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**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Forty-fourth meeting**
Geneva, 21–22 June 2010

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

I. Opening of the meeting

1. The forty-fourth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Geneva International Conference Centre on 21 and 22 June 2010.
2. Mr. Ezzat Lewis (Egypt), President of the Committee, opened the meeting at 10.50 a.m. on 21 June, welcoming the Committee members and representatives of the Multilateral Fund for the Implementation of the Montreal Protocol and the Fund's implementing agencies.
3. Mr. Marco González, Executive Secretary of the Ozone Secretariat, welcomed the Committee members and the other participants. He noted that the current meeting was taking place six months after the final phase-out date for most ozone-depleting substances – 1 January 2010 – and acknowledged the hard work by parties to make that historic milestone a reality. Early indications showed that over 50 countries operating under paragraph 1 of Article 5 of the Protocol had achieved phase-out in advance of the target date. He congratulated those parties that had established licensing systems for controlling the import and export of ozone-depleting substances. Such systems were crucial in regulating the phase-out of ozone-depleting substances and preventing illegal trade, and he encouraged the implementing agencies to ensure that licensing systems were being enforced.
4. He noted that most parties had completed ratification of all amendments to the Protocol; only 33 had not ratified one or more amendments, and of those parties only one had failed to ratify any. He urged those parties which had ratified all amendments to encourage others in their region to do so in order to attain the goal of universal ratification. Such a target had more than symbolic meaning, as it would assist all parties in achieving a smooth transition away from ozone-depleting substances. In closing, he commended the Committee for the role that it had played in enabling many parties to return to compliance and assured members that the Secretariat would continue to accord the Committee the necessary support to carry out its mandate.

Attendance

5. Representatives of the following Committee members attended the meeting: Armenia, Egypt, Germany, Jordan, Nicaragua, Niger, Russian Federation, Saint Lucia, Sri Lanka, United States of America.

6. The meeting was also attended by a representative of the secretariat of the Multilateral Fund, by the Chair of the Executive Committee of the Multilateral Fund and by 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. A list of participants is set out in annex II to the present report.

II. Adoption of the agenda and organization of work

7. The Committee adopted the following agenda, based on the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/44/1/Rev.1:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Report by the Secretariat on data and information under Articles 7 and 9 of the Montreal Protocol and on related issues.
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) Existing plans of action to return to compliance:
 - (i) Albania (decision XV/26);
 - (ii) Bangladesh (decisions XVII/27 and XXI/17);
 - (iii) Bosnia and Herzegovina (decision XXI/18);
 - (iv) Chile (decision XVII/29);
 - (v) Ecuador (decision XX/16);
 - (vi) Guinea-Bissau (decision XVI/24);
 - (vii) Kenya (decision XVIII/28);
 - (viii) Maldives (decision XV/37);
 - (ix) Mexico (decision XXI/20);
 - (x) Namibia (decision XV/38);
 - (xi) Nepal (decision XVI/27);
 - (xii) Nigeria (decision XIV/30);
 - (xiii) Paraguay (decision XIX/22);
 - (xiv) Saint Vincent and the Grenadines (decision XVI/30);
 - (xv) Somalia (decision XX/19);
 - (xvi) Uruguay (decision XVII/39);
 - (b) Other recommendations and decisions on compliance:
 - (i) Eritrea (recommendation 43/5);
 - (ii) Saudi Arabia (decision XXI/21);

- (iii) Turkmenistan (decision XXI/25);
 - (iv) Vanuatu (decision XXI/26).
6. Consideration of other non-compliance issues arising out of the data report.
 7. Consideration of the report of the Secretariat on parties that have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol).
 8. Information on compliance by parties present at the invitation of the Implementation Committee.
 9. Other matters.
 10. Adoption of the report of the meeting.
 11. Closure of the meeting.

III. Report by the Secretariat on data and information under Articles 7 and 9 of the Montreal Protocol and on related issues

A. Report on data and information under Article 7

8. The representative of the Ozone Secretariat summarized the information set out in the report on information provided by parties in accordance with Article 7 of the Protocol (UNEP/OzL.Pro/ImpCom/44/2). He said that data-reporting obligations fell into three categories. The first category covered reporting of base-year data under paragraphs 1 and 2 of Article 7, which primarily affected new parties to the Protocol or those newly ratifying an amendment. Within that category two parties had yet to submit some or all of their base-year data. One was a relatively new party and had informed the Secretariat that it expected to submit data soon; the other had recently ratified an amendment but had not previously reported base-year data for the substance whose consumption was controlled by that amendment. The second category concerned paragraphs 3 and 8 *ter* of Article 5, which redefined the control measures, and the base levels for determining compliance with those control measures, for parties operating under paragraph 1 of Article 5. The annual data reported thus far by parties indicated that all parties were in compliance with the requirement to report baseline data for substances that fell within that category. The final category was the requirement, under paragraph 3 of Article 7, to report data every year from the year of entry into force of the Protocol or relevant amendment for a ratifying party, which applied to all parties. For the years 1986–2008 all parties had complied with their annual data-reporting obligations. For the year 2009, to date 62 parties had reported, although any cases of non-compliance with annual data-reporting obligations would not be due for consideration until after the reporting deadline of 30 September 2010.

9. Turning next to essential and critical-use exemptions, he said that the following parties had been granted exemptions for essential uses of chlorofluorocarbons (CFCs) for the year 2009: the European Union (22 tonnes), the Russian Federation (378 tonnes) and the United States of America (282 tonnes). Two of those parties had submitted their accounting reports in accordance with paragraph 9 of decision VIII/9. In addition, five parties had been granted critical-use exemptions for methyl bromide for 2009, and three of those parties had submitted their accounting reports in accordance with decision XVI/6.

10. With regard to assessment of compliance with the control measures for parties not operating under paragraph 1 of Article 5, he said that the Secretariat also took into consideration exemptions for essential and critical uses approved by the meetings of the parties, allowances for extra production for basic domestic needs of parties operating under paragraph 1 of Article 5, and other factors, including transfer of production rights between parties, laboratory and analytical uses that were exempted, and certain stockpiling scenarios that the Meeting of the Parties had decided should be recorded for information purposes only. When applicable control measures and other factors were taken into account, no cases of deviation or possible non-compliance by parties not operating under paragraph 1 of Article 5 had been identified to date for the year 2009. Considering control measures for parties operating under paragraph 1 of Article 5, as defined under paragraphs 8 *bis* and 8 *ter* of Article 5, he again outlined the exemptions, allowances and other factors applied in reviewing compliance. He noted that, for parties that had been the subject of decisions on non-compliance, agreed benchmarks were used as the primary determinant of those parties' adherence to their commitments under the Protocol's control measures to reduce their production or consumption levels. For data for 2009, deviations recorded thus far for parties operating under paragraph 1 of Article 5 either were deviations allowed

under decisions of the parties or were within the commitment benchmarks of those parties, and therefore did not require those parties to be subjected to the non-compliance process.

11. On stockpiling, he recalled that by decision XVIII/17 the Secretariat had been requested to maintain a consolidated record of cases of stockpiling stemming from scenarios outlined in that decision. The issue had been considered again at the Twenty-First Meeting of the Parties and the thirtieth meeting of the Open-ended Working Group, but no consensus had been reached.

12. With regard to the reporting of exports, by decision XVII/16 the Secretariat had been requested to revise the reporting format to cover reporting of exports and destinations of all controlled ozone-depleting substances, and to report the export information received to importing parties. A total of 35 parties had reported exports, although some had not given full details on destinations. Upon notification, some importers had written to the Secretariat with queries or explanations regarding discrepancies. The Secretariat had found that two parties had reported exports to States that were not party to the Protocol or to amendments controlling consumption of those substances, and had contacted those exporting parties to clarify the situation.

13. On the matter of process agents, he recalled that by decision XXI/3 parties had been requested to submit information on process-agent uses. In accordance with paragraph 4 of that decision, in which the Secretariat was requested to bring cases of non-reporting to the Committee's attention, he informed the Committee of those parties that had reported thus far.

14. The Committee took note of the report.

B. Report on information under Article 9

15. The representative of the Ozone Secretariat, in his report on information under Article 9, said that Article 9 called upon parties to cooperate in promoting research, development, exchange of information and public awareness, and required each party to submit a summary of such activities to the Secretariat within two years of entry into force of the Protocol and every two years thereafter. In response to decision XX/13 the Secretariat had posted on its website all reports received in accordance with Article 9, including submitted publications. He presented an extract of information from the website, demonstrating the types of information submitted by parties and the formats of those submissions. Noting that the amount of information submitted and its accessibility varied widely, he encouraged parties to provide in their Article 9 summary reports electronic links to any pertinent documentation for sharing with other parties, as they deemed appropriate.

16. The Committee took note of the report.

IV. 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 the implementing agencies to facilitate compliance by parties

17. Mr. Eduardo Ganem, Deputy Chief Officer, Secretariat of the Multilateral Fund, presented a report under the item. He dealt first with the decisions of the fifty-ninth and sixtieth meetings of the Executive Committee related to compliance. Relevant decisions at the fifty-ninth meeting concerned the submission by implementing agencies of phase-out projects for hydrochlorofluorocarbons (HCFCs), specifically HCFC-141b, to enable adherence to compliance obligations for the years 2013 and 2015 (decision 59/11); encouraging the Chair of the Executive Committee to attend Implementation Committee meetings in order to understand better issues related to maintaining compliance (decision 59/53 (c)); and submission requirements for parties ready to proceed with the phase-out of HCFC production (decision 59/44 (c)). Relevant decisions at the sixtieth meeting dealt with the application of the penalty clause of the agreement regarding the phase-out plan for CFCs in Bangladesh (decision 60/35 (c)); criteria for funding HCFC phase-out in the consumption sector (decision 60/44); modifications to the CFC production sector agreements of China and India (decision 60/47); and modifications to the data-reporting format for country programmes (decision 60/4 (b) (iv)).

18. He then considered the status of implementation of delayed projects and the prospects for parties operating under paragraph 1 of Article 5 of achieving compliance with the next control measures of the Protocol (UNEP/OzL.Pro/ImpCom/44/INF/4). With regard to the status of and prospects for compliance, all eligible parties operating under paragraph 1 of Article 5 had received funding to achieve

compliance with the CFC, halon, methyl bromide, carbon tetrachloride and methyl chloroform control measures; all eligible parties operating under paragraph 1 of Article 5 had received funding for preparation of their HCFC phase-out management plans; two countries had received funding to achieve compliance with HCFC control measures up to and beyond those required for 2015; and three additional countries had submitted HCFC phase-out management plans to the Executive Committee at its sixty-first meeting.

19. Regarding countries for which there were compliance decisions, he said that there were 41 compliance-related issues from decisions of the parties, applying to 34 countries, which were of possible relevance to the Committee's deliberations. On the basis of data reported under Article 7, country programme data and information from implementing agencies, compliance issues had been resolved for most of those countries, but for several countries the status could not be resolved as relevant data had not been received.

20. He then reviewed the status of development of HCFC phase-out management plans to meet the control measures for 2013 and 2015, and modifications to licensing systems for HCFC controls. As country programme data indicated, with the assistance of the Multilateral Fund more than 250,000 ODP-tonnes of consumption of controlled substances had been phased out, and significant success achieved in training refrigeration servicing technicians and Customs officers, putting in place mechanisms for the recovery and recycling of refrigerants, and installing licensing systems. He said that a total of 441,738 tonnes (29,101 ODP-tonnes) of HCFC consumption had been reported in country programme data (2008–2009), summarizing the progress being made in implementation of HCFC phase-out measures. Noting that the prices of ozone-depleting substances and alternatives were an indication of the sustainability of phase-out, he said that the average price of CFC-11 had increased since 2005, and that average prices for CFC-12 and HCFC-22 for 2009 were lower than those reported since 2006, but higher than 2005 prices. HCFC-141b and HCFC-142b prices had decreased in 2009 but remained higher than 2007 prices; and HFC-134a prices had continued to decrease since 2006.

21. Lastly, he considered implementation delays and additional status reports. He said that the Executive Committee monitored projects with implementation delays and their potential impact on compliance at each of its meetings, and requested additional status reports where problems were identified. Funding had been approved for the preparation of 144 HCFC phase-out management plans, and 139 remained at various stages of completion. Reasons for delays in the preparation of HCFC phase-out management plans included countries' continued focus on CFC phase-out activities; the absence of HCFC policies and guidelines; issues related to Governments and changes within Governments; and difficulties initiating survey activities. Of the 144 countries, 38 had included control measures for HCFC phase-out, according to information provided by implementing agencies in their progress reports. It was, however, difficult to ascertain the status of modifications introduced to HCFC control measures, and the Secretariat of the Multilateral Fund had recommended that the implementing agencies should provide reports on the status of modifications to licensing systems to the Executive Committee at its sixty-second meeting.

22. The Committee took note of the report.

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

A. Existing plans of action to return to compliance

23. The representative of the Secretariat gave an overview of the reporting status of the parties listed under agenda item 5 (a). Five parties – Albania, Mexico, Namibia, Saint Vincent and the Grenadines and Somalia – had reported data for 2009, allowing assessment of their compliance relevant to past decisions. The remaining 11 parties – Bangladesh, Bosnia and Herzegovina, Chile, Ecuador, Guinea-Bissau, Kenya, Maldives, Nepal, Nigeria, Paraguay and Uruguay – had not yet reported data for 2009.

1. Parties having reported data for 2009**(a) Albania (decision XV/26)****(i) Compliance issue subject to review: CFC consumption reduction commitment**

24. Albania had committed itself, as recorded in decision XV/26, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to zero ODP-tonnes by 1 January 2009, save for essential uses that might be authorized by the parties.

(ii) Status of compliance issue

25. By the time of the current meeting, Albania had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of CFCs. Those data placed the party in compliance with its commitment contained in decision XV/26.

(b) Mexico (decision XXI/20)**(i) Compliance issue subject to review: carbon tetrachloride consumption reduction commitment**

26. Mexico had committed itself, as recorded in decision XXI/20, to reducing its consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than zero ODP-tonnes in 2009.

(ii) Status of compliance issue

27. By the time of the current meeting, Mexico had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of carbon tetrachloride. Those data placed the party in compliance with its commitment contained in decision XXI/20.

(c) Namibia (decision XV/38)**(i) Compliance issue subject to review: CFC consumption reduction commitment**

28. Namibia had committed itself, as recorded in decision XV/38, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than 1.0 ODP-tonnes in 2009.

(ii) Status of compliance issue

29. By the time of the current meeting, Namibia had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of CFCs. Those data placed the party in compliance with its commitment contained in decision XV/38.

(d) Saint Vincent and the Grenadines (decision XVI/30)**(i) Compliance issue subject to review: CFC consumption reduction commitment**

30. Saint Vincent and the Grenadines had committed itself, as recorded in decision XVI/30, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than 0.1 ODP-tonnes in 2009.

(ii) Status of compliance issue

31. By the time of the current meeting, Saint Vincent and the Grenadines had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of CFCs. Those data placed the party in compliance with its commitment contained in decision XVI/30.

(e) Somalia (decision XX/19)**(i) Compliance issue subject to review: halon consumption reduction commitment**

32. Somalia had committed itself, as recorded in decision XX/19, to reducing its consumption of Annex A, group II, controlled substances (halons) to no greater than 9.4 ODP-tonnes in 2009.

(ii) Status of compliance issue

33. By the time of the current meeting, Somalia had submitted its ozone-depleting substance data for 2009, reporting consumption of zero ODP-tonnes of halons. Those data placed the party in compliance with its commitment contained in decision XX/19.

(f) Recommendation

34. The Committee therefore agreed:

To congratulate the following parties on their reported consumption of ozone-depleting substances, which showed that they were in compliance with their commitments contained in the corresponding decisions.

<i>Party</i>	<i>Substance</i>	<i>Decision incorporating plan of action</i>	<i>Action plan target (ODP-tonnes)</i>	<i>Year of target</i>	<i>Submitted Article 7 data</i>	<i>Year of submitted data</i>
Albania	CFCs	Decision XV/26	0	2009	0	2009
Mexico	Carbon tetrachloride	Decision XXI/20	0	2009	0	2009
Namibia	CFCs	Decision XV/38	1	2009	0	2009
Saint Vincent and the Grenadines	CFCs	Decision XVI/30	0.1	2009	0	2009
Somalia	Halons	Decision XX/19	9.4	2009	0	2009

Recommendation 44/1

2. Parties not having reported data for 2009

(a) Bangladesh (decisions XVII/27 and XXI/17)

(i) Compliance issue subject to review: CFC and methyl chloroform consumption reduction commitments

35. Bangladesh had committed itself, as recorded in decision XXI/17, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than 140 ODP-tonnes in 2009. The party had also 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 2009.

(ii) Status of compliance issue

36. By the time of the current meeting, Bangladesh had not yet reported ozone-depleting substance data for 2009. Implementation of its commitments contained in decisions XXI/17 and XVII/27 therefore could not be confirmed.

(iii) Discussion

37. Responding to a question from a Committee member, the representative of UNDP said that in its country programme progress report for 2009 Bangladesh had reported CFC consumption of 127.88 tonnes and methyl chloroform consumption of 5 tonnes. Those amounts were lower than the limits specified in decisions XVII/27 and XXI/17.

(b) Bosnia and Herzegovina (decision XXI/18)

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

38. Bosnia and Herzegovina had committed itself, as recorded in decision XXI/18, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2009.

(ii) Status of compliance issue

39. By the time of the current meeting, Bosnia and Herzegovina had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitment contained in decision XXI/18 therefore could not be confirmed.

(iii) Discussion

40. Responding to a question from a Committee member, the representative of UNIDO said that in its country programme progress report Bosnia and Herzegovina had reported zero consumption of CFCs for 2009 and that it was expected to submit its Article 7 data soon.

(c) **Chile (decision XVII/29)**

(i) **Compliance issue subject to review: methyl chloroform consumption reduction commitment**

41. Chile had committed itself, as recorded in decision XVII/29, to maintaining its consumption of the Annex B, group III, controlled substance (methyl chloroform) at no greater than 4.512 ODP-tonnes in 2009.

(ii) **Status of compliance issue**

42. By the time of the current meeting, Chile had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitment contained in decision XVII/29 therefore could not be confirmed.

(iii) **Discussion**

43. The Committee noted that Chile was preparing its data report for 2009 and was expected to report zero consumption of methyl chloroform.

(d) **Ecuador (decision XX/16)**

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

44. Ecuador had committed itself, as recorded in decision XX/16, to reducing its consumption of the Annex E controlled substance (methyl bromide) to no greater than 52.8 ODP-tonnes in 2009.

(ii) **Status of compliance issue**

45. By the time of the current meeting, Ecuador had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitment contained in decision XX/16 therefore could not be confirmed.

(e) **Guinea-Bissau (decision XVI/24)**

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

46. Guinea-Bissau had committed itself, as recorded in decision XVI/24, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than 3.941 ODP-tonnes in 2009.

(ii) **Status of compliance issue**

47. By the time of the current meeting, Guinea-Bissau had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitment contained in decision XVI/24 therefore could not be confirmed.

(f) **Kenya (decision XVIII/28)**

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

48. Kenya had committed itself, as recorded in decision XVIII/28, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2009, save for essential uses that might be authorized by the parties after 1 January 2010.

(ii) **Status of compliance issue**

49. By the time of the current meeting, Kenya had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitment contained in decision XVIII/28 therefore could not be confirmed.

(g) **Maldives (decision XV/37)**

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

50. Maldives had committed itself, as recorded in decision XV/37, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2009.

(ii) **Status of compliance issue**

51. By the time of the current meeting, Maldives had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitment contained in decision XV/37 therefore could not be confirmed.

- (iii) **Discussion**
52. Responding to a question from a Committee member, the representative of UNDP said that in its country programme progress report Maldives had reported zero consumption of CFCs for 2009 and that it was expected to submit its Article 7 data to the Secretariat soon.
- (h) **Nepal (decision XVI/27)**
- (i) **Compliance issue subject to review: CFC consumption reduction commitment**
53. Nepal had committed itself, as recorded in decision XVI/27, to releasing no more than 4.0 ODP-tonnes of seized Annex A, group I, controlled substances (CFCs) on to its domestic market in 2009.
- (ii) **Status of compliance issue**
54. By the time of the current meeting, Nepal had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitment contained in decision XVI/27 therefore could not be confirmed.
- (iii) **Discussion**
55. Responding to a question from a Committee member, the representative of UNDP said that Nepal was expected to report data for 2009 soon and that its consumption of CFCs was expected to fall within the established limits.
- (i) **Nigeria (decision XIV/30)**
- (i) **Compliance issue subject to review: CFC consumption reduction commitment**
56. Nigeria had committed itself, as recorded in decision XIV/30, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than 100.0 ODP-tonnes in 2009.
- (ii) **Status of compliance issue**
57. By the time of the current meeting, Nigeria had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitment contained in decision XIV/30 therefore could not be confirmed.
- (j) **Paraguay (decision XIX/22)**
- (i) **Compliance issue subject to review: CFC and carbon tetrachloride consumption reduction commitments**
58. Paraguay had committed itself, as recorded in decision XIX/22, to reducing its consumption of Annex A, group I, controlled substances (CFCs) to no greater than 31.6 ODP-tonnes and its consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 0.1 ODP-tonnes in 2009.
- (ii) **Status of compliance issue**
59. By the time of the current meeting, Paraguay had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitments contained in decision XIX/22 therefore could not be confirmed.
- (k) **Uruguay (decision XVII/39)**
- (i) **Compliance issue subject to review: methyl bromide consumption reduction commitment**
60. Uruguay had committed itself, as recorded in decision XVII/39, to reducing its consumption of the Annex E controlled substance (methyl bromide) to no greater than 8.9 ODP-tonnes in 2009.
- (ii) **Status of compliance issue**
61. By the time of the current meeting, Uruguay had not yet reported its ozone-depleting substance data for 2009. Implementation of its commitment contained in decision XVII/39 therefore could not be confirmed.
- (iii) **Discussion**
62. Responding to a question from a Committee member, the representative of UNIDO said that his organization was experiencing no difficulties with the implementation of its methyl bromide consumption reduction programme in Uruguay. The programme manager would visit the country soon

to review the progress of the last tranche of the programme and UNIDO believed that the country was complying with its reduction target of 20 per cent.

(I) Recommendation

63. The Committee therefore agreed:

To urge the following parties to submit to the Ozone Secretariat their data for the year 2009 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 September 2010, in order that the Committee might assess at its forty-fifth meeting the status of compliance of those parties with their commitments contained in corresponding decisions.

<i>Party</i>	<i>Substance</i>	<i>Decision regarding the party's commitment to come into compliance</i>	<i>Action plan target (ODP-tonnes)</i>	<i>Year of required data to be submitted</i>
Bangladesh	CFCs	Decision XXI/17	140	2009
	Methyl chloroform	Decision XVII/27	0.550	2009
Bosnia and Herzegovina	CFCs	Decision XXI/18	0	2009
Chile	Methyl chloroform	Decision XVII/29	4.512	2009
Ecuador	Methyl bromide	Decision XX/16	52.8	2009
Guinea-Bissau	CFCs	Decision XVI/24	3.941	2009
Kenya	CFCs	Decision XVIII/28	0	2009
Maldives	CFCs	Decision XV/37	0	2009
Nepal	CFCs	Decision XVI/27	0*	2009
Nigeria	CFCs	Decision XIV/30	100.0	2009
Paraguay	CFCs	Decision XIX/22	31.6	2009
	Carbon tetrachloride	Decision XIX/22	0.1	2009
Uruguay	Methyl bromide	Decision XVII/39	8.9	2009

* Nepal also committed itself to releasing no more than 4.0 ODP-tonnes of seized Annex A, group I, controlled substances (CFCs) on to its domestic market in 2009.

Recommendation 44/2

B. Other recommendations and decisions on compliance

1. Eritrea (recommendation 43/5)

(a) Compliance issue subject to review: plan of action for the establishment and operation of a licensing system

64. By its recommendation 43/5 the Committee had urged Eritrea to strengthen its existing measures for controlling trade, including illegal trade, in ozone-depleting substances and requested it to submit an updated status report to the Secretariat on its efforts to establish a system for licensing imports and exports of ozone-depleting substances, as soon as possible and preferably no later than 31 March 2010, in time for consideration by the Committee at its forty-fourth meeting.

(b) Status of compliance issue

65. In correspondence dated 14 December 2009 and 19 March 2010, the Secretariat had requested Eritrea to submit its response to recommendation 43/5. The Secretariat had since received information about a draft licensing system that Eritrea was developing.

(c) Discussion

66. Responding to a question from a Committee member, the representative of UNIDO said that a licensing system appeared to be in place and UNIDO and UNEP had been authorized to begin the implementation of the phase-out plan. The two organizations were in close contact with the national ozone unit. The representative of the Secretariat clarified, however, that there had been no formal communication from the Government of Eritrea to confirm that indeed the party had adopted and was operating a licensing system.

(d) Recommendation

The Committee therefore agreed:

Recalling that Eritrea had previously confirmed that although it did not yet have a formal licensing system it was taking measures to control imports and exports of ozone-depleting substances, including through the application of existing legislation where appropriate,

Noting that Eritrea has not yet implemented an ozone-depleting substance licensing system,

To request Eritrea to submit to the Secretariat an updated status report on the establishment of a licensing system, as a matter of urgency and preferably no later than 1 September 2010, in time for consideration by the Committee at its forty-fifth meeting.

Recommendation 44/3**2. Saudi Arabia (decision XXI/21)****(a) Compliance issue subject to review: CFC consumption reduction commitment**

67. Saudi Arabia had reported consumption of Annex A, group I, controlled substances (CFCs) of 657.8 ODP-tonnes in 2007. That had represented a deviation from the party's obligation under the Protocol to limit its consumption of CFCs to no greater than 15 per cent of its consumption baseline for that substance, namely, 269.8 ODP-tonnes. The party had been requested, as stated in decision XXI/21, to submit to the Secretariat as soon as possible, and no later than 31 March 2010, for consideration by the Committee at its forty-fourth meeting, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance. Saudi Arabia had also been requested to submit to the Secretariat its ozone-depleting substance data for 2008, as a matter of urgency.

(b) Status of compliance issue

68. Saudi Arabia had reported its ozone-depleting substance data for 2008 on 4 November 2009, indicating CFC consumption of 365 ODP-tonnes in that year, consistent with the party's CFC obligations under the Protocol for that year.

69. In correspondence dated 10 April 2010, Saudi Arabia had submitted a plan of action containing the following time-specific benchmarks for reducing its CFC consumption, which, according to the party, would ensure its return to compliance with the Protocol's control measures by 1 January 2010.

<i>Year</i>	<i>Consumption of CFCs (in ODP-tonnes)</i>
2008	365
2009	190
2010	0

70. The time-specific benchmarks contained in the plan for CFC consumption were consistent with the Montreal Protocol's final phase-out date for the substance, which was 1 January 2010.

71. Saudi Arabia had noted in its submission that the consumption reduction achieved in 2008 and 2009 put it in advance of the targets of 450 ODP-tonnes in 2008 and 250 ODP-tonnes in 2009 as contained in the agreement between it and the Multilateral Fund under its phase-out plan for CFCs.

72. To facilitate the Committee's consideration of the issue, the Secretariat had, on the Committee's behalf, invited a representative of Saudi Arabia to attend the current meeting to clarify the situation further. Although the party had confirmed in writing that its representative would attend the meeting, in the event the representative had been unable to attend.

(c) Discussion

73. Responding to a question from a Committee member, the representative of UNIDO said that together with UNEP his organization had conducted a mission to Saudi Arabia to examine non-compliance. Their findings gave reason to believe that the party's CFC consumption for 2010 would be zero.

74. The representative of the Secretariat raised a number of questions with regard to the plan submitted by Saudi Arabia, such as the party's level of confidence in its assertion that in 2010 its CFC consumption would be zero, given that its consumption for 2009 had been 190 ODP-tonnes; how the import licensing system actually functioned and whether any licences had been issued for 2010. The Committee agreed that those issues should be raised with the party.

(d) Recommendation

The Committee therefore agreed:

Noting that Saudi Arabia had reported consumption of 657.8 ODP-tonnes of controlled substances listed in Annex A, group I (chlorofluorocarbons) in 2007, an amount inconsistent with the Protocol's requirement that the party limit consumption of those substances in that year to no greater than 269.8 ODP-tonnes,

Noting with appreciation that the party had submitted its ozone-depleting substance data for 2008 and 2009 and that the reported consumption was consistent with the Protocol's control measures for chlorofluorocarbons in those years,

Noting also with appreciation the party's submission of a plan of action for returning to compliance with the Protocol's control measures for chlorofluorocarbons by 2009,

To request the Secretariat to convey to Saudi Arabia the draft decision incorporating the plan of action as contained in section A of annex I to the present report in order to confirm the contents of that plan by 1 September 2010 so that the Committee might forward it to the Twenty-Second Meeting of the Parties for its consideration.

Recommendation 44/4**3. Turkmenistan (decision XXI/25)****(a) Compliance issue subject to review: carbon tetrachloride consumption reduction commitment**

75. Turkmenistan had reported consumption of the Annex B, group II, controlled substance (carbon tetrachloride) of 0.3 ODP-tonnes in 2008. Those data represented a deviation from the party's obligation under the Protocol to limit its consumption of carbon tetrachloride to zero ODP-tonnes for 2008. The party had explained in September 2009 that the imported amount had been destined for the analysis of oil in water; noting that that import had occurred without any prior coordination with its Ministry of Nature Protection, the party had affirmed that measures would be taken to avoid similar cases in the future.

76. As the reported use of carbon tetrachloride was not exempted under the Protocol, Turkmenistan had been requested, as stated in decision XXI/25, to submit to the Secretariat as a matter of urgency and no later than 31 March 2010, for consideration by the Committee at its forty-fourth meeting, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance.

(b) Status of compliance issue

77. Turkmenistan had submitted its carbon tetrachloride plan of action in correspondence dated 19 May 2010. The plan, contained in document UNEP/OzL.Pro/ImpCom/44/INF/3, indicated that the imported amounts of 0.3 ODP-tonnes in 2008 and 0.7 ODP-tonnes in 2009 were necessary for the analysis of mineral oil in water, a procedure for which alternative analytical techniques had not yet been adopted in the country.

78. In the light of decision XXI/6 on the global laboratory-use exemption, adopted by the parties shortly after the Committee had completed its consideration of Turkmenistan's compliance status, the party had requested that its situation should be reviewed in the context of paragraph 7 of that decision. The decision allowed parties operating under paragraph 1 of Article 5 to deviate from the existing laboratory and analytical use bans in individual cases until 31 December 2010.

79. Turkmenistan had also noted in its submission that, after consultations with a member of the Chemicals Technical Options Committee of the Technology and Economic Assessment Panel, the party had planned a number of activities in the course of 2010 to reduce its dependence on carbon tetrachloride for the analysis of mineral oil in water. Those activities included a meeting with national stakeholders, a working meeting in conjunction with the 2010 meeting of the Ozone Network for Europe and Central Asia and training of laboratory officers in the context of the preparation of the party's HCFC phase-out plan. The submitted plan of action had not, however, included a time-specific benchmark by which the party's consumption of carbon tetrachloride was expected to cease.

(c) Discussion

80. The representative of UNEP said that, as far as his organization was aware, the party had reported consumption of 0.0116 ODP-tonnes of carbon tetrachloride for 2009. A Chemical Technical Options Committee member from Chile had been invited to make a presentation on available

alternatives and Turkmenistan had requested a meeting to explain to stakeholders how to use carbon tetrachloride for laboratory and analytical uses.

(d) Recommendation

The Committee therefore agreed:

Noting with appreciation Turkmenistan's submission of a plan of action for returning to compliance with the Protocol's carbon tetrachloride control measures in accordance with decision XXI/25,

Noting that decision XXI/6 extended the applicability of the global laboratory and analytical use exemption for carbon tetrachloride to parties operating under paragraph 1 of Article 5 until 31 December 2014,

Noting also, however, that decision XXI/6 allowed parties operating under paragraph 1 of Article 5 to deviate from existing laboratory and analytical use bans in individual cases until 31 December 2010,

Noting further that this issue would be revisited by the Twenty-Second Meeting of the Parties, in November 2010,

To review the compliance situation of Turkmenistan after 31 December 2010, consistent with any action taken by the Twenty-Second Meeting of the Parties in November 2010 in respect of laboratory and analytical uses of exempted ozone-depleting substances.

Recommendation 44/5

4. Vanuatu (decision XXI/26)

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

81. Vanuatu had reported consumption of Annex A, group I, controlled substances (CFCs) of 0.3 ODP-tonnes in 2007 and 0.7 ODP-tonnes in 2008. Those data represented a deviation from the party's obligations under the Protocol to limit its consumption of CFCs to zero ODP-tonnes for those years. The party was requested, as stated in decision XXI/26, to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, for consideration by the Committee at its forty-fourth meeting, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance.

(b) Status of compliance issue

82. In correspondence dated 30 March 2010 and 19 April 2010, Vanuatu had submitted to the Secretariat its plan of action for the phase-out of CFCs and related information. The party had explained in its submission that, although it had managed to reduce its CFC consumption to zero since 1995, the continued vacancy of an environmental officer post and a general lack of human resources had resulted in its inability to control effectively the import of CFCs into the country during the period 2007–2008. Over the period November 2009–March 2010, however, a voluntary agreement between the Government and CFC importers had ensured zero imports of CFCs. The party had further confirmed that its CFC consumption in 2009 had been zero.

83. Vanuatu had also reported that it was developing a plan of action, with the assistance of UNEP, as described in document UNEP/OzL.Pro/ImpCom/44/INF/3. The plan listed a number of actions expected to enable the party to return to compliance with the Protocol, including:

- (a) Strengthening of controls of ozone-depleting substance imports and exports through banning, by 1 March 2010, controlled substances in Annex A, group I (CFCs) and group II (halons); Annex B, group I (other CFCs), group II (carbon tetrachloride) and group III (methyl chloroform); and Annex C, group II (hydrobromofluorocarbons) and group III (bromochloromethane);
- (b) Enforcement and implementation of a licensing system for the import of ozone-depleting substances in Annex C, group I (HCFCs), and Annex E (methyl bromide);
- (c) Continuation of the mutual voluntary agreement between the Government and CFC importers;
- (d) Training of Customs officers and technicians in good servicing and retrofitting practices;
- (e) Establishment of a strong national ozone unit;
- (f) Ratification of the Beijing and Montreal amendments to the Protocol;

(g) Conduct of education and awareness-raising programmes nationwide on the Protocol, ozone-depleting substances and alternatives to HCFCs and CFCs;

(h) Close monitoring of imports of HCFCs.

84. To facilitate the Committee's consideration of this issue, the Secretariat had, on the Committee's behalf, invited a representative of Vanuatu to attend the current meeting to clarify the situation further.

(c) Discussion

85. At the Committee's invitation, the representative of Vanuatu provided additional information, in particular on progress in implementing the plan of action. Regarding item (a) of the action plan, he reported on the issuance of a ministerial order to ban, by 1 March 2010, imports and exports of the ozone-depleting substances listed in the action plan.

86. In respect of items (b) and (c), a licensing system had been developed and a memorandum of understanding with Customs officials was being drafted to implement it. His department had held discussions with industry representatives in which the latter had been informed that, once the necessary procedures were in place, companies would have to submit an application before importing or exporting any ozone-depleting substances.

87. On item (d), Customs officers had been trained by an official of the Fiji Customs Authority with funding provided through the Pacific Regional Environment Programme secretariat. With regard to item (e), a national ozone unit was being established in the Environment Department, which had recently appointed a national ozone officer.

88. Regarding item (f), a bill on ozone-depleting substances, originally envisaged as part of a revised act on environmental management, had been rejected by the parliament. It would therefore be issued as a regulation, which only required endorsement by the council of ministers and was expected to be signed in the coming months. It was to be hoped that the issuance of that regulation would speed up the ratification of the two amendments in question.

89. As to item (g), the past months had seen great progress in Vanuatu with regard to compliance with the Protocol, mainly owing to increased awareness of the issue and the establishment of a related legal framework. He cautioned, however, that, while his country had received funding from the Multilateral Fund and other agencies and was conducting some awareness-raising activities, budgetary constraints continued to curtail activity regarding ozone-depleting substances in general and awareness-raising in particular.

90. Lastly, he said that Vanuatu had industries, such as tourism, fishing and agriculture, that relied on the use of some ozone-depleting substances and that in taking steps to reduce the consumption of those substances care must be taken not to jeopardize the country's economic goals.

91. In response to questions from Committee members regarding assistance to Vanuatu, the representative of UNEP said that UNEP had organized a mission to Vanuatu in February 2010. He also mentioned joint projects with Australia in the areas of refrigeration and Customs training, adding that, to the best of his knowledge, those projects had not received substantial funding.

(d) Recommendation

The Committee therefore agreed:

Noting that Vanuatu had reported consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 0.3 ODP-tonnes and for 2008 of 0.7 ODP-tonnes, an amount inconsistent with the Protocol's requirement that the party limit its consumption of those substances in those years to no greater than zero ODP-tonnes,

Noting with appreciation the party's submission of a plan of action for returning to compliance with the Protocol's control measures for chlorofluorocarbons in 2010,

To forward to the Twenty-Second Meeting of the Parties for its consideration a draft decision incorporating the plan of action, as contained in section B of annex I to the present report.

Recommendation 44/6

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

A. Compliance issues on reporting obligations

92. The representative of the Secretariat said that two parties had not yet reported base-year data for one or more of the required years in accordance with paragraphs 1 and 2 of Article 7. The Secretariat had written to the parties requesting the missing data, and, as they had three months to respond, it expected to be able to provide more information on the issue at the Committee's forty-fifth meeting.

B. Compliance issue involving Belarus

1. Compliance issue subject to review: methyl bromide consumption reduction commitment

93. Belarus had reported consumption of the Annex E, group I, controlled substance (methyl bromide) of 0.6 ODP-tonnes in 2008. That represented a deviation from the party's obligation under the Protocol to limit its consumption of methyl bromide to no greater than zero ODP-tonnes. In correspondence dated 14 September 2009, 5 March 2010 and 5 May 2010 the Secretariat had requested Belarus to submit an explanation for that deviation.

2. Status of compliance issue

94. By the time of the current meeting, Belarus had not submitted any explanation for the deviation detected in its methyl bromide consumption in 2008.

3. Recommendation

The Committee therefore agreed:

Noting with concern that Belarus had reported consumption of 0.6 ODP-tonnes of methyl bromide in 2008, in excess of the Protocol's requirement to limit methyl bromide consumption to no greater than zero ODP-tonnes in that year,

(a) To request Belarus to submit to the Secretariat as a matter of urgency, and preferably no later than 1 September 2010, an explanation for its deviation and, if relevant, a plan of action with time-specific benchmarks for ensuring the party's prompt return to compliance;

(b) To invite Belarus, if necessary, to send a representative to the Committee's forty-fifth meeting to discuss the matter;

(c) In the absence of an explanation for the excess consumption, to forward for consideration by the Twenty-Second Meeting of the Parties the draft decision contained in section C of annex I to the present report.

Recommendation 44/7

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

A. Introduction

95. The representative of the Secretariat introduced the report on the item (UNEP/OzL.Pro/ImpCom/44/4). Article 4B of the Protocol, which had been introduced by the Montreal Amendment in 1997, 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 within three months of the date of entry into force of Article 4B for the party.

96. Of the 180 parties to the Montreal Amendment, 173 had established a licensing system and notified the Secretariat accordingly by 14 May 2010. Seven parties to the Amendment had not yet reported to the Ozone Secretariat on the status of their licensing systems at the time of compilation of the report. A further 13 parties had not yet ratified the Montreal Amendment but had nevertheless established licensing systems. Three parties to the Protocol had neither ratified the Montreal Amendment nor established a licensing system. Thus, of the 196 parties to the Protocol, only 10 parties had not yet established any sort of licensing system.

B. Discussion

97. One Committee member requested the representative of UNEP to explain what was delaying the ratification of the Montreal Amendment by countries that had not yet done so. In his response the representative of UNEP gave a brief update on the status of licensing systems in Angola and Botswana. UNEP was organizing a high-level compliance mission to Angola and, once the date had been set, would invite representatives of the Multilateral Fund secretariat, the Ozone Secretariat, UNDP, other agencies and Germany to participate in the mission. His organization understood that Angola had a draft licensing system but would seek confirmation of that during the mission. UNEP was providing Angola with Portuguese-language background material developed in cooperation with the Governments of Brazil and Mozambique. With regard to Botswana, UNEP had been given to understand that regulations pertaining to ozone-depleting substances had been prepared under a meteorological bill approved by the Government in 2009 and had been submitted for ministerial approval. Once any ministerial comments on the draft had been incorporated, the regulations were expected to be approved.

98. The representative of the Secretariat said that the Secretariat had been working with the two countries to ensure that outstanding Protocol amendments were ratified and licensing systems established. Angola had given assurances that it would ratify all amendments in July 2010 and would adopt a licensing system soon thereafter. With regard to Botswana, the Secretariat had provided comments on a draft licensing system in March 2010, but to date the draft had not been approved, and it was not clear when a licensing system might be implemented.

C. Recommendation

The Committee therefore agreed:

(a) To note with appreciation the effort that the parties to the Montreal Protocol had made in the establishment and operation of licensing systems under Article 4B of the Protocol;

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

(c) To urge parties to the Montreal Amendment that had not yet established licensing systems to establish such systems expeditiously and encourage all remaining parties to the Protocol that had not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems, if they had not yet done so;

(d) To review the status of licensing systems at its forty-fifth meeting.

Recommendation 44/8

VIII. Information on compliance by parties present at the invitation of the Implementation Committee

99. The Committee considered information provided by the representative of Vanuatu, who was present at the Committee's invitation. The Committee's consideration of this information is described in chapter V of the present report.

IX. Other matters

100. No other matters were discussed.

X. Adoption of the report of the meeting

101. The Committee considered and approved the text of the draft recommendations and agreed to entrust the preparation of the report of the meeting to the Secretariat, working in consultation with the President and the Vice-President, who also served as Rapporteur for the meeting.

XI. Closure of the meeting

102. Following the customary exchange of courtesies, the President declared the meeting closed at 12.25 p.m. on Tuesday, 22 June 2010.

Annex I

Draft decisions

A. Draft decision XXII/-: Non-compliance with the Montreal Protocol by Saudi Arabia

The Meeting of the Parties decides:

Noting that Saudi Arabia ratified the Montreal Protocol and the London and Copenhagen Amendments on 1 March 1993 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved [\$xxx] from the Multilateral Fund to enable Saudi Arabia's compliance in accordance with Article 10 of the Protocol, [and that Saudi Arabia had its country programme approved by the Executive Committee in [date]],

Noting further that Saudi Arabia reported annual consumption for the controlled substances listed in Annex A, group I (chlorofluorocarbons), of 657.8 ODP-tonnes for 2007, which exceeds the party's maximum allowable consumption of 269.8 ODP-tonnes for those controlled substances for that year and that the party is therefore in non-compliance with the control measures for chlorofluorocarbons under the Protocol for that year,

1. To note with appreciation Saudi Arabia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures, under which, without prejudice to the operation of the financial mechanism of the Protocol, Saudi Arabia specifically commits itself:

(a) To reducing chlorofluorocarbon consumption to no greater than zero ODP-tonnes in 2010, save for essential uses that may be authorized by the parties;

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

2. To urge Saudi Arabia to work with the relevant implementing agencies to implement its plan of action to phase out the consumption of chlorofluorocarbons;

3. To monitor closely the progress of Saudi Arabia with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing. In that regard, Saudi Arabia 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 the Meeting of the Parties in respect of non-compliance;

4. To caution Saudi Arabia, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that it fails to return to 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 chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

B. Draft decision XXII/-: Non-compliance with the Montreal Protocol by Vanuatu

The Meeting of the Parties decides:

Noting that Vanuatu ratified the Montreal Protocol and the London and Copenhagen Amendments on 21 November 1994 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved [\$xxx] from the Multilateral Fund to enable Vanuatu's compliance in accordance with Article 10 of the Protocol, [and that Vanuatu had its country programme approved by the Executive Committee in [date]],

Noting further that Vanuatu reported annual consumption of the controlled substances listed in Annex A, group I (chlorofluorocarbons), of 0.3 ODP-tonnes for 2007 and 0.7 ODP-tonnes for 2008, which exceed the party's maximum allowable consumption of zero ODP-tonnes for those controlled substances for those years, and that the party is therefore in non-compliance with the control measures for those substances under the Protocol for those years,

1. To note with appreciation Vanuatu's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Vanuatu specifically commits itself:

(a) To reducing its consumption of chlorofluorocarbons to no greater than zero ODP-tonnes in 2010, save for essential uses that may be authorized by the parties;

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

2. To urge Vanuatu to work with the relevant implementing agencies to implement its plan of action to phase out consumption of chlorofluorocarbons;

3. To monitor closely the progress of Vanuatu with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing. In that regard, Vanuatu 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 the Meeting of the Parties in respect of non-compliance;

4. To caution Vanuatu, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that Vanuatu fails to return to 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 chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

C. Draft decision XXII/-: Potential non-compliance in 2008 with the provisions of the Protocol in respect of consumption of the controlled substance in Annex E, group I (methyl bromide), by Belarus and request for a plan of action

The Meeting of the Parties decides:

Noting that Belarus ratified the Montreal Protocol on 22 January 1988, the London Amendment on 10 June 1996 and the Copenhagen, Montreal and Beijing Amendments on 13 March 2007 and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility has approved [\$xxx] to enable Belarus to achieve compliance with the Protocol,

Noting further that Belarus has reported annual consumption for the controlled substance in Annex E, group I (methyl bromide), for 2008 of 0.6 ODP-tonnes, which exceeds the party's maximum allowable consumption of zero ODP-tonnes for that controlled substance for that year, and that in the absence of further clarification Belarus is therefore presumed to be in non-compliance with the control measures under the Protocol,

1. To request Belarus to submit to the Secretariat, as a matter of urgency and no later than 1 September 2010, for consideration by the Implementation Committee at its forty-fifth 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 Belarus with regard to the phase-out of methyl bromide. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing. In that regard, Belarus 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 the Meeting of the Parties in respect of non-compliance;

3. To caution Belarus, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Annex II

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