting had said that further research would be undertaken in an attempt to locate more primary data related to methyl bromide production and consumption at that time.

(e) Recommendation

236. The Committee therefore agreed,

Recalling that Ukraine had been requested in recommendation 38/46 of the Implementation Committee to submit to the Secretariat the outstanding information required by decision XV/19 in order that the Committee at its thirty-ninth meeting might complete its review of the Party's request to revise its methyl bromide baseline consumption data,

Noting with concern that Ukraine had not responded to the requests recorded in recommendation 38/46 and 39/35 of the Implementation Committee that it should submit to the Secretariat as soon as possible the outstanding information required by decision XV/19 in order that the Committee at its fortieth meeting might complete its review of the Party's request to revise its methyl bromide consumption baseline data,

To inform Ukraine that its request for change of methyl bromide baseline data could not be considered further without additional information requested in recommendation 38/46.

Recommendation 40/37

35. United Arab Emirates

237. The United Arab Emirates had been listed for consideration with regard to its implementation of recommendation 39/36.

(a) Compliance issues subject to review: CFC and carbon tetrachloride consumption deviations

238. The United Arab Emirates had been requested, as stated in recommendation 39/36 of the Implementation Committee, to submit to the Ozone Secretariat the information requested in recommendation 38/47 of the Implementation Committee no later than 29 February 2008.

239. The United Arab Emirates had reported consumption in 2005 of the Annex B, group II, controlled substance (carbon tetrachloride) of 0.4 ODP tonnes, which was in excess of the Party's obligation under the Protocol to reduce its consumption of carbon tetrachloride in that year to no greater than 15 per cent of its baseline for that substance, namely, zero ODP tonnes.

(b) Request to replace carbon tetrachloride baseline data

240. The United Arab Emirates had requested the replacement of the carbon tetrachloride consumption baseline data for each of the baseline years 1998, 1999 and 2000, on the grounds that the data held by the Secretariat had not been submitted by the Party. In response to the letter from the United Arab Emirates dated 19 October 2006, the Secretariat had forwarded a copy of the data report for the year 1998 submitted by the United Arab Emirates in correspondence dated 25 November 1999. That report had recorded zero carbon tetrachloride imports for the year 1998.

241. With regard to the years 1999 and 2000, the Secretariat had advised that its records showed that the United Arab Emirates had left the data fields for carbon tetrachloride blank in its data reports for those years. As the United Arab Emirates had reported zero consumption of carbon tetrachloride in 1998, the Secretariat had presumed that the blank data fields in the 1999 and 2000 data reports were intended to again indicate zero consumption, and accordingly recorded zero consumption of carbon tetrachloride for the United Arab Emirates in those years. To confirm that that presumption was correct, the Secretariat had followed its usual procedure of submitting the data reports to the United Arab Emirates for review. Prior to the Party's letter of 19 October 2006, the Secretariat had not been notified that the presumption was incorrect.

(c) Status of compliance issue**(i) Carbon tetrachloride consumption deviation**

242. The original correspondence had not included an explanation for the United Arab Emirates' apparent deviation from the Protocol's carbon tetrachloride consumption control measures in 2005, but rather expanded on the Party's view that the baseline data held by the Ozone Secretariat should be replaced. The replacement carbon tetrachloride consumption baseline data proposed by the Party would result in a revised consumption baseline of 2.6 ODP tonnes, which would place the United Arab Emirates in compliance with the Protocol's control measures for that substance in 2005.

(ii) Request to replace carbon tetrachloride baseline data

243. The submission of the United Arab Emirates dated 12 May 2008, pursuant to recommendation 39/36, however, had explained that further investigations carried out to verify the data reported to the Secretariat in May 2007 had indicated that the reported data had been listed wrongly against an incorrect Customs code. Accordingly, the Party was now requesting the Secretariat to record zero consumption of carbon tetrachloride by the United Arab Emirates for the years 1998, 1999 and 2000.

(d) Discussion at the current meeting

244. Responding to questions from the members of the Committee, the representative of the Ozone Secretariat confirmed that with a baseline consumption of zero, the consumption data for 2005 would indicate that the United Arab Emirates was in a state of non-compliance – though it was possible, of course, that the errors over customs codes had recurred, based on the Party's assertion that the companies which imported those items did not deal with chemicals (carbon tetrachloride). The Secretariat had requested clarification of the 2005 and 2006 carbon tetrachloride data, but had not yet received a response from the Party. As noted in paragraph 44, the 2006 data had not yet been submitted.

(e) Recommendation

245. The Committee therefore agreed:

(a) To note with appreciation that the United Arab Emirates had submitted to the Ozone Secretariat the information requested in recommendations 38/47 and 39/36 of the Implementation Committee, thereby clarifying the baseline consumption of carbon tetrachloride as zero for the years 1998, 1999 and 2000;

(b) To take note of the apparent consumption deviation suggested by the carbon tetrachloride data submitted by the United Arab Emirates for 2005 and the lack of reporting of the carbon tetrachloride data for the year 2006, both issues which were still under review by the Secretariat and the Party;

(c) That, should the current review not resolve the outstanding consumption deviation by the time of the next meeting of the Implementation Committee, the draft decision contained in section C of annex I to the present report could be considered by the Committee in respect of the Party.

Recommendation 40/38

VIII. Plan of action for establishment and operation of licensing systems for ozone-depleting substances

246. The following Parties had been listed for consideration with regard to their implementation of decision XIX/26, on the establishment of licensing systems pursuant to the requirements of Article 4B of the Montreal Amendment to the Montreal Protocol: Barbados, Cook Islands, Eritrea, Haiti, Kiribati, Nauru, Niue, Sao Tome and Principe, Somalia, Tonga, United Republic of Tanzania and Uzbekistan.

A. Compliance issue subject to review: Plan of action for establishment and operation of licensing system

247. The Parties had been requested, as recorded in paragraph 2 of decision XIX/26, to submit to the Secretariat as a matter of urgency and no later than 29 February 2008, a plan of action to ensure the prompt establishment and operation of an import and export licensing system for ozone-depleting substances.

B. Status of compliance issue

248. Kiribati, Niue, Sao Tome and Principe, United Republic of Tanzania and Uzbekistan had reported to the Secretariat the establishment and operation of a licensing system for all ozone-depleting substances and were therefore in compliance with Article 4B of the Protocol.

249. Eritrea had reported on 7 April 2008 that the final draft of its licensing system had been submitted to the Ministry of Justice for harmonization with other legal notices and approval. The Party had also reported related activities that were being carried out, including public awareness-raising and educational activities for the protection of the ozone layer. Similarly, in correspondence dated 20 June 2008, Barbados had reported that its existing legislation on import controls already allowed it to restrict the import of CFCs, but that it was also in the process of preparing a dedicated ozone-depleting substance import and export regulation which would allow it to control all substances included in the Montreal Protocol. No reports on the establishment of licensing systems had been received from Cook Islands, Haiti, Nauru, Somalia or Tonga.

C. Compliance assistance

250. Financial assistance had been extended to all Parties listed under decision XIX/26 to establish and implement a licensing system.

D. Discussion at the current meeting

251. Members of the Committee underlined the critical importance of Parties establishing licensing systems, particularly given the proximity of the 2010 total phase-out date for CFCs and other ozone-depleting substances, and suggested that as much encouragement as possible should be given to those Parties still lacking such systems. Responding to questions, the representative of UNEP confirmed that the regional strategy for Pacific Island countries included the provision of a model regulation on licensing systems and discussions with the appropriate government law officers. The problems these countries faced included a shortage of human resources, a lack of suitable legislation giving governments the necessary powers, and other competing priorities; climate change, for example, was generally viewed as a more pressing concern.

E. Recommendation

252. The Committee therefore agreed,

Noting with appreciation the information submitted by Kiribati, Niue, Sao Tome and Principe, United Republic of Tanzania and Uzbekistan on the establishment of their licensing systems in accordance with Article 4B of the Montreal Protocol, as requested in decision XIX/26,

Noting also with appreciation the information submitted by Barbados and Eritrea on the steps they are taking to establish licensing systems,

Noting with concern that Cook Islands, Haiti, Nauru, Somalia and Tonga have not responded to the request made in decision XIX/26 to report on the establishment and operation of a system for licensing the import and export of controlled ozone-depleting substances, in accordance with their obligations under Article 4B of the Protocol,

(a) To congratulate Kiribati, Niue, Sao Tome and Principe, United Republic of Tanzania and Uzbekistan on the establishment and operation of a system for licensing the import and export of controlled ozone-depleting substances, in accordance with their obligations under Article 4B of the Protocol,

(b) To request Barbados and Eritrea to complete the establishment and commence the operation of systems for licensing the import and export of controlled ozone-depleting substances in accordance with their obligations under Article 4B of the Protocol, no later than 1 September 2008, and

to notify the Secretariat immediately thereafter, in order that, at its forty-first meeting, the Committee might assess the Parties' compliance with the Protocol,

(c) To request Cook Islands, Haiti, Nauru, Somalia and Tonga to submit to the Secretariat as a matter of urgency and no later than 1 September 2008, the plans of action called for in decision XIX/26 to ensure the prompt establishment and operation of import and export licensing systems for ozone-depleting substances, in order that, at its forty-first meeting, the Committee might assess the Parties' compliance with the Protocol;

Recommendation 40/39

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

A. Introduction

253. The representative of the Secretariat introduced the report on the item, contained in document UNEP/OzL.Pro/ImpCom/40/4. Article 4B of the Protocol, which had been introduced by the Montreal Amendment, required each Party to establish a system for licensing the import and export of new, used, recycled and reclaimed controlled substances by 1 January 2000 or by three months after the date of entry into force of Article 4B for the Party.

254. The report listed the 165 Parties to the Montreal Amendment, together with information on whether or not they had established a licensing system, and a further 19 Parties to the Protocol that had not yet ratified the Montreal Amendment but had nevertheless established licensing systems. Seven of the Parties which had ratified the Montreal Amendment but had not yet established licensing systems had been listed in decision XIX/26 and considered by the Committee in recommendation 40/39 above. One further Party, Equatorial Guinea, had ratified the amendment in July 2007, and had therefore not had to establish its licensing system by the time of the last Committee meeting since the Montreal Amendment had not yet entered into force for it, but was now under an obligation to do so; the Secretariat would seek information in time for the next meeting of the Committee. One more Party, the Holy See, had ratified the Montreal Amendment in May 2008, and was therefore not yet under an obligation to establish a licensing system.

B. Discussion

255. Responding to questions about the remaining Parties to the Protocol which had not been listed in either of the two annexes to the report, the representative of the Secretariat explained that these had not yet ratified the Montreal Amendment or established licensing systems. They would be under no obligation to establish such systems until they did ratify the Montreal Amendment, but successive meetings of the parties had adopted decisions encouraging all Parties to ratify the Montreal Amendment and set up licensing systems as soon as possible. One member of the Committee pointed to the different procedures used by different Parties in ratifying amendments; some required parliamentary approval, which could take some time.

C. Recommendation

256. The Committee therefore agreed:

(a) To note with appreciation the tremendous efforts that the Parties to the Montreal Protocol have made in establishment and operation of licensing systems under Article 4B of the Protocol;

(b) To note that several Parties to the Montreal Protocol which are not yet Parties to the Montreal Amendment have nevertheless established licensing systems and to congratulate them on doing so;

(c) To request Equatorial Guinea to report to the Secretariat, preferably no later than 1 September 2008, on the status of the establishment and operation of its licensing system for ozone-depleting substances in order that, at its forty-first meeting, the Committee might assess the Party's compliance with the Protocol;

(d) To forward for consideration by the Twentieth Meeting of the Parties the draft decision contained in annex I (section D) to the present report, which would among other things record the number of Parties to the Montreal Amendment that had reported to the Secretariat the establishment and operation of systems for licensing the import and export of ozone-depleting substances data in accordance with Article 4B of the Montreal Protocol and request those Parties to the Montreal Amendment yet to do so to submit to the Secretariat as a matter of urgency and no later than 1 March 2009 plans of action to ensure the prompt establishment and operation of such licensing systems, for consideration by the Committee at its forty-second meeting.

Recommendation 40/40

IX. Difficulties faced by some Article 5 Parties manufacturing metered-dose inhalers which use chlorofluorocarbons (decision XVIII/16, paragraph 3)

257. The representative of the Secretariat introduced its note on the issue, contained in document UNEP/OzL.Pro/ImpCom/40/5. In decision XVIII/16 the Implementation Committee had been requested to consider all possible options on how to address the potential non-compliance difficulties of some Article 5 Parties resulting from the high proportion of CFC consumption in their metered-dose inhaler sectors and to give special consideration to the situation of such Parties, particularly in the context of paragraph 4 of the non-compliance procedure of the Protocol, in the light of information received from the Parties concerned and having due regard to health considerations.

258. In the same decision, provision was made for Parties to consider the matter again at the Twentieth Meeting of the Parties. To date the Secretariat had received information from Bangladesh only, which had notified the Implementation Committee in 2007 that the Party expected increased demand for metered-dose inhalers which would in turn increase consumption of CFCs beyond 2010.

259. He also explained that, in its 2008 progress report, the Technology and Economic Assessment Panel has reviewed the progress achieved and challenges faced in the conversion of the manufacture of CFC metered dose inhalers in Parties operating under paragraph 1 of Article 5 and drew attention to the executive summary of the progress report, annexed to the Secretariat's note.

260. He pointed out that the issue would be under consideration at the forthcoming meeting of the Open-ended Working Group and was also the subject of a workshop to be organized by UNEP in Bangkok on Sunday, 6 July 2008.

261. Following a discussion, in which several members noted that the issue was of critical importance and not just for one or two countries but at a global level, given the rising demand for metered-dose inhalers due to various environmental factors. It was pointed out that, while conversion technologies were available, they involved high investment and considerable time would be required for users to adapt to them. Accordingly, it was argued that the production of CFC-based inhalers would need to continue for some time.

262. It was also pointed out that, given the complexity and importance of the issue, the Committee should defer further consideration until it had the fullest possible information before it, including the outcome of discussions at the forthcoming meeting of the Open-ended Working Group and any findings emerging from the UNEP workshop. Accordingly, the Committee agreed to defer consideration of the issue to its next meeting.

Other matters

A. Requests and requirements contained in previous decisions

1. Background

263. The representative of the Ozone Secretariat reminded the meeting of an issue that had arisen during the report on the data submitted by Parties, on the reporting of destinations for exports pursuant to decision XVII/16 (see paragraph 19 above). One Party had argued that the use of the word "urge" meant that such reporting was not a mandatory requirement, and had provided a list of other such requests and requirements, indicating those which, in its view, were mandatory and those which were voluntary.

264. The representative of the Ozone Secretariat suggested that the Committee could usefully adopt a more comprehensive approach to the issue, with a view to reviewing at its forty-first meeting all decisions of Meetings of the Parties which contained requests or requirements on reporting and other continuing activities and to determining the extent to which it wished to continue to monitor fulfillment of such requests and requirements. The Secretariat could prepare a paper to guide the discussion, building on the suggestions already put forward by the Party in question.

2. Recommendation

265. The Committee therefore agreed to request the Ozone Secretariat to prepare for discussion at its forty-first meeting a comprehensive list of all decisions of Meetings of the Parties which required, urged, requested, invited or, in some other form, engaged Parties to carry out continuing or recurring actions or activities, to enable it to discuss which should be monitored or reviewed on a regular basis.

Recommendation 40/41

X. Adoption of the report of the meeting

266. The Committee considered and approved the text of the draft recommendations and agreed to entrust the finalization of the report of the meeting to the Secretariat, working in consultation with the President.

XI. Closure of the meeting

267. Following the customary exchange of courtesies, the President declared the meeting closed at 3.30 pm on Friday, 4 July 2008.

Annex I

Draft decisions

A. Draft decision XX/-: Non-compliance with the Montreal Protocol by Ecuador

Noting that Ecuador ratified the Montreal Protocol on 30 April 1990, the London Amendment on 23 February 1993, the Copenhagen Amendment on 24 November 1993 and Montreal Amendments on 16 February 2007, 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 February 1992,

Noting also that the Executive Committee has approved \$[XX-----] from the Multilateral Fund to enable Ecuador's compliance in accordance with Article 10 of the Protocol,

1. That Ecuador has reported annual consumption for the controlled substances in Annex E (methyl bromide) for 2007 of 122.4 ODP tonnes, which exceeds the Party's maximum allowable consumption of 53.0 ODP tonnes for the controlled substance for that year, and that Ecuador is therefore in non-compliance with the control measures for methyl bromide under the Protocol for methyl bromide in 2007;

2. To record with appreciation Ecuador's submission of a plan of action to ensure its prompt return to compliance with the Protocol's methyl bromide control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Ecuador specifically commits itself:

(a) To reducing methyl bromide consumption to no greater than:

(i) 52.8 ODP tonnes in 2008 and in each subsequent calendar year until 2014;

(ii) Zero ODP tonnes in 2015, save for critical uses that may be authorized by the Parties;

(b) To monitoring its import licensing and licensing system for ozone-depleting substances;

3. To urge Ecuador to work with the relevant implementing agencies to implement its plan of action to phase out consumption of methyl bromide;

4. To monitor closely the progress of Ecuador 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 toward 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, Ecuador 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;

5. To caution Ecuador in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance, 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 the 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. Draft decision XX/-: Request for change in baseline data by Saudi Arabia

Noting that Saudi Arabia has submitted a request to revise its consumption data for the Annex E controlled substance (methyl bromide) for the baseline years 1995–1998, from 0.7 to 204.0 ODP tonnes,

Noting also that decision XV/19 sets out the methodology for the submission and review of these requests,

Noting with appreciation the extensive efforts undertaken by Saudi Arabia to fulfil the information requirements of decision XV/19, in particular its efforts to verify the accuracy of its proposed new baseline data through the national survey of methyl bromide use carried out with the assistance of the United Nations Industrial Development Organization and the United Nations Environment Programme and funding from the Multilateral Fund,

1. To determine that Saudi Arabia has presented sufficient information, in accordance with decision XV/19, to justify its request to change its baseline consumption data of methyl bromide;

2. To change the baseline consumption data of Saudi Arabia for methyl bromide for the years 1995–1998 from 0.7 to 204.1 ODP tonnes based on the average calculated level of consumption, for the following four-year period: 1995 – 162.0 ODP tonnes, 1996 – 223.0 ODP tonnes, 1997 – 210.0 ODP tonnes; 1998 – 222.0 ODP tonnes.

C.- Draft decision XX/-: Potential non-compliance in 2007 with the provisions of the Protocol governing consumption of the controlled substance in Annex B, group II (carbon tetrachloride) by [XX] and request for a plan of action

Noting that [XX] ratified the Montreal Protocol on [XX], the London Amendment on [XX] and the Copenhagen Amendment on [XX], 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 [XX],

Noting that the Executive Committee has approved [\$xxx] from the Multilateral Fund to enable [XX] compliance in accordance with Article 10 of the Protocol,

Noting further that [XX] has reported annual consumption for the controlled substance in Annex [XX], group [XX] [(XX)] for 2007 of [XX] ODP tonnes, which exceeds the Party's maximum allowable consumption level of [XX] ODP tonnes for that controlled substance for that year, and that in the absence of further clarification [XX] is therefore presumed to be in non-compliance with the control measures under the Protocol,

1. To request [XX] to submit to the Secretariat, as a matter of urgency and no later than 1 March 2009, for consideration by the Implementation Committee at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance;

2. To monitor closely the progress of [XX] with regard to the phase-out of [XX]. To the degree that the Party is working toward 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, [XX] 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;

3. To caution [XX], 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 carbon tetrachloride that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

D. Draft decision XX/-: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol

Noting that paragraph 3 of Article 4B of the Montreal Protocol requires each Party, within three months of the date of introducing its system for licensing the import and export of new, used, recycled and reclaimed substances in Annexes A, B, C and E of the Protocol, to report to the Secretariat on the establishment and operation of that system,

Noting with appreciation that [156] Parties to the Montreal Amendment to the Protocol have established import and export licensing systems for ozone-depleting substances as required under the terms of the amendment,

Noting also with appreciation that [19] Parties to the Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems for ozone-depleting substances,

Recognizing that licensing systems provide for the monitoring of imports and exports of ozone-depleting substances, prevent illegal trade and enable data collection,

1. To encourage all remaining Parties to the Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems for ozone-depleting substances if they have not yet done so;

2. To urge all Parties that already operate licensing systems for ozone-depleting substances to ensure that they are structured in accordance with Article 4B of the Protocol and that they are implemented and enforced effectively;

3. To review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all Parties to the Protocol, as called for in Article 4B of the Protocol.

Annex II

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