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**Implementation Committee under the
Non-compliance Procedure for the
Montreal Protocol
Thirty-sixth meeting**
Montreal, 30 June – 1 July 2006**Report of the Implementation Committee under the
Non-compliance Procedure for the Montreal Protocol on the
work of its thirty-sixth meeting****I. Opening of the meeting**

1. The thirty-sixth meeting of the Implementation Committee under the Non-compliance Procedure for the Montreal Protocol on Substances that Deplete the Ozone Layer was held at the International Civil Aviation Organization (ICAO) Conference Centre in Montreal, Canada, on 30 June and 1 July 2006.

A. Opening statements

2. The President of the Committee, Mr. Mikheil Tushishvili (Georgia), opened the meeting at 10.15 a.m. on Thursday, 30 June 2006.

3. In his opening statement, Mr. Marco González, Executive Secretary of the Ozone Secretariat, welcomed the newly-elected members and officers of the Committee. He noted that 2006 was a significant year for the Montreal Protocol, as it was the year in which the Committee would review the compliance of Parties operating under paragraph 1 of Article 5 of the Protocol with the 2005 control measures to reduce consumption and production of chlorofluorocarbons (CFCs), halons, carbon tetrachloride, methyl chloroform and methyl bromide. It was also the year in which the Committee would review the compliance of Parties not operating under paragraph 1 of Article 5 with the 2005 control measure to phase out methyl bromide consumption and production. Expressing concern about the relatively slow rate of data reporting compared to previous years, he underscored the importance of timely data reporting and urged the Committee to appeal to Parties to submit their outstanding 2005 data as soon as possible, and prior to the 30 September 2006 deadline prescribed by the Protocol.

4. Drawing attention to some of the issues before the Committee, he stressed the value of the draft primer for Committee members and said that the Secretariat hoped to finalize the document for endorsement at the Committee's thirty-seventh meeting, taking into account any comments made by members at the present meeting. In addition, he noted that the Committee would consider the first request from a Party to apply decision XVII/13, on the use of carbon tetrachloride for laboratory and analytical uses, to a possible case of non-compliance.

5. The President, noting that it was a great honour for Georgia to have been elected to preside over the work of the Committee, agreed that 2006 was a significant year for the Montreal Protocol. Despite the progress made by Article 5 Parties in phasing out ozone-depleting substances (ODS) in different sectors, a significant number of issues, such as the use of CFCs in the refrigeration servicing sector and the use of methyl bromide in the agricultural sector, remained to be resolved. In that respect, he recalled that the main role of the Committee was to facilitate monitoring and compliance with the provisions of the Protocol. In conclusion, he thanked the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, the implementing agencies of the Multilateral Fund and bilateral partners for their continued support to Article 5 Parties and expressed his conviction that the Committee's discussions would result in very useful recommendations to the Eighteenth Meeting of the Parties.

B. Attendance

6. Representatives of the following members of the Committee attended the meeting: Argentina, Cameroon, Georgia (President), Guatemala, Lebanon, Nepal, Netherlands, New Zealand (Vice-President and Rapporteur), Nigeria and Poland.

7. The representatives of Armenia and Chile also attended at the invitation of the Committee.

8. The meeting was also attended by representatives of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol and representatives of the implementing agencies of the Multilateral Fund: the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank. The full list of participants is contained in annex II to the present report.

II. Adoption of the agenda and organization of work

9. The Committee adopted the following agenda, based on the provisional agenda circulated as document UNEP/OzL.Pro/ImpCom/36/1:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Report of the Secretariat on data under Article 7 of the Montreal Protocol.
4. Information provided by the Fund secretariat on relevant decisions of the Executive Committee and on activities carried out by implementing agencies (United Nations Development Programme, United Nations Environment Programme, United Nations Industrial Development Organization and the World Bank) to facilitate compliance by Parties.
5. Follow-up on previous decisions of the Parties and recommendations of the Implementation Committee on non-compliance-related issues:
 - (a) Data-reporting obligations:
 - (i) Cook Islands (decision XVII/20);
 - (ii) Eritrea (decision XVII/21);
 - (iii) Mozambique (decision XVII/20);
 - (iv) Nauru (decision XVII/20);
 - (v) Serbia and Montenegro (decision XVII/22);
 - (b) Existing plans of action to return to compliance:
 - (i) Albania (decision XV/26);
 - (ii) Azerbaijan (decision XVII/26);
 - (iii) Bangladesh (decision XVII/27);
 - (iv) Belize (decision XIV/33);
 - (v) Bolivia (decision XV/29);

- (vi) Bosnia and Herzegovina (decisions XV/30 and XVII/28, and recommendation 35/6);
 - (vii) Botswana (decision XV/31 and recommendation 35/7);
 - (viii) Chile (decision XVII/29 and recommendation 35/8);
 - (ix) Ecuador (decision XVII/31);
 - (x) Ethiopia (decision XIV/34);
 - (xi) Federated States of Micronesia (decision XVII/32);
 - (xii) Fiji (decision XVII/33);
 - (xiii) Guatemala (decision XV/34 and recommendation 35/16);
 - (xiv) Guinea-Bissau (decision XVI/24 and recommendation 35/17);
 - (xv) Honduras (decision XVII/34);
 - (xvi) Kazakhstan (decisions XIII/19 and XVII/35, and recommendation 35/20);
 - (xvii) Kyrgyzstan (decision XVII/36);
 - (xviii) Lesotho (decision XVI/25 and recommendation 35/23);
 - (xix) Libyan Arab Jamahiriya (decisions XV/36 and XVII/37);
 - (xx) Maldives (decision XV/37);
 - (xxi) Namibia (decision XV/38);
 - (xxii) Nepal (decision XVI/27);
 - (xxiii) Nigeria (decision XIV/30);
 - (xxiv) Pakistan (decision XVI/29);
 - (xxv) Papua New Guinea (decision XV/40);
 - (xxvi) Saint Vincent and the Grenadines (decision XVI/30);
 - (xxvii) Tajikistan (decision XIII/20)
 - (xxviii) Uganda (decision XV/43);
 - (xxix) Uruguay (decision XVII/39);
 - (c) Other decisions on compliance:
 - (i) Armenia (decision XVII/25);
 - (ii) China (decision XVII/30);
 - (iii) Sierra Leone (decision XVII/38);
 - (d) Other recommendations on compliance:
 - (i) Greece (recommendation 35/15);
 - (ii) Somalia (recommendation 35/36);
 - (iii) United States of America (recommendation 35/43 (c));
 - (iv) Turkey (recommendation 35/39).
6. Consideration of other non-compliance issues arising out of the data report.
 7. Review of information on requests for changes in baseline data:
 - (i) Iran, Islamic Republic of (decision XVI/20 and recommendation 35/19);
 - (ii) Mexico (recommendation 35/25).
 8. Information on compliance by Parties present at the invitation of the Implementation Committee.

9. Consideration of the Implementation Committee draft primer (recommendation 35/50).
10. Standardizing recommendations by the Implementation Committee for addressing routine procedural matters of non-compliance (recommendation 35/49).
11. Analysis of stockpiling relative to the compliance of developing countries (recommendation 35/46 (f)).
12. Other matters:
 - (a) Reporting, presentation and review of data in respect of very small quantities (de minimis) of ODS, relative to compliance with the Montreal Protocol;
 - (b) Sharing of information with the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol.
13. Adoption of the report of the meeting.
14. Closure of the meeting.

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

10. The representative of the Ozone Secretariat drew attention to the report of the Secretariat on information provided by the Parties in accordance with Article 7 of the Montreal Protocol, contained in document UNEP/OzL.Pro/ImpCom/36/2.

11. As the report also covered the situation with regard to ratifications, he noted that 189 Parties had so far ratified the Montreal Protocol and that the rate of ratification had remained steady. Assuming the same rate, 100 per cent ratification could be anticipated by 2010. A total of 112 Parties – 59 per cent – had ratified all the Amendments to the Protocol.

12. With regard to the requirement to report base-year data under Article 7, paragraphs 1 and 2 (relating to 1986 for Annex A substances, 1989 for Annexes B and C substances and 1991 for the Annex E substance), 188 Parties were fully in compliance. Only one Party (Eritrea, which had ratified the Protocol only in March 2005 and its London and Copenhagen amendments in July 2005) had not yet reported its base-year data.

13. In the case of baseline data (defined as the average of years 1995–1997 for Annex A substances, of 1998–2000 for Annex B substances and of 1995–1998 for the Annex E substance), all non-Article 5 Parties had reported base-year data, which also served as baseline data. 143 Parties operating under Article 5 had fully reported all their baseline data. Eritrea and Serbia and Montenegro had yet to report.

14. With regard to annual data reporting, although the deadline for the submission of data for 2005 was not until September 2006, reports for about 110 Parties out of the required 189 had already been received. For the period 1986–2004, a total of 187 out of 188 Parties required to report (99.5 per cent) had done so. The only Party that had outstanding data required for 2004 under paragraphs 3, 3 bis and 4 of Article 7 for that period was Mozambique.

15. The Secretariat report also covered compliance with the control measures for 2005. For non-Article 5 Parties, only Azerbaijan was in non-compliance for consumption, and for production, there was one case, namely Greece, awaiting clarification. For Article 5 Parties, some additional cases of deviation from the Protocol's control measures had arisen since the preparation of the report, so the updated list comprised Chile, Dominica, Fiji, Kenya, Mauritius, Mexico, Niger, Saint Vincent and the Grenadines, The Former Yugoslav Republic of Macedonia, Turkey and Zimbabwe.

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

16. The Chief Officer of the Multilateral Fund secretariat gave a presentation on the item, explaining that it would comprise four sections: information on decisions related to compliance taken by the Executive Committee at its forty-eighth meeting; a summary of the status of Article 5 Parties in achieving compliance with the control measures of the Montreal Protocol or their prospects for doing so (UNEP/OzL.Pro/ImpCom/36/INF/3); information on Article 5 Parties whose 2005 Article 7 or country programme consumption data exceeded control measures; and information supplementary to the above-mentioned document on Parties subject to decisions of Meetings of the Parties or recommendations of the Implementation Committee.

17. At its forty-eighth meeting the Executive Committee had noted that a number of countries with economies in transition had not yet paid their contributions to the Multilateral Fund and had therefore urged them to do so for the 2006–2008 triennium. That was particularly important given the predicted shortfalls for that period.

18. At the same meeting, the Executive Committee had requested implementing and bilateral agencies to submit in 2006 as many terminal phase-out management plans as possible under their business plans. Furthermore, the Executive Committee had requested that a solution be found, by the forty-ninth meeting, to the shortage of uncommitted resources for terminal phase-out management plans in Germany's business plan.

19. As compliance issues were the priority, the Executive Committee had also decided that activities relating to hydrochlorofluorocarbons (HCFCs) be withdrawn from the business plans, on the understanding that those activities would be considered by the Executive Committee at its first meeting in 2008 provided that sufficient funds were available.

20. Regarding the indicator for the provision of compliance assistance under the Compliance Assistance Programme of UNEP, the Executive Committee had decided that it would be the number of Parties in actual or potential non-compliance that had received assistance under the programme outside network meetings and the results of that assistance. In 2005, UNEP had targeted all such Parties for assistance under the programme, with positive results.

21. In the event that a Party was declared to be in non-compliance, institutional strengthening would be renewed for one year. A one-year renewal had been approved for Côte d'Ivoire at the forty-third meeting, in 2004, because of non-compliance with the methyl bromide control measures. At its forty-eighth meeting, the Executive Committee had decided to approve the second year of the project, following the Party's return to compliance.

22. The results of the Fund secretariat's assessment of the status of and prospects for compliance revealed that additional actions were needed in order for the following Parties to achieve compliance: Bolivia (carbon tetrachloride), Croatia (methyl chloroform), The Former Yugoslav Republic of Macedonia (carbon tetrachloride), Somalia (CFCs and halons), if security conditions permitted, and Zimbabwe (methyl chloroform).

23. On the basis of data submitted to the Fund secretariat, the Chief Officer stated that there remained 10,495 ozone-depleting potential (ODP)-tonnes to be addressed by the Executive Committee, compared to 16,372 ODP-tonnes reported to the previous meeting of the Implementation Committee. The 2006 business plans of the implementing agencies addressed all phase-out needs.

24. The representative of the Fund secretariat then presented an overview of Article 5 Parties whose 2005 Article 7 or country programme consumption data exceeded control limits. Of the Parties that had submitted their 2005 data, the number of Parties in non-compliance or at risk of non-compliance were five for CFCs, two for methyl bromide, five for carbon tetrachloride and two for methyl chloroform. No Party was in non-compliance regarding halons. The representative provided additional information on each of those Parties, including on their baselines, reduction targets and latest consumption.

25. The representative of the Fund secretariat then provided information supplementary to document UNEP/OzL.Pro/ImpCom/36/INF/3, stating that Bosnia and Herzegovina, Botswana, Chile, Guinea-Bissau, Libyan Arab Jamahiriya, Nigeria, Pakistan and Saint Vincent and the Grenadines were all expected to return to compliance in the near future.

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

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

VII. Review of information on requests for changes in baseline data

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

26. The Committee decided to consider agenda items 5, 6, 7 and 8 together and agreed to adopt the associated recommendations by Party, in alphabetical order.

A. Albania

27. Albania had been included for consideration because of decision XV/26, which contained its plan of action to ensure its return to compliance with the Protocol's CFC control measures. Albania had reported CFC consumption data for 2005 of 14.343 ODP-tonnes, which was in advance of the consumption reduction commitment contained in its plan of action for that year and also its CFC phase-out obligations under the Protocol.

28. The Committee therefore *agreed* to note with appreciation that Albania had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in advance of its commitment, contained in decision XV/26, to reduce its consumption of those ozone-depleting substances to 36.2 ODP-tonnes in that year, and also in advance of its CFC phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/1

B. Armenia

29. Armenia had been included for consideration because of its excess consumption of methyl bromide in 2004. Under decision XVII/25, Armenia had been requested to submit a plan of action with time-specific benchmarks for ensuring its return to compliance. Armenia had explained at the last meeting of the Committee that its non-compliance was due to the fact that it did not have the regulatory authority to control ODS imports. Armenia had not been aware of methyl bromide consumption in 2004; it had been detected by a national consultant engaged to undertake data collection in the flour and wheat production sector.

30. Armenia had since submitted its 2005 data, reporting zero consumption of methyl bromide, thereby indicating that the Party had returned to compliance. However, Armenia had expressed concern that without regulatory measures to support the phase-out, it risked reverting to non-compliance, and so it had submitted the plan of action requested in decision XVII/25. It had explained that the plan was developed by the Government in consultation with all relevant stakeholders and that the latter had assured the Government of their support for the plan and their commitment to its implementation.

31. Actions proposed to ensure Armenia's compliance included adoption of new legislation, which would effectively prohibit the import of methyl bromide by establishing a quota system containing the limits set by the Montreal Protocol, i.e. zero for methyl bromide. The legislation was expected to be approved and adopted by the end of 2006, but in the meantime, Armenia was still concerned that it lacked any regulatory means of preventing methyl bromide imports. Armenia was therefore implementing information dissemination and awareness raising activities, and encouraging voluntary industry action, to maintain compliance in 2006. On the basis of the completed and planned actions, Armenia was committed to sustaining zero methyl bromide consumption from the end of 2006.

32. As a Party formerly classified as not operating under Article 5 of the Protocol, Armenia was receiving assistance from the Global Environment Facility (GEF), but that did not include any methyl bromide phase-out assistance. At its forty-seventh meeting, the Executive Committee of the Multilateral Fund had accordingly decided that UNEP should provide Armenia with methyl bromide phase-out assistance.

33. The Secretariat had prepared a draft decision setting out Armenia's proposed plan of action, for the Committee to consider for forwarding to the Eighteenth Meeting of the Parties for adoption. Armenia had indicated that it was satisfied with the draft.

34. At the invitation of the Committee, a representative of Armenia attended and responded to questions. She explained that the draft legislation was in the process of being adopted, and was currently awaiting discussion in parliament. If that could be completed by October 2006, which was possible, the licensing and quota system could be brought into operation by late 2006 or early 2007. She could not absolutely guarantee that the licensing system would be in place by 1 January 2007, as included in the plan of action, but thought it probable. As an interim measure, the Ministry of Agriculture had agreed to remove methyl bromide from its list of pesticides which were permitted for import, and she was optimistic that the awareness-raising and other activities which were under way had persuaded users to switch to alternatives. She expressed her appreciation for the very helpful assistance Armenia had received from the Ozone Secretariat, the Division of Technology, Industry and Economics of UNEP and its colleagues in the regional network for Eastern Europe and Central Asia.

35. The Committee therefore *agreed*:

- (a) To note with appreciation that Armenia had reported data for the consumption of the controlled substance in Annex E (methyl bromide) in 2005 of zero ODP-tonnes, which indicated that it had returned to compliance with the Protocol's control measures for methyl bromide in that year, and to congratulate Armenia on that achievement;
- (b) To acknowledge, however, that Armenia was not confident of its ability to sustain its compliance with the Protocol's methyl bromide consumption control measures in 2006 in the absence of supporting regulatory measures, and therefore to note with appreciation its submission of a plan of action for sustaining its compliance with the Protocol's control measures for methyl bromide from 2007, in accordance with decision XVII/25;
- (c) To request Armenia to submit to the Secretariat by 30 September 2006 an update on the expected date of introduction of a system for licensing the import and export of ozone-depleting substances which would include import quotas, in the light of its advice that it not currently confirm its ability to introduce the licensing system by 1 January 2007;
- (d) To forward to the Eighteenth Meeting of the Parties for its consideration a draft decision incorporating the plan of action, as contained in section A of annex I to the present report.

Recommendation 36/2

C. Azerbaijan

36. Azerbaijan had been included for consideration because of decision XVII/26, which noted that the Party had confirmed the introduction of a ban on the import of CFCs, in accordance with decision XVI/21, but which had also noted with concern that Azerbaijan had not achieved total phase-out of those controlled substances by 1 January 2005, in accordance with that decision. The decision had further noted that Azerbaijan had expressed reservations as to its ability to enforce the import ban, given its lack of expertise in tracking ODS, and had therefore welcomed Azerbaijan's action, in cooperation with UNEP, to seek further assistance from the Global Environment Facility to address that situation. The decision had also requested exporting Parties to assist Azerbaijan in implementing its commitment to achieve total phase-out of CFCs by ceasing exports of those substances to the Party. In the event that it had not achieved total phase-out of CFCs by 1 January 2006, the Eighteenth Meeting of the Parties would consider implementation of item C of the indicative measures listed in the non-compliance procedure of the Montreal Protocol, which could include actions available under Article 4 of the Protocol to cease supply of CFCs to Azerbaijan.

37. In submitting its 2005 data, Azerbaijan had reported CFC consumption of 21.9 ODP-tonnes, which officially confirmed the information in decision XVII/26: the Party had consumed CFCs in 2005 in contravention of its commitment to achieve total phase-out of those substances by 1 January 2005.

38. To date, Azerbaijan had not submitted the requested report on the status of its efforts, in cooperation with UNEP, to seek further assistance from the Global Environment Facility, nor had the Party reported on the status of its ban on the import of CFCs relative to its commitment to achieve total phase-out of CFCs by 2006. UNEP, however, had advised the Secretariat that the request for institutional strengthening assistance was due to be submitted to the GEF secretariat in May 2006. The GEF secretariat had then confirmed receipt of the request, which was currently being reviewed for possible approval.

39. In response to a request by a member of the Committee, the representative of UNEP agreed to circulate a summary of the proposed institutional strengthening project to all Committee members prior to the thirty-seventh meeting of the Implementation Committee to facilitate their consideration of the case of Azerbaijan.

40. Another Committee member pointed out some of the difficulties faced by Azerbaijan. It lacked expertise in terms of implementation, as well as institutional memory, and had not been able to participate in networking activities under the Montreal Protocol. He suggested that use of existing CFC stocks and increased recovery and recycling, for which equipment was needed, might assist the Party in meeting its obligations. Import restrictions would increase the competitiveness of recovery and recycling centres. He also stressed the need to collect information on alternatives to the controlled substances and to distribute guidelines on their use to stakeholders.

41. The Committee therefore *agreed*:

- (a) To note with regret that Azerbaijan had not submitted a report on the status of its efforts, in cooperation with UNEP, to seek further assistance from the Global Environment Facility, in accordance with decision XVII/26, but also to note that information received from UNEP and the GEF secretariat confirmed that a request for further assistance was under review for GEF Council approval;
- (b) To request Azerbaijan to submit to the Secretariat, as a matter of urgency, information on the status of its ban on the import of the controlled substances in Annex A, group I (CFCs) relative to its commitment, contained in decision XVII/26, to achieve total phase-out of CFCs by 1 January 2006, for the consideration of the Implementation Committee at its thirty-seventh meeting;
- (c) To recall paragraph 5 of decision XVII/26, in which Azerbaijan was cautioned in accordance with item B of the indicative list of measures that, in the event that the Party did not achieve total phase-out of Annex A, group I, controlled substances (CFCs) by 1 January 2006, the Eighteenth Meeting of the Parties would consider implementation of item C of the indicative measures, which could include action available under Article 4 to cease the supply of Annex A, group I, controlled substances (CFCs) to Azerbaijan.

Recommendation 36/3

D. Bangladesh

42. Bangladesh had been included for consideration because of decision XVII/27, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for methyl chloroform. The measures contained in the plan had secured Bangladesh's return to compliance in 2004.

43. The plan of action committed Bangladesh to a level of methyl chloroform consumption in 2005 no greater than its reported consumption level for 2004, of 0.550 ODP-tonnes. To date, however, the Party had not submitted ODS data for the year 2005, thereby preventing review of whether the commitments contained in decision XVII/27 had been met. The Party had, however, submitted a report on its progress in implementing the decision. The report stated that Bangladesh had imported 0.500 ODP-tonnes of methyl chloroform in 2005 and planned to import no more than that amount in 2006, through the operation of its licensing system. The Party also advised that it was working closely with UNDP to hold a stakeholder workshop on methyl chloroform alternatives.

44. The Committee therefore *agreed*:

- (a) To note with appreciation that Bangladesh had submitted a progress report on its implementation of the plan of action, contained in decision XVII/27, to maintain its compliance with the Protocol's control measures for the controlled substance in Annex B, group III (methyl chloroform), which suggested that it had successfully implemented its commitment contained in that decision to maintain its 2005 consumption of methyl

chloroform at no more than its reported level for 2004, and was in advance of its methyl chloroform phase-out obligations under the Montreal Protocol for 2005;

- (b) To urge Bangladesh to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might confirm at its thirty-seventh meeting the Party's implementation of its commitments contained in decision XVII/27.

Recommendation 36/4

E. Belize

45. Belize had been included for consideration because of decision XIV/33, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for the CFCs. The plan of action committed Belize to reducing its consumption of CFCs from 28.0 ODP-tonnes in 2001 to 12.2 ODP-tonnes in 2005.

46. Belize had submitted its ODS data for the year 2005, reporting CFC consumption of 9.596 ODP-tonnes, which was in advance of the consumption reduction commitment contained in its plan of action for that year and also its CFC phase-out obligations under the Protocol.

47. The Committee therefore *agreed* to note with appreciation that Belize had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was both in advance of its commitment, contained in decision XIV/33, to reduce its consumption of CFCs to 12.2 ODP-tonnes in that year, and in advance of its CFC phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/5

F. Bolivia

48. Bolivia had been included for consideration because of decision XV/29, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for the CFCs. The plan of action committed Bolivia to reducing its consumption of CFCs from 65.5 ODP-tonnes in 2002 to 37.84 ODP-tonnes in 2005.

49. To date, Bolivia had not submitted its ODS data for the year 2005, thereby preventing review of whether its commitments had been met. Bolivia had, however, established an ODS licensing and quota system, as well as a ban on the import of equipment using ODS.

50. UNEP was providing institutional strengthening assistance to Bolivia under the auspices of the Multilateral Fund, giving particular attention to refrigerant-related activities, and Canada was implementing a refrigerant management plan in Bolivia under the auspices of the Multilateral Fund. UNDP had reported to the Multilateral Fund secretariat that a commercial refrigeration sector project being implemented by the agency in Bolivia was on schedule to achieve its planned CFC phase-out in 2007. Furthermore, at its forty-seventh meeting, held in November 2005, the Executive Committee had approved funding for Canada to assist Bolivia to prepare a terminal phase-out plan to eliminate remaining ODS consumption.

51. The Committee therefore *agreed* to urge Bolivia to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee at its thirty-seventh meeting might assess the Party's implementation of its commitment, contained in decision XV/29, to reduce its CFC consumption to 37.84 ODP tonnes in 2005.

Recommendation 36/6

G. Bosnia and Herzegovina

52. Bosnia and Herzegovina had been included for consideration because of decisions XV/30 and XVII/28, which contained its plans of action to ensure its return to compliance with the Protocol's control measures for CFCs and methyl bromide (decision XV/30), and methyl chloroform (decision XVII/28). Decision XV/30 also committed Bosnia and Herzegovina to establishing a system for licensing imports and exports of ODS, which included import quotas, by the end of January 2006. To date, however, Bosnia and Herzegovina had not submitted its ODS data for the year 2005, preventing review of whether its commitments had been met.

53. UNIDO was providing institutional strengthening and CFC, methyl bromide and methyl chloroform phase-out assistance to Bosnia and Herzegovina under the auspices of the Multilateral Fund. The agency had advised the Multilateral Fund Secretariat that the Party's 2005 methyl bromide consumption reduction target had been achieved and that its national phase-out plan contained a technology conversion component – scheduled for completion in 2006 – that would entirely eliminate its consumption of methyl chloroform. Furthermore, UNIDO expected Bosnia and Herzegovina to meet its CFC phase-out obligations under the Protocol in 2005.

54. UNEP had informed the Ozone Secretariat that Bosnia and Herzegovina's licensing and quota system had not yet been introduced in the legislature. UNEP and UNIDO had sent a joint letter to the relevant ministries at State and entity levels proposing a high-level mission to the country to facilitate timely adoption of the regulations. The Government of Bosnia and Herzegovina had responded positively to the letter, proposing that the mission be conducted in early July 2006.

55. The Committee therefore *agreed*:

- (a) To note with regret that Bosnia and Herzegovina had not submitted a report on its commitment to establish a system for licensing imports and exports of ozone-depleting substances, which included import quotas, by the end of January 2006, in accordance with decision XVII/28;
- (b) To request Bosnia and Herzegovina to submit to the Secretariat, as a matter of urgency, the report referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting;
- (c) To urge Bosnia and Herzegovina to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitments, contained in decision XV/30 and decision XVII/28, to reduce its CFC consumption to 102.1 ODP tonnes, its methyl bromide consumption to 5.61 ODP-tonnes and its methyl chloroform consumption to 1.3 ODP-tonnes in 2005.

Recommendation 36/7

H. Botswana

56. Botswana had been included for consideration because of decision XV/31, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for methyl bromide. The plan of action committed the Party to complete phase-out of its methyl bromide consumption in 2005 and to the creation of a system for licensing imports and exports of methyl bromide, including quotas.

57. Although Botswana's 2004 ODS data showed it to be in compliance for that year, the Party had not yet submitted its ODS data for the year 2005. Recommendation 35/7 had noted that Botswana had not yet established a licensing and quota system, as it was awaiting assistance from an implementing agency. In March 2006, Botswana had notified the Secretariat that it wished to launch a consultative process in order to produce an issues paper which would form the basis for creating such a system. Botswana hoped soon to receive the institutional strengthening funds needed to begin the process and undertook to submit soon after a formal reply outlining the process and what it would entail. No further correspondence had been received to date.

58. UNEP was providing institutional strengthening to Botswana under the auspices of the Multilateral Fund. Although UNEP had planned a mission to Botswana for mid-June 2006 to discuss an action plan for the development of the outstanding regulations, the mission had been postponed at the request of the Party.

59. Members of the Committee were informed that Botswana had submitted to the Executive Committee of the Multilateral Fund country programme data for 2005 that indicated methyl bromide consumption of zero. The Ozone Secretariat had not, however, been provided with that information, and also noted that in any case it was the data submitted in accordance with Article 7 of the Protocol that was used to assess compliance.

60. The Committee therefore *agreed*:
- (a) To urge Botswana to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XV/31, to achieve total phase-out of methyl bromide consumption in that year;
 - (b) To note the report of Botswana that it had not yet established a system for licensing imports and exports of methyl bromide, including quotas, in accordance with decision XV/31, but intended to initiate the process by which that legislation would be developed upon receipt of institutional strengthening funds;
 - (c) To request Botswana to continue to work with relevant implementing agencies, as a matter of urgency, to establish its licensing and quota system, particularly given the importance of regulatory measures in supporting its commitment to achieve and maintain total methyl bromide consumption phase-out from 2005;
 - (d) Also to request Botswana to submit a report to the Secretariat, as soon as possible and no later than 16 August 2006, on the status of the work conducted in accordance with subparagraph (c), in time for consideration by the Committee at its thirty-seventh meeting.

Recommendation 36/8

I. Chile

61. Chile had been included for consideration because of decision XVII/29, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for methyl chloroform and methyl bromide. The plan of action committed Chile to meeting time-specific benchmarks for reducing methyl chloroform and methyl bromide consumption, to introducing an enhanced ODS licensing and import quota system from the moment the bill to establish such a system was approved by its legislature, and to ensuring compliance in the interim period by adopting regulatory measures that the Government was entitled to apply.

62. Chile had submitted its ODS data for the year 2005, reporting consumption of methyl bromide consistent with its commitment for that year, but consumption of methyl chloroform inconsistent with its commitments. In correspondence dated 5 June 2006, Chile attributed the deviation to a delay in the approval of its enhanced licensing and quota system. The enhanced system was, however, established on 23 May 2006 by means of a law that set import quotas for controlled substances at levels that would meet the phase-out targets of the Protocol and the reduction targets in the plan of action. Chile stated in the correspondence that the passage of that law enabled it to state, with what the Party described as a fair amount of certainty, that Chile would not deviate from its phase-out commitments after 2006.

63. In correspondence dated 9 June 2006, the Secretariat had sought further clarification from Chile with regard to its methyl chloroform deviation and its prospects for complying with its commitments contained in decision XVII/29 in the future. The Secretariat observed that Chile's submission suggested that the Party might again deviate from its methyl chloroform consumption commitments in 2006, given that the law imposing Chile's import quota system had not been passed until March of that year.

64. Decision XVII/29 had also recorded Chile's commitment to ensure compliance in the interim period. In order to ensure its compliance with its methyl bromide phase-out commitment, Chile had placed a temporary ban on the import of methyl bromide in 2005. The Secretariat therefore invited Chile to advise whether a similar approach might be employed in 2006 for methyl chloroform. The Secretariat also invited the Party to submit an update on the progress of the various activities under the technical assistance project outlined in the documentation supporting the Party's plan of action.

65. At the invitation of the Committee, a representative of Chile attended and responded to questions. She explained that Chile's previous system for regulating imports of ODS, in place since 2002, had not allowed the Government to place any limit on the quantities of any substance approved for import. In response to the problems experienced in 2004, when an excessive volume of methyl chloroform had been imported, Chile had begun to develop new legislation. Progress had been slower than anticipated, partly because of presidential and parliamentary elections in 2005, but the new law had been passed and published in the official gazette in March 2006. Draft regulations implementing the licensing and quota system had been prepared beforehand and were now in the process of gaining approval from the relevant ministries. She hoped that the process would be complete by the end of 2006.

66. In the meantime, with the assistance of UNDP, Chile had been implementing a technical assistance project for the solvents sector. Only one company had been identified as using methyl chloroform, for a specific use involving the freezing and reworking of metals. The project had enabled them to identify a number of alternatives and they were now in the process of obtaining larger volumes of the substitute chemicals in order to conduct pilot projects. The company in question was fully in support of Chile's commitment to meet its control measures under the Montreal Protocol, though problems were possible given the higher cost of the alternatives. She expected the project to be completed by September, or at the latest, December, 2006.

67. Chile's position with methyl bromide was slightly easier, as the Ministry of Agriculture was able to regulate use of the substance under its existing licensing powers until the new legislation was fully implemented. Imports of methyl bromide had accordingly been ended since April 2005, and a project for developing the use of alternatives was being carried out, with positive results. That approach was not possible for methyl chloroform, however, for which no alternative regulatory framework was available.

68. Following a request for clarification by one member, the representative of the Multilateral Fund secretariat said that the Fund would prepare a progress report, for submission to the Implementation Committee at its thirty-seventh meeting, on the status of the UNDP technical assistance project to phase out methyl chloroform. She pointed out that, although the implementation of the project had been delayed, it was now on track.

69. The Committee therefore *agreed*:

- (a) To note with appreciation that Chile had reported data for the consumption of the controlled substance in Annex E (methyl bromide) in 2005 that showed that it was in advance of its commitment, contained in decision XVII/29, to reduce its consumption of methyl bromide to 170 ODP-tonnes in that year, and had also fulfilled its commitment, contained in that decision, to introduce an enhanced licensing and quota system for ozone-depleting substances;
- (b) To note that Chile had also reported data for the consumption of the controlled substance in Annex B, group III (methyl chloroform) of 5.225 ODP-tonnes for the year 2005, which represented an increase in consumption from the preceding year;
- (c) To note with concern that the consumption level of methyl chloroform was inconsistent with Chile's commitment, contained in decision XVII/29, to consume no greater than 4.512 ODP-tonnes in 2005, but also to note with appreciation that it had submitted an explanation for the deviation;
- (d) Further to note that Chile was receiving assistance from UNDP, under the auspices of the Multilateral Fund, to phase out 3.7 ODP-tonnes of methyl chloroform through a technical assistance project;
- (e) To note with concern, however, that Chile appeared to anticipate continued deviation from its methyl chloroform consumption commitment in 2006 owing to the delayed introduction of the enhanced licensing and quota system, which would be inconsistent with its commitment, contained in paragraph 3 (c) of decision XVII/29, to ensure compliance in the period prior to the introduction of the enhanced system by adopting regulatory measures that the Government was entitled to apply;
- (f) To invite Chile to send a representative to the thirty-seventh meeting of the Committee to discuss the matter, in particular the measures it was taking or planned to take to return to compliance in 2006 with its methyl chloroform phase-out commitments, in accordance with decision XVII/29, and the status of the technical assistance project it was implementing in cooperation with UNDP to phase out methyl chloroform;
- (g) To recall paragraph 6 of decision XVII/29, which recorded the agreement of the Seventeenth Meeting of the Parties:

“To monitor the progress of Chile with regard to the implementation of its plan of action and its phase-out of methyl chloroform and 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, Chile should continue to receive international assistance to enable it to meet those commitments in accordance with item A of

the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, 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 chloroform and methyl bromide that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.”

Recommendation 36/9

J. China

70. China had been included for consideration because of its excess consumption of Annex B, group I CFCs (“other CFCs”) in 2004. China had reported 2004 consumption of other CFCs of 20.539 ODP-tonnes, which exceeded the Party’s maximum allowable consumption level of 20.5336 ODP-tonnes. Under decision XVII/30, China had been requested to submit an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance.

71. China had since explained that it disagreed with its designation as a Party in non-compliance, on the basis that it had a different understanding of its baseline and resulting maximum allowable consumption level in 2004. It had noted that, prior to 2004, the Secretariat usually rounded data presented in its annual data report to one decimal place, and the annual data reports sent to the Parties for review were also usually rounded to one decimal place. On that basis, China had determined its baseline data for other CFCs to be 25.7 ODP-tonnes, and had therefore calculated its maximum allowable consumption level in 2004 to be 20.6 ODP-tonnes, rather than the 20.5336 ODP-tonnes stated in decision XVII/30.

72. In addition, China had explained that the production and consumption of CFC-13, the only Annex B, group I, controlled substance produced in China, was strictly regulated, and no imports were permitted. China was receiving assistance from the World Bank and the United States of America to phase out all CFC production, and in connection with its 2006 CFC production sector annual programme, its CFC production tradable quota system allocated a maximum CFC-13 production quota of 20 ODP-tonnes, an amount consistent with the control measures of the Protocol. China was also receiving assistance from UNEP, UNIDO and the Government of Japan, under the auspices of the Multilateral Fund, to phase out its consumption of CFCs in the refrigeration sector; CFC-13 was commonly used for very low temperature refrigeration.

73. The Committee recognised that the issue of the number of decimal places to which data should be calculated and reported was an important one which was liable to affect other Parties in addition to China, and on which guidance would be needed from the meeting of the parties (see paragraphs 265-270).

74. The Committee therefore *agreed*:

- (a) To note with appreciation China’s explanation for its reported consumption of 20.539 ODP-tonnes of the controlled substances in Annex B, group I (other CFCs) in 2004 in relation to the Protocol’s requirement to reduce consumption of those controlled substances to no greater than 20.534 ODP-tonnes in that year, submitted in accordance with decision XVII/30;
- (b) In the light of recommendation 36/54, to defer assessment of China’s compliance in 2004 with the Protocol’s consumption control measures for other CFCs, until it could consider the Party’s situation in the light of any guidance provided by the Eighteenth Meeting of the Parties with regard to recommendation 36/54.

Recommendation 36/10

K. Cook Islands

75. Cook Islands had been included for consideration because of decision XVII/20, which noted that the Party had not reported data in accordance with Article 7 of the Montreal Protocol for the year 2004 and urged it to work closely with the implementing agencies of the Multilateral Fund to report the data

to the Secretariat as a matter of urgency. The decision had also requested the Implementation Committee to review the Cook Islands' situation at its next meeting.

76. The Cook Islands had reported its outstanding 2004 data on 17 January 2006. The data were consistent with the control measures of the Protocol for that year.

77. The Committee therefore *agreed* to note with appreciation the Cook Islands' submission of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XVII/20, which indicate that it was in compliance with the Protocol's control measures in that year.

Recommendation 36/11

L. Dominica

78. Dominica had been included for consideration because it had reported consumption of 1.388 ODP-tonnes of CFCs in 2005, in excess of its requirement under the Protocol to reduce its consumption to no more than 0.740 ODP-tonnes in that year. In its response to a request by the Secretariat for an explanation, it had attributed the deviation to new or increased demand in 2005, which had been met by a single shipment that could not have been prevented from entering the country because of the absence of regulatory controls. In addition, the Party had outlined other challenges to its achievement and maintenance of compliance and had listed the ozone protection measures it had taken to date.

79. In order to prevent further deviations, Dominica had convened a stakeholder meeting at which importers had made a commitment to discontinue, from 8 June 2006 until further notice, the import of CFC-12 and had requested the Party's customs authorities to prevent further such imports. Dominica had also made a commitment to approve its licensing and quota system by the third quarter of 2006 and to implement its CFC terminal phase-out management plan. In addition, it would continue public awareness activities, promote cooperation with the UNEP Compliance Assistance Programme and was prepared to present to the Implementation Committee a plan of action listing the activities that would return it to compliance, including steps to improve its human resources base.

80. According to the Secretariat, if Dominica's estimate for CFC imports for 2006 were accurate, and if no further imports of those substances were allowed in 2006, the Party's consumption would be in compliance with the Protocol's CFC control measures for that year. The Party had not confirmed, however, that its 2006 CFC consumption would be limited; it had simply indicated that further imports of CFC-12 in 2006 would depend on the Party's "critical-use demand". The Secretariat noted that, whether or not an Article 5 Party deemed such imports to be critical, they would be included in the calculation of the Party's controlled consumption. Furthermore, although the majority of Dominica's 2005 CFC consumption had comprised CFC-12 imports, a small quantity of CFC-115 had also been imported. Cessation of CFC-115 or other CFC imports had not been mentioned in Dominica's correspondence.

81. UNEP was providing institutional strengthening assistance to Dominica under the auspices of the Multilateral Fund and was implementing, in cooperation with UNDP, a CFC terminal phase-out management plan, which had been approved by the Executive Committee at its forty-eighth meeting on the condition that the second tranche of funds associated with the plan would not be disbursed until Dominica had enacted regulations for licensing the import and export of ozone-depleting substances. Under the plan, Dominica had made a commitment to reduce its CFC consumption to a level consistent with the Protocol's CFC consumption control measures.

82. As neither the regulatory framework for the Party's licensing system which had been drafted and proposed for enactment under the Pesticides and Toxic Chemicals Act in 2004, nor the Act itself, were currently on the parliamentary agenda, the Party was exploring the possibility of instead enacting regulations under the existing Consumer Protection Act by June 2006. Under a refrigerant management plan, 28 refrigeration technicians had been trained in refrigeration good practices and six of them had become national trainers. Twenty-one customs officers had also been trained under that project.

83. The 2006 business plan submitted by UNEP to the Executive Committee of the Multilateral Fund at its forty-eighth meeting had targeted Dominica for special data reporting compliance assistance. In its report on project implementation progress up to 31 December 2005 to be presented at the forty-ninth meeting of the Executive Committee, UNEP noted that it was providing policy assistance to enable Dominica to maintain compliance.

84. After a brief discussion on whether or not the Committee should defer its consideration of the item until it had sought clarification on the issue of the use of the decimal point in statistics provided by Parties, the Committee agreed to proceed, given that the statistics provided by Dominica had already been accepted by the Party.

85. The representative of UNEP suggested that the Committee might wish to draw on the experience gained a few years previously in the case of Maldives, which had also involved an exporter providing quantities of CFCs in excess of the importing Party's baseline.

86. The Committee therefore *agreed*:

- (a) To note with appreciation Dominica's explanation for its reported consumption of 1.388 ODP-tonnes of the controlled substances in Annex A, group I (CFCs) in 2005 in excess of the Protocol's requirement that it reduce CFC consumption in that year to no more than 50 per cent of its baseline level of 0.740 ODP-tonnes;
- (b) To request Dominica to submit to the Secretariat as soon as possible, and no later than 16 August 2006, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;
- (c) To invite Dominica, if necessary, to send a representative to the thirty-seventh meeting of the Committee to discuss the matter;
- (d) In the absence of the submission of a plan of action, to request the Eighteenth Meeting of the Parties to endorse the Committee's request to submit the plan by forwarding to that Meeting for approval the draft decision contained in section B of annex I to the present report.

Recommendation 36/12

M. Ecuador

87. Ecuador had been included for consideration because of decision XVII/31, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for methyl chloroform. To date, Ecuador had not submitted its ODS data for the year 2005, but it had, however, submitted a progress report on its implementation of decision XVII/31. In that report, Ecuador stated that it had limited methyl chloroform consumption in 2005 to 0.817 ODP-tonnes. That level of consumption would place Ecuador in advance of its methyl chloroform phase-out commitments in decision XVII/31 and return it to compliance with the Montreal Protocol.

88. The Committee therefore *agreed*:

- (a) To note with appreciation that Ecuador had submitted a progress report on its implementation of the plan of action, contained in decision XVII/31, to return to compliance with the Protocol's control measures for the controlled substance in Annex B, group III (methyl chloroform), which suggested that the Party was in advance of its commitment, contained in that decision, to reduce its consumption of methyl chloroform to 1.398 ODP-tonnes in 2005, and also of its methyl chloroform phase-out obligations under the Montreal Protocol for that year.
- (b) To urge Ecuador to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee may confirm at its thirty-seventh meeting the Party's implementation of its commitments contained in decision XVII/31.

Recommendation 36/13

N. Eritrea

89. Eritrea had been included for consideration because of decision XVII/21, which had noted that the Party had not reported any consumption or production data to the Secretariat, thereby placing it in non-compliance with its data reporting obligations under the Montreal Protocol until such time as the Secretariat received the outstanding data.

90. Despite being in constant dialogue with the Ozone Secretariat on the issue, and also in touch with UNEP and UNDP, the two implementing agencies assisting the Party with data collection and reporting, Eritrea had still not submitted the outstanding data.

91. The Committee therefore *agreed*:
- (a) To note with regret that Eritrea had not submitted to the Secretariat any consumption or production data in accordance with decision XVII/21;
 - (b) To request Eritrea to submit to the Secretariat, as a matter of urgency, the data referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/14**O. Ethiopia**

92. Ethiopia had been included for consideration because of decision XIV/34, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for CFCs. The plan of action committed Ethiopia to reducing CFC consumption from 35 ODP-tonnes in 2001 to 17 ODP-tonnes in 2005.

93. Ethiopia had submitted its ODS data for the year 2005, reporting CFC consumption of 15.000 ODP-tonnes, which was in advance of the consumption reduction commitment contained in its plan of action for that year and also of its CFC phase-out obligations under the Protocol.

94. The Committee therefore *agreed* to note with appreciation that Ethiopia had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in advance of its commitment, contained in decision XIV/34, to reduce its consumption of CFCs to 17 ODP-tonnes in that year and also of its CFC phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/15**P. Federated States of Micronesia**

95. The Federated States of Micronesia had been included for consideration because of decision XVII/32, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for CFCs. The plan of action committed the Federated States of Micronesia to time-specific benchmarks for reducing CFC consumption and to introducing a system for licensing imports and exports of ODS, including a quota system, by 1 January 2006.

96. To date, the Federated States of Micronesia had not submitted its ODS data for the year 2005. In its report on project implementation progress up to 31 December 2005 to the forty-ninth meeting of the Executive Committee, to be held in July 2006, UNEP noted that one reason for the delays in data reporting experienced by Pacific island countries was their geographical isolation, which made data collection time-consuming and expensive. Efforts had been undertaken, however, to streamline the data collection process for those Parties to enable them to comply with their data reporting obligations.

97. With regard to its commitment to introduce regulatory measures, UNEP informed the Secretariat that draft regulations were under preparation and review by the Party's Attorney General's Office. The Government was aiming to complete the regulations in the first half of 2006.

98. The Federated States of Micronesia received CFC phase-out assistance through its participation in the Regional Strategy to Comply with the Montreal Protocol in Pacific Island Countries, which was supported by the Multilateral Fund and implemented by UNEP and the Government of Australia. The Regional Strategy was approved by the Executive Committee on the understanding that the Governments of the countries concerned would achieve complete phase-out of ozone-depleting substances by 2005.

99. The Committee therefore *agreed*:
- (a) To note with regret that the Federated States of Micronesia had not completed its commitment, contained in decision XVII/32, to introduce a system for licensing imports and exports of ozone-depleting substances, including a quota system, by 1 January 2006;
 - (b) To note, however, that the Federated States of Micronesia aimed to complete that commitment in April 2006 and therefore to request it to submit to the Secretariat, as a matter of urgency, a report on its implementation of the commitment referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting;

- (c) To urge the Federated States of Micronesia to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XVII/32, to reduce consumption of the controlled substances in Annex A group I (CFCs) to 1.351 ODP-tonnes in 2005.

Recommendation 36/16

Q. Fiji

100. Fiji had been included for consideration because of decision XVII/33, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for methyl bromide. The plan of action committed Fiji to reducing methyl bromide consumption from 1.609 ODP-tonnes in 2004 to 1.5 ODP-tonnes in 2005 and to commencing implementation of a methyl bromide import quota system in 2006.

101. Fiji had submitted its ODS data for the year 2005, reporting methyl bromide consumption of 0.852 ODP-tonnes, which was in advance of the commitment contained in its plan of action for that year. Fiji had submitted a report on its progress in implementing the commitments contained in decision XVII/33. The report confirmed that Fiji had fulfilled its commitment to implement a methyl bromide import quota system for non-quarantine and pre-shipment uses, indicating that such a system had commenced on 1 January 2006.

102. With regard to its commitment in decision XVII/33 to monitor its existing licensing system, the Party had developed a new reporting system for importers and distributors of methyl bromide, which improved its ability to distinguish accurately between methyl bromide for quarantine and pre-shipment and non-quarantine and pre-shipments uses.

103. The Committee therefore *agreed*:

- (a) To note with appreciation that Fiji had reported data for the consumption of the controlled substance in Annex E (methyl bromide) in 2005 that showed that it was in advance of its commitment, contained in decision XVII/33, to reduce its consumption of methyl bromide to 1.5 ODP-tonnes in that year;
- (b) Also to note with appreciation that Fiji had in 2006 fulfilled its commitment, contained in decision XVII/33, to commence implementation of a methyl bromide import quota system in 2006 and to monitor its existing system for licensing imports and exports of ozone-depleting substances.

Recommendation 36/17

R. Greece

104. Greece had been included for consideration because of its apparent deviations from its obligation in 2004 and 2005 to maintain total phase-out of production of CFCs except for approved essential uses and as allowed by the basic domestic needs provisions of the Protocol.

105. Prior to the thirty-fifth meeting of the Committee, Greece had reported production in 2004 of 2,793 ODP-tonnes of CFCs, above its requirement for total phase-out, noting, however that the production was entirely to meet the basic domestic needs of Parties operating under Article 5. The Party had also noted that 1,503 ODP-tonnes of that total could be attributed to industrial rationalization between a CFC production plant in Greece and a production plant in the United Kingdom of Great Britain and Northern Ireland.

106. In recommendation 35/15, the Committee had noted the explanation submitted by Greece for its apparent deviation and requested further clarification from the Party with regard to its implementation of paragraph 7 of Article 2 of the Protocol, which prescribed the conditions for the transfer between Parties of allowances to produce controlled substances, including the requirement that the Parties concerned should notify the Secretariat of any such transfer no later than the time of the transfer. Specifically, the Committee had requested Greece to clarify the amount of CFC production allowance that the United Kingdom had transferred to Greece in 2004. It had also requested Greece to provide clarification on the status of the notifications required by paragraph 7 of Article 2 of the Protocol.

107. To date, the United Kingdom had not notified the Secretariat of a CFC production allowance transfer to Greece under paragraph 7 of Article 2 of the Protocol, and all correspondence from Greece received by the Secretariat with regard to the transfer was dated subsequent to the date of the transfer. Greece had not yet responded to the Secretariat's request for further clarification.

108. The Party had, however, submitted data for the year 2005 and had reported production in 2005 of 2,142 ODP-tonnes of CFCs entirely to meet the basic domestic needs of Article 5 Parties, in excess of the maximum allowable limit under Article 2A of the Protocol, of 730 ODP-tonnes. It had indicated that the difference between its actual production and its allowable production level for basic domestic needs corresponded to a transfer of CFC production allowances between the United Kingdom and Greece for industrial rationalization purposes. The Secretariat's records did not, however, contain correspondence from the Government of the United Kingdom notifying the Secretariat of the transfer. The records also did not contain correspondence from the Government of Greece, dated prior to the transfer, notifying the Secretariat of the transfer. In correspondence dated 8 June 2006, the Secretariat had requested Greece to submit an explanation for its apparent deviation and had reminded the Party of the requests for clarification contained in recommendation 35/15. To date, the Party had not responded.

109. The Committee therefore *agreed*:

- (a) To note with regret that Greece had not submitted the clarifications requested with regard to its production of the controlled substances in Annex A, group I (CFCs) in 2004 to meet the basic domestic needs of Parties operating under Article 5 of the Protocol, in accordance with recommendation 35/15 (b), which stated that further clarification was required from the Party with regard to its implementation of paragraph 7 of Article 2 of the Protocol, which prescribed the conditions for transfer between Parties of allowances to produce controlled substances, including the requirement that the Parties concerned must notify the Secretariat of the transfer no later than the time of the transfer;
- (b) To request Greece to submit to the Secretariat, as a matter of urgency, the requested clarification for the consideration of the Implementation Committee at its thirty-seventh meeting;
- (c) To note with concern that Greece had reported production of 2,142.000 ODP-tonnes of CFCs in 2005, in excess of the Protocol's requirement to maintain total phase-out of production of CFCs in that year except for approved essential uses and as allowed by the basic domestic needs provisions of the Protocol;
- (d) To request Greece to submit to the Secretariat as soon as possible, and no later than 16 August 2006, an explanation for the deviation referred to in subparagraph (c) and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;
- (e) To invite Greece, if necessary, to send a representative to the thirty-seventh meeting of the Committee to discuss the matter;
- (f) In the absence of the submission of the clarification referred to in subparagraph (a) and the explanation of the deviation referred to in subparagraph (c), to request the Eighteenth Meeting of the Parties to endorse the requests in subparagraph (b) and (d) by forwarding the draft decision contained in section C of annex I to the present report to that Meeting for approval.

Recommendation 36/18

S. Guatemala

110. Guatemala had been included for consideration because of decision XV/34, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for CFCs and methyl bromide. The plan of action committed Guatemala to meeting time-specific benchmarks for reducing CFC and methyl bromide consumption and to banning imports of equipment using ODS by 2005.

111. Recommendation 35/16 had noted that Guatemala had reported on the status of its commitment to ban the import of equipment using ODS by 2005, including advice that the Party expected the ban to commence operation within the following four to six months. The recommendation had also urged Guatemala to submit to the Secretariat a further update on the status of its import ban in time for consideration at the current meeting.

112. To date, Guatemala has not submitted its ODS data for the year 2005. However, in a report to the forty-eighth meeting of the Executive Committee, the Multilateral Fund Secretariat had reported that the Government of Guatemala had authorized the import of a quantity of methyl bromide greater than its consumption target in 2005.

113. The Party also had yet to submit an update on the status of its commitment, contained in decision XV/34, to ban the import of equipment using ODS. The report of the Multilateral Fund secretariat to the forty-seventh meeting of the Executive Committee, held in November 2005, had noted that Guatemala had approved a law to ban the import of CFC-based technology and equipment, but that the law could not enter into force until customs identification codes and other administrative arrangements had been established.

114. Regarding methyl bromide targets, following a meeting of major users of the substance, as well as relevant authorities, the Government of Guatemala had submitted a methyl bromide phase-out schedule to the forty-eighth meeting of the Executive Committee that differed from the schedule contained in the Party's agreement with the Committee, as well as the time-specific benchmarks listed in the plan of action for methyl bromide contained in decision XV/34. The revised schedule would bring Guatemala back into compliance at least one year later than provided for in that decision. To date, however, Guatemala had not officially requested the Committee to consider its request to revise the time-specific benchmarks for methyl bromide consumption contained in decision XV/34.

115. The representative of Guatemala (a member of the Committee) outlined the difficulties faced by his country's agricultural sector and the measures taken to enable it to comply with its methyl bromide reduction obligations, including: internal restructuring; increased contact with international organizations and other capacity building steps; the establishment of a licensing system, quotas and standards; and consideration of alternatives. He also emphasized his country's will to improve the coordination of compliance activities to ensure greater success in the future.

116. The Committee therefore *agreed*:

- (a) To urge Guatemala to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitments, contained in decision XV/34, to reduce consumption of the controlled substances in Annex A, group I (CFCs) to 85 ODP-tonnes, and consumption of the controlled substance in Annex E (methyl bromide) to 360 ODP-tonnes, in 2005;
- (b) Further to urge Guatemala to report to the Secretariat, as soon as possible and no later than 16 August 2006, on the status of its commitment, contained in decision XV/34, to ban imports of equipment using ozone-depleting substances by 2005, in time for consideration by the Committee at its thirty-seventh meeting.

Recommendation 36/19

T. Guinea-Bissau

117. Guinea-Bissau had been included for consideration because of decision XVI/24, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for CFCs. That committed Guinea-Bissau to reducing CFC consumption from 29.446 ODP-tonnes in 2003 to 13.137 ODP-tonnes in 2005 and to introducing a system for licensing ODS imports and exports, including quotas, by the end of 2004. Recommendation 35/17 had noted with appreciation that Guinea-Bissau had reported that it expected to introduce the quota system by 1 January 2006, and had urged the Party to submit a further update in time for its consideration at the current meeting.

118. Guinea-Bissau had not yet submitted either its data for 2005 or an update on the status of its ODS quota system. However, through UNEP, it had advised that it would submit its data during the coming week, and also that it had enacted its quota system, setting the 2006 quota at 13.13 ODP-tonnes, consistent with the commitment for that year in decision XVI/24. UNEP was also providing institutional strengthening assistance to Guinea-Bissau and implementing a refrigerant management plan in the country, in cooperation with UNDP. UNEP had informed the Committee at its last meeting that it planned to complete the customs officer training and training of refrigeration technician components of the refrigerant management plan in December 2006. The 2006 business plan of UNEP stated that it planned to work with UNDP to prepare a terminal phase-out management plan for Guinea Bissau.

119. In response to questions from members of the Committee, the representative of UNEP confirmed that although the new quota system had been enacted, it seemed unlikely that Guinea-Bissau had yet had time to bring it into full operation.

120. The Committee therefore *agreed*:

- (a) To note with appreciation that Guinea-Bissau had enacted legislation providing for an ozone-depleting substance quota system, and to request the Party to report to the Secretariat as soon as possible, and no later than 16 August 2006, on whether the quota system had commenced operation, in order that the Committee might assess at its thirty-seventh meeting whether the Party had implemented its commitment, contained in decision XVI/24, to introduce such a system;
- (b) To urge Guinea Bissau to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XVI/24, to reduce consumption of the controlled substances in Annex A, group I (CFCs) to 13.137 ODP-tonnes in 2005.

Recommendation 36/20

U. Honduras

121. Honduras had been included for consideration because of its commitment to phase out consumption of methyl bromide. In decision XVII/34, the Seventeenth Meeting of the Parties had noted the revised plan of action submitted by Honduras to ensure its prompt return to compliance with the Protocol's methyl bromide control measures, which included a reduction in methyl bromide consumption in 2005. To date, however, Honduras had not submitted its ozone-depleting substance data for the year 2005, thereby preventing review of the implementation of its commitments.

122. Since 2003, Honduras had been implementing an ozone-depleting substance licensing and quota system. UNEP was providing institutional strengthening assistance under the auspices of the Multilateral Fund, and the 2006 business plan it had submitted to the Executive Committee at its forty-eighth meeting targeted Honduras for special compliance assistance in the areas of data reporting and policy development to combat illegal trade in ozone-depleting substances. In addition, UNIDO was implementing a methyl bromide phase-out project in Honduras.

123. At its thirty-fifth meeting, the Implementation Committee had been informed that methyl bromide consumption in the melon sector had accounted for more than 99 per cent of Honduras's 2004 methyl bromide consumption, following the successful phase-out of methyl bromide in the banana and tobacco sectors. The methyl bromide consumption deviation in 2004 had been primarily attributed to technical problems encountered in the implementation of the melon sub-sector component of the phase-out project, and overly ambitious commitments.

124. The methyl bromide phase-out project, however, had the full support of both Government bodies and melon, banana and tobacco producers and, in response to the 2004 consumption deviation, those stakeholders had developed a strategy for completing the project and ensuring that Honduras met the revised benchmarks contained in decision XVII/34. That strategy would employ technologies that had demonstrated an acceptable level of effectiveness.

125. Technical assistance was considered key to enabling Honduras's return to compliance in 2008. The Party's melon producers were themselves funding a number of activities to address the issue and the Executive Committee at its forty-seventh meeting had approved policy assistance from the Government of Spain to support methyl bromide phase-out in the Latin American region, with a special focus on Honduras. In its report on project implementation progress up to 31 December 2005, to be presented at the forty-ninth meeting of the Executive Committee, UNIDO had noted that the implementation plan for the methyl bromide phase-out project's 2004–2005 crop season had been executed as planned.

126. The Committee therefore *agreed* to urge Honduras to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XVII/34, to reduce consumption of the controlled substance in Annex E (methyl bromide) to 327.600 ODP-tonnes in 2005.

Recommendation 36/21

V. Islamic Republic of Iran

127. The Islamic Republic of Iran had been included for consideration because of decision XVI/20 and recommendation 35/19. Decision XVI/20 had noted that the Islamic Republic of Iran had reported excess consumption of methyl chloroform for 2003 and, in the absence of further clarification, had presumed the Party to be in non-compliance with the Protocol's methyl chloroform control measures. The decision had requested the Islamic Republic of Iran to submit an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. In addition, however, the decision had noted that the Party had submitted a request for a change in its baseline data for methyl chloroform.

128. Recommendation 35/19 had noted with appreciation the information submitted by the Islamic Republic of Iran in support of its request to revise its baseline data for methyl chloroform and also for carbon tetrachloride, which supplemented documentation and information presented orally to the Committee at its thirty-fourth meeting, in July 2005. The recommendation recalled that the Islamic Republic of Iran had informed the Committee at that meeting that its baseline data verification exercise would be concluded in July 2005 and that a revised plan of action to return the Party to compliance with the Protocol's control measures for methyl chloroform would be finalized in October 2005. The recommendation had therefore noted with concern that the Party had not submitted the findings of the baseline data verification exercise or a revised methyl chloroform plan of action to the last meeting of the Committee, thereby further delaying the Party's return to compliance with the Protocol's methyl chloroform control measures. It had also observed that the delay potentially compromised the Committee's ability to assess the Party's compliance with its obligation to reduce its carbon tetrachloride consumption to 15 per cent of its baseline level and its methyl chloroform consumption to 70 per cent of its baseline level in 2005. Accordingly, it had urged the Party to submit the necessary information to support its request for a revision in its baseline data.

129. The Islamic Republic of Iran had since notified the Secretariat that it had decided to withdraw its request to revise its carbon tetrachloride and methyl chloroform consumption baseline data. The early results of the data verification exercise indicated that it was practically impossible to obtain consumption data for the baseline years 1998 and 1999, but also that the Party had achieved an extensive reduction in carbon tetrachloride and methyl chloroform consumption over the years 2003 to 2005. In the light of those findings, the Islamic Republic of Iran decided to agree to the existing baseline consumption data contained in the official reports of the Secretariat, i.e. 8.667 ODP-tonnes for methyl chloroform and 77.000 ODP-tonnes for carbon tetrachloride. The Party had also set a goal of 1 January 2007 for the complete phase-out of carbon tetrachloride and methyl chloroform consumption, which it hoped to achieve through the approval of a solvent umbrella project by the Executive Committee to the Multilateral Fund.

130. In a response dated 3 May 2006 to the Party's notification, the Secretariat had pointed out that the Islamic Republic of Iran's latest reported methyl chloroform consumption of 386.8 ODP-tonnes for the year 2004 was in excess of the limit imposed by the Protocol's requirement to freeze methyl chloroform consumption in that year at the baseline level, which was 8.667 ODP-tonnes. The Secretariat had recalled that recommendation 35/19 had requested the Party to submit a revised plan of action with time-specific benchmarks for ensuring its prompt return to compliance with the Protocol's methyl chloroform control measures. The Secretariat had therefore invited the Party to submit a revised plan of action prepared with reference to the existing baseline data for methyl chloroform for consideration at the current meeting of the Implementation Committee. To date, the Party had not responded to the Secretariat's correspondence, nor had it reported data for the year 2005.

131. UNDP was providing institutional strengthening assistance to the Islamic Republic of Iran, under the auspices of the Multilateral Fund. At its forty-eighth meeting, held in April 2006, the Executive Committee approved funds for UNIDO to assist the Party to prepare a solvent sector phase-out plan. UNIDO had advised the Multilateral Fund secretariat that it expected to submit the project proposal to the fiftieth meeting of the Executive Committee and that it would assist the Party to prepare a plan of action for submission to the thirty-seventh meeting of the Implementation Committee. UNEP had also included in its 2006 business plan under the Multilateral Fund special compliance assistance for the Islamic Republic of Iran, including policy support and awareness raising.

132. The Committee therefore *agreed*:
- (a) To note the decision by the Islamic Republic of Iran to withdraw its request to revise its baseline data for the controlled substances in Annex B, group II (carbon tetrachloride) and Annex B, group III (methyl chloroform), and its agreement to observe the existing baseline data for those controlled substances, of 77.000 ODP-tonnes and 8.667 ODP-tonnes respectively;
 - (b) To recall that the Party's most recent ozone-depleting substance data submission reported methyl chloroform consumption for the year 2004 of 386.8 ODP-tonnes, which is in excess of the Protocol's requirement that the Islamic Republic of Iran freeze its methyl chloroform consumption at the baseline level of 8.667 ODP-tonnes in that year;
 - (c) Further to recall that recommendation 35/19 of the thirty-fifth meeting of the Implementation Committee requested the Islamic Republic of Iran to submit a revised plan of action with time-specific benchmarks for ensuring its prompt return to compliance with the Protocol's methyl chloroform control measures;
 - (d) To request the Islamic Republic of Iran to submit to the Secretariat, as a matter of urgency, the revised plan of action mentioned in subparagraph (c), noting the advice of the Party that it was seeking to achieve complete phase-out of methyl chloroform consumption by January 2007, for the consideration of the Implementation Committee at its thirty-seventh meeting;
 - (e) To invite the Islamic Republic of Iran, if necessary, to send a representative to the thirty-seventh meeting of the Committee to discuss the matter.

Recommendation 36/22

W. Kazakhstan

133. Kazakhstan had been included for consideration because of its commitment to achieve and maintain total phase-out of the controlled substances in Annexes A and B. In decision XIII/19, the Thirteenth Meeting of the Parties had noted that Kazakhstan had reported data that placed it in non-compliance for the years 1998–2000 with the Protocol's requirement and recorded the Party's commitment to return to compliance by, among other things, reducing its consumption of CFCs and methyl bromide to zero by 1 January 2004 and establishing a ban on the import of equipment that used ozone-depleting-substances by 1 January 2003.

134. In recommendation 35/20, the Implementation Committee had noted with concern that, although Kazakhstan's reported CFC consumption for 2004 was less than its reported consumption in 2003, it was still inconsistent with the Party's commitment contained in decision XIII/19. It also noted with concern that Kazakhstan had not submitted the requested explanation for the deviation, nor a report on the status of its commitment to establish a ban on the import of equipment using ozone-depleting substances. The Seventeenth Meeting of the Parties had accordingly adopted decision XVII/35, in which Kazakhstan had been urged to submit the necessary information in time for consideration by the Committee at the current meeting. The Meeting had also reminded Kazakhstan of the agreement of the Thirteenth Meeting of the Parties to monitor its progress with regard to phase-out and had cautioned the Party that, if it failed to meet its commitments, the Parties would consider measures consistent with item C of the indicative list of measures for the non-compliance procedure.

135. Kazakhstan had submitted its 2005 data in accordance with decision XVII/35, reporting CFC and methyl bromide consumption of zero ODP-tonnes, consistent with Kazakhstan's commitment to return to compliance with the Protocol's control measures. Kazakhstan had also reported the introduction on 22 June 2005 of a ban on the import of Annexes A, B and E ozone-depleting substances and products containing those substances.

136. The Party had also submitted an explanation for its apparent deviation in 2004 from its CFC phase-out commitments, indicating that it had prepared a decree banning the import of ozone-depleting substances and products containing such substances with the intention of bringing it into force by the end of 2003. Administrative changes within Kazakhstan's Government, however, had caused unanticipated delays in obtaining the agreement to and enforcement of the ban. Consequently, CFC imports could not have been prevented in 2004.

137. In a report to the 2006 regional network meeting for Eastern Europe and Central Asia, a representative of Kazakhstan had informed participants of the country's efforts to provide training to specialists dealing with the repair and servicing of refrigeration equipment and to customs officers on ozone-depleting substance import and export regulations. Those activities were supported by UNEP and UNDP under the auspices of the Global Environment Facility (GEF). UNEP was currently preparing a request from the Party for renewal of the institutional strengthening component of Kazakhstan's GEF project.

138. The Committee therefore *agreed*:

- (a) To note with appreciation Kazakhstan's explanation for its reported consumption of 11.2 ODP-tonnes of the controlled substances in Annex A group I (CFCs) in 2004, which was in excess of its commitment, contained in decision XIII/19, to achieve total phase-out of CFC consumption in that year;
- (b) Also to note with appreciation that Kazakhstan had submitted its ozone-depleting substance data for 2005, in accordance with decision XVII/35, and to congratulate it on its return to compliance with the Protocol's CFC control measures in that year as well as its implementation of the commitment, contained in decision XIII/19, to achieve total phase-out of CFCs and the controlled substance in Annex E (methyl bromide);
- (c) Further to note with appreciation that Kazakhstan had completed implementation in 2005 of its commitment, contained in decision XIII/19, to introduce a ban on the import of equipment using ozone-depleting substances by 1 January 2003.

Recommendation 36/23

X. Kenya

139. Kenya had been included for consideration because it had reported excess consumption of CFCs in 2005. In correspondence dated 27 June 2006, the Secretariat had invited Kenya to submit an explanation for the apparent deviation.

140. UNDP was providing institutional strengthening assistance to Kenya under the auspices of the Multilateral Fund and was also helping the Party implement a methyl bromide phase-out project. In its report on progress in project implementation up to 31 December 2005 to be presented at the forty-ninth meeting of the Executive Committee, UNDP had indicated that, as part of its 2006 business plan, it intended to finalize development of a solvents sector technical assistance project, submit a final request for the methyl bromide project and reaffirm its support for the Party's institutional strengthening project.

141. UNEP was implementing a policy and technical assistance project in Kenya. Its report on project implementation progress up to 31 December 2005 indicated that activities under the project had been completed, that regulations on ozone-depleting substances had been developed and that the final copy of the regulations had been sent to the Attorney General's Office for publication in the official journal, after which implementation and enforcement would start.

142. The terminal phase-out plan for CFCs being carried out in Kenya by Germany on behalf of France was experiencing implementation delays related to the fact that disbursement of funds for the project was conditional on the approval of regulations relating to ozone-depleting substances.

143. During the meeting, a response was received from the Government of Kenya to the Secretariat's invitation to explain the Party's apparent deviation from its CFC phase-out measures. A copy of the correspondence was provided to members in order that they could give it appropriate consideration prior to the next meeting of the Committee.

144. The Committee therefore *agreed* to defer consideration of Kenya's compliance with the Protocol's control measures in 2005 until its thirty-seventh meeting, in the light of the limited time which Kenya had had to review the data reports generated by the Secretariat from its 2005 data submission and to respond to the Secretariat's request for information on the apparent deviation from its requirement to reduce its consumption of the controlled substances in Annex A, group I (CFCs) in 2005 to no greater than 50 per cent of its baseline.

Recommendation 36/24

Y. Kyrgyzstan

145. Kyrgyzstan had been included for consideration because of decision XVII/36, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for halons. Kyrgyzstan had submitted a report on its progress in implementing the plan of action, confirming that it had introduced a ban on the import of equipment that either contained or used halons and had started in 2006 to implement an import quota system which limited halon imports. The report also stated that the ozone centre of Kyrgyzstan had conducted monitoring of the import and export licensing system.

146. With regard to its commitment to limit halon consumption in 2005, Kyrgyzstan had submitted its 2005 data, reporting zero consumption of halons. The data placed the Party in advance of the consumption reduction commitment contained in its plan of action for 2005, and returned it to compliance with the Protocol's halon control measures.

147. UNEP was providing institutional strengthening assistance to Kyrgyzstan under the auspices of the Multilateral Fund. At its forty-eighth meeting, the Executive Committee had approved the implementation by UNIDO of a national halon management programme in the Party. Also, the UNEP 2006 business plan, submitted to the Executive Committee at its forty-eighth meeting, targeted Kyrgyzstan for special compliance assistance in the areas of awareness raising and policy support.

148. The Committee therefore *agreed*:

- (a) To note with appreciation that Kyrgyzstan had completed implementation of its commitments, contained in decision XVII/36, to introduce a ban on the import of equipment containing halons and equipment that uses halons by 1 January 2006, and to introduce by the beginning of 2006 an import quota system to limit annual consumption of halons;
- (b) To congratulate Kyrgyzstan on its return to compliance in 2005 with the halon control measures of the Montreal Protocol, as well as its implementation of its commitment, contained in decision XVII/36, to reduce its halon consumption to no greater than 2.40 ODP-tonnes, as indicated by its data report for 2005.

Recommendation 36/25

Z. Lesotho

149. Lesotho had been included for consideration because of decision XVI/25, which contained its plan of action to ensure its return to compliance with the Protocol's control measures for halons, including commitments to reduce its halon consumption, to introduce a quota system for the import of halons and to introduce a ban on the import of halon-based equipment and systems in 2005. In recommendation 35/23, the Implementation Committee had noted that Lesotho had not reported on the status of those commitments. It had also noted, however, information provided by Germany that official approval of the quota system was expected in the near future and that, as an interim measure, Lesotho's sole halon user had agreed to cease halon imports. In that recommendation, the Committee had urged Lesotho to submit to the Secretariat, as a matter of priority, its outstanding information in time for consideration at the current meeting.

150. Lesotho had submitted a report on its progress in implementing the control measures, which stated that, in accordance with new regulations, the import or use of halons or fire-extinguishing devices using halons would be banned from December 2006. It also confirmed that the previously reported halon permit arrangements incorporated a quota system for the regulation of halon imports. The report further stated that the country had achieved conversion of all relevant enterprises to non-halon-based fire protection equipment and would conduct a national workshop for the development of a national halon bank in 2006. Consequently, the Party did not envisage any need for future halon imports and was in the process of submitting a request indicating that it did not wish to receive exports of halon-based equipment and systems.

151. With regard to halon consumption, Lesotho had submitted data reporting zero consumption of halons for 2005, which placed it in advance of the commitment contained in its plan of action for 2005, and returned the Party to compliance with the Protocol's halon control measures.

152. UNEP was providing institutional strengthening assistance to the Party under the auspices of the Multilateral Fund. In addition, Lesotho received halon phase-out assistance through a regional halon banking project implemented by Germany under the Multilateral Fund. That project continued to experience implementation delays, however, seemingly because of a disagreement as to where responsibility lay for the destruction of the contaminated halon brought to the regional bank.

153. The Committee therefore *agreed*:

- (a) To note with appreciation that Lesotho had completed implementation of its commitments, contained in decision XVI/25, to introduce a quota system for the import of the controlled substances in Annex A, group II (halons), and to introduce a ban on the import of halon-based equipment and systems in 2005;
- (b) Also to note with appreciation that Lesotho had reported data for the consumption of halons in 2005 that showed that it was in advance of its commitment, contained in decision XVI/25, to reduce its consumption of halons to 0.2 ODP-tonnes in that year, and also in advance of its halon phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/26

AA. Libyan Arab Jamahiriya

154. The Libyan Arab Jamahiriya had been included for consideration because of its CFC, halon and methyl bromide consumption reduction commitments. In decision XV/36, the Fifteenth Meeting of the Parties had noted the plan of action in which the Libyan Arab Jamahiriya made a commitment to reduce its CFC consumption and establish a system for licensing imports and exports of ozone-depleting substances, including quotas. In decision XVII/37, the Seventeenth Meeting had noted the plan of action submitted by the Party to ensure its return to compliance with the Protocol's control measures for halons and methyl bromide. The plan of action contained a commitment by the Party to limit its consumption of those substances and reaffirmed the Party's commitment, contained in decision XV/36, to establish a licensing and quota system.

155. To date, the Libyan Arab Jamahiriya had not submitted data for the year 2005. At its thirty-fifth meeting, the Implementation Committee had adopted recommendation 35/24, which, among other things, noted that the Libyan Arab Jamahiriya had reported CFC consumption data for 2004 which maintained its status in advance of its commitments to phase out CFC.

156. The Libyan Arab Jamahiriya had also yet to report on the status of its commitment to establish an ozone-depleting substances quota system. The Party had reported at the thirty-fifth meeting of the Committee that the legislation required to introduce such a system was expected to be enacted at the latest by the end of January 2006 and that, in the meantime, the Party was implementing an interim import permit arrangement, whereby permits were only to be issued after the national committee on climate change had determined that an import was consistent with the authorized import quotas.

157. UNDP was providing institutional strengthening to the Libyan Arab Jamahiriya under the auspices of the Multilateral Fund. Meeting documentation prepared by the Multilateral Fund secretariat for the forty-ninth meeting of the Executive Committee noted that UNDP had completed implementation of six CFC-phase out projects in the Party's foam sector in 2005, while a further two foam projects were experiencing delays.

158. UNIDO had reported to the Executive Committee at its forty-sixth meeting that the Party's national ozone unit was operational and that training of enforcement officers had been conducted in 2004. It had reported to the Fund secretariat in May 2006 that the interim import permit arrangement was still in place and that the national ozone unit was yet to indicate that a permanent licensing system had been established. UNIDO had also confirmed that the Libyan Arab Jamahiriya was currently working on completion of its 2005 data report.

159. At its forty-seventh meeting, the Executive Committee had approved implementation by UNIDO of methyl bromide and halon phase-out assistance. France, Germany and UNIDO were implementing a national CFC phase-out plan in the country. UNIDO had reported to the Executive Committee at its forty-eighth meeting that the first tranche of the national CFC phase-out plan had been completed in August 2005. All activities were being carried out according to the work plan. In 2006, the remaining foam equipment would be installed and commissioned and remaining recovery and recycling equipment would be ordered based on budget availability. Phase-out of 124 ODP-tonnes of CFCs was expected to be achieved in 2006.

160. With regard to methyl bromide phase-out assistance, UNIDO had reported to the Executive Committee at its forty-eighth meeting the impact of the first tranche of the project and had indicated that a work plan would be prepared and the terms of reference for procurement of equipment agreed on. UNIDO had further informed the meeting that the project was being implemented with Spain and that the second and final funding tranche had been planned for 2007.

161. With regard to halon phase-out assistance, UNIDO had reported the impact of the project to the Executive Committee, which was planned for completion in 2008. In 2006, a business model would be prepared with the aim of making the halon banking centre a self-sustaining operation.

162. The 2006–2008 business plan submitted by UNEP to the Executive Committee at its forty-eighth meeting targeted Libyan Arab Jamahiriya for special compliance assistance in 2006 in the areas of networking and policy support.

163. The Committee therefore *agreed*:

- (a) To urge the Libyan Arab Jamahiriya to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitments, contained in decision XV/36 and decision XVII/37, to reduce its consumption of the controlled substances in Annex A, group I (CFCs) to 303.0 ODP-tonnes, to maintain consumption of the controlled substances in Annex A, group II (halons) at a level no greater than 714.500 ODP-tonnes in 2005, and to maintain consumption of the controlled substance in Annex E (methyl bromide) at a level no greater than 96.000 ODP-tonnes, in 2005;
- (b) To note with regret that the Libyan Arab Jamahiriya had not submitted a report on the status of its commitment, contained in decision XV/36, to establish a licensing and quota system for ozone-depleting substances, recalling the Party's expectation that the legislation providing for the system would be enacted no later than 31 January 2006;
- (c) To request the Libyan Arab Jamahiriya to submit to the Secretariat, as a matter of urgency, the report referred to in subparagraph (b), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/27

BB. Maldives

164. Maldives had been included for consideration because of decision XV/37, which contained its plan of action to ensure its prompt return to compliance with the Protocol's control measures for CFCs, including a commitment to maintain zero consumption of CFCs between 2003 and 2005.

165. Maldives had submitted data for 2005, reporting zero consumption of CFCs, in accordance with its commitment contained in decision XV/37 and in advance of the Protocol's CFC consumption control measures.

166. The Committee therefore *agreed* to note with appreciation that in 2005 Maldives had completed implementation of its commitment, contained in decision XV/37, to maintain zero consumption of the controlled substances in Annex A, group I (CFCs) in that year, and further to note that it therefore continued to be in advance of the Protocol's consumption control measures for CFCs.

Recommendation 36/28

CC. Mauritius

167. Mauritius had been included for consideration because it had reported an increase in its consumption of carbon tetrachloride from 0.022 ODP-tonnes in 2004 to 0.033 ODP-tonnes in 2005, in excess of the Protocol's control limits. When asked by the Secretariat to provide an explanation for its apparent deviation, Mauritius had explained that 31 litres of carbon tetrachloride had mistakenly been imported by the Government for laboratory uses in secondary schools, on the basis of an old order list. Upon learning of its error, the Government had taken steps to avoid repetition of the deviation, securing the agreement of the importer immediately to cease carbon tetrachloride imports, deciding to no longer entertain requests to import the substance, and recommending a non-ozone-depleting alternative to the user.

168. In response to the explanation by Mauritius, the Secretariat had drawn the Party's attention to decision XVII/13, which provided that the Implementation Committee should defer until 2007 consideration of compliance with the Protocol's carbon tetrachloride control measures by any Article 5 Party that provided evidence to the Secretariat with its annual data report showing that a deviation from the Protocol's annual consumption limit was due to the use of carbon tetrachloride for laboratory and analytical processes. Noting, however, that the decision did not provide guidance on the nature of the evidence to be submitted, the Secretariat had invited the Party to consider sharing further details of the import with the Committee. To date, no response had been received.

169. Although UNEP was providing institutional strengthening assistance to Mauritius under the auspices of the Multilateral Fund and Germany was implementing a terminal phase-out management plan intended to enable Mauritius to achieve a complete phase-out of all controlled substances, the disbursement of funds and the implementation of the plan had been slow.

170. The report by UNEP to the Implementation Committee at its thirty-fifth meeting had stated that, in addition to establishing a system for licensing the import and export of ozone-depleting substances, Mauritius was implementing an ozone-depleting substance import quota system, a ban on the import of equipment containing ozone-depleting substances and economic instruments to support the phase-out of such substances.

171. The Secretariat drew the attention of the Committee to a recommendation adopted by the Committee at its thirty-third meeting with regard to Oman, relating to a methyl chloroform consumption deviation by Oman in 2003 in excess of its zero baseline by 3 kilograms. During a discussion on the issue, there was general agreement that the provisions of decision XVII/13 should be applied to the case of Mauritius and that, as the recommendation with regard to Oman had been adopted before the existence of that decision, the comparison with the case of Oman was not appropriate to the present case. One member raised the issue of the status of very small deviations from the permitted levels of consumption and another queried whether the amounts quoted by Mauritius could be considered de minimis, suggesting that the issue of non-compliance had only arisen because of the use of the decimal point in the statistics provided by the Party.

172. The Committee therefore *agreed*:

- (a) To note that Mauritius reported consumption of 0.033 ODP-tonnes of the controlled substance in Annex B, group II (carbon tetrachloride) in 2005, in excess of the Protocol's requirement to reduce carbon tetrachloride consumption to no more than 15 per cent of its baseline level of 0.002 ODP-tonnes in that year;
- (b) To note with appreciation the prompt action taken by Mauritius to cease consumption of carbon tetrachloride from 2005;
- (c) To note further that decision XVII/13 of the Seventeenth Meeting of the Parties is applicable to the Party's excess consumption of carbon tetrachloride in that year, in the light of its analysis of the particular circumstances relating to the carbon tetrachloride consumption of Mauritius in 2005;
- (d) To defer until 2007 consideration of the compliance status of Mauritius in relation to the Protocol's control measures for carbon tetrachloride, in accordance with the provisions of decision XVII/13.

Recommendation 36/29

DD. Mexico

173. Mexico had been included for consideration because of recommendation 35/25, which had noted the Party's request to revise its baseline consumption data for carbon tetrachloride, as well as information provided by the Party to date in support of that request, in accordance with decision XV/19. The recommendation had noted, however, that Mexico had not provided all the information required by decision XV/19 and had requested it to do so in time for the Committee's consideration at the current meeting.

174. To date, Mexico had not responded to recommendation 35/25. The Party had submitted to the Committee at its thirty-fifth meeting an explanation of why it believed its existing baseline data to be incorrect: it had mistakenly reported its carbon tetrachloride imports in that year as exempted feedstock uses when the imports were in fact for a process agent application. The Government had concluded that

the company had made a conceptual mistake regarding the classification of its carbon tetrachloride imports in prior years, including 1998.

175. The Party considered the proposed new 1998 carbon tetrachloride figure of 184.32 metric tonnes to be correct because the enterprise concerned was the only company in Mexico that was using carbon tetrachloride for the process agent application in 1998. The annual reports indicated that no other company used carbon tetrachloride for a non-feedstock use in 1998 and that imports represented the Party's sole source of carbon tetrachloride, as it did not produce the chemical.

176. Mexico had submitted its ODS data for 2005, reporting carbon tetrachloride consumption of 89.540 ODP-tonnes. As a Party operating under Article 5 of the Protocol, it was required to reduce its consumption of carbon tetrachloride in 2005 to no greater than 15 per cent of its baseline for that substance, namely zero ODP-tonnes. Furthermore, the Party's reported consumption in 2004 had been zero ODP-tonnes. In correspondence dated 9 June 2006, the Secretariat had invited Mexico to submit an explanation for that apparent deviation. The Party had not, to date, submitted a response to the Secretariat.

177. Approval of the requested revision to Mexico's 1998 carbon tetrachloride baseline data would change the Party's carbon tetrachloride consumption baseline from zero ODP-tonnes to 67.584 ODP-tonnes. Mexico's maximum allowable carbon tetrachloride consumption for 2005 would be 10.138 ODP-tonnes if it were calculated using the new baseline figure. Consequently, approval of the Party's requested baseline data revision would not place Mexico in compliance with the Protocol's requirement to reduce consumption of carbon tetrachloride to no more than 15 per cent of its baseline level in 2005.

178. The Committee therefore *agreed*:

- (a) To note with regret that Mexico had not submitted the outstanding information in support of its request to revise its baseline data for 1998 for the controlled substance in Annex B, group I (carbon tetrachloride) in accordance with decision XV/19 and recommendation 35/25;
- (b) To note with concern Mexico's reported consumption of 89.540 ODP-tonnes of carbon tetrachloride in 2005, in excess of the Protocol's requirement to reduce carbon tetrachloride consumption to no more than 15 per cent of its baseline level of zero ODP-tonnes in that year;
- (c) To request Mexico to submit to the Secretariat as soon as possible, and no later than 16 August 2006, the information requested in subparagraph (a), an explanation for its deviation as described in subparagraph (b) and, if relevant, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance with the Protocol carbon tetrachloride consumption control measures;
- (d) To invite Mexico, if necessary, to send a representative to the thirty-seventh meeting of the Committee to discuss the matters of its baseline revision request and deviation from the Protocol's carbon tetrachloride consumption control measures for the year 2005;
- (e) In the absence of an explanation for the excess carbon tetrachloride consumption, to request the Eighteenth Meeting of the Parties to endorse the request in subparagraph (c) above by forwarding the draft decision contained in section D of annex I to the present report to that Meeting for approval.

Recommendation 36/30

EE. Mozambique

179. Mozambique had been included for consideration because of decision XVII/20, which had noted that the Party had not reported data for 2004 and had urged it to work closely with the implementing agencies of the Multilateral Fund to report those data to the Secretariat as a matter of urgency. The decision also requested the Implementation Committee to review Mozambique's situation at its next meeting. The Party had not yet, however, submitted the outstanding data.

180. UNEP was providing institutional strengthening assistance to Mozambique under the auspices of the Multilateral Fund. In the 2006–2008 business plan submitted by UNEP to the forty-eighth meeting of the Executive Committee in April 2006, the agency had targeted Mozambique for special compliance assistance in 2006 in the areas of methyl bromide phase-out and policy support.

Specifically, UNEP had planned a mission to assist Mozambique's newly appointed ozone officer in compiling the Party's 2004 and 2005 ODS data.

181. The Committee therefore *agreed*:

- (a) To note with regret that Mozambique had not submitted its ozone-depleting substance data for the year 2004, in accordance with decision XVII/20;
- (b) To request Mozambique to submit to the Secretariat, as a matter of urgency and no later than 16 August 2006, the data referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/31

FF. Namibia

182. Namibia had been included for consideration because of decision XV/38, which included its plan of action to ensure its prompt return to compliance with the Protocol's control measures for CFCs. The plan included a commitment by Namibia to reduce its consumption of CFCs from 20 ODP-tonnes in 2002 to 10 ODP-tonnes in 2005.

183. Namibia had submitted data for the year 2005 reporting zero CFC consumption, which was in advance of the consumption reduction commitment contained in its plan of action for that year and also of its CFC phase-out obligations under the Protocol.

184. The Committee therefore *agreed* to note with appreciation that Namibia had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in advance of its commitment, contained in decision XV/26, to reduce its consumption of CFCs to 10.0 ODP-tonnes in that year, and also in advance of its CFC phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/32

GG. Nauru

185. Nauru had been included for consideration because of decision XVII/20, which had noted that the Party had not reported data for 2004 and urged it to work closely with the implementing agencies of the Multilateral Fund to report data to the Secretariat as a matter of urgency. The decision had also requested the Implementation Committee to review Nauru's situation at its next meeting.

186. Nauru reported its outstanding 2004 ODS data on 20 February 2006. The data was consistent with the control measures of the Protocol for that year.

187. The Committee therefore *agreed* to note with appreciation Nauru's submission of all outstanding data, in accordance with its data-reporting obligations under the Protocol and decision XVII/20, which indicated that it was in compliance with the Protocol's control measures in 2004.

Recommendation 36/33

HH. Nepal

188. Nepal had been included for consideration because of decision XVI/27, which contained its plan of action to manage the release of 27 ODP-tonnes of the CFCs previously seized by the Party. The decision had also noted the Party's commitment to report annually on the amount of the total quantity of seized CFCs released on to its market and to release no more than 13.5 ODP-tonnes of CFC on to its market in 2005.

189. Nepal had submitted data for 2005, reporting zero consumption of CFCs and the release on to its domestic market of 12 ODP-tonnes of CFCs from the previously seized quantity.

190. The Committee therefore *agreed* to note with appreciation that Nepal had completed implementation in 2005 of its commitment, contained in decision XVI/27, to release no more than 13.5 ODP-tonnes of CFCs on to its market in that year.

Recommendation 36/34

II. Niger

191. Niger had been included for consideration because it had reported consumption of 22.680 ODP-tonnes of CFCs in 2005. As a Party operating under Article 5 of the Protocol, Niger was required to reduce its consumption of CFCs in 2005 to no greater than 50 per cent of its baseline for that substance; namely 16.011 ODP-tonnes. The consumption of 22.680 ODP-tonnes of CFCs in 2005 nevertheless represented a decrease relative to the Party's reported consumption of 22.986 ODP-tonnes in 2004.

192. In correspondence dated 16 June 2006, the Secretariat had invited Niger to submit an explanation for that apparent deviation. The Party had advised the Secretariat that it was revisiting the data and the data already submitted was to be considered tentative.

193. The Committee therefore *agreed* to defer consideration of Niger's compliance with the Protocol's control measures in 2005 until its thirty-seventh meeting, in the light of the limited time which Niger had had to review the data reports generated by the Secretariat from its 2005 data submission and to respond to the Secretariat's request for information on the apparent deviation from its requirement to reduce its consumption of the controlled substances in Annex A, group I (CFCs) in 2005 to no greater than 50 per cent of its baseline.

Recommendation 36/35

JJ. Nigeria

194. Nigeria had been included for consideration because of decision XIV/30, which contained its plan of action to ensure its prompt return to compliance with the Protocol's control measures for CFCs. The plan included Nigeria's commitment to reduce its consumption of CFCs from 3,666 ODP-tonnes in 2001 to 1,800 ODP-tonnes in 2005. Recommendation 35/29 of the Committee had noted with appreciation that Nigeria had reported 2004 CFC consumption data of 2,116.09 ODP-tonnes, maintaining its status in advance of its commitments to phase out CFCs. Nigeria had not yet, however, submitted its data for 2005.

195. UNDP and UNIDO were implementing a national CFC phase-out plan in Nigeria. A long delay had occurred with the aerosol component of the plan, but it was expected to have been completed by the end of February 2006. UNDP was planning a special mission to Nigeria to provide further support for implementation of the phase-out plan, and had also stated that it expected Nigeria's 2005 data to show that it was well in advance of its CFC phase-out commitments for that year. UNEP had also targeted Nigeria for special compliance assistance in the area of awareness-raising.

196. Nigeria had also reported that draft ozone legislation, which was awaiting clearance by the legal department of the Government and subsequent parliamentary approval, included an enhanced ODS licensing system. The representative of Nigeria (a member of the Committee) clarified that a licensing system had been in place since 1999, but that it had been established through administrative procedures only, and lacked a legislative base. The new legislation, which had been drawn up in full consultation with all relevant stakeholders, would establish a firm legal base for the licensing system and set appropriate penalties for any breaches; it also included a ban on imports of equipment containing ODS. He hoped that the legislation would be adopted before the end of 2006, but in the meantime Nigeria was improving cooperation between customs and other agencies as a way of improving its existing system. Members of the Committee welcomed that development, viewing it as a good example of the way in which Parties needed to respond to changing circumstances as they approached final phase-out.

197. The Committee therefore agreed:

- (a) To note with appreciation Nigeria's efforts to introduce an enhanced licensing system, including a ban on the import of equipment containing ozone-depleting substances and penalties for contravention of the enhanced system, given the importance of sound regulatory measures to the achievement and maintenance of a Party's compliance with the Protocol's control measures;
- (b) To urge Nigeria to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XIV/30, to reduce its consumption of the controlled substances in Annex A, group I (CFCs) to 1,800 ODP-tonnes.

Recommendation 36/36

KK. Pakistan

198. Pakistan had been included for consideration because of decision XVI/29, which contained its plan of action to ensure its prompt return to compliance with the Protocol's control measures for halons. The plan included Pakistan's commitment to reduce its halon consumption from 15.0 ODP-tonnes in 2003 to 7.1 ODP-tonnes in 2005. At its last meeting, the Implementation Committee had adopted recommendation 35/30, which noted with appreciation that Pakistan had reported halon consumption data for 2004 of 7.20 ODP-tonnes, which was in advance of its commitment to phase out halons and had returned Pakistan to compliance. However, Pakistan had not yet submitted data for 2005.

199. UNIDO, which was providing halon phase-out assistance, had reported that a halon recovery and recycling centre had been established and put into operation in 2005, and that a full ban on halon imports would be introduced by end of June 2006. UNEP had also targeted Pakistan for special compliance assistance for halon phase-out. Pakistan had reported the establishment of a system for licensing ODS imports and exports.

200. The Committee therefore *agreed* to urge Pakistan to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XVI/29, to reduce its consumption of the controlled substances in Annex A, group II (halons) to 7.1 ODP-tonnes.

Recommendation 36/37

LL. Papua New Guinea

201. Papua New Guinea had been included for consideration because of decision XV/40, which contained its plan of action to ensure its prompt return to compliance with the Protocol's control measures for CFCs. The plan included Papua New Guinea's commitment to reduce its CFC consumption from 35.0 ODP-tonnes in 2002 to 17.0 ODP-tonnes in 2005, and to ban, on or before 31 December 2004, imports of equipment using ozone-depleting substances.

202. Papua New Guinea had submitted data for 2005, reporting CFC consumption of 15.056 ODP-tonnes, which was in advance of the consumption reduction commitment contained in its plan of action for that year and also of its CFC phase-out obligations under the Protocol. Papua New Guinea had also reported that the import ban was yet to be introduced, as the regulations required to give effect to the ban were awaiting cabinet endorsement. That had been expected by the end of March 2006, but the Party had yet to notify the Secretariat that it had occurred.

203. The Committee therefore agreed:

- (a) To note with appreciation that Papua New Guinea had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in advance of its commitment, contained in decision XV/40, to reduce its consumption of CFCs to 17.0 ODP-tonnes in that year, and also in advance of its CFC phase-out obligations under the Montreal Protocol for 2005;
- (b) To note with regret that Papua New Guinea had not implement its commitment, contained in decision XV/40, to ban, on or before 31 December 2004, imports of equipment using ozone-depleting substances;
- (c) To note, however, that Papua New Guinea had reported that the regulations required to establish the ban were submitted for Cabinet endorsement by the end of March 2006, and therefore to request it to submit to the Secretariat, as a matter of urgency, a report on its implementation of the commitment referred to in subparagraph (b), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/38

MM. Saint Vincent and the Grenadines

204. Saint Vincent and the Grenadines had been included for consideration because of decision XVI/30, which contained its plan of action to ensure its prompt return to compliance with the Protocol's control measures for CFCs. The plan included Saint Vincent and the Grenadines' commitment to reduce its CFC consumption from 3.07 ODP-tonnes in 2003 to 1.39 ODP-tonnes in 2005.

205. Saint Vincent and the Grenadines had submitted data for 2005, reporting CFC consumption of 1.028 ODP-tonnes, in advance of the consumption reduction commitment. At its last meeting, the Committee had adopted recommendation 35/32, which had noted with appreciation that Saint Vincent and the Grenadines had fulfilled its commitment to introduce and implement an ODS quota system. UNEP, in cooperation with UNDP, was implementing a terminal CFC phase-out management plan in the country, and had also targeted Saint Vincent and the Grenadines for special compliance assistance in the area of data reporting.

206. The Committee therefore *agreed* to note with appreciation that Saint Vincent and the Grenadines had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in compliance with its commitment, contained in decision XVI/30, to reduce its consumption of CFCs to 1.39 ODP-tonnes in that year.

Recommendation 36/39

NN. Serbia and Montenegro

207. Serbia and Montenegro had been included for consideration because of decision XVII/22, which noted that Serbia and Montenegro had not reported data for one or more of the years which were required for the establishment of baselines for the controlled substances in Annexes B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d) of the Protocol.

208. The Party had submitted a response to decision XVII/22 providing the historical context for its ozone protection efforts. In that response, the Party explained that its data collection efforts had been hampered by the delay in receiving assistance, which had primarily been a consequence of the numerous political and institutional changes that had occurred in the country over the past decade. Its efforts had been further hampered by the fact that data on methyl bromide imports and exports required communication with ministries other than the ministry that hosted the national ozone unit and the fact that carbon tetrachloride and methyl chloroform were not subject to Government control prior to Serbia and Montenegro's ratification of the relevant amendment to the Protocol.

209. The Committee therefore *agreed*:

- (a) To note with regret that Serbia and Montenegro had not submitted its outstanding baseline data for the controlled substances in Annex B (other CFCs, carbon tetrachloride and methyl chloroform) and Annex E (methyl bromide), in accordance with decision XVII/22;
- (b) To note, however, that Serbia and Montenegro had submitted an explanation for its data-reporting non-compliance and to request it to submit to the Secretariat, as a matter of urgency and no later than 16 August 2006, the data referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/40

OO. Sierra Leone

210. Sierra Leone had been included for consideration because of its excess consumption of halons in 2004. Decision XVII/38 had noted that Sierra Leone was therefore in non-compliance with the Protocol and had requested it to submit to the Implementation Committee for consideration at its thirty-sixth meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance.

211. Sierra Leone had responded by informing the Secretariat that the environment protection department housing the national ozone unit had been undergoing institutional transformation, which had adversely affected the Party's efforts to manage its compliance obligations. Nevertheless, the Party had worked with UNDP to complete a national survey on the import and use of halons. The report had highlighted the survey's finding of zero halon consumption in 2005, attributing that achievement to factors including the work of the national fire-fighting force in advising major end users of fire-fighting equipment and chemicals, public awareness campaigns, the influence of international non-government organizations, and the higher cost of halons relative to equally effective, non-ozone-depleting alternatives.

212. Sierra Leone had subsequently submitted its 2005 data, reporting halon consumption of zero ODP-tonnes. It had also advised that a legal reform process covering the whole of government had delayed the ODS legislation drafting process, but in the meantime, interim measures would be taken to restrict imports.

213. Members of the Committee observed that the survey report suggested that the original data had been in error because the term “consumption” had been confused with the term “use”. One member observed that such data collection and reporting errors could be a relatively common occurrence.

214. The Committee therefore *agreed*:

- (a) To note with appreciation the national report on the import and consumption of the controlled substances in Annex A, group II (halons) submitted by Sierra Leone;
- (b) Further to note with appreciation that Sierra Leone had reported halon consumption data for 2005 of zero ODP-tonnes, which indicated that it had returned to compliance with the Protocol’s control measures for halons in that year, and to congratulate it on that achievement;
- (c) Also to note with appreciation the report submitted by Sierra Leone on the status of its regulations for a licensing system for ozone-depleting substances and to encourage it to establish the system as soon as possible in order to sustain its return to compliance.

Recommendation 36/41

PP. Somalia

215. Somalia had been included for consideration with regard to its excess halon consumption. In recommendation 35/36, the Implementation Committee noted that Somalia had reported halon consumption for 2004 that was less than its reported consumption level of 2003 but still in excess of the Protocol’s requirement and that, despite the constraints under which the Party was operating, it had also submitted a plan of action with time-specific benchmarks for returning it to compliance. Noting with regret that the Party had not responded to a request for clarification on its plan of action, the Committee strongly encouraged Somalia to submit to the Secretariat, as a matter of priority, the requested clarification in time for consideration at the current meeting of the Committee.

216. Although no written communication on the matter had been received from the Party, representatives of Somalia had met informally with the Secretariat in April 2006 and had indicated that Somalia’s legislature was expected to convene in the near future. A change in the staff responsible for implementing Somalia’s obligations under the Protocol meant, however, that it would be necessary to revisit all documentation relating to its halon non-compliance in order to determine whether the plan of action previously submitted by the Party still represented the best way forward.

217. UNEP was providing institutional strengthening assistance to Somalia under the auspices of the Multilateral Fund. At its forty-seventh meeting, in November 2005, the Executive Committee had adopted a decision requesting implementing and bilateral agencies to include halon phase-out activities for Somalia in their 2006–2008 business plans and to submit them to the Committee when conditions were suitable for sustainable activities. UNEP had included in its 2006–2008 business plan special compliance assistance for the Party in 2006 in the areas of technical assistance for developing an ozone-depleting substances licensing system, awareness raising and preparation of a halon management plan. Somalia had indicated prior to the thirty-fifth meeting of the Committee that implementation of the plan of action was highly dependent on Multilateral Fund assistance.

218. In a report submitted to the Multilateral Fund secretariat in May 2006, UNEP had confirmed that there had been a complete change in the staff of Somalia’s national ozone unit. The new staff were based outside Somalia and appeared to have little if any previous expertise or experience in national ozone unit responsibilities, thereby requiring full training from UNEP. The representative of UNEP suggested that it was uncertain whether, in the light of the absence or weakness of state institutions, political unrest and the existence of different administrations controlling various regions and cities of the country, a licensing system could be established by the Somali legislature in the near future.

219. Meeting documentation prepared by the Multilateral Fund secretariat for the forty-ninth meeting of the Executive Committee indicated that UNEP had prepared a country programme for Somalia, which would be submitted to that meeting for consideration.

220. The Committee therefore *agreed*:
- (a) To note with regret that Somalia had not responded to the request for a clarification on its halon plan of action, including the regulatory and other measures that the Party would undertake to support its proposed halon consumption reduction benchmarks, in accordance with recommendation 35/36;
 - (b) To note, however, the challenges faced by Somalia in implementing its obligations under the Montreal Protocol, including the fact that institutional changes had necessitated a review of its previously submitted plan of action;
 - (c) To urge Somalia to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005 and an update on its plan for returning to compliance with the Protocol's halon control measures, including regulatory measures to support and sustain planned phase-out activities.

Recommendation 36/42**QQ. Tajikistan**

221. Tajikistan had been included for consideration because of decision XIII/20, which contained its commitment to phase out totally its consumption of methyl bromide by 1 January 2005.

222. For each year from 1999 to 2004, Tajikistan had reported zero consumption of methyl bromide, but it had not submitted data for 2005, although the Party had yet to ratify the Copenhagen Amendment to the Montreal Protocol, which introduced the consumption and production control measures applicable to methyl bromide. Tajikistan had also reported the establishment of a system for licensing ODS import and exports.

223. The Committee therefore *agreed* to urge Tajikistan to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess, at its thirty-seventh meeting, the Party's implementation of its commitment, contained in decision XIII/20, totally to phase out its consumption of the controlled substance in Annex E (methyl bromide) by 1 January 2005.

Recommendation 36/43**RR. The Former Yugoslav Republic of Macedonia**

224. The Former Yugoslav Republic of Macedonia had been included for consideration because it had reported consumption of 0.0119 ODP-tonnes of carbon tetrachloride in 2005, whereas it had been required to reduce its consumption of carbon tetrachloride in 2005 to no greater than 15 per cent of its baseline for that substance, namely 0.0098 ODP-tonnes.

225. UNIDO was providing institutional strengthening support to The Former Yugoslav Republic of Macedonia under the auspices of the Multilateral Fund. At its forty-eighth meeting, the Executive Committee had approved a renewal of that assistance, noting that significant steps had been taken within the framework of the institutional strengthening project which had enabled the Party to progress in its ODS phase out. No carbon tetrachloride phase-out assistance projects, however, had been approved by the Executive Committee or included in the business plans of the Multilateral Fund for the 2006–2008 period submitted to the forty-eighth meeting of the Committee. The Fund secretariat had recommended that the Executive Committee should, at its forty-ninth meeting, request implementing and bilateral agencies to include carbon tetrachloride assistance projects for the Party in their 2007 to 2009 business plans.

226. One member queried whether the amounts quoted by The Former Yugoslav Republic of Macedonia could be considered *de minimis*, suggesting that the issue of non-compliance had only arisen because of the use of the decimal point in the statistics provided by the Party.

227. The Committee therefore *agreed*:

- (a) To note that The Former Yugoslav Republic of Macedonia had reported consumption of 0.012 ODP-tonnes in 2005 of the controlled substance in Annex B, group II, (carbon tetrachloride), in excess of the Protocol's requirement to reduce consumption of the substance to no greater than 15 per cent of the Party's baseline, namely 0.010 ODP-tonnes in that year;

- (b) That decision XVII/13 of the Seventeenth Meeting of the Parties is applicable to the Party's excess consumption of carbon tetrachloride in that year, in the light of its analysis of the particular circumstances relating to the carbon tetrachloride consumption of The Former Yugoslav Republic of Macedonia in 2005;
- (c) To defer until 2007 consideration of the compliance status of The Former Yugoslav Republic of Macedonia in relation to the Protocol's control measures for carbon tetrachloride, in accordance with the provisions of decision XVII/13.

Recommendation 36/44

SS. Turkey

228. Turkey had been included for consideration with regard to the Party's consumption of bromochloromethane. In recommendation 35/39, the Implementation Committee had noted with appreciation the additional information submitted by Turkey with regard to its reported 2004 consumption levels of bromochloromethane, in contravention of the Protocol's consumption control measures, and had noted that the information had been forwarded to the Technology and Economic Assessment Panel for consideration. It had also recorded the Committee's agreement to defer assessment of Turkey's compliance in that regard until it could consider the conclusions drawn by the Seventeenth Meeting of the Parties in regard to the Panel's assessment of the additional information submitted by Turkey.

229. In response to the Secretariat's request for an explanation for the apparent deviation, the Party had explained that 14.04 ODP-tonnes of the ozone-depleting substance had been used in 2004 as a process agent in the production of sultamicillin, with the remaining amount to be used for the same purpose in 2005.

230. Following the twenty-fifth meeting of the Open-ended Working Group, in which the Working Group had agreed with the conclusion of the Technology and Economic Assessment Panel that the application was a feedstock use rather than a process agent, Turkey had submitted further information, contesting the Panel's conclusion. The Panel had reviewed that additional information and had presented its conclusions to the Seventeenth Meeting of the Parties, suggesting that the use of bromochloromethane submitted for review by Turkey did not fit neatly into the criteria adopted by the Parties for identifying process agent applications and that the use submitted by Turkey involved a process in which the ozone-depleting substance constituted both a recoverable solvent and a feedstock that was consumed, with the latter aspect greatly predominating over time in terms of volume. The Meeting had not further discussed the topic of the use of bromochloromethane in the production of sultamicillin. It had, however, adopted decisions XVII/7 and XVII/8, which contained new lists of process agent uses – none of which included the use of bromochloromethane in the production of sultamicillin.

231. Turkey had submitted data for 2005 reporting consumption of bromochloromethane again in excess of the Protocol's requirement. The Secretariat had requested the Party to submit an explanation for its deviation.

232. The Technology and Economic Assessment Panel's 2006 Progress Report contained a further review of Turkey's bromochloromethane use. It stated that the Panel's Chemical Technical Options Committee had concluded that the majority of the bromochloromethane used in the production of sultamicillin was in fact used as a process agent, while a small part was used as a feedstock based on the role that bromochloromethane played as a chloromethylating agent. The report also noted that sultamicillin was produced in two Parties without the use of bromochloromethane or other ozone-depleting substances, while other Parties had reduced emissions of bromochloromethane in the sultamicillin production process to very low levels. The 2006 Progress Report would be presented at the twenty-sixth meeting of the Open-ended Working Group.

233. The World Bank was providing institutional strengthening assistance to Turkey under the auspices of the Multilateral Fund. It was also implementing a national CFC phase-out plan and halon banking and methyl bromide phase-out projects, while UNIDO was implementing a terminal umbrella solvent phase-out project. The 2006–2008 business plan that UNEP had submitted to the Executive Committee at its forty-eighth meeting targeted the Party for special compliance assistance in the areas of policy support for bromochloromethane phase-out and awareness-raising. The 2006–2008 business plan that UNIDO had submitted to that meeting contained a bromochloromethane process agent preparation and terminal umbrella project.

234. In response to a request for clarification as to whether or not Turkey had requested the withdrawal of the UNIDO project, the representative of UNIDO said that, although the Government of Turkey had not, to date, submitted a written request for such withdrawal, she would try to clarify the matter further through bilateral talks with the Party.

235. The Committee therefore *agreed*:

- (a) To defer assessment of Turkey's compliance with the Protocol's consumption control measures for the controlled substance in Annex C, group III (bromochloromethane) in the year 2004 until it could review the Party's situation in the light of guidance provided by the Meeting of the Parties following consideration of the latest assessment of bromochloromethane use in the production of sultamicillin by the Technology and Economic Assessment Panel;
- (b) To defer assessment of Turkey's compliance with the Protocol's consumption control measures for bromochloromethane in the year 2005 until its thirty-seventh meeting, in the light of the limited time which the Party had had to review the data reports generated by the Secretariat from its 2005 data submission and to respond to the Secretariat's request for information on the apparent deviation from its requirement to maintain total phase-out of consumption of bromochloromethane in that year.

Recommendation 36/45

TT. Uganda

236. Uganda had been included for consideration because of decision XV/43, which contained its plan of action to ensure its prompt return to compliance with the Protocol's control measures for methyl bromide. The plan included Uganda's commitment to reduce its methyl bromide consumption from 30.0 ODP-tonnes in 2002 to 6.0 ODP-tonnes in 2005. Uganda had submitted data for 2005, reporting methyl bromide consumption of 6.000 ODP-tonnes, consistent with its consumption reduction commitment.

237. The Committee therefore *agreed* to note with appreciation that Uganda had completed implementation in 2005 of its commitment, contained in decision XV/43, to reduce its consumption of the controlled substance in Annex E (methyl bromide) to 6.0 ODP-tonnes in that year.

Recommendation 36/46

UU. United States of America

238. The United States of America had been included for consideration with regard to its implementation of recommendation 35/43 (c), in which the Implementation Committee had noted that further clarification was required from the Party with regard to the consumption and production of CFCs and had requested the Secretariat to seek the required information from the Party in time for the Committee's consideration at the current meeting.

239. At its thirty-fifth meeting, the Committee had been informed that for the year 2004 the United States of America had reported consumption and production of CFCs in excess of its requirement under the Protocol to maintain total phase-out in that year of the production and consumption of those substances, except for essential uses agreed by the Parties and allowed by the basic domestic needs provisions of the Protocol. The Party had reported that, in 2004, it had produced and imported CFCs for essential uses, without specifying the nature of all such uses. The 2004 accounting framework for essential uses submitted by the Party had, however, reported that 927 ODP-tonnes of CFCs had been imported and 187 ODP-tonnes had been produced in 2004 for exempted essential uses. It had also reported that the Party's data report indicated that a further 126.2 ODP-tonnes had been produced in 2004 to meet the basic domestic needs of Parties operating under Article 5 of the Protocol.

240. Pursuant to recommendation 35/43 (c), the Secretariat had consulted the United States of America, which had reviewed the essential use accounting framework and annual ozone-depleting substance data reports. The review had concluded that revisions were required to the Party's data reports to correct data entry errors. The corrected data reporting forms submitted to the Secretariat resolved previously identified discrepancies between the data contained therein and the data reported in the Party's essential use accounting framework.

241. The Party's reported production for 2004 was revised to a total of 452.651 ODP-tonnes, comprising exempted production for the manufacture of metered-dose inhalers of 294 ODP-tonnes, uses consistent with the global laboratory and analytical use exemption of 43.96 ODP-tonnes, and production to meet the basic domestic needs of Parties operating under Article 5 of the Protocol of 126.2 ODP-tonnes. The Party's reported consumption for 2004 was revised to a total of 1,153.576 ODP-tonnes, comprising CFC import and production for the manufacture of metered-dose inhalers of 1,234 ODP-tonnes and 43.9 ODP-tonnes for exempted laboratory and analytical uses.

242. The Committee therefore *agreed* to note with appreciation the clarification provided by the United States of America with regard to its production and consumption of the controlled substances in Annex A, group I (CFCs) in 2004, in accordance with recommendation 35/43 (c), and to note that the additional information confirmed its compliance with the Protocol's consumption and production control measures for CFCs in that year.

Recommendation 36/47

VV. Uruguay

243. Uruguay had been included for consideration because of decision XVII/39, which contained its revised plan of action for the early phase-out of methyl bromide consumption, following its deviation in 2004 from its original plan of action to return to compliance. The plan included Uruguay's commitment to reduce its methyl bromide consumption from 11.1 ODP-tonnes in 2004 to 8.9 ODP-tonnes in 2005. Although Uruguay had not submitted data for 2005, it had submitted a report on its progress in implementing decision XVII/39, which indicated that it had consumed 8.64 ODP-tonnes of methyl bromide in 2005, consistent with its commitments.

244. At its forty-sixth meeting, in July 2005, the Executive Committee of the Multilateral Fund had adopted decision 46/16, approving a revised implementation schedule for the methyl bromide phase-out agreement between the Government of Uruguay and the Executive Committee. The revision had been approved on the understanding that it was subject to a possible decision by the Seventeenth Meeting of the Parties that would be consistent with the revised schedule, and noted that the approval of the revision was without prejudice to the Montreal Protocol's mechanism for addressing non-compliance. Following the adoption of decision XVII/39 by the Seventeenth Meeting of the Parties, UNIDO had continued the provision of methyl bromide phase-out assistance on the basis of the revised implementation schedule. In addition, the Government of Spain had begun to provide policy assistance to Uruguay, and UNEP had targeted Uruguay for special compliance assistance in the areas of data reporting and policy support to combat illegal trade in ODS.

245. The Committee therefore *agreed*:

- (a) To note with appreciation that Uruguay had submitted a progress report on its implementation of the plan of action, contained in decision XVII/39, to maintain its compliance with the Protocol's control measures for the controlled substance in Annex E (methyl bromide), which suggested that it was in advance of its commitment, contained in that decision, to reduce its 2005 consumption of methyl bromide to 8.9 ODP-tonnes, and also in advance of its methyl bromide phase-out obligations under the Montreal Protocol for 2005.
- (b) To urge Uruguay to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee may confirm at its thirty-seventh meeting the Party's implementation of its commitments contained in decision XVII/39.

Recommendation 36/48

WW. Zimbabwe

246. Zimbabwe had been included for consideration because it had reported consumption of 3.487 ODP-tonnes of carbon tetrachloride and 0.037 ODP-tonnes of methyl chloroform in 2005. As a Party operating under Article 5 of the Protocol, Zimbabwe was required to reduce its consumption of carbon tetrachloride in 2005 to no greater than 15 per cent of its baseline for carbon tetrachloride and 70 per cent of its baseline for that methyl chloroform: 1.737 ODP-tonnes and 0.002 ODP-tonnes respectively.

247. In correspondence dated 23 May 2006, the Secretariat had invited Zimbabwe to submit an explanation for those apparent deviations. The Party had responded, attributing the deviation to delays in the completion of a project to prepare a request for technical assistance to phase out Zimbabwe's carbon tetrachloride and methyl chloroform consumption and to a lack of awareness among the Party's customs officers.

248. Zimbabwe had also explained that in 2004 the Executive Committee of the Multilateral Fund had approved funding for the Party to prepare, with the assistance of UNDP, a project proposal for technical assistance to phase out carbon tetrachloride and methyl chloroform. Preparation was planned to commence in May 2005 but in fact had not begun until 2006, owing to delays in fund disbursement. Furthermore, in addition to reporting the establishment of an ODS licensing and quota system to UNEP, Zimbabwe had reported the establishment of export controls on ODS and a ban on the import of equipment containing such substances. The Party had also reported that training of customs officers in the new system had been completed at all major ports in the country.

249. The 2006 business plan submitted by UNEP to the forty-eighth meeting of the Executive Committee of the Multilateral Fund targeted Zimbabwe for special compliance assistance in enforcement of the ODS licensing and quota system. The 2006 business plan submitted by UNDP to that meeting proposed submission for approval of a solvent sector technical assistance project in 2006. The proposal made reference to carbon tetrachloride but not methyl chloroform.

250. One member queried whether the amounts quoted by Zimbabwe could be considered de minimis, suggesting that the issue of non-compliance had only arisen because of the use of the decimal point in the statistics provided by the Party.

251. The Committee therefore *agreed*:

- (a) To note with appreciation Zimbabwe's explanation for its reported consumption of 3.487 ODP-tonnes of the controlled substance in Annex B, group II (carbon tetrachloride) in 2005, in excess of the Protocol's requirement to reduce carbon tetrachloride consumption to no more than 15 per cent of its baseline level of 1.737 ODP-tonnes in that year;
- (b) Also to note with appreciation Zimbabwe's explanation for its reported consumption of 0.037 ODP-tonnes of the controlled substance in Annex B, group III (methyl chloroform) in 2005, in excess of the Protocol's requirement to reduce methyl chloroform consumption to no more than 70 per cent of its baseline level of 0.002 ODP-tonnes in that year;
- (c) To request Zimbabwe to submit to the Secretariat as soon as possible, and no later than 16 August 2006, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;
- (d) To invite Zimbabwe, if necessary, to send a representative to the thirty-seventh meeting of the Committee to discuss the matter;
- (e) In the absence of the submission of a plan of action, to request the Eighteenth Meeting of the Parties to endorse the request in subparagraph (c) above by forwarding to that Meeting for approval the draft decision contained in section E of annex I to the present report.

Recommendation 36/49

XX. Data reporting

252. Recalling the data report contained in document UNEP/OzL.Pro/ImpCom/36/2 (see paragraphs 10–15), and the Executive Secretary's opening remarks, the Committee noted the importance of timely reporting of data by the Parties.

253. The Committee therefore *agreed*:

- (a) To urge all Parties which had not yet reported their data for the year 2005 to submit that data as soon as possible, and no later than 30 September 2006, in accordance with Article 7 of the Protocol, in order that the Committee might assess the Parties' compliance with the Protocol at its thirty-sixth meeting;
- (b) To request the following Parties to submit to the Secretariat as a matter of urgency, and no later than 16 August 2006, their reporting accounts for the exemptions for 2005 that they were granted for critical uses of methyl bromide: Canada, New Zealand and Switzerland.

Recommendation 36/50

IX. Consideration of the Implementation Committee draft primer (recommendation 35/50)

254. The representative of the Secretariat introduced the draft Implementation Committee primer contained in document UNEP/OzL.Pro/ImpCom/36/4, which it had prepared in accordance with decision 35/50. It had been suggested that members of the Committee, especially new ones, would find it useful to have a document that outlined their roles and responsibilities, the functioning of the Committee, and an explanation of how the non-compliance procedure worked in practice. At its thirty-fifth meeting, the Implementation Committee had considered and adopted a draft table of contents for the primer and had requested the Secretariat to prepare a draft text. The document before the Committee contained three annexes: the draft primer; a proposal for a new regular meeting document that would list by country all compliance issues to be considered at the meeting, a proposal for the creation of a table collating all recommendations of the Implementation Committee and another collating all decisions taken by the Meeting of the Parties on the non-compliance procedure and matters considered by the Implementation Committee; and a compilation of useful contact details relating to the Committee. The representative of the Secretariat asked the Committee for its comments on the document in general and in particular whether annexes II and III should form part of the primer or whether they should be issued separately.

255. Members indicated that they welcomed the draft primer and congratulated the Secretariat on its excellent work. They acknowledged the value of such a document and also the need to keep it as user-friendly as possible. It was, therefore, generally felt that the two tables collating Committee recommendations and decisions of the Meeting of the Parties should be issued separately from the primer. They would need much more frequent updating than the remaining content of the primer, and that would also prevent the primer from becoming too long. The Committee also supported the proposal for a new regular meeting document that would list by country all compliance issues to be considered at the meeting.

256. One member proposed that part of section 3.3.1 be rephrased to avoid misunderstanding and implication that consideration of certain decisions might be outside the Committee's mandate. Another suggested that trade with non-Parties be mentioned in the same section as an issue falling within the Committee's remit. Regarding section 4.4.1, one member stated that the Implementation Committee sometimes made general recommendations that did not fall into any of the three categories set out in the primer and suggested that text be amended to reflect that. With regard to section 5.3.4.2 on existing plans of action, it was pointed out that although a Party might have returned to compliance in terms of its obligations under the Protocol, the Implementation Committee might still be reviewing the Party's action plan because of outstanding commitments therein.

257. The Committee therefore *agreed*:

- (a) To request the Secretariat to finalize the draft primer, for the consideration of the Committee at its thirty-seventh meeting, taking into account the comments made by members during the meeting;
- (b) To invite members to submit additional comments on the draft primer to the Secretariat by 1 August 2006, and to request the Secretariat to circulate those comments to all members prior to the thirty-seventh meeting of the Committee;
- (c) To request the Secretariat also to finalize the documents related to the draft primer, noting that the document containing the list of compliance issues to be considered by the Implementation Committee should become a regular meeting document, while the compilation of recommendations adopted by the Implementation Committee, the compilation of decisions adopted by the Meetings of the Parties on the non-compliance procedure and matters considered by the Implementation Committee, and the list of contact details, should be finalized as separate documents.

Recommendation 36/51

X. Standardizing recommendations by the Implementation Committee for addressing routine procedural matters of non-compliance (recommendation 35/49)

258. The representative of the Secretariat introduced the item, outlining the contents of document UNEP/OzL.Pro/36/5, a report on the development of standardized recommendations for addressing what were defined as routine procedural matters of non-compliance, including proposals for standardized recommendations, which had been prepared by the Secretariat in accordance with recommendation 35/49. She recalled that the recommendation had been adopted in the light of the increasing workload of the Committee and an observation that the text of recommendations with respect to Parties in like or similar circumstances sometimes unintentionally differed to the extent that it could lead to confusion or differing interpretations by persons not privy to the Committee's discussions and might raise concerns with regard to the equitable treatment of Parties subject to the non-compliance procedure.

259. The report concluded that it was possible to develop standardized recommendation texts for each of the identified routine procedural matters of non-compliance and suggested that the Committee might wish to agree to use the standardized text contained in section F of the report as a basis for adopting recommendations to address such procedural matters, for the purpose of helping the Committee manage its increasing workload more efficiently and effectively and to ensure the equitable treatment of Parties in like circumstances, while also ensuring that the individual circumstances of each Party subject to the non-compliance procedure were taken into account. Some deviation from the standardized texts might be desirable in some cases.

260. In a discussion on the item, the members of the Committee expressed their appreciation for the work of the Secretariat in preparing the report and there was general agreement that the Committee should be given time to review it further, with one member suggesting that the Committee should bear in mind that the options it listed might not be exhaustive. There was general agreement that it was important that the Committee should continue to ensure that the individual circumstances of each Party be fully considered. There was also general agreement that the texts of the standardized recommendations should be made available to the public, and it was observed that the texts were also included in the draft primer. It was noted that, if the primer was circulated to the public, care should be taken not to include in it any confidential information, such as the password for the secure Implementation Committee website.

261. The Committee therefore *agreed*:

- (a) To request the Secretariat to finalize the standardized recommendations, for the consideration of the Committee at its next meeting, taking into account the comments made by members during the meeting;
- (b) To invite members to submit additional comments on the standardized recommendations to the Secretariat by 1 August 2006 and request the Secretariat to circulate those comments to all members prior to the thirty-seventh meeting of the Committee;
- (c) To request the Secretariat to incorporate the list of routine procedural matters of non-compliance and standardized recommendations into the finalized draft of the Implementation Committee Primer that is to be considered by the Committee at its next meeting;
- (d) That the standardized recommendations would be used as a basis for adopting recommendations to address the following routine procedural matters of non-compliance, for the purpose of helping the Committee manage its increasing workload more efficiently and effectively and ensure the equitable treatment of Parties in like circumstances, while continuing to ensure that the individual circumstances of each Party subject to the non-compliance procedure are taken into full consideration:
 - a1: Request for explanation and plan of action
 - a2: Deferral of compliance assessment in the light of limited time for Party's response to Secretariat
 - b1: Acknowledgement of explanation and request for plan of action
 - b2: Acknowledgement of explanation and resolution of compliance matter

- b3: No explanation or plan submitted resulting in forwarding of draft decision to Meeting of Parties
- b4: Acknowledgement of explanation and plan of action and forwarding of draft decision to the Meeting of the Parties
- c1: Acknowledgement of plan and forwarding of draft decision to the Meeting of the Parties
- c2: No plan, resulting in draft decision forwarded to the Meeting of the Parties
- d: Request for report on some/all commitments contained in decision that are due in given year
- e1: Acknowledgement of failure to meet some/all ODS reduction commitments in decision due in a given year and request for explanation
- e2: Acknowledgement of return to compliance with Protocol
- e3: Acknowledgement that implementation of decision in advance of commitment due in given year
- e4: Acknowledgement of commitment completion
- f: Request for outstanding base year and baseline data
- g1: Acknowledgement that data submitted, resolving data reporting compliance matter
- g2: Acknowledgement that data not submitted and forwarding of draft decision to the Meeting of the Parties;

Recommendation 36/52

XI. Analysis of stockpiling relative to the compliance of Article 5 Parties (recommendation 35/46 (f))

262. The representative of the Secretariat recalled the discussion at the thirty-fourth and thirty-fifth meetings of the Committee on the treatment of stockpiling of ODS relative to non-compliance. Recognizing that, however the matter was resolved, it could cause practical difficulties for Parties in their efforts to reach compliance, the Committee had requested the Secretariat to carry out a further analysis of stockpiling situations of consumption in Article 5 Parties, including a record of historical instances of small-volume deviations from the Protocol's control measures.

263. The analysis had revealed that no Article 5 Party had reported information suggesting that its deviation from the control measures was consistent with any of the categories of ODS stockpiling considered by the Committee at its previous meeting. One Article 5 Party had, however, attributed its deviation to another form of stockpiling, namely import of a volume of CFC-12 in excess of its control limit in one year because the importing company had claimed that it was not commercially viable to import smaller quantities. The Party had been declared to be in non-compliance, had undertaken to import no more CFCs for the following three years, and had agreed to a plan of action to achieve full compliance with the Protocol.

264. The Committee therefore *agreed* to note that it might not be necessary at that time to consider options to streamline the Parties' consideration of those matters, given that there appeared only to be one reported instance to date of stockpiling, in the context of recommendation 35/46 (f), by a Party operating under Article 5 of the Protocol.

Recommendation 36/53

XII. Other matters

A. Reporting, presentation and review of data in respect of very small quantities (de minimis) of ODS, relative to compliance with the Montreal Protocol

265. The representative of the Secretariat introduced the item, further to the issue arising in the discussion on China (see paragraphs 70–74). Neither the Montreal Protocol nor any of the decisions of Meetings of the Parties provided any guidance on the question of the precision of data reporting, presentation and review for the purpose of determining compliance with the Protocol's control measures. That was of particular importance to the treatment of very small quantities of ODS relative to compliance. Since 2004, the Secretariat had uniformly rounded to three decimal places consumption and production figures presented in its annual data reports to the Meetings of the Parties and the data reports sent to individual Parties for review. The number of decimal places had been standardized for consistency, and it had been decided to use three in order to accommodate the increasingly small quantities of consumption and production reported by Parties as they progressed in their phase-out of ODS in accordance with the Protocol.

266. In order to provide background for the discussion, the Secretariat had evaluated the data submissions of the Parties for a number of key years. The evaluation had shown that in the majority of cases, Parties reported data to two decimal places. The formulae used by the Montreal Protocol for calculating baseline data, which sometimes required average figures, could result in a baseline figure that did not have the same number of decimal places as the data used to calculate the baseline. Rounding the maximum allowable consumption for sample ODS in 2005 to the nearest one or two decimal places using standard rounding techniques would not have resulted in greater total global consumption, but it could have had compliance consequences for some Parties. In the absence of guidance, Parties might round their data to the number of decimal places that put them in the most favourable position with regard to compliance.

267. There were a series of options for resolving the issue. Parties could maintain the status quo, where the Secretariat used three decimal places and each Party chose the number it preferred. The data could be rounded to the advantage of each Party, when the deviation was de minimis, though that might have to be defined, and in any case rounding would not always be to the benefit of the Party. The Implementation Committee could be directed to defer consideration of a Party's compliance status if its deviation was less than an agreed de minimis level; the length of time for such a deferral might also have to be defined. The Parties could agree a standardized number of decimal places to be used. Or, a combination of those approaches could be adopted, in which Parties would report to the number of decimal places of which they were capable, the Secretariat would be given guidance on the level of precision it should use in presenting reports and referring cases of possible non-compliance, and the Parties would agree on a level of deviation that would allow a deferral of consideration of compliance.

268. Welcoming the Secretariat's work, members of the Committee recognized that the issue was an important one which would have to be settled by the Meeting of the Parties, though the Committee could choose to recommend an option. As the compliance status of a number of Parties due for consideration at the present meeting would be affected by a decision on that matter, their consideration should be deferred until the issue had been resolved.

269. A number of members of the Committee observed that some Parties had been put in an unfortunate position by the decision of the Secretariat to change its former practice and start using figures to three decimal places. Although they appreciated the reasoning behind the Secretariat's decision, Parties should not be disadvantaged because of it. Equally, Parties which currently reported to a high degree of precision should not be penalized compared to those who were less precise. Some members suggested that data should be standardized to two decimal places, while others supported the combination approach, which combined accuracy with practicality. Whatever the outcome of the discussion by the Meeting of the Parties, the Committee agreed that the Meeting should be invited to request the Committee to keep the new procedure under review, and evaluate its impact and whether it created any new problems.

270. The Committee therefore *agreed*:

(a) To request the Parties' guidance on the number of decimal places to which baseline and annual data should be rounded for the purposes of implementing the non-compliance procedure of the Montreal Protocol;

(b) To request the Secretariat to circulate to the Parties the document 'Reporting, presentation and review of data in respect of very small quantities (de minimis) of ODS, relative to compliance with the Montreal Protocol' (UNEP/OzL.Pro/ImpCom/36/INF/2) to facilitate the Parties' consideration of the request contained in subparagraph (a) above;

(c) Further to request the Secretariat to inform the Parties that the Committee recommended to the Parties the combination approach contained in paragraphs 39–42 of that document as the Committee's preferred approach, on the basis that such an approach would appear best to accommodate the principles both of accuracy and of practicality;

(d) Also to request the Secretariat to inform the Parties that they might wish to request the Implementation Committee to keep under review the implementation of any guidance agreed by the Parties, to determine whether the guidance resulted in any unanticipated adverse consequences.

Recommendation 36/54

B. Sharing of information with the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol

271. The representative of the Secretariat drew attention to the obligation of the Implementation Committee, as set out in paragraph 7 (f) of the non-compliance procedure, to exchange information with the Executive Committee of the Multilateral Fund related to the provision of financial and technical cooperation, including the transfer of technologies to Parties operating under Article 5, paragraph 1 of the Protocol.

272. She observed that the Executive Committee, and the Fund secretariat, were always of immense help to the Implementation Committee through their regular reports on the status of and prospects for compliance of Article 5 Parties. Similarly, the Implementation Committee was able to supply two of the three meetings of the Executive Committee every year with the official texts of their recommendations and related draft decisions. However, the mid-year meeting of the Executive Committee was generally too close to the first meeting of the Implementation Committee for the report of the latter to be made available in writing, though oral presentations were always made. She suggested that it might be helpful if the Implementation Committee could also agree to supply the Executive Committee with a document containing the text of the recommendations approved at the meeting.

273. The representative of the Multilateral Fund secretariat sought clarification on the expectations of the Implementation Committee with regard to the status of that additional information. Drawing the Committee's attention to paragraph 3 of decision XIV/37, which stated that in no case should any Implementation Committee action be construed as directly requiring the Executive Committee to take any specific action regarding the funding of any specific project, the representative of the Ozone Secretariat clarified that any such document would be intended solely for information.

274. The Committee *agreed*, pursuant to paragraph 7 (f) of the non-compliance procedure of the Montreal Protocol, to request the Secretariat to prepare an information document for the second Executive Committee meeting of each year, a document containing the text of recommendations adopted by the immediately preceding Implementation Committee meeting, where relevant, in respect of the Parties to be considered by the meeting of the Executive Committee.

Recommendation 36/55

XIII. Adoption of the report of the meeting

275. The Committee considered and approved the text of the draft recommendations. It agreed to entrust the finalization of the report of the meeting to the Secretariat, working in consultation with the Vice-President, serving also as Rapporteur, and with the President.

XIV. Closure of the meeting

276. Following the customary exchange of courtesies, the President declared the meeting closed at 1.20 p.m. on Saturday, 1 July 2006.

Annex I

Draft decisions

A. Decision XVIII/-: Non-compliance with the Montreal Protocol by Armenia

1. To note that Armenia ratified the Montreal Protocol on 1 October 1999 and the London and Copenhagen Amendments to the Protocol on 26 November 2003 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol;

2. To note also that the Council of the Global Environment Facility has approved \$2,090,000 to enable Armenia's compliance with the Montreal Protocol;

3. To note further that Armenia has reported annual consumption for the Annex E controlled substance (methyl bromide) for 2004 of 1.020 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for that controlled substance for that year, and that Armenia is therefore in non-compliance with the control measures for methyl bromide under the Protocol;

4. To note with appreciation Armenia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Armenia specifically commits itself:

(a) To maintain methyl bromide consumption at no more than zero ODP-tonnes from 2007, save for critical uses that may be authorized by the Parties after 1 January 2015;

(b) To introduce by [1 January] 2007 a system for licensing the import and export of ozone-depleting substances which includes import quotas;

5. To note that Armenia has reported methyl bromide consumption for 2005 that indicates its return to compliance in that year and congratulate the Party on that achievement, but also to note the Party's concern that, until the measures contained in subparagraph 3 (b) of the present decision come into force, the Party cannot be confident of its ability to sustain its return to compliance, and therefore to urge Armenia to work with the relevant implementing agencies to implement the remainder of the plan of action to sustain its phase-out of consumption of methyl bromide;

6. To monitor closely the progress of Armenia with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Armenia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Armenia, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

B. Decision XVIII/- Non-compliance in 2005 with consumption of the controlled substances in Annex A, group I (CFCs), by Dominica, and request for a plan of action

1. To note that Dominica ratified the Montreal Protocol and the London Amendment on 31 March 1993 and the Copenhagen, Montreal and Beijing Amendments on 7 March 2006. Dominica is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in November 1998. The Executive Committee has approved \$232,320 from the Multilateral Fund to enable Dominica's compliance in accordance with Article 10 of the Protocol;

2. To note further that Dominica has reported annual consumption for the Annex A, group I, controlled substances (CFCs) for 2005 of 1.388 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 0.740 ODP-tonnes for those controlled substances for that year, and that Dominica is therefore in non-compliance with the control measures for CFCs under the Protocol;

3. To request Dominica, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Dominica may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of equipment that uses ozone-depleting substances, and policy and regulatory instruments that will ensure progress in achieving the phase-out of CFCs;

4. To monitor closely the progress of Dominica with regard to the phase-out of CFCs. 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, Dominica should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Dominica, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the CFCs that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

C. Decision XVIII/-: Potential non-compliance in 2004 and 2005 with production of the controlled substances in Annex A, group I (CFCs), by Greece, and request for a plan of action

1. To note that Greece ratified the Montreal Protocol on 29 December 1988, the London Amendment on 11 May 1993, the Copenhagen Amendment on 30 January 1995, the Montreal Amendment on 27 January 2006 and the Beijing Amendment on 27 January 2006, and is classified as a Party not operating under paragraph 1 of Article 5 of the Protocol;

2. To note further that Greece has reported annual production for the Annex A, group I, controlled substances (CFCs) of 2,793.000 ODP-tonnes for 2004 and 2,142.000 ODP-tonnes for 2005, which exceed the Party's maximum allowable production level for those controlled substances for those years, and that in the absence of further clarification, Greece is therefore presumed to be in non-compliance with the control measures under the Protocol in those years;

3. To request Greece, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting an explanation for its excess production, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Greece may wish to consider including in its plan of action the establishment of policy and regulatory instruments that will ensure progress in achieving the phase-out of CFCs;

4. To monitor closely the progress of Greece with regard to the phase-out of CFCs. 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, Greece may receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Greece, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the CFCs that are the subject of non-compliance is ceased so that importing Parties are not contributing to a continuing situation of non-compliance;

D. Decision XVIII/– Potential non-compliance in 2005 with consumption of the controlled substances in Annex B, group II (carbon tetrachloride), by Mexico, and request for a plan of action

1. To note that Mexico ratified the Montreal Protocol on 31 March 1988, the London Amendment on 11 October 1991 and the Copenhagen Amendment on 16 September 1994. Mexico is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in February 1992. The Executive Committee has approved \$83,231,594 from the Multilateral Fund to enable Mexico's compliance in accordance with Article 10 of the Protocol;
2. To note further that Mexico has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 89,540 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for that controlled substance for that year, and that in the absence of further clarification, Mexico is therefore presumed to be in non-compliance with the control measures under the Protocol;
3. To note also, however, that Mexico has submitted a request for a change in its baseline data for carbon tetrachloride that will be further considered by the Implementation Committee at its next meeting;
4. To nevertheless request Mexico, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Mexico may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule and policy and regulatory instruments that will ensure progress in achieving the phase-out of carbon tetrachloride;
5. To monitor closely the progress of Mexico with regard to the phase-out of carbon tetrachloride. 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, Mexico should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Mexico, 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 carbon tetrachloride that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

E. Decision XVIII/– Non-compliance in 2005 with consumption of the controlled substances in Annex B, group II (carbon tetrachloride), and Annex B, group III (methyl chloroform), by Zimbabwe, and request for a plan of action

1. To note that Zimbabwe ratified the Montreal Protocol on 3 November 1992 and the London and Copenhagen Amendments on 3 June 1994. Zimbabwe is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in July 1994. The Executive Committee has approved \$6,072,747 from the Multilateral Fund to enable Zimbabwe's compliance in accordance with Article 10 of the Protocol;
2. To note further that Zimbabwe has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 3,487 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 1,737 ODP-tonnes for that controlled substance for that year, and that Zimbabwe is therefore in non-compliance with the control measures for carbon tetrachloride under the Protocol;
3. To note also that Zimbabwe has reported annual consumption for the Annex B, group III, controlled substance (methyl chloroform) for 2005 of 0,037 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 0,002 ODP-tonnes for that controlled substance for that year, and that Zimbabwe is therefore in non-compliance with the control measures for methyl chloroform under the Protocol;

4. To request Zimbabwe, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Zimbabwe may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule and policy and regulatory instruments that will ensure progress in achieving the phase-out;

5. To monitor closely the progress of Zimbabwe with regard to the phase-out of carbon tetrachloride and methyl chloroform. 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, Zimbabwe should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Zimbabwe, 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 carbon tetrachloride and methyl chloroform that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

Annex II

List of participants

A. Members of the Committee

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