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IMPLEMENTATION COMMITTEE UNDER THE  
NON-COMPLIANCE PROCEDURE FOR  
THE MONTREAL PROTOCOL  
Nineteenth meeting  
Montreal, 8-10 September 1997

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

I. INTRODUCTION

1. The nineteenth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Headquarters of the International Civil Aviation Organization in Montreal from 8 to 10 September 1997.

II. ORGANIZATIONAL MATTERS

A. Opening of the meeting

2. The meeting was opened at 10 a.m. on Monday, 8 September 1997, by Mr. Denis Langlois, President of the Implementation Committee.

B. Officers

3. Mr. Denis Langlois (Canada) served as President and Dr. Peter Acquah (Ghana) as Rapporteur in accordance with the decision of the Committee at its seventeenth meeting.

C. Attendance

4. The meeting was attended by Committee members from Canada, the Dominican Republic, Germany, Ghana, Indonesia, Lithuania, Sri Lanka, Ukraine, Uruguay and Zambia.

5. The meeting was also attended by representatives of the Implementing Agencies for the Multilateral Fund for the Implementation of the Montreal Protocol (the United Nations Development Programme (UNDP), the United Nations

Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank), and the secretariats of the Multilateral Fund and the Global Environment Facility (GEF).

6. At the invitation of the Committee, representatives of the Czech Republic and the Russian Federation attended in order to present information on their respective countries' progress towards compliance with the Montreal Protocol.

7. Also at the invitation of the Committee, representatives of Israel, New Zealand and the United States of America attended to present their countries' views under agenda item 5.

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

D. Adoption of the agenda and organization of work

9. The Committee adopted the following agenda on the basis of the provisional agenda that had been circulated under the symbol UNEP/OzL.Pro/ImpCom/19/1:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Information from the Russian Federation and Czech Republic on their progress towards compliance with the Montreal Protocol.
4. Request by Brunei Darussalam for reclassification as a Party operating under paragraph 1 of Article 5.
5. Reporting mandates required by the Montreal Protocol for assessing compliance (decision VIII/21) and draft data-reporting formats.
6. Other matters.
7. Closure of the meeting.

III. INFORMATION FROM THE RUSSIAN FEDERATION AND CZECH REPUBLIC ON THEIR PROGRESS TOWARDS COMPLIANCE WITH THE MONTREAL PROTOCOL

Russian Federation

10. As requested by the Implementation Committee at its eighteenth meeting (UNEP/OzL.Pro/ImpCom/18/3, para. 26 (h)), the representative of the Russian Federation reported on efforts to set up a recovery and recycling system in his country. He said that, in addition to the measures reported at the previous meeting, two technologies, for recovery of ODS from military sites and from industrial and commercial cooling equipment, were being tested and were expected to provide the technical basis for the development of an ODS collection system as soon as economic incentives had been created. Since

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January 1997, about 100 metric tonnes of CFCs had been collected and recycled. He stressed that those substances were intended for internal use and not for export.

11. The draft Federal ODS Phase-Out Programme for 1998-2000 had received general approval at a meeting of the Russian Inter-Agency Commission on the Protection of the Ozone Layer. At the same meeting, the Commission had also approved a new initiative on establishment of a system of payments for ODS discharges, similar to that for hazardous wastes. Initiatives were also being investigated to encourage users to buy recycled rather than new ODS. In cases where recycling of recovered ODS was economically inefficient, technologies to transform them into HCFCs or other forms were being developed. Through those measures and a new licensing system, it was intended that all production and consumption of ODS would be terminated and full compliance be effected by the beginning of the year 2000.

12. In response to a question from the representative of the Ozone Secretariat on the status of controlling exports, the representative of the Russian Federation advised that in the first quarter of 1997 only 1000 tonnes had been exported, to China. Those exports were of carbon tetrachloride for feedstock use. No figures were yet available for the remainder of the year, but the Russian authorities were enforcing the licensing system that had been adopted and it was hoped that total exports of controlled substances in 1997 would amount to only a few thousand tonnes, mainly to the countries of the Commonwealth of Independent States.

13. The representative having emphasized that assistance from the Global Environment Facility (GEF) and the World Bank was essential for the continuation of its recycling and recovery endeavour, the representative of the GEF reconfirmed that the GEF Council decision to support implementation of the Russian Federation ODS phase-out programme had been contingent on the phase-out timetable submitted by the country in 1995 being met. A second tranche of the assistance had been approved but its release would need a clear signal from the Implementation Committee that continued assistance was appropriate.

14. Following the discussion, the Implementation Committee decided to recommend that, in the light of the information on the recovery and recycling in the Russian Federation provided by the representative of that country, international assistance, particularly by the Global Environment Facility, should continue to be considered favourably in order to provide funding for the Russian Federation for projects to implement the programme for the phase-out of the production and consumption of ozone-depleting substances in the country.

Czech Republic

15. In response to the Implementation Committee's request at its eighteenth meeting, the representative of the Czech Republic provided information on the Czech Republic's consumption of methyl bromide in 1995. He said that, in 1995, a total of 18.6 tonnes (11.1 tonnes ODP equivalent) of methyl bromide had been imported, 13.2 tonnes of it in December of that year of which most was consumed only in 1996. No methyl bromide was imported in 1996. Therefore although the 18.6 tonnes imported in 1995 surpassed the base level of 10.8 tonnes (6.5 tonnes ODP equivalent) of 1991, that amount had been consumed in the two years 1995 and 1996 and accordingly the average annual consumption did not exceed 9.3 tonnes (5.6 tonnes ODP equivalent).

16. The Committee decided:

(a) To note the Czech Republic's non-compliance in 1995 with the freeze in the consumption of methyl bromide. According to the information provided by the Czech Republic, in 1995 a total of 11.16 ODP tonnes of methyl bromide was imported, of which 7.9 ODP tonnes was consumed in 1996, and no methyl bromide was imported in 1996;

(b) To note that, consequently, although the 1995 imports of methyl bromide exceeded the freeze level of 6.0 ODP tonnes for the Czech Republic, the average annual consumption for the two years 1995 and 1996 was below that level;

(c) To recommend to the Parties that, in view of the foregoing, they should take no action on this incident of non-compliance but should request the Czech Republic to ensure that similar cases did not occur again.

IV. REQUEST BY BRUNEI DARUSSALAM FOR RECLASSIFICATION AS  
A PARTY OPERATING UNDER PARAGRAPH 1 OF ARTICLE 5

17. The Secretariat informed the Committee that Brunei Darussalem, which was considered a non-Article 5 Party because its 1994 data had shown their consumption as higher than 0.3 kg per capita, had submitted recalculated data indicating a consumption below 0.3 kg per capita for that year, and was therefore requesting reclassification as an Article 5 country. However, the representative of the Ozone Secretariat recalled that while decision VI/5 of the Meeting of the Parties allowed Parties to resubmit data for a given year for clarification, the classification for that year could not be reversed.

18. The President recalled that decision VI/5, subparagraph (c), of the Sixth Meeting of the Parties required Parties submitting corrected data to provide the Committee with an explanatory note to facilitate the Committee's work. In his view, Brunei Darussalam had simply informed the Secretariat that the figures had changed as a result of a new ODS survey but had provided no explanation of the discrepancy.

19. The Committee agreed that it would require an explanatory note from Brunei Darussalem before it could take action on the matter.

20. Following the discussion, the Committee agreed to recommend that the

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Ninth Meeting of the Parties should decide:

(a) To recall decision VI/5, subparagraph (c), of the Sixth Meeting of the Parties to the Montreal Protocol under which a Party is allowed to correct the data submitted by it in the interest of accuracy for a given year but no change of classification is permitted for that year pertaining to which the data has been corrected;

(b) To note the revised data on consumption of ozone-depleting substances reported by Brunei Darussalam for 1994 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;

(c) To note further the data on consumption of ozone-depleting substances reported by Brunei Darussalam for 1995 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;

(d) To reclassify Brunei Darussalam as a Party operating under paragraph 1 of the Article 5 effective 1 January 1995 on the basis of the data for 1995.

V. REPORTING MANDATES REQUIRED BY THE PROTOCOL FOR ASSESSING COMPLIANCE  
(DECISION VIII/21) AND DRAFT DATA-REPORTING FORMATS

21. Introducing agenda item 5, the President said that, following the Committee's discussion at its eighteenth meeting, the draft data-reporting formats had been revised in the light of the comments made at that time and those subsequently received from Governments, which were before the Committee in document UNEP/OzL.Pro/ImpCom/19/2. He further noted that, following the invitation of the Committee for Parties to submit comments on the draft formats, the representatives of Israel, New Zealand and the United States of America were attending the meeting.

22. The representative of Israel confirmed the written comments from her country to the effect that the column seeking information on the country of destination of exports of methyl bromide should be deleted from data form 5. There was only one company producing and exporting that substance in Israel and, consequently, any data concerning countries of destination of exports would reflect the activities of that one enterprise, which represented confidential information which the State was obliged to protect under Israeli law. Drawing attention to Article 5 of the Vienna Convention and decision I/11 of the First Meeting of the Parties, which both referred to the confidentiality of information reported, she said that there was no provision in the Montreal Protocol requiring Parties to submit information on the countries with which they were trading in controlled substances.

23. In response, the Secretariat recalled that decision VII/9 of the Seventh Meeting of the Parties required information on types, quantities and destinations of exports. It was also being proposed that Parties should also report the countries of origin of imports, which would be useful for cross-checking in cases of non-compliance. The question of confidentiality had in fact also been raised in other contexts, but Article 7 of the Protocol did

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not allow for any exemptions. However, the Secretariat assured the meeting that information was published only in aggregated form, that confidential information would not be published and that adequate safeguards were in place to protect it.

24. The representative of Israel replied that decision VII/9 related only to annex A and B substances and that Article 7 of the Protocol did not require the reporting of information on countries of destination or origin of controlled substances. Israel was concerned about Article 12, subparagraph (b), of the Protocol, which allowed any country to obtain from the Secretariat information submitted under Article 7. Her country could perhaps provide the required data if it had a guarantee of secrecy. At the present time, the provision for verification found in many similar conventions was not included in the Montreal Protocol, nor was there any provision for penalties on those who infringed confidentiality. Her delegation was prepared to contribute to a discussion of a mechanism to ensure that secrecy was ensured and that potential competitors could not obtain information, but she said that it would not be possible to do so before the forthcoming Meeting of the Parties.

25. A number of representatives expressed the view that once a Party had ratified an international treaty, it was obliged to abide by its provisions, if necessary by amending any conflicting internal law. One representative suggested that the concerns of Israel might be alleviated if the Meeting of the Parties adopted a decision providing for stronger guarantees of confidentiality.

26. At the invitation of the President, the representatives of New Zealand and the United States of America then presented their comments on the draft data-reporting formats.

27. The representative of New Zealand said that he had a number of concerns about the difficulties involved in reporting quantities of controlled substances contained in mixtures. He suggested that the Committee might request the Technology and Economic Assessment Panel to provide a list of such mixtures and their trade names. He also suggested that UNEP, in cooperation with the Panel, might be requested to draw on its existing work and prepare a short handbook on how to report such data. On the question of the term "use" rather than "consumption" with regard to quarantine and pre-shipment exemptions for methyl bromide, he suggested that, purely for the purposes of data-reporting, the term should be clarified as meaning "consumption".

28. The representative of the United States of America introduced a number of editorial comments relating to the draft formats, including: that each question in the questionnaire should be immediately followed by the corresponding instruction; that there was a need for further consideration of the question of whether the data on different isomers should be reported separately; that there should be a separate section for instructions related to methyl bromide; that references to "credits for ODS destroyed" should be replaced by a more appropriate phrase; that, rather than having two columns for recovered and reclaimed substance, one column, headed "used and recycled substance" could be used; that it should be made clear on each form that the reporting unit of measurement was metric tonnes, and not ODP-weighted tonnes; and that it might be premature to include a column for reporting critical

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agricultural uses in the forms relating to methyl bromide. He further suggested that there was no legislative requirement to report information on the country of origin of imports, the columns for the inclusion of such information should be deleted to avoid placing an additional burden on reporting Parties. He also expressed his support for the comments made by the representative of New Zealand on quarantine and pre-shipment uses.

29. The Secretariat, drawing attention to the comments of Finland and Japan in document UNEP/OzL.Pro/ImpCom/19/2, informed the Committee that those comments had been taken into account in the preparation of the revised formats. It should also be noted that the Secretariat intended to distribute the forms in spreadsheet format, so that additional lines could be added by the reporting Party to provide the names of all countries of origin of imports.

30. There followed a discussion focusing on the policy issues of whether the countries of origin of imports should be included in the reporting formats and whether information on the destination of exports should be required only for annex A and B substances. During the discussion, one representative suggested that information on the country of origin of imports should be required only for those substances with separate customs codes, while another said that, since the Secretariat must be in a position to guide the Committee on the verification of data, information on the country of destination of exports should be provided for all substances, with a decision being taken by the Parties in order to protect the confidentiality of that information. The same representative said that, unless it was completely impractical to do so, information on the country of origin of imports should also be included. Another representative supported the proposal that, since decision VII/9 represented an attempt to control smuggling for substances that had been phased out, the requirement to report the country of destination of exports could, for the time being, be limited to annex A and B substances. The same representative also noted that the licensing system being proposed in the draft decisions and amendments before the Ninth Meeting of the Parties would make data-gathering easier.

31. The Committee then decided that a small informal working group, composed of the representatives of Canada, Ghana, Israel, New Zealand, Sri Lanka, Ukraine, and the United States should meet to further develop the forms in the light of the comments made in the Committee.

32. Following the submission of a revised text by the informal working group, the Committee introduced further enhancements to the formats and agreed to submit to the Ninth Meeting of the Parties the formats and explanatory text in annex I below.

33. The Committee further:

(a) Noted with appreciation the work of the Secretariat and others in redesigning the data reporting forms;

(b) Noted also that the issue of reporting data is an important one and that it is an area to which the Parties may consider it appropriate to give greater consideration;

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(c) Further noted that reporting of data on substances which are imported in mixtures is a potentially difficult area and one where provision of information would assist the Parties to report data more accurately.

34. Accordingly, the Implementation Committee recommended that the Ninth Meeting of the Parties should decide:

(a) To approve the revised data forms for reporting data prepared according to the reporting mandates of the Protocol. The Data Forms are set out in annex I to the present report;

(b) To recall decision IV/10 and request the TEAP to prepare a list of mixtures known to contain controlled substances and the proportions of those substances as percentages. In particular the list should provide information on refrigerant mixtures and solvents. It should report this information to the Parties at the Seventeenth Meeting of the Open-ended Working Group, and annually thereafter;

(c) To request UNEP Industry and Environment to draw on its existing reports and its OAIC diskette database, and, in collaboration with the other Implementing Agencies and the Secretariat of the Multilateral Fund, prepare a handbook on data-reporting which will provide information to the Parties to assist all Parties with data-reporting. This information should include techniques for data collection, trade names, as identified by TEAP, customs codes (where these exist), and advice on what sectors of industry may be using these products;

(d) To stipulate that, for the purpose of the data collection only, when reporting data on the consumption of methyl bromide for quarantine and pre-shipment applications, the Parties shall report the amount consumed (i.e. import plus production minus export) and not actual "use".

#### VI. OTHER MATTERS

35. There were no other matters.

#### VII. ADOPTION OF THE REPORT

36. The present report was adopted at the closing session of the Meeting on 10 September 1997, on the basis of the draft report as contained in document UNEP/OzL.Pro/ImpCom/19/L.1.

#### VIII. CLOSURE OF THE MEETING

37. After the customary exchange of courtesies, the President declared the eighteenth meeting of the Implementation Committee closed at 8 p.m. on Wednesday 10 September 1997.

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Annex I

Data Reporting Forms

Country: \_\_\_\_\_

Reporting Year: \_\_\_\_\_

Questionnaire

Q1. Did your Country import CFCs, Halons, Carbon Tetrachloride, Methyl Chloroform, HCFCs, or Methyl Bromide in the reporting year?

Yes [ ]

No [ ]

If Yes, go to Data Form 1 and enter the relevant data. Please read Instruction I on page 4 carefully before filling in the form. If No, ignore Data Form 1 and go to Question 2.

Q2. Did your Country export CFCs, Halons, Carbon Tetrachloride, Methyl Chloroform, HCFCs or Methyl Bromide in the reporting year?

Yes [ ]

No [ ]

If Yes, go to Data Form 2 and enter the relevant data. Please read Instruction II on page 5 carefully before filling in the form. If No, ignore Data Form 2 and go to Question 3.

Q3. Did your Country produce CFCs, Halons, Carbon Tetrachloride, Methyl Chloroform, HCFCs or Methyl Bromide in the reporting year?

Yes [ ]

No [ ]

If Yes, go to Data Form 3 and enter the relevant data. Please read Instruction III on page 6 carefully before filling in the form. If No, ignore Data Form 3 and go to Question 4.

Q4. Did your Country destroy any ODSs in the reporting year?

Yes [ ]

No [ ]

If Yes, go to Data Form 4. Please read Instruction IV on page 7 carefully before filling in the form. If No, ignore Data Form 4 and go to Question 5.

Q5. Did your country import from or export to non-Parties in the reporting year?

Yes [ ]

No [ ]

If Yes, go to Data Form 5. Please read Instruction V on page 7 carefully before filling in the form. If No, ignore Data Form 5.

Name of reporting officer:.....  
Designation:.....  
Organization:.....  
Contact details: (Phone, Fax, Postal Address and EMail Address)  
.....  
.....  
Country:.....  
Date: .....

## ANNUAL DATA REPORTING

### I INTRODUCTION

The data forms have been designed to make reporting easier for the Parties.

The major features of the forms are as follows:

- (a) Five separate data forms are provided for imports, exports, production, trade with non-Parties, and destruction of ozone depleting substances (ODSs). Many Parties do not produce, destroy or export any of the substances. If this is the case, please use only the imports Data Form 1 and Data Form 5, as applicable.
- (b) A row has been provided for each of the substances in Annex A. However, for categories of Annex B CFCs and HCFCs, the form is made shorter by providing rows only for substances which have been reported by Parties in the past, if needed. A few blank rows are provided for more substances, if needed. HBFCs (Annex C, Group II) have already been phased out by all the Parties. Hence, only one blank row has been provided for them, as a formality. The use of computerized forms supplied by the Secretariat is encouraged. Paper forms are also available. Parties who use the computerized forms may add more rows as needed, otherwise Parties are free to use additional pages as required.
- (c) The following are the exempted categories of ODSs:
  - Feedstocks for all the substances,
  - Essential uses for Annexes A, B and C substances as approved from time to time, and
  - Quarantine and Preshipment applications for Methyl Bromide.

It is necessary for each Party to specify how much of its production, export and import is used for these exempted categories. The Secretariat will deduct these exempted quantities from the total figures. Provision is made in the data forms for these exempted categories.

- (d) The same forms can be used for the base year and other years.
- (e) The basis for reporting requirements and definitions are annexed.

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II **GENERAL INSTRUCTIONS**

- (a) Parties are requested to report the production and consumption of bulk ODSs in metric tonnes, without multiplying by the relevant ODPs (ozone depleting potentials).
- (b) In order to avoid duplication, quantities contained in end-products should not be included in a country's consumption, regardless of whether the end-products are imported or exported.
- (c) The data reported in accordance with the data forms will be used to determine the calculated levels of production and consumption, upon which the control measures are based. It is therefore crucial that data be provided separately for each individual substance listed in the forms.
- (d) When calculating consumption the Montreal Protocol allows countries to deduct amounts of ODS used for feedstock uses, exempted essential uses and for quarantine and preshipment applications. However, when reporting data Parties should not deduct these figures from their data. The Secretariat will do this.
- (e) It should be noted that both paragraphs 1 and 2 of Article 7 provide that the Parties should submit the best possible estimates for the base year where actual data are not available.
- (f) Parties producing and consuming controlled substances for approved essential uses should also report to the Parties using the form approved by the decision VIII/9.

**INSTRUCTION I: Data on Imports of ODSs**

1. For reporting data on imports of substances of Annex A (CFCs and Halons), Annex B (Other CFCs, Methyl Chloroform and Carbon Tetrachloride), Annex C (HCFCs or HBFCs) or Annex E substance (Methyl Bromide), please use Data Form 1.
2. Please enter the number of metric tonnes imported in Data Form 1 for each substance imported. If you did not import any of the substances listed, or if you have imported only recovered or reclaimed substances, please enter zero (0) in the column for "New Imported Quantities" for each substance.
3. When calculating a Party's consumption, the Montreal Protocol does not include substances used as feedstock for the production of other chemicals. Substances so used are completely transformed in the manufacturing process of the new chemical. In Data Form 1 the quantity of new substances imported to be used as feedstock in your Country should be entered in the form, but should not be deducted from the total quantity of new substances imported.
4. When calculating a Party's consumption the Montreal Protocol does not include quantities of Methyl Bromide which is used for quarantine and pre-shipment. In Data Form 1, quantities of Methyl Bromide imported for quarantine and pre-shipment applications should be entered separately, but not deducted from the quantity imported.
5. If your country imported mixtures (blends) of controlled substances, e.g. R-502 (HCFC-22 48.8%; CFC-115 51.2%), please report the quantity of the individual controlled substances contained in the mixture by entering the appropriate data under each controlled substance (e.g. R-502 should be reported as CFC-115 and HCFC-22). For further information about the composition of other mixtures refer to the diskette version of information circulated by UNEP IE known as the OAIC-DV Mk V, or refer directly to UNEP IE.
6. In Data Form 1, all substances of Annex A and Annex B (Groups II and III) have been listed. For Annex B Group I (Other CFCs) and Annex C Group I (HCFCs), only substances which have been reported by Parties in the past are listed. HBFCs have already been phased out by all Parties and hence for HBFCs only one blank row has been provided as a formality. If you are importing controlled substances other than those listed, please use the blank space to report data on these substances, or use additional sheets, if necessary.

**INSTRUCTION II: Data on Export of ODSs**

1. For reporting data on exports of substances of Annex A (CFCs and Halons), Annex B (Other CFCs, Methyl Chloroform and Carbon Tetrachloride), Annex C (HCFCs or HBFCs) or Annex E (Methyl Bromide), please use Data Form 2.
2. The first column SUBSTANCES has been left blank because each Party may export different substances. Please add the names and relevant information of only those substances being exported.
3. Approximately 20% of the Parties to the Montreal Protocol export some ODS. Reporting exports is necessary for two purposes: First, it is necessary to determine the level of a country's consumption. Consumption under the Protocol is defined as production plus imports minus exports. Accordingly, if your Country is exporting ODS, please provide in Data Form 2 the appropriate total amount of metric tonnes for the relevant newly produced chemical(s) you exported. If you exported any recovered or reclaimed chemicals, you should enter the data in the appropriate columns.
4. Second, Decision VII/9 paragraph 4 requests the parties to report on the destination of all substances (new, recovered or reclaimed) that are exported. Accordingly, fill out the columns on the destination of exports in Data Form 2. If you report that ODS was exported for feedstock uses this amount should also be included in the "Total Production" column of Data Form 3.
5. Similarly the quantity of new substances exported for essential uses should be entered in Data Form 2 and not deducted from the total quantity of new substances exported.
6. When calculating a Party's consumption, the Montreal Protocol does not include ODSs used as feedstock for the production of other chemicals. ODSs so used are completely transformed in the manufacturing process of new chemicals. In Data Form 2, the quantity of newly produced substances exported to be used as feedstock should be entered in the form and not deducted from the total quantity of new substances exported.
7. When calculating a Party's consumption, the Montreal Protocol does not include Methyl Bromide which is used for quarantine and pre-shipment (QPS) applications. In Data Form 2, quantities of Methyl Bromide exported for quarantine and pre-shipment applications should be entered separately, and not deducted from the quantity exported.
8. If your Country exported mixtures of controlled substances, e.g. R-502, please report the quantity of the respective controlled substances contained in the mixture by entering the appropriate data for each component of the mixture which is a controlled substance (see Instruction I, paragraph 5).

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**INSTRUCTION III: Data on Production of ODSs**

1. For reporting data on production of substances of Annex A (CFCs and Halons), Annex B (Other CFCs, Methyl Chloroform and Carbon Tetrachloride), or Annex C (HCFCs and HBFCs), or Annex E (Methyl Bromide), use Data Form 3.
2. When calculating a Party's consumption the Montreal Protocol does not include ODS which is used as a feedstock for the production of other chemicals. ODS so used is completely transformed in the manufacturing process of the new chemical. Very few countries report production for feedstock use. If your country produced ODS for feedstock use within the reporting period, please provide data on the quantity of each ODS produced for feedstock purposes in the appropriate column of the form.
3. Producers of Annex A and B substances are allowed to produce additionally, 10 per cent (prior to phase out) or 15 per cent (after phase out), of their base-year production to meet the basic domestic needs of Parties operating under Article 5 paragraph 1. If your Country produced ODS for this purpose, please enter the amount so produced in the appropriate column on Data Form 3.
4. In Data Form 3, please give the total production of your Country without making any deductions for feedstock, destruction, export for feedstock uses, or any other use. The quantity of production used for feedstock within your country and production for supply to Parties operating under Article 5, should be filled in the form and not deducted from the total production. You should report exports of ODS to be used for feedstock on Data Form 2 (Data on Exports).
5. In the case of Methyl Bromide, the quantity produced for quarantine and pre-shipment (QPS) or feedstock, which is eligible for exemption, should be filled in Data Form 3 and not deducted from the total production. You should report exports of Methyl Bromide to be used for exempted uses on Data Form 2 (Data on Exports).
6. In Data Form 3, all substances of Annex A and Annex B (Groups II and III) have been listed. For Annex B Group I (Other CFCs) and Annex C Group I (HCFCs), only substances which have been reported by Parties in the past are listed. HBFCs have already been phased out by all Parties and hence for HBFCs only one blank row has been provided as a formality. If you are producing controlled substances other than those listed, please use the blank space to report data on these substances, or use additional sheets, if necessary.

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**INSTRUCTION IV: Data on Destruction of ODSs**

1. Very few countries have the capacity to destroy ODSs using approved destruction technologies. If you have destroyed any of the substances of Annex A (CFCs and Halons), Annex B (Other CFCs, Methyl Chloroform and Carbon Tetrachloride), Annex C (HCFCs and HBFCs) or Annex E (Methyl Bromide) in the reporting period, please use Data Form 4.
2. The first column "Substances" has been left blank because each Party may destroy different substances. Please add the names of only those substances being destroyed.
3. When calculating a Party's consumption, the Montreal Protocol does not include the amount of substances destroyed, if destruction occurred through the use of a Protocol-approved technology.

**INSTRUCTION V: Data on Imports from and Exports to non-Parties**

1. Please use Data Form 5 for reporting data on imports from and exports to non-Parties of substances of Annex A (CFCs and Halons), Annex B (Other CFCs, Methyl Chloroform and Carbon Tetrachloride), Annex C (HCFCs and HBFCs) or Annex E (Methyl Bromide).
2. The first column "Substance" has been left blank because each Party may import different substances from and/or export different substances to non-Parties. Please add the names of only those substances that were imported from and/or exported to non-Parties.
3. "Non-Party", for the purpose of Data Form 5, means:
  - Countries which have not ratified the 1987 Montreal Protocol are considered non-Parties in regard to the substances in Annexes A, B, C and E.
  - Parties which have ratified the 1987 Montreal Protocol, but not the London Amendment of the Montreal Protocol, are considered non-Parties in regard to the substances in Annexes B, C and E.
  - Parties which have ratified the 1987 Montreal Protocol and the London Amendment to the Montreal Protocol, but not the Copenhagen Amendment to the Montreal Protocol, are considered non-Parties in regard to the substances in Annexes C and E.
  - The status of ratification of the Parties to the 1987 Montreal Protocol, the London Amendment and Copenhagen Amendment to the Montreal Protocol can be found in a document published and by the Secretariat and updated four times a year.

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**ANNEX**

**DEFINITIONS**

- (a) "Consumption" means production plus imports minus exports of controlled substances.
- (b) "Controlled substance" means a substance in Annex A, Annex B, Annex C or Annex E to the Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance. It excludes any controlled substance or mixture (blend) which is in a manufactured product other than a container used for the transportation or storage of that substance.
- (c) "Destruction process" is one which, when applied to controlled substances, results in the permanent transformation or decomposition of all or a significant portion of such substances (Dec.I/12F, IV/11, V/26 and VII/35).
- (d) "Production" means the amount of controlled substances produced minus the amount destroyed by technologies approved by the Parties and minus the amount entirely used as feedstock in the manufacture of other chemicals. The amount recycled and reused is not to be considered as "Production".
- (e) "Quarantine and preshipment applications" have been defined by the Parties as follows (Decision VII/5):
1. "Quarantine applications", with respect to Methyl Bromide, are treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control, where:
    - (i) Official control is that performed by, or authorized by, a national plant, animal or environmental protection or health authority;
    - (ii) Quarantine pests are pests of potential importance of the areas endangered hereby and not yet present there, or present but not widely distributed and being officially controlled.
  2. "Pre-shipment applications" are those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country.
- (f) "Recovery, Recycling and Reclamation" have been defined by the Parties as follows (Decision IV/24):
1. "Recovery": The collection and storage of controlled substances from machinery, equipment, containment vessels, etc., during servicing or prior to disposal;

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2. "Recycling": The re-use of a recovered controlled substance following a basic cleaning process such as filtering and drying. For refrigerants, recycling normally involves recharge back into equipment. It often occurs "on-site";
3. "Reclamation": The re-processing and upgrading of a recovered controlled substance through such mechanisms as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance. It often involves processing "off-site" at a central facility.

- (g) "Regional Economic Integration Organization" means an organization constituted by sovereign states of a given region which has competence in respect of matters governed by this convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.

The Montreal Protocol stipulates that any Parties which are Member States of a regional economic integration organization as defined above may agree that they shall jointly fulfill their obligations respecting consumption provided that their total combined calculated level of consumption under Articles 2, 2A and 2H of the Protocol does not exceed the levels required by these Articles.

The Montreal Protocol further stipulated that the requirements in Article 7 of the Protocol in respect of statistical data on imports and exports shall be satisfied if the regional economic integration organization concerned provides data on imports and exports between the organization and States that are not members of that organization.

- (h) At the Fourth Meeting of the Parties, it was decided (decision IV/14):

"To clarify Article 7 of the amended Protocol so that it is understood to mean that, in cases of transshipment of controlled substances through a third country (as opposed to imports and subsequent re-exports), the country of origin of the controlled substances shall be regarded as the exporter and the country of final destination shall be regarded as the importer. Cases of import and re-export should be treated as two separate transactions; the country of origin would report shipment of the country of intermediate destination, which would subsequently report the import from the country of origin and export to the country of final destination, while the country of final destination would report the import."

- (i) "At the Eighth Meeting of the Parties it was decided (decision VIII/14):

"To clarify decision I/12A of the First Meeting of the Parties as follows: trade and supply of Methyl Bromide in cylinders or any other container will be regarded as trade in bulk in Methyl Bromide."

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### REPORTING REQUIREMENTS

Reporting requirements under the Montreal Protocol and pursuant to requests for data by Meetings of the Parties are as follows:

<u>Basis for reporting</u>	<u>Information to be provided</u>
(a) To verify implementation of Articles 2A - 2H	Increased (annual) production of each ODS to meet meet the basic domestic needs of Articles 5 Parties.
(b) Article 7	Production, imports and exports of each of the controlled substances.  Amounts used for feedstock.  Amounts destroyed.  Imports from and exports to non-Parties.
(c) Article 9	Summary of activities (every two years).
(d) Article 2, paragraphs 5, 5 <u>bis</u> 6,7	Transfer or addition of production (as and when it occurs).
(e) Decision IV/17 A, paragraph 1	Information on the Implementation of Article 4.
(f) Decision IV/24, paragraph 2	Import and export of recycled and used controlled substances.
(g) Decision V/15	Information relevant to international halon bank management (to UNEP IE PAC).
(h) Decision V/25 and VI/14 A	Parties supplying ODS to Article 5 Parties provide annually summary of requests from importing Parties.
(i) Decision VI/19, paragraph 4	List of reclamation facilities and their capacities.
(j) Decision VII/9, paragraph 4	Types, quantities and destinations of exports of Annex A and Annex B substances.
(k) Decision VII/30	Importing countries to report to the Secretariat on the volumes of controlled substances imported for feedstock.
(l) Decision VII/32	Report on measures taken to regulate import and export of products and equipment containing Annex A and Annex B substances and technology used in their manufacture.
(m) Decision VIII/9, paragraph 9	Reporting quantities and uses of ODSs produced and consumed for essential uses.

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**1. Fill in this form only if the Country imported  
CFCs, HCFCs, Halons, Methyl Chloroform, Carbon  
Tetrachloride, or Methyl Bromide.**

Data Form 1

DATA ON IMPORTS

**2. Please read Instruction I carefully  
before filling in this form.**

in metric tonnes (not ODP tonnes)

Annexes A, B, C and E substances

Country: \_\_\_\_\_

Period: January - December 19\_\_

ANNEX/ GROUP	SUBSTANCES	TOTAL QUANTITIES IMPORTED FOR ALL USES		QUANTITIES OF NEW SUBSTANCES IMPORTED AS FEEDSTOCK	QUANTITIES OF NEW SUBSTANCES IMPORTED FOR EXEMPTED ESSENTIAL USES
		NEW	RECOVERED AND RECLAIMED		
A-Group I	CFC-11 (CFC1 <sub>3</sub> )				
	CFC-12 (CFC <sub>2</sub> Cl <sub>2</sub> )				
	CFC-113 (C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> )				
	CFC-114 (C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> )				
	CFC-115 (C <sub>2</sub> F <sub>5</sub> Cl)				
A-Group II	HALON 1211 (CF <sub>2</sub> BrCl)				
	HALON 1301 (CF <sub>3</sub> Br)				
	HALON 2402 (C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> )				
B-Group I	CFC-13 (CF <sub>3</sub> C1)				
B-Group II	Carbon tetrachloride (CCl <sub>4</sub> )				

ANNEX/ GROUP	SUBSTANCES	TOTAL QUANTITIES IMPORTED FOR ALL USES		QUANTITIES OF NEW SUBSTANCES IMPORTED AS FEEDSTOCK	QUANTITIES OF NEW SUBSTANCES IMPORTED FOR EXEMPTED ESSENTIAL USES
		NEW	RECOVERED AND RECLAIMED		
B-Group III	Methyl chloroform, i.e., 1,1,1-trichloroethane (C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub> )				

C-Group I	HCFC-21 (CHFC1 <sub>2</sub> )				
	HCFC-22 (CHF <sub>2</sub> Cl)				
	HCFC-31 (CH <sub>2</sub> FCl)				
	HCFC-123 (C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub> )				
	HCFC-124 (C <sub>2</sub> HF <sub>4</sub> Cl)				
	HCFC-133 (C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl)				
	HCFC-141b (CH <sub>3</sub> CFCl <sub>2</sub> )				
	HCFC-142b (CH <sub>3</sub> CF <sub>2</sub> Cl)				
	HCFC-225 (C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub> )				
	HCFC-225ca (CF <sub>3</sub> CF <sub>2</sub> CHCl <sub>2</sub> )				
	HCFC-225cb (CF <sub>2</sub> ClCF <sub>2</sub> CHClF)				
C-Group II	HBFCs				
E-Group I	Methyl Bromide (CH <sub>3</sub> Br)				
	Quantities of Methyl Bromide imported to be used for Quarantine and Preshipment Applications				



1. Fill in this form only if the country produced CFCs, HCFCs, Halons, Methyl Chloroform, Carbon Tetrachloride or Methyl Bromide.

2. Please read Instruction III carefully before filling in this form.

Country: \_\_\_\_\_

Data Form 3

DATA ON PRODUCTION

in metric tonnes (not ODP tonnes)

Annexes A, B, C and E substances

Period: January - December 19\_\_

ANNEX/GROUP	SUBSTANCES	TOTAL PRODUCTION FOR ALL USES	QUANTITIES PRODUCED FOR EXEMPTED USES WITHIN YOUR COUNTRY		PRODUCTION FOR SUPPLY TO ARTICLE 5 COUNTRIES IN ACCORDANCE WITH ARTICLE 2A-2H
			Quantity Produced for Feedstock within your Country	Quantity Produced for Essential Uses within your Country	
A-Group I	CFC-11 (CFC1 <sub>3</sub> )				
	CFC-12 (CFC <sub>2</sub> Cl <sub>2</sub> )				
	CFC-113 (C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> )				
	CFC-114 (C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> )				
	CFC-115 (C <sub>2</sub> F <sub>5</sub> Cl)				
A-Group II	HALON 1211 (CF <sub>2</sub> BrCl)				
	HALON 1301 (CF <sub>3</sub> Br)				
	HALON 2402 (C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> )				
B-Group I	CFC-13 (CF <sub>3</sub> Cl)				
B-Group II	Carbon tetrachloride (CCl <sub>4</sub> )				
B-Group III	Methyl chloroform, i.e., 1,1,1-trichloroethane (C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub> )				



Data Form 3 (Continued)

ANNEX/GROUP	SUBSTANCES	TOTAL QUANTITIES PRODUCED FOR ALL USES	QUANTITIES PRODUCED FOR EXEMPTED USES WITHIN YOUR COUNTRY		PRODUCTION FOR SUPPLY TO ARTICLE 5 COUNTRIES IN ACCORDANCE WITH ARTICLE 2A-2H
			Quantity Produced for Feedstock within your Country	Quantity Produced for Essential Uses within your Country	
C-Group I	HCFC-21 (CHCl <sub>2</sub> )				
	HCFC-22 (CHF <sub>2</sub> Cl)				
	HCFC-31 (CH <sub>2</sub> FCI)				
	HCFC-123 (C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub> )				
	HCFC-124 (C <sub>2</sub> HF <sub>4</sub> Cl)				
	HCFC-133 (C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl)				
	HCFC-141b (CH <sub>3</sub> CFCl <sub>2</sub> )				
	HCFC-142b (CH <sub>3</sub> CF <sub>2</sub> Cl)				
	HCFC-225 (C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub> )				
	HCFC-225ca (CF <sub>3</sub> CF <sub>2</sub> CHCl <sub>2</sub> )				
	HCFC-225cb (CF <sub>2</sub> ClCF <sub>2</sub> CHClF)				
C-Group II	HBFC <sub>s</sub>				
E-Group I	Methyl Bromide (CH <sub>3</sub> Br)				
	Quantity of Methyl Bromide Produced for Quarantine and Preshipment Applications				







Annex II

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