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**Implementation Committee under the
Non-compliance procedure for the
Montreal Protocol
Thirty-eighth meeting
Nairobi, 8–9 June 2007**

**Report of the Implementation Committee under the Non-compliance
Procedure for the Montreal Protocol on the work of its thirty-eighth
meeting**

I. Opening of the meeting

1. The thirty-eighth meeting of the Implementation Committee under the Non-compliance Procedure for the Montreal Protocol was held at the headquarters of the United Nations Environment Programme in Gigiri, Nairobi, on 8 and 9 June 2007.

A. Opening statements

2. Ms. Robyn Washbourne (New Zealand), President of the Implementation Committee, opened the meeting at 10.15 a.m. on 8 June. Welcoming members of the Committee and representatives of the Multilateral Fund for the Implementation of the Montreal Protocol and the Fund's implementing agencies, she said that she was honoured to have been selected as President of the Committee in its anniversary year. She noted that the non-compliance procedure had been a key institution enhancing the success of the Montreal Protocol and that the work of the Committee would continue to be important as the year 2010 approached for developing countries to complete the phase out of most of ozone-depleting substances.

3. Mr. Marco González, Executive Secretary of the Ozone Secretariat welcomed new and continuing members and newly elected officers of the Committee. He said that 2007 was a very significant year, marking the twentieth anniversary of the Montreal Protocol and the commencement of a dialogue on the future challenges faced by the Parties as they strove to enhance the ability of the Protocol to secure the ultimate goal of repairing the ozone layer. That dialogue had already resulted in a proposal that the Committee should meet for one additional day at each meeting session, if necessary and subject to the provision of sufficient funds.

4. Since the adoption of the non-compliance procedure in 1992 on a permanent basis, he noted, the Committee's workload had increased substantially: the number of control measures subject to its review had increased by 88 per cent, from 4 to 34; the number of Parties subject to review by the Committee for non-compliance with one or more of those control measures had grown by 59 per cent, from 78 to

191, and for potential non-compliance by 94 percent, from 3 to 49. It was a testament to the commitment, spirit of innovation and effectiveness of the Committee, he said, that despite that increase in its workload, it had succeeded to the point that it had become a model for other multilateral environmental agreements. In conclusion, he noted that the agenda item concerning the challenges associated with the future implementation of the non-compliance procedure presented another opportunity for the Committee to demonstrate its commitment to the continuing improvement of the operation of the procedure.

B. Attendance

5. Representatives of the following members of the Committee attended the meeting: Argentina, Bolivia, Georgia, India, Netherlands, New Zealand, Nigeria, Poland and Tunisia. Lebanon, the Committee's tenth member, did not attend.

6. The representatives of Bangladesh, Russian Federation and Ukraine also attended at the invitation of the Committee.

7. The meeting was also attended by representatives of the Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, the Chair and Vice-Chair of the Executive Committee of the Multilateral Fund 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

8. The Committee adopted the following agenda, based on the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/38/1, as amended:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Report of the Secretariat on data under Article 7 of the Montreal Protocol.
4. Information provided by the 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) Côte d'Ivoire (decision XVIII/34);
 - (ii) Malta (decision XVIII/34);
 - (iii) Saudi Arabia (decision XVIII/34);
 - (iv) Serbia (decision XVIII/33);
 - (v) Solomon Islands (decision XVIII/34);
 - (vi) Somalia (decision XVIII/34);
 - (vii) Uzbekistan (decision XVIII/34);
 - (viii) Venezuela (Bolivarian Republic of) (decision XVIII/34);
 - (b) Existing plans of action to return to compliance:
 - (i) Albania (decision XV/26);
 - (ii) Armenia (decision XVIII/20);
 - (iii) Azerbaijan (decision XVII/26 and recommendation 37/2);

- (iv) Bangladesh (decision XVII/27);
- (v) Belize (decision XIV/33);
- (vi) Bolivia (decision XV/29);
- (vii) Bosnia and Herzegovina (decisions XV/30 and XVII/28 and recommendation 37/5);
- (viii) Botswana (decision XV/31 and recommendation 37/6);
- (ix) Chile (decision XVII/29 and recommendation 37/8);
- (x) Democratic Republic of the Congo (decision XVIII/21);
- (xi) Dominica (decision XVIII/22);
- (xii) Federated States of Micronesia (decision XVII/32 and recommendation 37/14);
- (xiii) Fiji (decision XVII/33);
- (xiv) Guatemala (decision XVIII/26);
- (xv) Guinea Bissau (decision XVI/24);
- (xvi) Honduras (decision XVII/34);
- (xvii) Kenya (decision XVIII/28);
- (xviii) Kyrgyzstan (decision XVII/36);
- (xix) Lesotho (decision XVI/25);
- (xx) Libyan Arab Jamahiriya (decision XVII/37 and recommendation 37/21);
- (xxi) Maldives (decision XV/37);
- (xxii) Namibia (decision XV/38);
- (xxiii) Nepal (decision XVI/27);
- (xxiv) Nigeria (decision XIV/30);
- (xxv) Pakistan (decision XVIII/31);
- (xxvi) Papua New Guinea (decision XV/40 and recommendation 37/28);
- (xxvii) Saint Vincent and the Grenadines (decision XVI/30);
- (xxviii) Uganda (decision XV/43);
- (xxix) Uruguay (decision XVII/39);
- (c) Draft plans of action to return to compliance:
 - (i) Ecuador (decision XVIII/23);
 - (ii) Eritrea (decision XVIII/24);
 - (iii) Islamic Republic of Iran (decision XVIII/27);
 - (iv) Paraguay (decision XVIII/32);
- (d) Other recommendations on compliance:
 - (i) Bangladesh (recommendation 37/45);
 - (ii) Bolivia (recommendation 37/4);
 - (iii) China (recommendation 36/10);
 - (iv) Greece (recommendation 37/15);
 - (v) Mauritius (recommendation 36/29);
 - (vi) Netherlands (recommendation 35/28);
 - (vii) Russian Federation (recommendations 35/31 and 37/30);

- (viii) Singapore (recommendation 35/35);
 - (ix) Somalia (recommendation 37/32);
 - (x) South Africa (recommendation 37/33);
 - (xi) The former Yugoslav Republic of Macedonia (recommendation 36/44);
 - (xii) Turkey (recommendation 37/36);
 - (xiii) United Arab Emirates (recommendation 37/37);
 - (xiv) United States of America (recommendation 35/31).
6. Consideration of other non-compliance issues arising out of the data report.
 7. Review of information on requests for changes in baseline data: Turkmenistan and Ukraine.
 8. Information on compliance by Parties present at the invitation of the Implementation Committee.
 9. Challenges associated with future implementation of the non-compliance procedure (recommendation 37/46).
 10. Consideration of the report of the Secretariat on Parties which have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol)
 11. Other matters.
 12. Adoption of the report of the meeting.
 13. Closure of the meeting.
9. Following a proposal from one member, the Committee agreed to consider under item 11, "Other matters", the implementation by Parties of decision XVII/12 on minimizing production of chlorofluorocarbons (CFCs) by Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 and decision XVII/16 on preventing illegal trade in controlled ozone-depleting substances. Due however to insufficient time, the Committee was unable to address the issues at the current meeting and therefore agreed to defer their consideration until its next meeting.

III. Report of 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 Parties in accordance with Article 7 of the Protocol, contained in document UNEP/OzL.Pro/ImpCom/38/2, which considered three main issues: the status of ratification of the Protocol; the status of compliance with data reporting; and the status of compliance with the 2006 control measures. He noted the increase in the number of Parties that had ratified the various amendments of the Protocol, pointing out that with those ratifications the Parties had assumed new obligations. He drew particular attention to Montenegro, which by October 2006 had become a Party to the Montreal Protocol and all its amendments but had not managed to meet all the data reporting obligations associated with those ratifications.

11. Turning to consideration of the base year data requirements, he explained that two Parties – Equatorial Guinea and Montenegro – were in breach of their obligations to report data under paragraphs 1 and 2 of Article 7 (relating to 1986 for Annex A substances, 1989 for Annexes B and C substances, and 1991 for the Annex E substance).

12. In the case of baseline data of Parties operating under Article 5 of the Protocol (defined as the average of the years 1995–1997 for Annex A substances, the average of 1998–2000 for Annex B substances and the average of 1995–1998 for the Annex E substance), all such Parties except Equatorial Guinea, Montenegro and Serbia had fully reported all their baseline data, as shown in annexes III and IV to document UNEP/OzL.Pro/ImpCom/38/2.

13. Of the 189 countries required to report annual data, 188 (99.47 per cent) had complied with all their obligations under paragraphs 3 and 4 of Article 7 of the Protocol during the period 1986–2005.

Information regarding the status of compliance for that period was set out in section D and annex V of document UNEP/OzL.Pro/ImpCom/38/2.

14. Deviation from the consumption reduction schedules of the Protocol by Parties not operating under Article 5 was shown in table 9 of document UNEP/OzL.Pro/ImpCom/38/2. Taking into account allowances and exemptions, only Azerbaijan remained in non-compliance. For production, no cases of deviation from the reduction schedule had been reported.

15. The cases of potential non-compliance with the control measures relating to consumption by Parties operating under Article 5 for 2006 were listed in table 11 of document UNEP/OzL.Pro/ImpCom/38/2. Four Article 5 Parties had reported data for 2006 that placed them in possible non-compliance: El Salvador, Guatemala (for which a revised plan of action for a return to compliance had been approved by decision XVIII/26), Serbia, and Somalia. As of 10 May 2007, no Article 5 Parties had reported data showing deviations for production control measures for 2006.

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 and a representative of the Multilateral Fund secretariat gave a report on the item, explaining that it covered three topics: recent decisions related to compliance and actions relevant to the current meeting; information obtained from country programme data; and a summary of the current and expected compliance of Article 5 Parties with the control measures of the Montreal Protocol.

17. The Chief Officer said that decision 50/4 of the Executive Committee of the Multilateral Fund had requested Article 5 Parties to submit complete country programme data using a new web-based format, which the Fund secretariat representatives had explained to Parties through ozone officer networking meetings and other means. In decision 51/34 the Executive Committee had considered the circumstances of those Article 5 Parties that were experiencing difficulties due to high consumption of CFCs for manufacturing metered-dose inhalers, in order to facilitate the transition from CFC-based metered-dose inhalers, and had provided guidelines for the submission of such projects.

18. With respect to the submission of 2006 country programme data by Article 5 Parties, a representative of the Fund secretariat noted that fewer Parties than usual had reported their data and 13 had never reported country programme data. The Fund secretariat would make a recommendation to the Executive Committee at its fifty-second meeting "to require the submission of country programme implementation data in advance of approval and release of funding for projects and activities".

19. Selected information was presented on the characteristics of national phase-out programmes based on the reported data, which showed that 74 per cent of reporting Parties had operational licensing systems and that nearly 62 per cent of the Parties that were employing recovery and recycling machines reported they had been functioning well. While data on the price of CFCs showed a large range and exhibited some inconsistencies, the overall trend was towards an increase in the price of CFCs and a decrease in the price of substitutes.

20. Moving on to the Multilateral Fund secretariat's evaluation of Article 5 Parties' prospects for compliance with the Protocol's control measures, he said that the country programme data suggested that actions were needed by Somalia, if circumstances allowed, to ensure compliance with the halon controls. Actions would also be needed by El Salvador regarding the carbon tetrachloride controls, but project preparation had been approved for a terminal phase-out management project that could address the carbon tetrachloride issue. Data submitted to the Fund secretariat indicated that 7,838 ODP tonnes, mostly CFCs and methyl bromide, remained to be addressed by the Fund's Executive Committee, compared to the 16,372 ODP-tonnes remaining at the time of the thirty-fifth meeting of the Implementation Committee. With regard to CFCs, all Parties in non-compliance had received assistance from the Fund or had projects in 2007-2009 business plans to enable their compliance. All Parties that appeared to be in non-compliance with the halon controls had received assistance for halon banking activities except Somalia. For methyl bromide, the two Parties whose latest consumption exceeded their baselines, Nicaragua and Turkmenistan, were receiving assistance with compliance, although Nicaragua

had not yet replied to a request that it indicate whether some of its reported consumption was for quarantine and pre-shipment applications.

21. All Parties at risk of not meeting the required reduction in carbon tetrachloride consumption to 85 per cent of baseline levels in the years 2005–2010 had projects in place to achieve that target, with the exception of El Salvador, for which a project preparation plan had been approved. All Parties at risk of not meeting the methyl chloroform freeze had projects that had been approved or were in business plans. Turkey had reported 18.5 ODP tonnes of consumption of bromochloromethane that required phase-out; UNIDO had included a request for a project in its 2008 business plan pending outcome of the Party's request to approve bromochloromethane as a process agent in the production of sultamicillin.

22. The representative of the Multilateral Fund secretariat concluded by presenting a tabular summary of compliance status in 2006 of Parties subject to decisions or recommendations and the action plan requirements of those Parties that had failed to introduce the required regulatory measures.

23. During the ensuing discussion, one member of the Committee expressed concern at the low level of response by Parties to the request for country programme data, noting the difficulty some Parties had had in accessing the reporting website. The representative of the Multilateral Fund secretariat responded that there had been little time to report following the development of the web-based system and that there had been some difficulties with the system. He noted, however, that the Multilateral Fund secretariat had provided considerable assistance to Parties in using the new system and would do so again the following year and would make changes to the system in response to the suggestions that it had received.

24. In response to a query about inconsistencies in the prices of ozone-depleting substances and substitutes, the representative of the Fund secretariat said that in the current year the Secretariat had initiated a process of questioning data upon receipt, which had led to the modification of some data and offered hope for improved reporting in future.

25. In response to a query, the representative of the Ozone Secretariat said that the Ozone and the Multilateral Fund secretariats held corresponding data on Parties' compliance with their obligations to establish regulatory measures because the information provided by the Fund secretariat was largely based on the licensing system information reported by Parties to the Ozone Secretariat. The representative of the Fund secretariat added that while two secretariats' data should correspond closely, the Ozone Secretariat data were based on the requirement for a licensing system set out in Article 4B. In the case of the Fund secretariat, its data included Parties that were in non-compliance with decisions of the Meeting of the Parties requesting them to report on the status of their licensing systems; Parties on the Multilateral Fund secretariat's list, therefore, might be in non-compliance with such a decision, even though they had not yet assumed the obligation under the Montreal Amendment to establish their licensing systems.

V. Follow-up on 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: Turkmenistan and Ukraine

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. Armenia

1. Compliance issue: introduction of licensing and quota system

27. Armenia had been listed for consideration with regard to its implementation of decision XVIII/20. Armenia had committed, as recorded in that decision, to introduce a system for licensing the import and export of ozone-depleting substances that included import quotas by 1 July 2007.

28. By the time of the current meeting Armenia had not introduced the licensing and quota system in accordance with decision XVIII/20. In correspondence dated 7 February 2007, however, the Party had advised that the five sub-legislative acts required to introduce the system had been drafted and circulated for intergovernmental review and had expressed confidence that it would meet the 1 July 2007 deadline. It had further advised that preliminary data for 2006 suggested that it would maintain total phase-out of methyl bromide consumption in that year.

2. Compliance assistance

29. UNEP was providing institutional strengthening assistance to Armenia under the auspices of the Global Environment Facility (GEF). The Executive Committee at its forty-seventh meeting had not approved a request to fund a workshop to phase out methyl bromide. At that meeting the Committee had, however, decided that UNEP should provide methyl bromide phase out assistance to the Party under its Compliance Assistance Programme. The assistance subsequently provided by UNEP included the support of experts from neighbouring countries functioning as resource persons and assistance with the preparation of the Party's methyl bromide phase-out plan. At its fifth meeting held in April 2006, the UNEP regional network of ozone officers in Eastern Europe and Central Asia had also approved funds through the UNEP Compliance Assistance Programme to enable the major fumigation companies in Armenia to participate in methyl bromide alternatives workshops held in Kyrgyzstan in September 2006 and Bulgaria in October 2006. Those workshops constituted two of a series of national workshops in the soil and post-harvest sectors of countries with economies in transition held under the auspices of a total methyl bromide phase-out project funded by the GEF and jointly implemented by UNEP and UNDP. The Eastern Europe and Central Asia ozone officers network also proposed that, following each workshop, the clients of these major fumigation companies be trained in methyl bromide alternatives.

30. The 2007–2009 business plan submitted by UNEP to the Executive Committee of the Multilateral Fund at its fifty-first meeting, held in March 2007, proposed special compliance assistance for Armenia in the areas of awareness raising and implementation of decision XVIII/20, the latter in cooperation with UNIDO.

31. At its fifty-first meeting, in the context of discussions on which projects should be given priority in the disbursement of \$61 million in unallocated funds, the Executive Committee agreed to consider requests for funding for the preparation and implementation of a terminal phase-out management plan in Armenia.

3. Discussion at the current meeting

32. In response to a question, the representative of UNEP clarified that his organization was providing assistance to the Party only through its Compliance Assistance Programme. He also noted that the pre-session documentation for the meeting had mistakenly indicated that the Party was receiving institutional strengthening assistance through the Multilateral Fund, when in fact it had been receiving such assistance through GEF, as noted above.

33. One member reported that he had examined the provisions of the licensing system that the Party would introduce. It was, he said, very comprehensive and extended, unusually, even to transit shipments.

4. Recommendation

34. The Committee therefore *agreed*:

Noting with appreciation the report submitted by Armenia on its progress in implementing its commitment contained in decision XVIII/20 to introduce a system for licensing the import and export of ozone-depleting substances that includes import quotas by 1 July 2007,

To request Armenia to submit to the Ozone Secretariat an update on its implementation of its commitment no later than 1 August 2007, in time for consideration by the Committee at its thirty-ninth meeting.

Recommendation 38/1

B. Azerbaijan

35. Azerbaijan had been listed for consideration with regard to its implementation of decision XVII/26 and recommendation 37/2.

1. Compliance issues

(a) Annex A, group I (CFCs), total phase-out commitment

36. Azerbaijan had committed, as recorded in decision XVII/26, to achieve total phase-out of the Annex A, group I, controlled substances (CFCs) by 1 January 2006. The Party had subsequently submitted its ozone-depleting substances data for 2006, reporting consumption of zero ODP-tonnes of CFCs, consistent with its commitment contained in decision XVII/26.

(b) Apparent deviation from Annex B, group I (other CFCs), consumption control measures

37. Azerbaijan had reported consumption of 0.2 ODP-tonnes of the Annex B, group I, controlled substances (other CFCs) in 2006, an amount inconsistent with its obligation as a Party not operating under Article 5 of the Protocol to maintain total phase-out of those substances in 2006 except for consumption for uses agreed by the Parties to be essential. It had not previously reported consumption of other CFCs.

38. In correspondence dated 4 April 2007 the Ozone Secretariat had sought an explanation from Azerbaijan for its apparent deviation from the Protocol's control measures in 2006. The Party had not responded prior to the current meeting. The Party had previously notified the Implementation Committee at its thirty-seventh meeting that it continued to implement a ban on the import of CFCs. The Secretariat therefore also requested in its correspondence clarification of whether that ban covered all CFCs, that is, CFCs listed both in Annex A, group I, (CFCs) and in Annex B, group I, (other CFCs) of the Protocol.

2. Compliance assistance

39. Recommendation 37/2 of the thirty-seventh meeting of the Implementation Committee requested UNEP to expedite the implementation in Azerbaijan of the additional institutional strengthening and customs officer training components of a capacity-building assistance project submitted to the GEF in the event that that project was approved by GEF. The Chief Executive Officer of GEF approved the project on 9 April 2007. The project comprises national and regional level activities for four countries with economies in transition: Azerbaijan, Kazakhstan, Tajikistan and Uzbekistan. National-level activities would include activities to enhance and sustain each Party's ozone office such as the preparation of work plans and the acquisition of additional staff, expertise and equipment; the review and improvement of regulatory measures, the preparation of public awareness campaigns; data collection and analysis; and the establishment of mechanisms for overall coordination, project monitoring and reporting. Regional-level activities would involve incorporating Azerbaijan and the other three Parties into regional activities conducted through the regional network of ozone officers for Eastern Europe and Central Asia and the UNEP Green Customs Initiative to promote coordination on illegal trade, stockpiling and destruction of ozone-depleting substances and other regional or transboundary issues.

3. Discussion at the current meeting

40. One Committee member said that the Azerbaijan national ozone unit had only had one member of staff during the past five years, which had undermined its effectiveness. He added that the Party's ministry of the environment was currently seeking to gather accurate data on past CFC imports, prior to the deadline of 1 August 2007 set out in the draft recommendation before the Committee. The representative of UNEP said that his organization had received GEF endorsement for an institutional strengthening project covering Azerbaijan and other Parties. He said that UNEP was preparing the documents that would allow disbursements under that project to commence soon via subcontracts.

4. Recommendation

41. The Committee therefore *agreed*:

Congratulating Azerbaijan on its return to compliance in 2006 with the consumption control measures for Annex A, group I, controlled substances (CFCs) as well as its implementation of its commitment contained in decision XVII/26 to achieve total phase-out of those substances by 1 January 2006, as indicated by the Party's data report for 2006,

Noting with concern, however, that Azerbaijan had reported consumption of 0.2 ODP-tonnes of the Annex B, group I, controlled substances (other CFCs) in 2006, an amount inconsistent with the Protocol's requirement to maintain total phase-out of those substances in that year,

Noting also that Azerbaijan was to receive institutional strengthening assistance from the Global Environment Facility in order to facilitate its compliance with the Montreal Protocol,

(a) To request Azerbaijan to submit to the Secretariat as soon as possible, and no later than 1 August 2007, an explanation for its deviation from the Protocol's consumption control measures for other CFCs in 2006 and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(b) In the absence of an explanation for the Party's excess consumption, to forward for consideration by the Nineteenth Meeting of the Parties the draft decision contained in annex I (section A) to the present report, which would request the Party to act in accordance with subparagraph (a) above;

(c) To request Azerbaijan to submit to the Secretariat no later than 1 August 2007 a status report on its efforts in conjunction with the United Nations Environment Programme to expedite implementation of the additional institutional strengthening project approved by the Global Environment Facility;

(d) To invite Azerbaijan, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the matter.

Recommendation 38/2

C. Bangladesh

42. Bangladesh had been listed for consideration with regard to its implementation of decision XVII/27 and recommendation 37/45.

1. Compliance issues subject to review

(a) Agenda item 5 (b) (iv): methyl chloroform consumption reduction commitment

43. Bangladesh had committed, as recorded in decision XVII/27 of the Seventeenth Meeting of the Parties, to maintain its consumption of the Annex B, group III, controlled substance (methyl chloroform) at no greater than 0.550 ODP-tonnes in 2006.

44. Bangladesh had not submitted its official ozone-depleting substances data for 2006 by the time of the current meeting. Its implementation of its commitment contained in decision XVII/27 therefore could not be confirmed, although the Party had notified the Secretariat in correspondence dated 30 May 2007 that it had imported 0.5 ODP-tonnes of methyl chloroform in 2006, which would have been consistent with the Party's commitment contained in decision XVII/27 and would have represented a static level of consumption compared to 2005. In a submission dated 7 June 2007, Bangladesh had advised that its official data would be submitted by 31 July 2007.

45. Following consultations with the Secretariat prior to the adoption of decision XVII/27, Bangladesh had informed the Implementation Committee of its hope that the import controls it had imposed on methyl chloroform, as well as planned training workshops for importers and end-users of methyl chloroform on alternatives to ozone-depleting substances, would ensure that it met its methyl chloroform consumption reduction commitments contained in decision XVII/27. In its latest correspondence, Bangladesh had notified the Secretariat that it planned to hold the end-user workshops in September.

(b) Agenda item 5 (d) (i): notification of potential future CFC non-compliance

46. Bangladesh had notified the Implementation Committee at its thirty-seventh meeting that despite having made its best bona fide efforts, it anticipated that it would be unable to comply fully with

the Protocol's consumption control measures for Annex A, group I, controlled substances (CFCs) as prescribed by Articles 2A and 5 of the Protocol for the years 2007, 2008 and 2009. At that meeting the Committee had requested Bangladesh to submit for the current meeting, as recorded in recommendation 37/45, a copy of the 2007 and 2008 annual implementation programmes for the Party's national ozone-depleting substances phase-out plan and estimates of the total amount by which Bangladesh expected to exceed its annual maximum allowable consumption of CFCs in each of the years 2007-2009. The Party had also been requested to submit to the Secretariat its transition strategy for the phase-out of CFC-based metered-dose inhalers for consideration by the Implementation Committee.

47. With regard to the 2007 annual implementation programme for the Party's national ozone-depleting substances phase-out plan, Bangladesh had submitted documentation that summarized completed and planned CFC phase-out activities. Training of approximately 300 technicians had been completed, recruitment of technical experts for workshops and seminars had commenced and terms of reference for awareness-raising activities and draft programmes for technical seminars in the solvent and chillers sectors had been prepared.

48. With regard to the 2008 annual implementation programme for its national phase-out plan, Bangladesh had intended to revise the programme for that and future years to incorporate the recommendations of the Executive Committee for accelerating CFC phase-out contained in decision 49/33. The Party had decided to pursue actively the recommendation to import recovered and recycled CFCs to meet servicing requirements, with the caveat that market conditions in Bangladesh affecting the availability of recovered CFCs and the absence of reclamation facilities in the country might have an impact on the effectiveness of that action. According to the implementation programme, Bangladesh would have implemented the recommendations to promote drop-in substitutes and the retrofitting of equipment in the refrigeration and air conditioning sector; the Party would also have considered the establishment of stockpiles of pharmaceutical-grade CFCs for use in metered-dose inhaler production facilities, if technically feasible and economically viable. Bangladesh's submission had indicated that the Party had identified the situations in which stockpiling would prove feasible and that it had allowed the establishment of a 45 metric tonne stockpile over a three-year period, commencing in 2010 to meet the requirements of those CFC metered-dose inhaler manufacturers that it had not included in its conversion project proposal to the Executive Committee. Those manufacturers had not been included because the Party anticipated that the processes for the manufacture of CFC-free formulations for their products would soon be available in Bangladesh.

49. With regard to the request contained in recommendation 37/45 that Bangladesh should submit for consideration by the Implementation Committee its transition strategy for the phase-out of CFC metered-dose inhalers, funding for which had been approved by the Executive Committee at its fiftieth meeting, the Party had advised that it had endorsed the strategy, which had been prepared with the assistance of UNEP and UNDP, and had transmitted it to the Multilateral Fund secretariat for consideration and approval by the Executive Committee at its next meeting. The Party had undertaken to provide a copy of the strategy to the Implementation Committee following its approval by the Executive Committee. In the interim, it had summarized the strategy's key features in the annex to the submission. The key features were: evaluation of the need to revise regulations to facilitate CFC metered-dose inhaler phase-out and promote the adoption of alternatives; implementation of awareness-raising and capacity-building among relevant stakeholders, including patients, on the adoption of CFC-free alternatives; the design and implementation of monitoring and verification protocols to confirm and report on the status of phase-out; and implementation of conversion projects to phase out CFC metered-dose inhalers at domestic manufacturing facilities. Bangladesh had earlier advised the Ozone Secretariat that it hoped to submit the conversion project at the next meeting of the Executive Committee in July 2007. The Party's submission suggested that the conversion project proposal had been submitted but no details on the proposal were included in the submission.

50. In response to the request of the Implementation Committee at its thirty-seventh meeting that Bangladesh should submit estimates of the total amount by which the Party expected to exceed its annual maximum allowable consumption of CFCs in each of the years 2007-2009, Bangladesh had submitted two sets of data. The Party had advised that the second set provided more accurate estimates of the projected CFC requirements of Bangladesh's CFC metered-dose inhaler manufacturing sector as they were derived from the preparation of its strategy and conversion project proposals. The new figures would have slightly lowered (by between 2 and 6 ODP-tonnes) the estimated amount by which Bangladesh would have exceeded its allowable CFC consumption level under the Protocol for each of the years 2007-2009. Bangladesh therefore currently expected to exceed its annual allowable consumption limits in the years 2007-2009 by approximately 88.9 ODP-tonnes, 86.6 ODP-tonnes and 85.7 ODP-tonnes respectively.

51. In correspondence dated 16 April 2007, the Secretariat had sought clarification of the basis on which Bangladesh had estimated the amount by which it would exceed its allowable level of CFC consumption in the years 2007–2009. The Secretariat had noted that Bangladesh had undertaken to implement the recommendations of the Executive Committee for accelerating CFC phase-out. It had further noted, however, that that undertaking did not appear to translate into a downward revision of the Party's estimated CFC requirements for 2007–2009 in its servicing sectors. In its submission dated 7 June 2007, Bangladesh had responded that, although attempts would be made to implement the recommendations, it was difficult to quantify at that time the size of any additional CFC phase-out that might be realized through those actions. That was mainly because the Party had only recently commenced implementation of those actions through its national phase-out plan.

52. The Secretariat had also noted that, in its correspondence dated 17 September 2006, Bangladesh had estimated its CFC consumption for metered-dose inhaler manufacture at 70–75 metric tonnes. The Secretariat had asked Bangladesh to explain the expected continued growth in CFC metered-dose inhaler demand and, in particular, why it anticipated such significant increases over the period 2007–2009 in the light of the Party's expectation that a project to convert its manufacturing facilities would be considered by the Executive Committee in July 2007. In response, the Party had not directly addressed the question of whether its estimated CFC requirements for the metered-dose inhaler manufacturing sector had taken into account the phase-out that would be achieved, if its conversion project were approved. The Party had, however, in its 7 June 2007 submission, explained that the data reflected growing awareness among medical practitioners and doctors of the use of metered-dose inhalers and increased prescriptions of CFC-based metered-dose inhalers as a result. Pharmaceutical companies had been expanding their distribution to meet that demand, thereby broadening the availability of CFC metered-dose inhalers throughout Bangladesh. The Party had noted that its CFC metered-dose inhaler producing companies were producing below their full capacity, and were expected to increase production to meet the growing demand. As stated previously, the submission also suggested that the Party had submitted the project proposal to convert its CFC-based metered-dose inhaler manufacturing facilities to the Executive Committee at its fifty-second meeting but no details of the proposal appeared to be included in the submission.

2. Compliance assistance

53. UNDP had informed the Executive Committee at its fifty-first meeting, in March 2007, that the relevant Government official had signed the documentation required for the implementation of the national ozone-depleting substances phase-out plan approved for Bangladesh by UNDP and UNEP under the auspices of the Multilateral Fund.

54. UNEP had informed the Ozone Secretariat that it planned to assist Bangladesh to complete the preparation of its national transition strategy to phase out CFC metered-dose inhalers by November 2007. As stated above, the Executive Committee at its fiftieth meeting, held from 6 to 10 November 2006, had approved funding for the preparation of the strategy, as well as for the preparation of a project to phase out CFCs in the Party's metered-dose inhaler manufacturing sector, on the condition that Bangladesh sign the project document with UNDP for the national ozone-depleting substances phase-out plan and commence implementation of activities in other sectors that would result in reductions in CFC consumption. UNDP had stated in its 2007–2009 business plan that it intended to submit the project to phase out CFCs in Bangladesh's metered-dose inhaler manufacturing sector to the Executive Committee at its July 2007 meeting for approval.

3. Discussion at the current meeting

55. At the invitation of the Secretariat the Party sent a representative to the current meeting, who informed the Committee about the production of CFCs and metered-dose inhalers in his country. He said that one company, Beximco had started marketing two non-CFC metered-dose inhalers but that demand had so far been low due to their higher price, lack of awareness of the new products among the medical profession, and the continued use of CFC-based metered-dose inhalers through repeat prescriptions. Prices for the alternatives were currently 40 per cent higher than for CFC-based inhalers. In addition, dry powder inhalers did not perform well in the humid conditions of Bangladesh and were less effective than metered-dose inhalers for certain medical uses. In response to a question regarding the regulatory framework, the representative of Bangladesh said that the existing ozone-depleting substances legislation predated proper knowledge of the use of CFCs in the metered-dose inhaler sector and a revision of legislation to cover metered-dose inhalers was being prepared.

56. The representative said that the transition strategy for the phase-out of CFC-based metered-dose inhalers had recently been submitted to the Multilateral Fund secretariat and that implementation would commence as soon as approval was obtained from the Executive Committee of the Fund. Estimates of future consumption of CFCs in metered-dose inhalers and the related need for stockpiling had been based on discussions with medical agencies and producers and on past consumption and future projections. Some producers were phasing out CFCs voluntarily and required no assistance with conversion projects. Where assistance was required, however, it had proven very difficult to find consultants able to assist with the technology at a reasonable cost. Taking into account all factors, it was estimated that, for the period 2010–2012, an additional 45 metric tonnes of CFCs would be required for use in the metered-dose inhaler sector. Phase-out in the refrigeration and air-conditioning sector was, however, proceeding as planned.

57. In response to a question about regulatory and other measures supporting the transition from CFC-based metered-dose inhalers, the representative of Bangladesh said that the regulations would be revised according to the transition strategy upon its approval. An awareness-raising programme was being developed. CFC-11 and CFC-12 were subject to a higher tax rate (26 per cent) than HFC-134a (6 per cent). Furthermore, no new CFC-based metered-dose inhalers would be registered.

4. Recommendation

58. The Committee therefore *agreed*:

Noting with appreciation the information submitted by Bangladesh pursuant to recommendation 37/45 of the thirty-seventh meeting of the Implementation Committee,

Noting that Bangladesh expected to exceed its annual allowable consumption of the Annex A, group I, controlled substances (CFCs) by more than 85 ODP-tonnes in each of the years 2007–2009,

Recalling that, in accordance with decision XVII/27, Bangladesh had committed to maintaining its consumption of the Annex B, group III, controlled substance (methyl chloroform) to no greater than 0.550 ODP-tonnes in 2006,

(a) To request Bangladesh to submit to the Ozone Secretariat a copy of its transition strategy for the phase-out of metered-dose inhalers using CFCs following its approval by the Executive Committee, ensuring that the documentation provided a description of the planned regulatory measures intended to restrict the consumption of CFC-based metered-dose inhalers and to expedite the adoption of CFC-free alternatives;

(b) To request Bangladesh to submit to the Ozone Secretariat by 1 August 2007 for consideration by the Committee at its thirty-ninth meeting a report on the implementation of its national phase-out plan and any revisions that could be made, in the light of the progress made in the implementation of the national phase-out plan, to the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years 2007–2009;

(c) To request Bangladesh to submit to the Ozone Secretariat by 1 August 2007 for consideration by the Committee at its thirty-ninth meeting a summary of the Party's project to convert its CFC-metered dose inhaler manufacturing sector, should the project be approved by the Executive Committee at its fifty-second meeting, including details of the planned duration of the project and any revisions that could be made to the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years 2007–2009;

(d) To remind Bangladesh to submit to the Ozone Secretariat its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee might assess at its thirty-ninth meeting the Party's compliance with its methyl chloroform consumption control commitment contained in decision XVII/27 of the Seventeenth Meeting of the Parties;

(e) To invite Bangladesh, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the above matters.

Recommendation 38/3

D. Belize

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

1. Compliance issue: CFC consumption reduction commitment

60. Belize had committed, as recorded in decision XIV/33 of the Fourteenth Meeting of the Parties, to reduce consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 10 ODP-tonnes in 2006.

61. Belize had subsequently submitted its ozone-depleting substances data for 2006, reporting consumption of 3.9 ODP-tonnes of CFCs.

2. Recommendation

62. The Committee therefore *agreed* to congratulate Belize on its reported data for the consumption of Annex A, group I, controlled substances (CFCs) in 2006, which showed that it was in advance of both its commitment contained in decision XIV/33 to reduce CFC consumption to no greater than 10 ODP-tonnes and its obligations under the CFC control measures of the Montreal Protocol for that year.

Recommendation 38/4

E. Bolivia

63. Bolivia had been listed for consideration with regard to its implementation of decision XV/29 and recommendation 37/46.

1. Compliance issue: excess carbon tetrachloride consumption (decision XVII/13)

64. The Implementation Committee at its thirty-seventh meeting had reviewed the 2005 ozone-depleting substances data report of Bolivia, which indicated consumption by the Party of 0.11 ODP-tonnes of the Annex B, group II, controlled substance (carbon tetrachloride) in 2005. Bolivia was obliged to reduce consumption to a level no greater than 15 percent of its carbon tetrachloride consumption baseline in that year. The Implementation Committee at its thirty-seventh meeting was informed that that level corresponded to 0.045 ODP-tonnes. In the light of the agreement of the Eighteenth Meeting of the Parties, it was apparent that the Secretariat should report and review ozone-depleting substances data submitted by the Parties to one decimal place only, Bolivia's maximum allowable level of carbon tetrachloride consumption in each of the years 2005–2009 was now zero ODP-tonnes.

65. Bolivia had reported that its excess consumption of carbon tetrachloride in 2005 was for the laboratory uses of the testing of tar in road-paving and the testing of total petroleum hydrocarbon in water. In accordance with decision XVII/13 of the Seventeenth Meeting of the Parties on the use of carbon tetrachloride for laboratory and analytical uses in Parties operating under Article 5, at its thirty-seventh meeting the Implementation Committee agreed to defer until 2007 consideration of the compliance status of Bolivia in relation to the Protocol's control measures for carbon tetrachloride. The decision provided that the Nineteenth Meeting of the Parties would review the deferral in order to address the period 2007–2009.

66. The Party was urged by the Committee at its thirty-seventh meeting to continue its carbon tetrachloride phase-out efforts in the interim, particularly in the light of the fact that the Eleventh Meeting of the Parties in 1999 had agreed in decision XI/15 to remove from the global exemption for laboratory and analytical uses of ozone-depleting substances from 2002 the testing of tar in road-paving and the testing of total petroleum hydrocarbon in water, suggesting that it should be possible to perform those two activities without the use of carbon tetrachloride.

67. By the time of the current meeting, Bolivia had not submitted its ozone-depleting substances data for 2006. Nor had it responded to the Ozone Secretariat's request of 27 February 2007 to submit information on whether the Party continued to import carbon tetrachloride for the purposes reported in 2005, namely asphaltic cement extraction tests on pavement blends, cleaner agent for chemical analysis, laboratory analysis for active component extraction, solid–liquid extraction and hydrocarbons, and pesticide detection for sample washing.

68. Documentation submitted for the fifty-first meeting of the Executive Committee of the Multilateral Fund, held from 19 to 23 March 2007, stated, however, that “small quantities of carbon tetrachloride [we]re currently used in laboratory applications and in industrial applications as cleaning agent for removal/extraction of oils and greases from equipment.” In addition, the Executive Committee of the Multilateral Fund at its fifty-first meeting approved a terminal phase-out management plan for Bolivia that contained a carbon tetrachloride phase-out schedule with consumption reduction targets of 0.2 ODP-tonnes in 2006, 0.1 ODP-tonnes in 2007 and zero ODP-tonnes in 2008, intended to enable the Party to achieve total-phase-out of carbon tetrachloride two years in advance of the Protocol’s requirements, which suggested that the Party would report consumption of carbon tetrachloride in 2006 and 2007.

2. Discussion at the current meeting

69. In response to a question about the applicability of decision XI/15 to Article 5 Parties, the representative of the Secretariat said that the intention of the Committee at its thirty-seventh meeting in referring to decision XI/15 had not been to indicate that it applied to Article 5 Parties but to highlight the fact that alternatives were available to the laboratory uses of carbon tetrachloride referred to and to encourage such Parties to consider such alternatives.

3. Recommendation

70. The Committee therefore *agreed*:

(a) To remind Bolivia to submit to the Ozone Secretariat its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee might assess the Party’s compliance with the Protocol’s consumption control measures for the Annex B, group II, controlled substance (carbon tetrachloride) at its thirty-ninth meeting;

(b) To request Bolivia to submit to the Ozone Secretariat as soon as possible, and no later than 1 August 2007, information for consideration by the Committee at its thirty-ninth meeting on the status of the Party’s efforts to phase out its consumption of carbon tetrachloride, in particular consumption for the testing of tar in road-paving and total petroleum hydrocarbon in water, recalling decision XI/15 of the Eleventh Meeting of the Parties, which removed those laboratory applications from the global exemption for laboratory and analytical uses on the grounds that they could be performed without the use of that ozone-depleting substance.

Recommendation 38/5

F. Bosnia and Herzegovina

71. Bosnia and Herzegovina had been listed for consideration with regard to its implementation of decisions XV/30 and XVII/28 and recommendation 37/5.

1. Compliance issues subject to review

(a) CFC, methyl bromide and methyl chloroform consumption reduction commitments

72. Bosnia and Herzegovina had committed, as recorded in decision XV/30 and decision XVII/28, to reduce consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 33 ODP-tonnes, to maintain consumption of the Annex E controlled substance (methyl bromide) at no greater than 5.61 ODP-tonnes and to maintain consumption of the Annex B, group III, controlled substance (methyl chloroform) at no greater than zero ODP-tonnes in 2006.

73. As reflected in recommendation 37/5, the Party’s reported data for 2005 showed that it was in advance of its commitments contained in decisions XV/30 and XVII/28 and that the Party had returned to compliance in 2005 with the Protocol’s methyl chloroform control measures. By the time of the current meeting, however, Bosnia and Herzegovina had not submitted its ozone-depleting substances data for 2006. Its implementation of its consumption reduction commitments for that year contained in decisions XV/30 and XVII/28 therefore could not be confirmed.

(b) Introduction of regulatory measures

74. The Party had also committed under decisions XV/30 and XVII/28 to introduce a ban on the import of ozone-depleting substance-using equipment by 2006 and a system for licensing the import and export of ozone-depleting substances, including quotas, by the end of January 2006.

75. In correspondence dated 23 February 2007, the Party's national ozone unit had notified the Ozone Secretariat that the Council of Ministers of Bosnia and Herzegovina had adopted the legal instruments necessary to establish an ozone-depleting substances licensing and quota system and to introduce a ban on the import of ozone-depleting substance-using equipment. The import quotas were aligned to the time-specific benchmarks contained in decisions XV/30 and XVII/28 for the phase-out of CFCs, methyl chloroform and methyl bromide.

2. Recommendation

76. The Committee therefore *agreed*:

Noting with appreciation that Bosnia and Herzegovina had completed implementation in 2006 of the commitment contained in decision XVII/28 to introduce a ban on the import of ozone-depleting substances-using equipment and to establish a system for licensing the import and export of ozone-depleting substances, including quotas, in that year,

To remind Bosnia and Herzegovina to submit to the Ozone Secretariat its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee might assess at its thirty-ninth meeting the Party's compliance with its commitments for 2006 contained in decision XV/30 of the Fifteenth Meeting of the Parties and decision XVII/28 of the Seventeenth Meeting of the Parties to reduce consumption of the controlled substances in Annex A, group I, (CFCs) to no greater than 33 ODP-tonnes, to reduce consumption of the controlled substance in Annex E (methyl bromide) to no greater than 5.61 ODP-tonnes, and to maintain consumption of the controlled substance in Annex B, group III, (methyl chloroform) to no greater than zero.

Recommendation 38/6**G. Botswana**

77. Botswana had been listed for consideration with regard to its implementation of decision XV/31 and recommendation 37/6.

1. Compliance issue subject to review: establishment of licensing and quota system

78. Botswana had committed, as recorded in decision XV/31 of the Fifteenth Meeting of the Parties, to establish a system for licensing imports and exports of the Annex E controlled substance (methyl bromide), including quotas. The Party was requested by the Implementation Committee at its thirty-seventh meeting, as recorded in recommendation 37/6, to submit for consideration at the current meeting a status report on its work with the implementing agencies to fulfil its commitment.

79. In response to recommendation 37/6 the Party had explained in a letter that it would ensure sustained total phase-out of controlled methyl bromide consumption and production through its Agro-Chemicals Act of 1999. The Party indicated that the Act would require a license for the trade, use, transport or manufacture of agrochemicals, including methyl bromide, and that customs officials would demand licenses for all imports of methyl bromide at points of entry to the country. The materials submitted by the Party with its letter included a form for requesting authorization to import agrochemicals under the Act, but none for requesting authorization to export. The Secretariat had therefore sought clarification from Botswana on this point but had not received a response by the time of the current meeting. In its earlier correspondence, the Party had also noted that it was developing legislation to control other ozone-depleting substances.

2. Discussion at the current meeting

80. The representative of UNEP provided a brief summary of the compliance assistance that UNEP had provided the Party to date, noting that in addition to institutional strengthening, the Party had received funding for the implementation of a refrigerant management plan. He noted that although funding for a recovery and recycling programme would not commence until the necessary regulations were in place, Germany had provided financial assistance to assist the development of the those regulations and reportedly expected them to be enacted in the near future.

3. Recommendation

81. The Committee therefore agreed:

Noting with appreciation the report submitted by Botswana pursuant to its commitment contained in decision XV/31 to establish a system for licensing imports and exports of the Annex E controlled substance (methyl bromide), including quotas,

To request Botswana to submit to the Ozone Secretariat information to clarify the operation of its licensing system with respect to the control of exports of methyl bromide, and the control of the import and export of mixtures containing methyl bromide, no later than 1 August 2007, in time for consideration by the Committee at its thirty-ninth meeting.

Recommendation 38/7

H. Chile

82. Chile had been listed for consideration with regard to its implementation of decision XVII/29 and recommendation 37/8.

1. Compliance issue: methyl chloroform consumption reduction commitment

83. Chile had committed, as recorded in decision XVII/29 of the Seventeenth Meeting of the Parties, to maintain consumption of the controlled substance in Annex B, group III, (methyl chloroform) at no greater than 4.512 ODP-tonnes in 2006.

84. Chile had been requested, as recorded in recommendation 37/8, to submit to the Secretariat by 31 March 2007 an update on its efforts to introduce an import quota system and on its progress in implementing alternatives to methyl chloroform in the solvent sector. Under decision XVII/29, Chile had committed to introducing an enhanced ozone-depleting substances licensing and import quota system from the moment the bill to enact the system, which had been drafted by the Party at the time of the adoption of decision XVII/29, was approved in Parliament and to ensure compliance in the interim period by adopting regulatory measures that the Government was entitled to apply.

(a) 2006 methyl chloroform consumption data

85. Chile had submitted its ozone-depleting substances data for 2006, reporting methyl chloroform consumption of 4.5 ODP-tonnes, which was consistent with its consumption reduction commitment contained in decision XVII/29 for that year.

(b) Import quota system

86. Prior to the current meeting, Chile had also submitted documentation pursuant to recommendation 37/8 and had informed the Committee that it had established an enhanced licensing and quota system on 23 May 2006 through a law that set import quotas for controlled substances at levels that would meet the phase-out targets of the Protocol and enable fulfillment of the time-specific consumption reduction commitments in the plan of action contained in decision XVII/29. By the time of the current meeting, however, the regulations necessary to make the import quota system operational had not yet been adopted. Five of the six ministers whose approval was required had signed the regulations and the law itself was in the final stages of approval by the ministry of finance, following which it was to be forwarded for signature by the President and then forwarded to the Office of the Comptroller-General for official noting and publication as a decree, whereupon it would enter into force. The Party had stated in its letter that in the meantime it was taking all possible steps to expedite passage of the regulations and was developing the necessary internal rules to implement the quota system immediately upon its entry into force.

(c) Alternatives to methyl chloroform

87. At its last meeting the Committee had been informed that a technical assistance project was underway in the Party to implement methyl chloroform alternatives in the solvent sector, with the support of UNDP and under the auspices of the Multilateral Fund. The project had been designed to enable manufacturers to produce products using non-ozone-depleting solvents. Laboratory trials of substitutes conducted under the project had been successful and the manufacturers, after some administrative delays, had been provided with sufficient supplies of substitutes to allow them to conduct industrial trials.

88. In its submission the Party had indicated that those trials would continue throughout 2007 in the three enterprises that used methyl chloroform. In addition, a survey to identify any remaining enterprises using ozone-depleting solvents was to be undertaken. Other planned project activities in 2007 included a mission by UNDP and international experts in April 2007 to address technical difficulties and production and trialing of alternatives for any newly identified enterprises, followed by a final phase-in of successful alternatives and phase-out of ozone-depleting solvents.

89. The 2007–2009 business plan submitted by UNDP to the Executive Committee of the Multilateral Fund at its fifty-first meeting, in March 2007, stated that a technical assistance project was planned for completion at the end of 2007. As the agency implementing Chile's institutional strengthening project, UNDP also stated that it would assist the Party in its efforts to implement its enhanced import quota system.

2. Discussion at the current meeting

90. In response to a question from one Committee member, the representative of UNDP explained that the mission by UNDP and international experts that had been planned for April 2007 had been postponed until the third quarter of 2007 after one of the experts had fallen ill.

3. Recommendation

91. The Committee therefore *agreed*:

Noting with appreciation that Chile had completed implementation in 2006 of its commitment contained in decision XVII/29 to maintain consumption of the controlled substance in Annex B, group III, (methyl chloroform) at no greater than 4.512 ODP-tonnes in that year,

Noting further with appreciation that Chile had submitted an update on its progress in introducing an import quota system and implementing alternatives to methyl chloroform in the solvent sector pursuant to its commitments contained in decision XVII/29 and in accordance with recommendation 37/8 of the thirty-seventh meeting of the Implementation Committee,

To request Chile to submit a further update on the above efforts to the Secretariat no later than 1 August 2007, in time for consideration by the Committee at its thirty-ninth meeting.

Recommendation 38/8

I. China (People's Republic of)

92. China had been listed for consideration with regard to its implementation of recommendation 36/10.

1. Compliance issue subject to review: compliance in light of guidance on decimal places

93. Recommendation 36/10 had recorded the agreement of the Implementation Committee to assess the compliance status of China in 2004 with respect to the Protocol's consumption control measures for Annex B, group I, controlled substances (other CFCs) in the light of guidance that had been provided by the Meeting of the Parties 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.

94. The Eighteenth Meeting of the Parties had agreed that the Secretariat should report and review ozone-depleting substances data submitted by the Parties to one decimal place only.

95. The data for China and all other Parties had previously been reported and reviewed by the Secretariat to three decimal places. It was on that basis that the Secretariat had brought China's consumption in 2004 of 20.539 ODP-tonnes of other CFCs to the attention of the Implementation Committee as a case of potential non-compliance, when reviewed against its maximum allowable consumption under the Protocol of 20.534 ODP-tonnes for that year.

96. When the guidance of the Eighteenth Meeting of the Parties had been applied to the situation of China, the Party appeared to be in compliance in 2004 with the Protocol's consumption control measures for other CFCs. According to those calculations, China's consumption in 2004 of those substances would be reported as 20.5 ODP-tonnes and its maximum allowable consumption of those substances in that year under the Protocol would be reported as 20.6 ODP-tonnes, noting that the latter figure was derived from the Party's baseline rounded to one rather than three decimal places.

97. China had continued its phase-out of other CFCs in 2005, reporting consumption of 19.6 ODP-tonnes.

2. Recommendation

98. The Committee therefore *agreed* to note with appreciation that, in the light of the guidance provided by the Eighteenth Meeting of the Parties that the Secretariat should report and review ozone-depleting substances data submitted by the Parties to one decimal place only, it was confirmed that China was in compliance with the Protocol's control measures in 2004.

Recommendation 38/9

J. Côte d'Ivoire

99. Côte d'Ivoire had been listed for consideration with regard to its implementation of decision XVIII/34.

1. Compliance issue subject to review: outstanding 2005 data

100. Côte d'Ivoire had been requested, as recorded in decision XVIII/34 of the Eighteenth Meeting of the Parties, to report its 2005 ozone-depleting substances data to the Secretariat as a matter of urgency.

101. In correspondence dated 27 March 2007, Côte d'Ivoire had submitted its outstanding 2005 ozone-depleting substances data, which indicated that the Party was in compliance with the Protocol's control measures in 2005.

2. Recommendation

102. The Committee therefore *agreed* to note with appreciation Côte d'Ivoire's submission of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XVIII/34, which indicated that it was in compliance with the Protocol's control measures in 2005.

Recommendation 38/10

K. Democratic Republic of the Congo

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

1. Compliance issue subject to review: methyl chloroform and carbon tetrachloride consumption reduction commitments

104. The Democratic Republic of the Congo had committed under decision XVIII/21 to reduce its consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 16.5 ODP-tonnes and the Annex B, group III, controlled substance (methyl chloroform) to no greater than 4.0 ODP-tonnes.

105. The Party had not submitted its ozone-depleting substances data for 2006 prior to the current meeting and the Secretariat had not, therefore, been able to make an assessment of its compliance with decision XVIII/21. The Democratic Republic of the Congo had therefore been included as one of the Parties listed in the draft block recommendation on Parties that were the subject of a decision of the Meeting of the Parties to limit their consumption or production of particular ozone-depleting substances in 2006 to levels specified in those decisions but had not reported their ozone-depleting substances data for the year 2006.

2. Discussion at the current meeting

106. The representative of the Secretariat informed the Committee that the Party had submitted its outstanding data during the course of the meeting and that those data indicated that the Party had been in compliance with its obligations under decision XVIII/21 in 2006.

3. Recommendation

107. The Committee therefore *agreed* to note with appreciation that the Democratic Republic of the Congo had completed implementation in 2006 of the commitments contained in decision XVIII/21 of the Eighteenth Meeting of the Parties to reduce consumption of the Annex B, group III controlled substance (methyl chloroform) to no greater than 4 ODP-tonnes and maintain consumption of the Annex B, group II controlled substance (carbon tetrachloride) at no greater than 16.5 ODP-tonnes in that year.

Recommendation 38/11**L. Dominica**

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

1. Compliance issues subject to review**(a) CFC consumption reduction commitment**

109. Dominica had committed, as recorded in decision XVIII/22 of the Eighteenth Meeting of the Parties, to reduce consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 0.45 ODP-tonnes in 2006.

(b) Introduction of licensing and quota system

110. Dominica had also committed under that decision to introduce by 31 December 2006 a system for licensing the import and export of ozone-depleting substances that included import quotas for all ozone-depleting substances listed under the Protocol. With regard to CFCs, Dominica had undertaken to set annual quotas consistent with the levels stated in the decision, except to meet the needs of any national disasters and resulting emergencies, in which case Dominica would ensure that the annual quotas did not exceed its maximum allowable levels of consumption as prescribed by Article 2A of the Protocol or such levels as might otherwise be authorized by the Parties.

111. Dominica had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of 0.45 ODP-tonnes. Those data were consistent with the Party's CFC consumption reduction commitment contained in decision XVIII/22, and revealed the Party to be in compliance with the CFC consumption control measures of the Protocol in 2006. Dominica had also notified the Secretariat that it had enacted on 19 December 2006 the necessary legislation to introduce its system for licensing the import and export of ozone-depleting substances that included import quotas for all ozone-depleting substances listed under the Protocol.

2. Recommendation

112. The Committee therefore *agreed*:

Noting with appreciation that Dominica had completed implementation of its commitment contained in decision XVIII/22 to introduce by 31 December 2006 a system for licensing the import and export of ozone-depleting substances that included import quotas for all ozone-depleting substances listed under the Protocol,

To congratulate Dominica on its return to compliance in 2006 with the control measures of the Montreal Protocol for the Annex A, group I, controlled substances (CFCs) and its implementation of its commitment contained in decision XVIII/22 to reduce consumption of those substances to no greater than 0.45 ODP-tonnes in 2006, as indicated by the Party's data report for 2006.

Recommendation 38/12**M. Ecuador**

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

1. Compliance issue subject to review: request for methyl bromide plan of action

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

115. Ecuador had subsequently submitted the requested plan of action. The Party had attributed its non-compliance with the Protocol's consumption control measures for methyl bromide in 2005 to an importer's data entry error. The importer had mistakenly registered the methyl bromide under an incorrect customs code, unknown to the Government agency responsible for the Party's ozone-depleting substance licensing and quota system, which had set the quota at a level consistent with Ecuador's annual maximum allowable consumption level under the Protocol. The methyl bromide import had been detected in the course of a survey conducted by the World Bank, completed in early 2006. Ecuador had

informed the Committee at its last meeting of its commitment to return to compliance with the Protocol. The Party had not, however, submitted its ozone-depleting substances data for 2006. Its compliance status for that year could not therefore be confirmed.

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

116. The plan of action was intended to return Ecuador to compliance with the Protocol's methyl bromide control measures by 2010, in accordance with the time-specific methyl bromide import benchmarks in the table below. Ecuador had never previously reported methyl bromide production or export. Since the Protocol defined consumption as imports plus production minus exports, it was apparent that if Ecuador continued to refrain from production and export of methyl bromide, the annual import limits contained in its plan of action would equal its annual consumption limit and would return it to compliance with the Protocol's methyl bromide control measures in 2010.

Year	Ecuador: methyl bromide imports under its plan of action	
	metric tonnes	ODP-tonnes
2007	204	122.4
2008	204	122.4
2009	204	122.4
2010	88	52.8

(b) Methyl bromide consumption in Ecuador

117. The survey that had been conducted in 2006 that detected the Party's excess methyl bromide imports in 2005 had concluded that Ecuador had only consumed methyl bromide in its summer flower growing sector and that one company, Rodel Flowers, had been responsible for all methyl bromide imports. The flower growing sector had generated exports worth \$365 million in 2005 and 96,250 jobs, directly and indirectly. Between 1995 and 2005, the area under flower cultivation had grown from approximately 316.45 hectares to 1,049.72 hectares. Over that period, Ecuador's methyl bromide consumption had ranged from zero metric tonnes in 2003 and 2004 to 612 metric tonnes in 2001.

118. Ecuador had not reported its ozone-depleting substances data for 2006 but section 4.2 of its submission stated that 85 metric tonnes (51 ODP-tonnes) of methyl bromide imports had been recorded up to the month of December 2006. In 2006, Ecuador was required to reduce its methyl bromide consumption to no greater than 53 ODP-tonnes. Therefore, if the Party had recorded no further imports in 2006, it would have been in compliance with the Protocol measures for that year.

119. In section 4.2.4 of its submission, however, Ecuador had estimated that its annual methyl bromide consumption in its summer flower growing sector was approximately 200 metric tonnes. That estimate appeared to be based on the average of its methyl bromide consumption over the period 2001–2005, 187 metric tonnes, and information from its methyl bromide importer that it had received orders for 200 metric tonnes for 2007. The Party had also concluded in that section that no technically and economically viable alternatives to methyl bromide had been found for its summer flower growing sector.

(c) Methyl bromide phase-out assistance

120. The Executive Committee of the Multilateral Fund had approved two projects to support the phase-out of methyl bromide in Ecuador, both implemented by the World Bank. An investment project assisted the rose cultivation sector to achieve total methyl bromide phase-out through the conversion from methyl bromide to coconut substrate. The project had been completed in December 2004. A technical assistance project for testing methyl bromide alternatives in soil treatment for the flower growing industry had been intended to demonstrate the application of methyl bromide alternatives to the control of pests in flowers grown in all four production regions of Ecuador. Alternatives tested included a combination of solarization, steam pasteurization, substrate modifications, alternative agro-chemicals in low doses and integrated pest management. Testing of each alternative had been intended to involve a minimum of three field tests in each of the production areas. The results of the project had been publicized through an international seminar involving experts from Spain, Argentina and Cuba. A copy of the project results had also been made available to the Ecuadorian Flower Growers and Exporters Association (EXPOFLORES), which reportedly represented a majority of flower producers in Ecuador.

121. An evaluation of the latter project in 2005, on behalf of the Executive Committee of the Multilateral Fund, had indicated that the project had achieved good results with biological controls and organic amendments. A high percentage of the companies surveyed through the technical assistance project had reported using organic amendments and some biocontrols, mainly trichoderma and solutions

featuring other beneficial microorganisms. Furthermore, the evaluation had reported that, during the 2003-2004 season, a training programme on alternatives to methyl bromide had been conducted with a group of summer flower growers under the auspices of the Food and Agriculture Organization of the United Nations. That programme had involved some trials in which organic amendments plus integrated pest management achieved very good results.

(d) Activities to achieve methyl bromide phase-out

122. Section 5 of the Party's submission had suggested that the activities to achieve the proposed methyl bromide consumption reduction benchmarks had been developed by the Government in consultation with the sole methyl bromide importer of Ecuador, Rodel Flowers, and EXPOFLORES. A timetable for implementation of those activities was included at the end of the submission.

123. Ecuador had established a consultative committee to seek technically and economically viable alternatives to methyl bromide. In consultation with EXPOFLORES, a timetable had been prepared for dissemination to all flower growing regions, by July 2007, of the results of a technical assistance project for testing methyl bromide alternatives in soil treatment for the flower growing industry that had recently been completed. EXPOFLORES would also participate in planned additional trials of chemical alternatives to methyl bromide, to build on the information and experience gained through the trials conducted under the technical assistance project. The Ministry of External Trade, Industrialization, Fisheries and Competitiveness had requested the Ministry of Agriculture to list those chemical alternatives to methyl bromide not yet registered for use in Ecuador. The Government of Ecuador had also contacted UNEP to explore the possibility of undertaking field visits to other Parties that were using methyl bromide alternatives and conducting seminars on those alternatives. In an effort to avoid future mistaken reporting of methyl bromide imports, the national ozone unit of Ecuador had requested COMEXI, the body responsible for external trade in Ecuador, to add a sub-heading to its national customs code for "other fungicides" to provide a specific code for "other fumigants – based on methyl bromide".

(e) Issues brought to the attention of Ecuador in the context of its plan of action

124. In the light of its review of the plan of action submitted by Ecuador, the Secretariat had, in correspondence dated 27 April 2007, brought the following issues and queries to the attention of the Party for its consideration and possible action.

125. The Secretariat had noted that Ecuador did not plan to achieve any reduction in methyl bromide consumption until 2010, coinciding with the conclusion of further trials of chemical alternatives to methyl bromide as described in section 5.3 of its submission. Based on the information contained in section 4.2 of the submission it had also noted that Ecuador planned to increase its methyl bromide consumption by 140 per cent between 2006 and 2007, from 85 metric tonnes to 204 metric tonnes, which would return the Party to non-compliance.

126. It had recalled, however, that a technical assistance project for testing methyl bromide alternatives in soil treatment for the flower growing industry had been implemented in Ecuador and that the Multilateral Fund evaluation of that project in 2005 had reported that the project had achieved good results with biological controls and organic amendments. Further, it had indicated that a high percentage of the companies surveyed through the technical assistance project had reported using organic amendments and some biocontrols, mainly *Trichoderma* and solutions containing other beneficial microorganisms, and that a training programme on alternatives to methyl bromide conducted in the 2003-2004 growing season with a group of summer flower growers had achieved very good results with organic amendments and integrated pest management.

127. In the light of that information, and the fact that Ecuador had planned to disseminate the technical assistance project's results to all regions by July 2007, the Secretariat had suggested that Ecuador might wish to explain why it had not planned reductions in methyl bromide consumption prior to 2010. In addressing this issue, the Secretariat had encouraged Ecuador to expand on its description of the technical assistance project, including a summary of the project's results.

128. The Secretariat had noted that Ecuador proposed to limit its methyl bromide consumption in each of the years 2007-2009 to 204 metric tonnes. The Secretariat had suggested that Ecuador might wish to further elaborate on the basis for selecting that level of consumption, particularly because it would represent a 140 per cent increase in methyl bromide consumption between 2006 and 2007 and return the Party to non-compliance. In that context, it had been noted that the proposed annual limit was greater than the estimated average methyl bromide consumption of 187 metric tonnes cited in section 4.2.3 of the Party's submission, which, prior to 2005, had included consumption for the rose

cultivation sector. Furthermore, section 2.1 of the submission had reported that completion of the investment project in the rose cultivation sector had phased out 62 metric tonnes of methyl bromide and that Ecuador had committed to sustain that phase-out through implementation of the project and the use of import restrictions and other policies that it might deem necessary. That information had suggested that not only might Ecuador be able to limit its future annual consumption to no greater than the average of its consumption between the years 2001 and 2005 (namely 187 metric tonnes), but also that it might be able to limit its annual consumption to no greater than 125 metric tonnes, being 187 metric tonnes minus the 62 metric tonnes permanently phased out through the rose cultivation sector investment project.

129. The business plan of the World Bank that had been presented at the fifty-first meeting of the Executive Committee of the Multilateral Fund had stated that Ecuador had requested the agency to include a total methyl bromide phase-out project in its 2007 business plan. The business plan had stated further that Ecuador was aware of decision 48/9 (a) of the Executive Committee, which had provided that such a project would be retained in the business plan of the World Bank on the condition that Ecuador should commit to an accelerated phase-out of methyl bromide. The plan of action submitted by Ecuador had not, however, appeared to support an accelerated phase-out and Ecuador had accordingly been invited to comment on the point.

130. Section 4.2.3 of Ecuador's submission confirmed that the Party had not imported methyl bromide in 2003 or 2004. The Multilateral Fund evaluation of the technical assistance project had suggested that that was because demand for methyl bromide in Ecuador in 2003 and 2004 had been met from stockpiles imported in 2001. The Secretariat had asked the Party to confirm whether that explanation was correct.

131. Section 4.1 of the submission had reported that a national survey conducted in 2006 had detected methyl bromide consumption only in the summer flower growing sector. Given the challenges that Ecuador had faced in collecting accurate methyl bromide consumption data, the Party had been invited to submit further details on the methodology followed in conducting the survey to confirm that it had not consumed methyl bromide for quarantine and pre-shipment applications.

132. Section 4.1 also had stated that EXPOFLORES represented a "majority of flower producers". Given the importance of stakeholder cooperation in the success of any plan of action, Ecuador had been invited to explain how it intended to ensure that all summer flower growers were made aware of the plan of action and involved in its implementation. The Party had also been invited to clarify whether its import quota system would be revised to support the proposed annual methyl bromide consumption benchmarks included in section 6 of the submission.

133. Section 5.3 of the submission had stated that the Ministry of External Trade, Industrialization, Fisheries and Competitiveness had requested the Ministry of Agriculture to list those chemical alternatives to methyl bromide that had not yet been registered. The target date for the completion of this activity had not, however, been included in the timetable of the proposed plan of action. Given the importance of the availability of alternatives to the phase-out of methyl bromide, Ecuador had been invited to consider including a timetable for the completion of that activity in its plan of action. It had also been invited to provide an update on progress in listing the methyl bromide alternatives Telone and 1, 3 dichloropropene, which the 2005 Multilateral Fund evaluation of the technical assistance project had noted had not been listed at that time. Ecuador had also been invited to provide an update on the status of its request to add the subheadings for tracking methyl bromide imports to its national customs codes, as described in section 5.5 of the submission.

2. Compliance assistance

134. The World Bank was providing institutional strengthening assistance to Ecuador under the auspices of the Multilateral Fund. In its 2007–2009 business plan, submitted for the fifty-first meeting Executive Committee of the Multilateral Fund, held in March 2007, the World Bank had stated that it was also assisting Ecuador to prepare a plan of action that would return the Party to compliance in 2007. As stated above, the World Bank had included a methyl bromide total phase-out project for Ecuador in its 2007 business plan, at the request of the Party.

135. The World Bank had reported at the forty-ninth meeting of the Executive Committee, held in July 2006, that a phase-out project for the country's rose plant nursery sector had been concluded during January 2005, while a technical assistance project was progressing well. The technical assistance project had tested six different alternative treatments to methyl bromide, with the results presented at an international seminar during the second half of 2005. A compendium of the alternatives to methyl

bromide was being prepared for publication, as was as a set of booklets that would be distributed to unions and users around the country.

3. Recommendation

136. The Committee therefore *agreed*:

Noting with appreciation Ecuador's submission in accordance with decision XVIII/23 of the Eighteenth Meeting of the Parties of a plan of action with time-specific benchmarks for returning the Party to compliance with the consumption control measures of the Montreal Protocol for the Annex E controlled substance (methyl bromide) by 2010,

Noting also with appreciation that the estimated methyl bromide consumption of Ecuador for 2006 would return the Party to compliance with the Protocol's control measures for methyl bromide in that year but noting with concern that the time-specific benchmarks contained in the plan of action submitted by Ecuador would appear to return the Party to non-compliance with the Protocol's control measures for methyl bromide in 2007,

(a) To request Ecuador to submit to the Secretariat as soon as possible, and no later than 1 August 2007, the information requested by the Secretariat in its correspondence dated 27 April 2007 in order that the Committee might complete its review of the Party's plan of action for returning to compliance with the control measures of the Montreal Protocol for methyl bromide;

(b) To invite Ecuador, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the matter.

Recommendation 38/13

N. El Salvador

137. El Salvador had been listed for consideration with regard to other non-compliance issues arising out of the data report.

1. Compliance issue subject to review: apparent carbon tetrachloride consumption deviation

138. El Salvador reported consumption of the Annex B, group II, controlled substance (carbon tetrachloride) of 0.8 ODP-tonnes in 2006, an amount inconsistent with the Party's obligation under the Protocol to limit its consumption of carbon tetrachloride to no greater than 15 per cent of its consumption baseline for that substance, namely zero ODP-tonnes. In correspondence dated 29 March 2007, El Salvador was requested to submit an explanation for this deviation.

139. El Salvador had not submitted the requested explanation by the time of the current meeting. The Party had last reported consumption of carbon tetrachloride in accordance with Article 7 of the Protocol in 1993.

140. In its annual country programme report submitted to the Multilateral Fund Secretariat, however, El Salvador had reported zero consumption of carbon tetrachloride. The Party had also reported the establishment of a system for licensing the import and export of ozone-depleting substances and the Multilateral Fund secretariat had also informed the Ozone Secretariat that El Salvador had reported the establishment of a quota system for imports of ozone-depleting substances.

2. Compliance assistance

141. UNEP was providing institutional strengthening assistance to El Salvador under the auspices of the Multilateral Fund. In its 2007–2009 business plan, submitted for the fifty-first meeting of the Executive Committee of the Multilateral Fund, held in March 2007, UNEP planned in 2007 to prepare in cooperation with UNDP a terminal phase-out management plan for El Salvador to eliminate the Party's consumption of CFCs.

3. Recommendation

142. The Committee therefore *agreed*:

Noting with concern that El Salvador reported consumption of 0.8 ODP-tonnes of the Annex B, group II, controlled substance (carbon tetrachloride) in 2006, an amount inconsistent with the Protocol's requirement to limit consumption of that substance in that year to no greater than 15 per cent of its consumption baseline, namely zero ODP-tonnes,

(a) To request El Salvador to submit to the Secretariat as soon as possible, and no later than 1 August 2007, an explanation for this deviation and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(b) To invite El Salvador, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the matter;

(c) In the absence of an explanation for the Party's excess consumption, to forward for consideration by the Nineteenth Meeting of the Parties the draft decision contained in annex I (section B) to the present report, which would request the Party to act in accordance with subparagraph (a) above.

Recommendation 38/14

O. Equatorial Guinea

143. Equatorial Guinea had been listed for consideration with regard to other non-compliance issues arising out of the data report.

1. Compliance issue subject to review

144. Equatorial Guinea had become a Party to the Montreal Protocol on 6 September 2006 and was therefore required to report base year and baseline data for the Annex A, group I, controlled substances (CFCs) in accordance with paragraphs 1 and 2 of Article 7 and paragraphs 3 and 8 ter of Article 5 of the Protocol.

145. By the time of the current meeting, Equatorial Guinea had not reported any ozone-depleting substances data and was therefore in non-compliance with the base year and baseline data-reporting obligations of the Protocol.

146. Decision VI/5 of the Sixth Meeting of the Parties provided that, in the absence of data, the Secretariat should classify Equatorial Guinea as temporarily operating under Article 5 of the Protocol for two years on the condition that the Party sought assistance from the Executive Committee and Implementation Committee. The decision further provided that Equatorial Guinea would lose the status of a Party temporarily classified as operating under Article 5 if it did not report base year data as required by the Protocol within one year of the approval of its country programme and its institutional strengthening by the Executive Committee, unless otherwise decided by the Meeting of the Parties.

2. Compliance assistance

147. The Executive Committee at its forty-ninth meeting in July 2006 had approved institutional strengthening for Equatorial Guinea, to be provided by UNEP. At that meeting the Committee had also approved funds for the preparation of a refrigerant management plan with the assistance of UNEP, which was scheduled for completion by July 2007.

148. In the 2007–2009 business plan submitted by UNEP to the Executive Committee at its fifty-first meeting, held in March 2007, UNEP had advised that it anticipated undertaking a mission to Equatorial Guinea in 2007.

3. Discussion at the current meeting

149. The representative of UNEP said that funding had been received for the preparation of a country programme. Communication had commenced but language difficulties had slowed progress and the survey had not yet been completed. The Implementation Committee acknowledged that, given that Equatorial Guinea had been a Party to the Protocol for less than a year, there might be initial difficulties in reporting base year and baseline data.

4. Recommendation

150. The Committee therefore *agreed*:

Recalling that paragraphs 1 and 2 of Article 7 of the Protocol state that best possible estimates of base-year data may be submitted where actual data are not available and provide that each Party

should submit its base-year data for the controlled substances contained in Annex A not later than three months after becoming a Party,

To request Equatorial Guinea to make its best efforts to submit its base-year and baseline data for the Annex A, group I, controlled substances (CFCs) of the Protocol prior to the thirty-ninth meeting of the Committee and, if possible, by 2 September 2007, in order that the Committee might assess the Party's compliance with the Protocol at its thirty-ninth meeting.

Recommendation 38/15

P. Eritrea

151. Eritrea had been listed for consideration with regard to its implementation of decision XVIII/24.

1. Compliance issues subject to review

(a) Request for explanation and plan of action to address CFC consumption deviation

152. Eritrea had been requested, as recorded in decision XVIII/24 of the Eighteenth Meeting of the Parties, to submit an explanation for its consumption in 2005 of 30.2 ODP-tonnes of the Annex A, group I controlled substances (CFCs), an amount that was inconsistent with its obligation to limit its consumption of CFCs to no greater than 50 per cent of its baseline for those substances, namely 20.6 ODP-tonnes. The decision had further requested Eritrea to submit, if relevant, a plan of action with time-specific benchmarks for returning the Party to compliance with the Protocol.

(b) Establishment and implementation of a licensing system

153. Eritrea, as a Party to the Montreal Amendment to the Montreal Protocol, had been required to establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E of the Protocol in accordance with Article 4B of the Protocol, which also required the Party, within three months of the date of introducing its licensing system, to report to the Ozone Secretariat on the establishment and operation of that system.

154. Eritrea had responded to decision XVIII/24 in correspondence dated 27 March 2007. The Party had attributed its deviation in 2005 to a lack of capacity to control the import of ozone-depleting substances in that year. To redress the situation, the Party had established an import permit for controlling ozone-depleting substances. It had also commenced public education and awareness-raising activities, including mass media communications and information leaflets. The Party had further advised that its country programme had not yet been completed.

155. In correspondence dated 12 April 2007, the Secretariat had invited Eritrea to inform the Committee of the date by which it expected the import permit system to commence operation and whether the system would allow Eritrea to impose quantitative restrictions to limit annual consumption to levels consistent with the Party's ozone-depleting substance phase-out obligations under the Protocol. With regard to the outstanding request of decision XVIII/24 that Eritrea submit a plan of action with time-specific benchmarks for returning the Party to compliance, the Secretariat had noted its presumption that Eritrea would use the information obtained through the preparation of the country programme to develop the plan of action. On that basis, the Secretariat had invited Eritrea to inform the Committee of the expected completion date of the country programme.

156. Subsequent to the dispatch of its 12 April correspondence, the Secretariat had received a copy of the Party's draft import permit system. The draft suggested that the system would provide for quantitative restrictions to limit annual consumption to levels consistent with the Party's phase-out obligations under the Protocol. As then drafted, however, the system did not appear to implement fully Eritrea's obligations under Article 4B of the Protocol because it did not appear to require the licensing of either exports of ozone-depleting substances or trade in the Annex C, group III, controlled substance (bromochloromethane).

157. By the time of the current meeting, Eritrea had not reported its ozone-depleting substances data for the year 2006.

2. Compliance assistance

158. Eritrea had become a Party to the Montreal Protocol on 10 March 2005 and a Party to all the amendments to the Protocol on 5 July 2005. At its forty-seventh meeting, in November 2005, the Executive Committee to the Multilateral Fund had approved funds to assist Eritrea to prepare a country

programme and refrigerant management plan and to receive institutional strengthening assistance from UNEP.

159. UNEP had planned to complete the country programme and refrigerant management plan by December 2006 but the projects' status were unclear as they were not presented at the March 2007 meeting of the Executive Committee for consideration. Furthermore, the 2007–2009 business plan submitted by UNEP for the fifty-first meeting of the Executive Committee had stated that a CFC terminal phase-out management plan would be prepared for Eritrea, using funds previously approved for the preparation of the Party's country programme and refrigerant management plan.

160. The 2007–2009 business plan of UNEP had also stated that the agency intended to assist Eritrea to establish and enforce ozone-depleting substance regulations.

3. Discussion at the current meeting

161. In response to a question regarding assistance with the Party's obligations under Article 4B, the representative of UNEP said that UNEP and UNDP had been working on a draft country programme and terminal phase-out management plan for Eritrea but that the process had been delayed because it had not been clear what kind of activities the Party wished to undertake. He added that it was hoped that the issue would be resolved by 1 August 2007. The missing elements in the draft import permit system had been addressed in the final draft, and it was expected that the system would be endorsed by the Government and enacted.

4. Recommendation

162. The Committee therefore *agreed*:

Noting with appreciation Eritrea's explanation for its reported consumption of 30.2 ODP-tonnes of Annex A, group I, controlled substances (CFCs) in 2005, an amount inconsistent with the Protocol's requirement to limit consumption of those substances in that year to no greater than 50 per cent of its baseline level, namely 20.6 ODP-tonnes, in accordance with decision XVIII/24 of the Eighteenth Meeting of the Parties,

Noting with concern that Eritrea had not, however, submitted a plan of action with time-specific benchmarks for returning the Party to compliance in accordance with that decision, while acknowledging that the Party had only recently received assistance from the Multilateral Fund and had prepared draft regulatory measures to redress its non-compliance,

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

(a) To request Eritrea to work with relevant implementing agencies to submit to the Secretariat as soon as possible, and no later than 1 August 2007, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance with the Protocol's CFC consumption control measures, in accordance with decision XVIII/24;

(b) Further to request Eritrea to notify the Secretariat in writing, immediately after it had established and commenced operation of a system for licensing the import and export of ozone-depleting substances, in accordance with its obligations under Article 4B of the Protocol;

(c) To remind Eritrea to submit its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee might assess the Party's compliance with the Protocol's control measures for 2006 at its thirty-ninth meeting;

(d) To invite Eritrea, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the above matters.

Recommendation 38/16

Q. Federated States of Micronesia

163. The Federated States of Micronesia had been listed for consideration with regard to its implementation of decision XVII/32 and recommendation 37/14.

1. Compliance issues subject to review**(a) CFC consumption reduction commitment**

164. The Federated States of Micronesia had committed, as recorded in decision XVII/32 of the Seventeenth Meeting of the Parties, to reduce consumption of Annex A, group I controlled substances (CFCs) to no greater than zero in 2006.

165. By the time of the current meeting, the Federated States of Micronesia had not submitted its ozone-depleting substances data for 2006. Implementation of its commitment contained in decision XVII/32 therefore could not be confirmed. Recommendation 37/14 of the thirty-seventh meeting of the Implementation Committee had congratulated the Party on its reported CFC consumption data for 2005 of 0.4 ODP-tonnes, which had shown that it was in advance of its commitment contained in decision XVII/32 to reduce its 2005 consumption of CFCs to no more than 1.351.0 ODP-tonnes in that year and had returned to compliance with the Protocol's CFC consumption control measures.

(b) Introduction of a licensing and quota system

166. The Party had also committed under decision XVII/32 to introduce by 1 January 2006 a system for licensing imports and exports of ozone-depleting substances that included import quotas. In the light of the Party's failure to implement that commitment by the agreed date, at its last two meetings the Implementation Committee had adopted recommendations that requested the Federated States of Micronesia to submit a report on the status of the commitment. In recommendation 37/14 the Committee had requested the Party to submit the report to the Secretariat no later than 31 March 2007.

167. By the time of the current meeting, the Federated States of Micronesia had not submitted the requested report on the status of its commitment to introduce an ozone-depleting substances licensing and quota system. Prior to the last meeting of the Committee, UNEP had informed the Secretariat that passage through the Attorney-General's office of the draft regulations required to establish the system had been protracted due to interdepartmental disputes between the department of justice and the national ozone unit.

2. Compliance assistance

168. The Federated States of Micronesia was receiving ozone-depleting substances 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, the South Pacific Regional Environment Programme (SPREP) and the Government of Australia. The strategy had been approved by the Executive Committee on the understanding that the Governments of the countries concerned would achieve complete ozone-depleting substances phase-out by 2005. Elements of the strategy included thematic meetings; establishment of national compliance centres; policy assistance and guidance on the development of ozone-depleting substance regulations; training for refrigeration technicians; technical assistance in the enforcement of regulations with associated training for customs officers; and monitoring of the implementation of the strategy.

169. The Committee had been informed at its last meeting that 24 refrigeration technicians from the Federated States of Micronesia had participated in train-the-trainer workshops on good practices in refrigeration and that implementation of the customs training component of the project had been postponed pending establishment of the Party's ozone-depleting substances licensing system. To raise awareness of the importance of the strategy in the region, SPREP had highlighted the project at a meeting of senior officials held prior to a SPREP ministerial meeting in September 2006. The Director of the UNEP Regional Office for Asia and the Pacific had also written to the ministers of the region urging their Governments, including that of the Federated States of Micronesia, to introduce their ozone-depleting substances regulations as soon as possible.

170. In approving a one-year exceptional extension to the institutional strengthening assistance provided to the Party by UNEP, the Executive Committee at its forty-ninth meeting in July 2006 had urged UNEP to work closely with the Federated States of Micronesia to facilitate reporting of consumption data as soon as possible. In addition to providing institutional strengthening and technical assistance to the Party under the Regional Strategy, the 2007–2009 business plan of UNEP had stated the intention of UNEP to support the Party's compliance with decision XVII/32 through its Compliance Assistance Programme.

3. Discussion at the current meeting

171. The representative of the Secretariat informed the Committee that the Party had submitted its outstanding report on the status of its commitment to introduce an ozone-depleting substances licensing and quota system. The Federated States of Micronesia had advised that the required regulation was still in draft form and would be further reviewed with the assistance of the legal advisors to the secretariat of the South Pacific Regional Environment Programme. The Party expected to adopt the regulation by September 2007.

4. Recommendation

172. The Committee therefore *agreed*:

Noting with appreciation that the Federated States of Micronesia had submitted, in accordance with the recommendations of the Implementation Committee at two successive meetings and decision XVII/32 of the Seventeenth Meeting of the Parties, a report on the implementation of its commitment to introduce by 1 January 2006 a system for licensing imports and exports of ozone-depleting substances including import quotas, but also noting with regret that the Party had yet to introduce the licensing and quota system,

Recalling also that the Federated States of Micronesia was a Party to the Montreal Amendment to the Montreal Protocol and was therefore required to establish and implement a system for licensing the import and export of controlled ozone-depleting substances and report the introduction of that system to the Ozone Secretariat, in accordance with its obligations under Article 4B of the Protocol,

(a) To request the Federated States of Micronesia to submit to the Secretariat as a matter of urgency, and no later than 1 August 2007, an update on the implementation of its commitment to introduce by 1 January 2006 a system for licensing imports and exports of ozone-depleting substances including import quotas, in time for consideration by the Committee at its thirty-ninth meeting;

(b) To remind the Federated States of Micronesia to submit to the Ozone Secretariat its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee might assess at its thirty-ninth meeting the Party's compliance with its commitment contained in decision XVII/32 to reduce its consumption of Annex A, group I, controlled substances (CFCs) to no greater than zero in 2006;

(c) To invite the Federated States of Micronesia, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss those matters.

Recommendation 38/17

R. Greece

173. Greece had been listed for consideration with regard to its implementation of recommendation 37/15.

1. Compliance issue subject to review

174. Greece had been requested, as recorded in recommendation 37/15, to make the necessary arrangements for the submission to the Secretariat, as a matter of urgency and no later than 31 March 2007, of the documentation cited by the Party in support of its explanation for its deviation from the Protocol's Annex A, group I (CFCs) production control measures in 2005 for consideration by the Committee at its thirty-eighth meeting.

175. Greece had reported CFC production in 2005 of 2,142.000 ODP-tonnes, entirely to meet the basic domestic needs of Article 5 Parties. According to Article 2A of the Protocol, in 2005 a Party such as Greece that was not operating under Article 5 of the Protocol could produce CFCs in an amount not exceeding fifty per cent of its annual average production of those controlled substances for basic domestic needs in the period 1995–1997. Based on the data reports that had been submitted to the Ozone Secretariat in accordance with Article 7 of the Protocol, the annual average production of CFCs by Greece for basic domestic needs in the period 1995–1997 was 1,460.000 ODP-tonnes. Consequently, Greece's maximum allowable CFC production for the basic domestic needs of Article 5 Parties in 2005 was 50 per cent of this figure, namely, 730.000 ODP-tonnes.

176. Greece had attributed the deviation to two factors. First, 1,374 ODP-tonnes of the 1,412 ODP-tonne deviation had been attributed to a transfer of CFC production allowances between the firms of RHODIA (UK) and PFI SA (Greece) for industrial rationalization purposes for the period

1 January 2005–31 December 2005. Recommendation 37/15 of the last meeting of the Committee had noted with concern that the information submitted by Greece and the United Kingdom of Great Britain and Northern Ireland had confirmed that the Parties had not met the requirements prescribed by Article 2 of the Protocol for the transfer of CFC production rights, specifically the requirement that the Secretariat be notified no later than the time of each transfer. The Committee had also noted the sincere apologies of both Parties in that regard and their undertaking to ensure that they would observe the requirement with regard to any future transfers.

177. The remaining 38 ODP-tonnes had been attributed to the fact that the Secretariat had calculated Greece's maximum allowable level of CFC production for basic domestic needs in 2005 on the basis of a 1995 basic domestic needs production figure of 1,400 ODP-tonnes, whereas Greece had calculated its maximum allowable level of CFC production for basic domestic needs in 2005 on the basis of a 1995 basic domestic needs production figure of 2,098 ODP-tonnes. The Party had used the figure of 2,098 ODP-tonnes following a communication from the European Commission dated 26 November 2003, which Greece had believed constituted a request from the Commission to revise the annual CFC production entitlements that Greece had issued to its domestic producers so that they accorded with a 1,536 ODP-tonne baseline, based on a 1995 basic domestic needs production figure of 2,098 ODP-tonnes. Greece had further stated that it had been under the impression that the Commission had submitted the revised data for the baseline years to the Secretariat and that no further action by Greece had therefore been required to revise its CFC production baseline from 1,460 ODP-tonnes to 1,536 ODP-tonnes.

178. In accordance with recommendation 37/15, Greece had submitted the correspondence dated 26 November 2003 from the European Commission in which the Commission had requested Greece to revise its annual CFC production entitlements. With regard to the correspondence containing the revised annual CFC production data that Greece had advised had been sent by the European Commission to the Secretariat to support the revision of the Party's baseline data, the Commission has clarified that no such documentation had been sent. The Commission had forwarded the revised data to Greece alone in order to highlight to the Party the apparent discrepancies between the data submitted by Greece to the Secretariat during the baseline period of 1995–1997 and the data submitted by Greece to the European Commission for those years in accordance with its data reporting obligations as a member State of the European Union.

179. In the light of the clarification from the Commission, the Secretariat had notified Greece that, if it wished to revise its CFC production data for the baseline period to be consistent with the data on which it had calculated the baseline of 1,536 ODP-tonnes, Greece would need to submit to the Secretariat for consideration by the Implementation Committee a request in accordance with decision XV/19 of the Fifteenth Meeting of the Parties, which set out the information requirements for the assessment of requests to revise baseline data.

180. In response, Greece had submitted the documentation dated 9 February 2007 and 30 May 2007. The submission by Greece dated 9 February 2007 had sought the revision of data for each of the baseline years used to calculate its baseline for CFC production to meet the basic domestic needs of Article 5 Parties. The Party had subsequently revised that request in its correspondence of 30 May 2007 to seek revision of the data for the baseline year 1995 alone. In the 30 May 2007 submission, Greece had requested that its baseline data for the year 1995 be changed to between 1,746 ODP-tonnes and 2,278 ODP-tonnes. The Secretariat had reviewed the documentation against the requirements of decision XV/19.

181. In addition to the information submitted by Greece in support of its request to revise its baseline data, Greece had noted that it did not plan to issue CFC production licences in the future. PFI, Greece's sole CFC producer, had ceased production of all ozone-depleting substances in February 2006 and had notified the government that it had produced 150 metric tonnes in 2006. If the figure of 150 metric tonnes had been reported by Greece as its official data figure for 2006 in accordance with Article 7 of the Protocol, the Party would have been found to be in compliance with its CFC production phase-out obligations under the Protocol for that year, regardless of whether its maximum allowable level of CFC production had been determined by its existing baseline data or the 1995 data proposed by Greece.

2. Discussion at the current meeting

182. The representative of the Secretariat explained that the current uncertainty over the accuracy of the figure of 150 metric tonnes of CFC production in 2006 was due to the fact that the figure derived from a letter from the Party rather than a submission through the usual Article 7 reporting process.

183. There was general agreement that the situation was a very complicated one. Likewise, there was broad acceptance that the information submitted prior to the current meeting might be the most accurate information that could be provided, and that Greece had made a concerted attempt to produce adequate data. It was nevertheless felt that the information was still insufficient for the Committee to make a recommendation on a change to the Party's baseline.

3. Recommendation

184. The Committee therefore *agreed*:

Recalling that Greece had reported the production of 2,142.0 ODP-tonnes of Annex A, group I, controlled substances (CFCs) in 2005 entirely to meet the basic domestic needs of Parties operating under Article 5 of the Montreal Protocol, in excess of its allowable CFC production for those purposes in that year of 730.0 ODP-tonnes,

Recalling also the explanation submitted by the Party that 1,374 ODP-tonnes of the excess production could be attributed to a transfer of CFC production allowances from the United Kingdom of Great Britain and Northern Ireland to Greece, while the remaining 38 ODP-tonnes of excess production could be attributed to errors in the data used to calculate the baseline by which the annual allowable CFC production for basic domestic needs was calculated for Greece,

Recalling with regret that the information submitted to the thirty-seventh meeting of the Implementation Committee confirmed that Greece had not fulfilled the requirement prescribed in Article 2 of the Protocol that each Party that has made a transfer of CFC production allowances notify the Secretariat of the terms of any such transfer and the period for which it was to apply no later than the time of the transfer, but also recalling the sincere apologies of Greece in that regard and its undertaking to ensure that it would observe that requirement with regard to any future transfers,

Noting the information submitted by Greece in support of its request to revise its data for the year 1995 used to calculate the Party's baseline for the production of CFCs to meet the basic domestic needs of Parties operating under Article 5 of the Protocol,

Noting also the statement in the submission from Greece that its existing records "do not show in a definitive way what the production specific for BDN [basic domestic needs] was" in 1995,

Noting that Greece stated in its correspondence to the Secretariat dated 30 May 2007 that it had ceased CFC production from February 2006 and had produced only 150 ODP-tonnes of CFC in 2006 prior to that date, which would place the Party in compliance with the CFC control measures of the Protocol for that year,

(a) To conclude that, on the basis of the information submitted by Greece, the Implementation Committee was unable to recommend that the Meeting of the Parties approve the request of Greece to revise the data for the year 1995 used to calculate the Party's baseline for the production of CFCs to meet the basic domestic needs of Parties operating under Article 5 of the Protocol;

(b) To advise Greece that the Committee could not recommend approval of its request because the Party had not proposed a figure to replace its existing 1995 baseline data, as required by paragraph 2 (a) (i) of decision XV/19, but instead had proposed a data range from 1,746 ODP-tonnes to 2,278 ODP-tonnes, which could not be evaluated by the Committee;

(c) To invite Greece, should it wish to pursue its request to revise its baseline data, to submit any additional information to support its baseline data revision request to the Ozone Secretariat as soon as possible, and no later than 1 August 2007, for consideration by the Committee at its thirty-ninth meeting;

(d) To insist that, should Greece wish to pursue its request to revise its baseline data, it should send a representative to the thirty-ninth meeting of the Committee to discuss the request;

(e) To forward for consideration by the Nineteenth Meeting of the Parties the draft decision contained in annex I (section C) to the present report, amended as necessary in the light of the Party's response to the present recommendation.

Recommendation 38/18

S. Guatemala

185. Guatemala had been listed for consideration with regard to its implementation of decision XVIII/26.

1. Compliance issues subject to review

(a) CFC and methyl bromide consumption reduction commitments

186. Guatemala had committed, as recorded in decision XV/34 of the Fifteenth Meeting of the Parties and decision XVIII/26 of the Eighteenth Meeting of the Parties, to reduce its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 50 ODP-tonnes and to reduce its consumption of the Annex E controlled substance (methyl bromide) to no greater than 400.7 ODP-tonnes in 2006.

187. Guatemala had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of 12.7 ODP-tonnes and methyl bromide consumption of 234.1 ODP-tonnes. Those levels of consumption had placed Guatemala in advance of its commitments contained in decisions XV/34 and XVIII/26, maintained the Party in advance of its obligations under the Protocol with regard to the phase-out of CFCs and returned the Party to compliance with its obligations under the Protocol with regard to the phase-out of methyl bromide.

(b) Introduction of import ban on ozone-depleting substances-using equipment

188. Under decision XV/34, Guatemala had also committed to ban by 2005 the import of equipment that used ozone-depleting substances and had been requested by the Implementation Committee at its thirty-seventh meeting to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, an update on the status of the ban, including information on the date by which it was expected to become operational.

189. Guatemala had submitted a report pursuant to recommendation 37/16 on its commitment to ban the import of ozone-depleting substances-using equipment by 2005. The ministerial agreement attached to the report had provided, in article 14, that the import and domestic production of certain equipment and articles that might use CFCs was banned. The agreement had entered into force in January 2007. The list of banned equipment did not appear to contain aerosols. In addition, the article did not appear to ban the import of equipment using the Annex A, group II, controlled substances (halons). The commitment contained in decision XV/34 had specified that Guatemala would ban imports of "ODS-using equipment".

190. In correspondence dated 24 May 2007, the Secretariat had requested Guatemala to comment on the apparent absence in the agreement of a ban on the import of equipment using halon. That correspondence had also requested the Party to explain the apparent inconsistency between the CFC phase-out schedule contained in the agreement and decision XV/34. Article 6 of the agreement provided that the CFC consumption limits for Guatemala in the years 2007 and 2008 were 40 ODP-tonnes and 30 ODP-tonnes respectively, whereas decision XV/34 had recorded the commitment of Guatemala to limit its CFC consumption in 2007 to 20 ODP-tonnes. The decision did not specify a limit for 2008.

2. Compliance assistance

191. UNEP was providing institutional strengthening assistance to Guatemala and implementing a refrigerant management plan in the country under the auspices of the Multilateral Fund. UNEP had subsequently informed the Committee at its fifty-first meeting that the activities under the refrigerant management plan were moving forward.

192. UNEP and UNDP were also assisting Guatemala in preparing a CFC terminal phase-out management plan. The Executive Committee had approved funding for the project on the condition that the plan would incorporate activities to ensure that the Party's licensing system would control the import and export of the controlled substances in Annex B, groups II and III, (carbon tetrachloride and methyl chloroform) and Annex E (methyl bromide). The 2007–2009 business plan submitted by UNEP to the Executive Committee at its fifty-first meeting had stated the intention of the agency to submit the plan for the approval of the Committee at its fifty-third meeting at the end of 2007.

193. UNIDO was implementing, in cooperation with UNEP, a national methyl bromide phase-out plan. The 2007–2009 business plan submitted by UNIDO for that meeting had reported that the first phase of the plan was underway, with a request for approval for funding for the second phase expected to be submitted to the Executive Committee before the end of 2007.

3. Discussion at the current meeting

194. There was general consensus that it was unfortunate that the import ban that Guatemala had introduced did not cover aerosols that contained CFCs. The Committee agreed, however, that aerosols did not constitute "ozone depleting substance-using equipment" and therefore fell outside the scope of decision XV/34.

4. Recommendation

195. The Committee therefore *agreed*:

Noting that Guatemala had presented in accordance with recommendation 37/16 a report on its commitment contained in decision XV/34 to ban by 2005 the import of equipment that used ozone-depleting substances, which appeared to indicate that the ban was limited to equipment that used CFCs,

(a) To congratulate Guatemala on its reported data for the consumption of Annex A, group I, controlled substances (CFCs) in 2006, which showed that it was in advance of its commitment contained in decision XV/34 to reduce consumption of those substances to no greater than 50 ODP-tonnes in that year and its CFC phase-out obligations under the Montreal Protocol;

(b) To further congratulate Guatemala on its reported data for the consumption of the Annex E controlled substance (methyl bromide) in 2006, which showed that it was in advance of its commitment contained in decision XVIII/26 to reduce consumption of that substance to no greater than 400.7 ODP-tonnes in that year;

(c) To request Guatemala to submit to the Secretariat no later than 1 August 2007 an explanation as to why the ban it has introduced on the import of CFC-using equipment does not also cover the import of equipment using other ozone-depleting substances, in accordance with the commitment detailed in paragraph 3 (d) of decision XV/34, in time for consideration by the Committee at its thirty-ninth meeting;

(d) To further request Guatemala to submit to the Secretariat no later than 1 August 2007, an explanation as to why the maximum allowable CFC consumption limit for the year 2007 contained in its ozone-depleting substances regulations appears to be inconsistent with decision XV/34, which recorded the commitment of Guatemala to limit its CFC consumption in 2007 to 20 ODP-tonnes, in time for consideration by the Committee at its thirty-ninth meeting.

Recommendation 38/19

T. Islamic Republic of Iran

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

1. Compliance issue subject to review: request for explanation and plan of action

197. The Islamic Republic of Iran had been requested, as recorded in decision XVIII/27 of the Eighteenth Meeting of the Parties, to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, an explanation for its apparent consumption of 13.6 ODP-tonnes of the Annex B, group II, controlled substance (carbon tetrachloride), in excess of its maximum allowable level for that year of 11.6 ODP-tonnes, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance.

198. The Islamic Republic of Iran had responded to decision XVIII/27. With regard to the requested explanation for its apparent excess consumption in 2005, the Party had explained that 2.6 ODP-tonnes of its total consumption in that year was consumption for laboratory and analytical uses such as spectrometric oil analysis, chromatography, sample analysis of engine and hydraulic fluids and fuel, cleaning of fluid sample containers and other miscellaneous laboratory uses. The Islamic Republic of Iran had presumed that such consumption was exempt from the Protocol's control measures in accordance with decision XVII/13. The Party had confirmed that the remaining 11 ODP-tonnes of carbon tetrachloride consumption in 2005 had been for purposes other than laboratory and analytical applications.

199. The Party had also explained that in the light of its clarification that 2.6 ODP-tonnes of its 2005 carbon tetrachloride consumption had been for laboratory and analytical uses, it was of the view that

decision XVII/13 would apply to its situation such that it would be found to have met its obligations prescribed by the Protocol for the phase-out of carbon tetrachloride in 2005.

200. The Party's view notwithstanding, the submission had also contained a plan of action with time-specific benchmarks for the phase-out of carbon tetrachloride. The submission had stated that the plan was intended to return the Islamic Republic of Iran to compliance by the end of 2007.

201. The Party had further stated that an import quota system had commenced operation in March 2007. The quotas had been set to control imports at the maximum allowable consumption levels and adherence to the proposed time-specific benchmarks would be supported by the accelerated implementation of the terminal solvent sector umbrella project approved by the Executive Committee at its fiftieth meeting, in November 2006. The project would convert enterprises to non-ozone-depleting substances and support the development of policy, regulatory, fiscal and awareness and capacity-building action to ensure sustained carbon tetrachloride phase-out. The Policy and Enforcement Centre of the Islamic Republic of Iran would monitor and control carbon tetrachloride supply in the Party and facilitate implementation of the plan of action.

202. With regard to the application of decision XVII/13 to the situation of the Islamic Republic of Iran, the decision had 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 Ozone 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 analytical and laboratory processes. The Nineteenth Meeting of the Parties in 2007 was to determine how to address the period 2007–2009. Finally, the decision had urged Article 5 Parties to minimize the consumption of carbon tetrachloride in laboratory and analytical uses by applying the criteria and procedures of global exemption for carbon tetrachloride in laboratory and analytical uses that were currently established for Parties not operating under paragraph 1 of Article 5.

203. Consistent with the decision, the Islamic Republic of Iran had attributed its carbon tetrachloride consumption deviation in 2005 to the consumption of carbon tetrachloride for laboratory and analytical uses. In the light of the fact that the Nineteenth Meeting of the Parties was scheduled to review decision XVII/13 and the Party's statement that it had submitted the plan of action to "explicitly return to compliance and meet its future obligations", the Secretariat had incorporated the time-specific carbon tetrachloride consumption reduction benchmarks contained in the Islamic Republic of Iran's submission into a draft decision for the Party's consideration. In addition, the Secretariat had sought clarification as to the levels at which the import quotas would be set.

204. The Islamic Republic of Iran had responded by clarifying that it had obtained the approval of its National Ozone Committee to a revised schedule for the control of carbon tetrachloride imports that would limit such imports to zero ODP-tonnes from 2008 onward.

2. Compliance assistance

205. UNDP was providing institutional strengthening assistance to the Islamic Republic of Iran under the auspices of the Multilateral Fund. In its 2007–2009 business plan, submitted for the fifty-first meeting of the Executive Committee, held in March 2007, the agency had advised that it planned to provide policy assistance to the Party.

206. As noted above, a terminal solvent sector umbrella project to phase out both carbon tetrachloride and methyl chloroform was approved for the Islamic Republic of Iran by the Executive Committee at its fiftieth meeting, in November 2006, for implementation by UNIDO. In its 2007–2009 business plan, the agency had recorded its expectation that the project would be completed in 2008, enabling the Party's return to compliance.

3. Recommendation

207. The Committee therefore *agreed*:

Noting with appreciation the Islamic Republic of Iran's explanation for its reported consumption of 13.6 ODP-tonnes of the Annex B, group II, controlled substance (carbon tetrachloride) in 2005, in excess of the Protocol's requirement to limit consumption of that substance in that year to no greater than 15 per cent of its baseline level, namely 11.6 ODP-tonnes,

Noting also with appreciation the Party's submission of a plan of action for returning to compliance with the Protocol's control measures for that ozone-depleting substance in 2007,

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

Recommendation 38/20

U. Kenya

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

1. Compliance issues subject to review

(a) CFC consumption reduction commitment

209. Kenya had committed, as recorded in decision XVIII/28 of the Eighteenth Meeting of the Parties, to reduce its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 60.0 ODP-tonnes in 2006.

210. Kenya had not submitted its ozone-depleting substances data for 2006. Implementation of its CFC consumption reduction commitment contained in decision XVIII/28 therefore could not be confirmed. In correspondence dated 5 January 2007 the Party had advised, however, that it expected its 2006 consumption to be less than 60 ODP-tonnes.

(b) Gazetting of regulations to establish and implement licensing and quota system

211. Decision XVIII/28 had also urged the Party to gazette the ozone-depleting substances regulations required to establish and implement its system for licensing the import and export of ozone-depleting substances, which included import quotas, as soon as possible and preferably no later than 31 December 2006.

212. The correspondence of 5 January 2007 cited above had advised that the regulations required to establish and implement Kenya's ozone-depleting substances licensing and quota system had not yet been gazetted. The delay was attributed in part to competing demands on the time of the newly appointed Permanent Secretary of the Ministry of Environment and the need to brief the Permanent Secretary on the issue. It had been noted, however, that gazetting was expected in early 2007.

213. In the context of its discussion of projects experiencing implementation delays, the Executive Committee at its fifty-first meeting, held in March 2007, had agreed that Kenya would complete the gazetting process by June 2007. In February 2007 the Secretariat had invited the Party to provide an update on the matter but it had not done so prior to the current meeting.

2. Compliance assistance

214. UNDP was providing institutional strengthening assistance to Kenya under the auspices of the Multilateral Fund. In its 2007–2009 business plan, UNDP had indicated that it would assist Kenya to track the gazetting of the Party's regulations and provide policy assistance. UNDP was also assisting the Party to implement a methyl bromide phase-out project.

215. Germany was implementing a terminal CFC phase-out project in Kenya on behalf of France. France had reported at the fifty-first meeting of the Executive Committee, held in March 2007, that the continued delays in the implementation of the project were due to the fact that disbursement of funds for the project were conditional upon approval of the above-mentioned regulations. The implementing agency had advised that the office of the Permanent Secretary of the Ministry of Environment was responsible for those regulations. The newly appointed Permanent Secretary had been fully informed of the delay in gazetting the regulations and the consequent impact on the terminal phase-out project. He had assured France that all necessary procedures for the approval of the regulations had been correctly followed and he had undertaken to identify the remaining causes of the delay.

216. UNEP was implementing a policy and technical assistance project in Kenya. Its 2007–2009 business plan stated that the project would be used to support Kenya's implementation of its plan of action, including completing gazetting of the regulations required to establish and implement the Party's licensing and quota system.

3. Recommendation

217. The Committee therefore *agreed*:

Noting with concern the report submitted by Kenya pursuant to decision XVIII/28 of the Eighteenth Meeting of the Parties that it had not yet gazetted the ozone-depleting substances regulations required to establish and implement its system for licensing the import and export of ozone-depleting substances including import quotas,

Recalling the importance of sound, enforceable regulatory measures to the achievement and maintenance of a Party's compliance with the Protocol's control measures,

(a) To urge Kenya to continue to make every effort to gazette the regulations required to establish and implement its system for licensing the import and export of ozone-depleting substances including import quotas as a matter of priority and to report to the Secretariat as soon as possible, and no later than 1 August 2007, on the status of progress in gazetting the regulations, in time for consideration by the Committee at its thirty-ninth meeting;

(b) To remind Kenya to submit its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee might assess at its thirty-ninth meeting the Party's compliance with its commitment contained in decision XVIII/28 of the Eighteenth Meeting of the Parties to limit its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 60.0 ODP-tonnes in 2006.

Recommendation 38/21

V. Kyrgyzstan

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

1. Compliance issue subject to review: halon consumption reduction commitment

219. Kyrgyzstan had committed, as recorded in decision XVII/36 of the Seventeenth Meeting of the Parties, to reduce its consumption of the Annex A, group II, controlled substances (halons) to no greater than 1.2 ODP-tonnes in 2006.

220. Kyrgyzstan had submitted its ozone-depleting substances data for 2006, reporting zero consumption of halons in that year. That level of consumption maintained its status in advance of both its commitment contained in decision XVII/36 and the control measures of the Protocol for halons.

2. Recommendation

221. The Committee therefore *agreed* to congratulate Kyrgyzstan on its reported data for the consumption of Annex A, group II, controlled substances (halons) in 2006, which showed that it was in advance of both its commitment contained in decision XVII/36 to reduce halons consumption to no greater than 1.2 ODP-tonnes and its obligations under the halons control measures of the Montreal Protocol for that year.

Recommendation 38/22

W. Lao People's Democratic Republic

222. The Lao People's Democratic Republic had been listed for consideration with regard to other non-compliance issues arising out of the data report.

1. Compliance issue subject to review: outstanding baseline and base year data

223. The Lao People's Democratic Republic had become a Party to the London and Copenhagen amendments of the Montreal Protocol on 28 June 2006 and was therefore required to report base year and baseline data for the controlled substances in Annex B, groups I, II and III (other CFCs, carbon tetrachloride and methyl chloroform), Annex C, groups I and II (hydrochlorofluorocarbons and hydrobromofluorocarbons), and Annex E (methyl bromide) in accordance with paragraphs 1 and 2 of Article 7 and paragraphs 3 and 8 ter of Article 5 of the Protocol.

224. The Lao People's Democratic Republic had subsequently reported all outstanding base year and baseline data for the Annex B, Annex C and Annex E controlled substances and had thereby returned to compliance with the data-reporting requirements of the Protocol. Further, the Party's reported data had confirmed its compliance with the consumption and production control measures of the Montreal Protocol for the year 2005.

2. Recommendation

225. The Committee therefore *agreed* to note with appreciation the submission by the Lao People's Democratic Republic of all outstanding data in accordance with its data-reporting obligations under the Protocol, which indicated that it was in compliance with the Protocol's control measures in 2005.

Recommendation 38/23

X. Libyan Arab Jamahiriya

226. The Libyan Arab Jamahiriya had been listed for consideration with regard to its implementation of decision XVII/37 and recommendation 37/21.

1. Compliance issues subject to review

(a) Halon and methyl bromide consumption reduction commitments

227. The Libyan Arab Jamahiriya had committed, as recorded in decision XVII/37 of the Seventeenth Meeting of the Parties, to reduce its consumption of the Annex A, group II, controlled substances (halons) to no greater than 653.91 ODP-tonnes and to maintain its consumption of the Annex E controlled substance (methyl bromide) at no greater than 96.000 ODP-tonnes in 2006.

228. Recommendation 36/21 of the thirty-sixth meeting of the Implementation Committee had noted with appreciation that the Libyan Arab Jamahiriya had completed implementation in 2005 of its commitments contained in decision XVII/37 to maintain its 2005 consumption of halons at a level no greater than 714.500 ODP-tonnes and its 2005 consumption of methyl bromide at a level no greater than 96.000 ODP-tonnes. By the time of the current meeting, however, the Party had not submitted its ozone-depleting substances data for 2006. Implementation of its ozone-depleting substances consumption reduction commitments for that year therefore could not be confirmed.

(b) Establishment of licensing and quota system

229. The Libyan Arab Jamahiriya had also committed, as recorded in decision XV/36 of the Fifteenth Meeting of the Parties, to establish a system for licensing imports and exports of ozone-depleting substances that included a quota system. The Party had been requested by the Implementation Committee at its thirty-sixth and thirty-seventh meetings, as recorded in recommendations 36/27 and 37/21, to submit for the consideration of the Committee a status report on its work with the implementing agencies to establish such a licensing system.

230. Through correspondence sent to UNIDO, dated 13 March 2007, the Libyan Arab Jamahiriya had advised that an ozone-depleting substances licensing system had been in place since 1999. Further, the Party expected to finalize arrangements for its quota system shortly. The Libyan Arab Jamahiriya had previously reported at the thirty-fifth meeting of the Committee, held in November 2005, that it had expected to enact the legislation required to introduce such a system by the end of January 2006 at the latest and that, in the meantime, the Party was implementing an interim import permit arrangement, whereby permits were only issued after the national committee on climate change had determined that they were consistent with authorized import quotas. UNIDO had reported at the forty-ninth meeting of the Executive Committee, held in July 2006, that it understood that legislation had been enacted to establish the import and export licensing and quota system but that it had no information on whether the system was operational.

231. In order to confirm that the ozone-depleting substances licensing system established by the Libyan Arab Jamahiriya was operational, the Secretariat, through UNIDO, had invited the Party to confirm that and to submit a copy of the legislation establishing the licensing system.

2. Compliance assistance

232. UNIDO was providing institutional strengthening to the Libyan Arab Jamahiriya under the auspices of the Multilateral Fund. The agency was also providing halon and methyl bromide phase-out assistance to the Party. UNIDO had reported to the Executive Committee at its fifty-first meeting in March 2007 that those projects had experienced delays owing to a number of factors.

233. The methyl bromide phase-out project in the Party's horticulture sector was being implemented by UNIDO in cooperation with Spain. It was expected that the second and final tranche of funding for the project would be disbursed in 2007. Terms of reference for the procurement of project equipment had been agreed, with procurement planned for 2007 and a subcontract for the provision of technical assistance and logistical services had been signed.

234. The halon phase-out project implemented by UNIDO had been planned for completion in 2008. An international consultant had been recruited and, following approval by the Executive Committee of a plan to make the halon banking centre established under the project a self-sustaining operation, halon awareness and training workshops would be arranged.

235. The 2007–2009 business plan of UNEP submitted to the Executive Committee at its fifty-first meeting, in March 2007, targeted the Libyan Arab Jamahiriya for special compliance assistance in 2007 in the areas of networking and policy support, in particular with respect to engaging the Director of the UNEP Regional Office for West Asia in soliciting political support for the implementation of the plans of action contained in decisions XV/36 and XVII/37.

3. Recommendation

236. The Committee therefore *agreed*:

Noting with appreciation the report submitted by the Libyan Arab Jamahiriya to the United Nations Industrial Development Organization, which indicated that the Party had had a licensing system for controlling the export and import of ozone-depleting substances in place since 1999 and was expected to establish an ozone-depleting substances quota system in the near future, pursuant to its commitments contained in decision XV/36,

Recalling, however, that information submitted previously by the Libyan Arab Jamahiriya had indicated that the legislation required to introduce its licensing and quota 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,

(a) To request the Libyan Arab Jamahiriya to submit to the Ozone Secretariat as soon as possible, and no later than 1 August 2007, a report on the implementation of its commitment to introduce an ozone-depleting substances quota system as well as a clarification as to whether its system for licensing imports and exports of ozone-depleting substances was operational, in time for consideration by the Committee at its thirty-ninth meeting;

(b) To remind the Libyan Arab Jamahiriya to submit its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee might assess at its thirty-ninth meeting the Party's compliance with its commitment contained in decision XVII/37 of the Seventeenth Meeting of the Parties to reduce its consumption of the Annex A, group II, controlled substances (halons) to no greater than 653.91 ODP-tonnes and to maintain its consumption of the Annex E controlled substance (methyl bromide) at no greater than 96.000 ODP-tonnes.

Recommendation 38/24

Y. Malta

237. Malta had been listed for consideration with regard to its implementation of decision XVIII/34.

1. Compliance issue subject to review: outstanding 2005 data

238. Malta had been requested, as recorded in decision XVIII/34 of the Eighteenth Meeting of the Parties, to report its 2005 ozone-depleting substances data to the Secretariat as a matter of urgency.

239. In correspondence dated 13 November 2006, Malta had submitted its outstanding 2005 ozone-depleting substances data. The data had indicated that the Party was in compliance with the Protocol's control measures in 2005.

2. Recommendation

240. The Committee therefore *agreed* to note with appreciation Malta's submission of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XVIII/34, which indicated that it was in compliance with the Protocol's control measures in 2005.

Recommendation 38/25

Z. Mauritius

241. Mauritius had been listed for consideration with regard to its implementation of recommendation 36/29.

1. Compliance issue subject to review: excess carbon tetrachloride consumption (decision XVII/13)

242. Mauritius had reported consumption of 0.033 ODP-tonnes of the Annex B, group II, controlled substance (carbon tetrachloride) in 2005, an amount inconsistent with the Protocol's requirement to reduce consumption to a level no greater than 15 percent of the Party's carbon tetrachloride consumption baseline in that year, namely, 0.002 ODP-tonnes.

243. In accordance with decision XVII/13 of the Seventeenth Meeting of the Parties on the use of carbon tetrachloride for laboratory and analytical uses in Parties operating under Article 5, the thirty-seventh meeting of the Implementation Committee had agreed to defer until 2007 consideration of the compliance status of Mauritius in relation to the Protocol's control measures for carbon tetrachloride. The decision provided that the deferral should be reviewed by the Nineteenth Meeting of the Parties in order to address the period 2007–2009.

2. Status of compliance issue

244. Mauritius had submitted its ozone-depleting substances data for 2006, reporting zero consumption of carbon tetrachloride in 2006, which indicated that the Party was in compliance with the Protocol's control measures for that ozone-depleting substance in 2005. The Party had informed the Committee at its thirty-sixth meeting that the 31 litres of excess carbon tetrachloride consumption in 2005 represented an import mistakenly made 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, including securing the agreement of the importer immediately to cease carbon tetrachloride imports, deciding to cease entertaining requests to import the substance and recommending a non-ozone-depleting alternative to the user.

245. With regard to the compliance status of Mauritius in 2005 relative to the Protocol's consumption control measures for carbon tetrachloride, the Eighteenth Meeting of the Parties had agreed that the Secretariat should report and review ozone-depleting substances data submitted by the Parties to one decimal place only. On that basis, Mauritius's maximum allowable level of carbon tetrachloride consumption in each of the years 2005–2009 was zero ODP-tonnes. Further, the Party's consumption in 2005, rounded to one decimal place, would have been zero ODP-tonnes, indicating that the Party was in compliance with the Protocol's carbon tetrachloride control measures in that year.

3. Recommendation

246. The Committee therefore *agreed*:

(a) To congratulate Mauritius on its reported zero consumption of the Annex B, group II, controlled substance (carbon tetrachloride) in 2006, which was in compliance with its obligations under the Montreal Protocol to reduce its consumption of that substance to no greater than 15 per cent of its baseline in that year;

(b) To note with appreciation that, in the light of the guidance of the Eighteenth Meeting of the Parties that the Secretariat should report and review ozone-depleting substances data submitted by Parties to one decimal place only, Mauritius reported zero consumption of carbon tetrachloride in 2005, which showed that it was also in compliance with its obligations under the Montreal Protocol to reduce its consumption of that substance to no greater than 15 per cent of its baseline in that year.

Recommendation 38/26

AA. Montenegro

247. Montenegro had been listed for consideration with regard to other non-compliance issues arising out of the data report.

1. Compliance issue subject to review: outstanding baseline and base year data

248. Montenegro had become a Party to the Montreal Protocol and its London and Copenhagen amendments on 23 October 2006 and had therefore been required to report base year and baseline data for the controlled substances in Annex A, groups I and II (CFCs and halon), Annex B, groups I, II and III (other CFCs, carbon tetrachloride and methyl chloroform), Annex C, groups I and II (hydrochlorofluorocarbons and hydrobromofluorocarbons), and Annex E (methyl bromide) in accordance with paragraphs 1 and 2 of Article 7 and paragraphs 3 and 8 ter of Article 5 of the Protocol.

249. By the time of the current meeting, Montenegro had not reported any ozone-depleting substances data and was therefore in non-compliance with the base year and baseline data-reporting obligations of the Protocol.

250. Decision VI/5 of the Sixth Meeting of the Parties provided that, in the absence of data, the Secretariat should classify Montenegro as temporarily operating under Article 5 of the Protocol for two years on the condition that the Party seek assistance from the Executive Committee and Implementation Committee. The decision further provided that Montenegro would lose the status of a Party temporarily classified as operating under Article 5 if it did not report base year data as required by the Protocol within one year of the approval of its country programme and its institutional strengthening by the Executive Committee, unless otherwise decided by the Meeting of the Parties.

2. Compliance assistance

251. The Executive Committee at its fifty-first meeting in March 2007 had approved institutional strengthening for Montenegro, to be provided by UNIDO, as well as the funds for the preparation of a country programme and terminal phase-out management plan with the assistance of UNIDO.

252. Under the auspices of the Eastern Europe and Central Asia regional network of ozone officers, supported by the Multilateral Fund, experts from Serbia and the former Yugoslav Republic of Macedonia were scheduled to meet with representatives from Montenegro in 2007 to share their expertise and experience in areas including data reporting, licensing systems and training of the national ozone unit.

3. Discussion at the current meeting

253. It was generally agreed that the situation of Montenegro was similar to that of Equatorial Guinea, in that it was a new Party requiring institutional strengthening and that a similar approach was therefore most appropriate. The representative of UNIDO said that the country programme was being prepared and a mission to Montenegro was planned to assist the process and that the project document for institutional strengthening was awaiting endorsement by the Government.

4. Recommendation

254. The Committee therefore *agreed*:

Recalling that paragraphs 1 and 2 of Article 7 of the Protocol state that best possible estimates of base-year data may be submitted where actual data were not available, that each Party should submit base-year data for the controlled substances contained in Annex A not later than three months after becoming a Party and that each Party should submit base-year data for the controlled substances contained in Annexes B, C and E not later than three months after the date when the provisions set out in the Protocol with regard to those substances enter into force for the Party,

To request Montenegro to make its best efforts to submit its base-year and baseline data for the controlled substances in Annex A, groups I and II (CFCs and halon), Annex B, groups I, II and III (other CFCs, carbon tetrachloride and methyl chloroform), Annex C, groups I and II (hydrochlorofluorocarbons and hydrobromofluorocarbons), and Annex E (methyl bromide) of the Protocol, prior to the thirty-ninth meeting of the Committee and, if possible, by 2 September 2007, in order that the Committee might assess the Party's compliance with the Protocol at that meeting.

Recommendation 38/27

BB. Namibia

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

1. Compliance issue subject to review: CFC consumption reduction commitment

256. Namibia had committed, as recorded in decision XV/38 of the Fifteenth Meeting of the Parties, to reduce consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 9.0 ODP-tonnes in 2006.

257. Namibia had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of zero. That data demonstrated a continuation of the Party's sustained phase-out of CFC, in advance both of its commitment contained in decision XV/38 and its CFC phase-out obligations under the Montreal Protocol for 2006.

2. Recommendation

258. The Committee therefore *agreed* to congratulate Namibia on its reported data for the consumption of Annex A, group I, controlled substances (CFCs) in 2006, which showed that it was in advance of both its commitment contained in decision XV/38 to reduce CFC consumption to no greater than 9.0 ODP-tonnes and its obligations under the CFC control measures of the Montreal Protocol in that year.

Recommendation 38/28

CC. Nepal

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

1. Compliance issue subject to review: annual report on release of seized CFCs

260. Nepal had committed, as recorded in decision XVI/27 of the Sixteenth Meeting of the Parties, to release on to its domestic market in 2006 no more than 13.5 ODP-tonnes of the Annex A, group I, controlled substances (CFCs) that it had seized in 2000.

261. Recommendation 36/34 of the thirty-sixth meeting of the Implementation Committee had noted with appreciation that Nepal had released 12.0 ODP-tonnes of CFCs on to its market in 2005, consistent with 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. By the time of the current meeting, however, Nepal had not submitted its annual report on the quantity of CFCs released on to its domestic market in 2006. Implementation of its commitment contained in decision XVI/27 for that year therefore could not be confirmed.

262. Nepal had established a system for licensing imports of ozone-depleting substances, including quotas, introduced in 2001, which included a commitment not to issue import licenses for CFCs.

2. Compliance assistance

263. UNEP was providing institutional strengthening to Nepal under the auspices of the Multilateral Fund. The 2007–2009 business plan of UNEP, submitted to the Executive Committee of the Multilateral Fund at its fifty-first meeting, in March 2007, included plans to conclude the Party's refrigerant management plan update and prepare, in cooperation with UNDP, a terminal phase-out management plan for Nepal. Further support through the UNEP Compliance Assistance Programme was planned to facilitate the Party's implementation of decision XVI/27, giving particular attention to strengthening implementation of its licensing system and establishing a refrigeration training institute.

3. Recommendation

264. The Committee therefore *agreed* to remind Nepal to submit its data for the year 2006 and its annual report on the quantity of the Annex A, group I, controlled substances (CFCs) released onto its market in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee might assess at its thirty-ninth meeting the Party's compliance with its commitment contained in decision XVI/27 of the Sixteenth Meeting of the Parties to release on to its domestic market in 2006 no more than 13.5 ODP-tonnes of CFCs.

Recommendation 38/29

DD. Netherlands

265. The Netherlands had been listed for consideration with regard to its implementation of recommendation 35/28.

1. Compliance issue subject to review: stockpiling of ozone-depleting substances relative to compliance

266. The Netherlands had reported production of 2.0 ODP-tonnes of the Annex B, group I, controlled substances (other CFCs) in 2004, in excess of the Party's obligation to maintain total phase-out of those ozone-depleting substances in 2004. The other CFCs had been produced as a by-product of the Party's CFC-11 and CFC-12 manufacture. In accordance with national regulations, the CFC-11 and CFC-12 producer had captured the emissions of the other CFCs. The producer had established an arrangement whereby the captured ozone-depleting substances were exported to another Party for destruction. Owing to the small amount of ozone-depleting substances captured in 2004, however, it had been stockpiled in that year for export for destruction in 2005 to minimize transport and destruction costs. In previous

years, stockpiling of the by-product in one year for destruction in a following year had been necessary because of the limited capacity of the destruction facility.

267. Recommendation 35/28 had recorded the agreement of the Implementation Committee at its thirty-fifth meeting to defer assessment of the Netherlands' 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 decision the Seventeenth Meeting of the Parties might adopt with regard to the issue of stockpiling relative to compliance with the Montreal Protocol.

268. The Eighteenth Meeting of the Parties had subsequently adopted decision XVIII/17 on the issue. That decision noted that the Secretariat had reported that Parties that had exceeded the allowed level of production or consumption of a particular ozone-depleting substance in a given year had in some cases explained that their excess production or consumption corresponded to one of four scenarios involving stockpiling of that substance in one year for use or disposal in a later year, including the scenario presented by the Netherlands. The decision requested the Secretariat to maintain a consolidated record of the cases in which Parties had explained that their situations were the consequence of any one of three of the four scenarios and to incorporate that record in the documentation of the Implementation Committee, for informational purposes only, as well as in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol. By decision XVIII/17, the Meeting of the Parties had agreed to revisit the issue at its twenty-first meeting, in the light of the information contained in the consolidated record, with a view to considering the need for further action.

269. The Netherlands had reported production in 2005 of other CFCs that indicated that the Party was in compliance with its obligations under the Protocol in that year. The Party had not submitted its ozone-depleting substances data for 2006 prior to the current meeting.

270. The Implementation Committee had been informed at its thirty-fifth meeting that the Netherlands had committed itself to closing its CFC-11 and CFC-12 production facility before 31 December 2005. Consequently, production of other CFCs had been expected to cease in 2005 and all by-product was expected to be exported for destruction in that year.

2. Recommendation

271. The Committee therefore *agreed*:

Noting that, in accordance with decision XVIII/17, the details of the Netherlands' case of excess production of Annex B, group I, controlled substances (other CFCs) in 2004 had been included in the consolidated record to be prepared as directed by that decision,

Recalling decision XVIII/17 of the Eighteenth Meeting of the Parties on the issue of stockpiling relative to compliance with the Montreal Protocol, which requested the Ozone Secretariat to maintain a consolidated record of cases in which Parties explained that their excess consumption or production was the consequence of any one of three of the stockpiling-related scenarios described in that decision and to include that record in the documentation of the Implementation Committee and in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol,

Recalling further that the consolidated record was to be included in the documentation of the Implementation Committee for information purposes only and that the Parties had agreed that the Twenty-first Meeting of the Parties would revisit the issue of stockpiling relative to compliance in the light of the information contained in the consolidated record with a view to considering the need for further action,

To congratulate the Netherlands on its reported production of -1.6 ODP-tonnes of the Annex B, group I, controlled substances (other CFCs) in 2005, which showed that it was in compliance with its obligations under the Montreal Protocol to maintain total phase-out of those ozone-depleting substances in that year except to the extent of production that was for approved essential uses and allowed by the basic domestic needs provisions of the Protocol.

Recommendation 38/30

EE. Papua New Guinea

272. Papua New Guinea had been listed for consideration with regard to its implementation of decision XV/40 and recommendation 37/28.

1. Compliance issues subject to review

(a) CFC consumption reduction commitment

273. Papua New Guinea had committed, as recorded in decision XV/40 of the Fifteenth Meeting of the Parties, to reduce its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 8.0 ODP-tonnes in 2006.

274. Papua New Guinea had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of 3.1 ODP-tonnes, indicating that the Party continued to be in advance of its CFC consumption reduction commitments contained in decision XV/40 and its CFC phase-out obligations under the Montreal Protocol.

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

275. Papua New Guinea had also committed under decision XV/40 to ban, on or before 31 December 2004, imports of ozone-depleting-substance-using equipment.

276. The Party had also confirmed in correspondence dated 9 February 2007 that it had passed a regulation that prohibited the import of ozone-depleting-substance-using equipment. The regulation also required the certification of technicians, prohibited the release of ozone-depleting refrigerants into the atmosphere, prohibited the use of methyl bromide other than for quarantine and pre-shipment purposes, prohibited the use of halons in any fire-fighting demonstration and regulated the types of containers that could be used for ozone-depleting substance storage and transportation.

2. Recommendation

277. The Committee therefore *agreed*:

Noting with appreciation that Papua New Guinea had completed implementation in 2006 of the commitment contained in decision XV/36 to ban, on or before 31 December 2004, imports of ozone-depleting-substance-using equipment,

(a) To congratulate Papua New Guinea on its reported data for the consumption of Annex A, group I, controlled substances (CFCs) in 2006, which showed that it was in advance of its commitment contained in decision XV/40 to reduce its consumption of CFCs to no greater than 8.0 ODP-tonnes in that year;

(b) To further congratulate Papua New Guinea on the fact that it reported CFC consumption data for 2006 showed that it continued to be in advance of its obligations under the Montreal Protocol to phase out CFCs.

Recommendation 38/31

FF. Paraguay

278. Paraguay had been listed for consideration with regard to its implementation of decision XVIII/32.

1. Compliance issue subject to review: request for CFC and carbon tetrachloride plan of action

279. Paraguay had requested, as recorded in decision XVIII/32 of the Eighteenth Meeting of the Parties, to submit a plan of action with time-specific benchmarks for returning the Party to compliance with the Protocol's consumption control measures for the Annex A, group I, (CFCs) and Annex B, group II, (carbon tetrachloride) controlled substances.

280. Paraguay has responded to decision XVIII/32 by resubmitting correspondence dated 23 October 2006, which explained the causes of the Party's non-compliance. It had also indicated in an accompanying e-mail that it was working with UNDP and UNEP to prepare the requested plan of action.

281. Paraguay had also submitted revised official data reporting forms for 2005 that confirmed the advice contained in its letter of 23 October 2006 that its carbon tetrachloride consumption for that year was 0.7 ODP-tonnes rather than the 6.8 ODP-tonnes reported previously. The revision had corrected a typographical error made by the Party during the completion of its data reporting forms. Notwithstanding the data correction, Paraguay had remained in non-compliance with the Protocol's carbon tetrachloride consumption control measures in 2005 as the Party had been required to reduce its consumption to no greater than 0.1 ODP-tonnes in that year.

282. Paraguay had attributed its non-compliance in 2005 with the Protocol's CFC consumption control measures to difficulties that it had experienced with its control structure, specifically the lack of

a computerized monitoring system for cross-referencing imports, licenses and consumption and the lack of a manual of procedures and duties for the relevant personnel, combined with a constant turnover in personnel occupying the posts involved.

283. The correspondence of 23 October 2006 had indicated that the Party's quota system would limit CFC imports in 2006 to 69.0 ODP-tonnes, which would have returned Paraguay to compliance with the Protocol's CFC consumption control measures in that year. By the time of the current meeting, however, the Party had not submitted its ozone-depleting substances data for 2006.

284. Paraguay had previously reported the establishment of an ozone-depleting substances licensing system.

2. Compliance assistance

285. UNEP was providing institutional strengthening to Paraguay under the auspices of the Multilateral Fund and was implementing a refrigerant management plan in cooperation with UNDP. The agency had planned a mission with UNDP to Paraguay in February 2007 in connection with the project. In addition, the Executive Committee at its fifty-first meeting, in March 2007, had approved a CFC terminal phase-out management plan for Paraguay, to be implemented by UNDP and UNEP. It had been a condition of project approval that the agencies should not disburse any funding until Paraguay had submitted to the Ozone Secretariat the plan of action requested by the Eighteenth Meeting of the Parties in decision XVIII/32. The terminal phase-out management plan contained a CFC consumption reduction schedule, which would return the Party to compliance with the Protocol's CFC consumption control measures in 2007.

286. UNDP was providing carbon tetrachloride phase-out assistance to Paraguay through a solvent sector technical assistance project approved by the Executive Committee in April 2005. The agency had reported at the forty-ninth meeting of that Committee, in July 2006, that activities under the project had been initiated. UNEP also expected as part of its 2007–2009 business plan to support the development of the Party's carbon tetrachloride plan of action through the agency's Compliance Assistance Programme.

3. Recommendation

287. The Committee therefore *agreed*:

Recalling Paraguay's explanation for its reported consumption of the Annex A, group I, controlled substances (CFCs) of 250.7 ODP-tonnes in 2005, an amount inconsistent with the Protocol's requirement to limit consumption of those substances to no greater than 50 per cent of its baseline for those substances, namely 105.280 ODP-tonnes, in that year,

Noting with appreciation the submission by Paraguay of corrected ozone-depleting substances data for 2005, which confirmed that the Party's consumption of the Annex B, group II, controlled substance (carbon tetrachloride) was 0.7 ODP-tonnes rather than 6.8 ODP-tonnes in that year, while noting also that that consumption was still in excess of the Protocol's requirement to limit consumption of carbon tetrachloride to no greater than 15 per cent of Paraguay's baseline for that substance, namely 0.1 ODP-tonnes,

Noting with concern that Paraguay had not submitted a plan of action with time-specific benchmarks for returning the Party to compliance, in accordance with decision XVIII/32 of the Eighteenth Meeting of the Parties, while acknowledging that the Party had indicated that it was developing the plan in cooperation with the United Nations Environment Programme and the United Nations Development Programme and that it had limited its CFC imports in 2006 to no greater than 69.0 ODP-tonnes, which was consistent with the Party's maximum allowable consumption of those substances in that year,

(a) To request Paraguay to work with the relevant implementing agencies to submit to the Secretariat as soon as possible, and no later than 1 August 2007, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance with the Protocol's consumption control measures for CFCs and carbon tetrachloride, in accordance with decision XVIII/32;

(b) To remind Paraguay to submit its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee at its thirty-ninth meeting might assess the Party's compliance with the Protocol's control measures in 2006;

(c) To invite Paraguay, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the matter.

Recommendation 38/32

GG. Russian Federation

288. The Russian Federation had been listed for consideration with regard to its implementation of recommendations 35/31 and 37/30.

1. Compliance issues subject to review

(a) Stockpiling relative to compliance with the Montreal Protocol in 2003

289. The Russian Federation had reported consumption and production of 40.37 ODP-tonnes of the Annex B, group II, controlled substance (carbon tetrachloride) in 2003, in excess of the Party's obligation to maintain total phase-out of that ozone-depleting substance in 2003 except to the extent of production and consumption that was for approved essential uses or allowed by the basic domestic needs production provisions of the Protocol.

290. The Party had explained to the Implementation Committee at its thirty-fifth meeting that the carbon tetrachloride was a by-product of a continuous production process and that it was exported and used domestically for feedstock purposes. As the process that created the carbon tetrachloride by-product was continuous, the Party would always have a quantity of carbon tetrachloride remaining at the end of each year which could not be put to its intended feedstock use until the following year.

291. The Implementation Committee had agreed, as recorded in recommendation 35/31, to defer assessment of the Russian Federation's compliance in 2003 with the Protocol's consumption and production control measures for carbon tetrachloride until it could consider the Party's situation in the light of any decision the Seventeenth Meeting of the Parties might adopt with regard to the issue of stockpiling relative to compliance with the Montreal Protocol.

292. The Eighteenth Meeting of the Parties had subsequently adopted decision XVIII/17 on the issue. That decision noted that the Secretariat had reported that Parties which had exceeded the allowed level of production or consumption of a particular ozone-depleting substance in a given year had in some cases explained that their excess production or consumption corresponded to one of four scenarios involving stockpiling of that substance in one year for use or disposal in a later year, including the scenario presented by the Russian Federation. The decision had requested the Secretariat to maintain a consolidated record of the cases in which Parties explained that their situations were the consequence of any one of three of the scenarios and to incorporate that record in the documentation of the Implementation Committee, for information purposes only, as well as in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol. By decision XVIII/17, the Meeting of the Parties had agreed to revisit the issue at its twenty-first meeting, in the light of the information contained in the consolidated record, with a view to considering the need for further action.

293. The Russian Federation had reported carbon tetrachloride consumption in 2004 and 2005 that indicated that the Party was in compliance with its obligations under the Protocol to maintain total phase-out of carbon tetrachloride in both of those years. By the time of the current meeting, however, the Party had not submitted its ozone-depleting substances data for 2006.

(b) Apparent CFC consumption deviation in 2005

294. The Russian Federation had reported consumption of 349.000 ODP-tonnes of the Annex A, group I, controlled substances (CFCs) in 2005, an amount inconsistent with decision XV/42, in which the Fifteenth Meeting of the Parties authorized the Party to consume no greater than 336 ODP-tonnes for the purpose of manufacturing metered-dose inhalers to treat asthma and chronic obstructive pulmonary disease.

295. The Implementation Committee at its thirty-seventh meeting had agreed, as recorded in recommendation 37/30, to defer assessment of the Russian Federation's compliance in 2005 with the Protocol's CFC consumption control measures until its next meeting, owing to a perceived error in translation of the explanation submitted by the Party, as a result of which the Committee had not had adequate time to consider the Party's situation at that meeting.

296. Although at the time of the Committee's thirty-seventh meeting a question had been raised as to the accuracy of the translation of the original Russian language document submitted by the Russian Federation, a subsequent review had confirmed its accuracy.

297. In correspondence dated 7 March 2007, the Secretariat had invited the Russian Federation to resubmit its explanation for its apparent deviation, in the light of the confirmation that the original translation of its submission of 18 September 2006 did not contain an error.

298. The Party's response had provided additional context with respect to the import and use of CFCs in the Russian Federation for the manufacture of meter-dose inhalers. The response had also contained a revised essential use accounting framework report for the years 2003–2005. The Secretariat had reviewed the correspondence and provided the following comments to the Party for its consideration and possible response.

299. The response had stated that the Russian Federation did not exceed its authorization in 2005 for essential uses because the 161.4 metric tonnes of CFCs included in column E ("Amount acquired for essential uses by import and country(s) of manufacture") of the revised essential use accounting framework report came from the essential uses authorization granted to the Russian Federation for the year 2004. The Secretariat had noted that, as indicated in column B of the revised accounting framework report, the Fifteenth Meeting of the Parties had granted the Russian Federation approval for the consumption of 378 ODP-tonnes in 2004 for essential uses. In column E of the revised accounting framework report it was indicated that 373.63 metric tonnes of that essential use authorization had been imported in 2004. That left a balance of 4.37 metric tonnes from the Russian Federation's 378 ODP-tonne 2004 essential use authorization

300. The Secretariat had explained that essential use authorizations were granted on a calendar year basis and expired at the end of the specified calendar year and that the authorization granted to the Russian Federation for the year 2004 could not therefore be considered as a basis for importing CFCs in 2005 for essential uses, which would have required a separate essential use authorization for that year. It had also noted that, even if a separate authorization had not been required for 2005, the Russian Federation did not appear to have a sufficient quantity remaining from its 2004 authorization to cover the consumption in 2005.

301. The Secretariat had also noted a statement in the Party's response that "the quantity of CFCs consumed in 2005 to produce MDIs was actually below the allocated quota of 336 tonnes, at 329.20 tonnes." The Secretariat had clarified that, for the purposes of the Protocol, the term "consumption" referred to imports plus production minus exports and not to the actual use of an ozone-depleting substance. Consequently, the figure of 329.20 metric tonnes reported in the "used for essential use" column of the revised accounting framework (column J) had not entered into the Secretariat's calculation of controlled consumption for the purposes of assessing the Russian Federation's compliance with the consumption control measures of the Protocol. Instead, the figure of 349.00 metric tonnes that had been reported by the Russian Federation as imports of new CFCs in 2005 had been used to calculate controlled consumption and it was accordingly calculated that the Russian Federation had exceeded its authorized consumption level of 349 metric tonnes for 2005 by 13 metric tonnes.

302. The Secretariat had invited the Party to submit any further relevant information with respect to its apparent deviation from the Protocol's CFC consumption control measures in 2005. In the light of the fact that the information submitted by the Russian Federation to date did not appear to explain the Party's deviation, the Secretariat had also invited the Party to consider submitting, in time for consideration at the current meeting, a plan of action to ensure the Party's prompt return to compliance with the CFC consumption control measures of the Protocol. The Party had also been invited to send a representative to the current meeting to assist the Committee's consideration of the Russian Federation's situation.

2. Discussion at the current meeting

303. At the invitation of the Secretariat the Party sent representatives to the current meeting. In response to a question on data relating to 2006, one representative said that the Party was in compliance with its quota of 400 metric tonnes and could supply all relevant data, including container numbers.

304. Turning to the situation for 2004 and 2005, the representative said that the problem in those years had arisen from a combination of factors, including the time required to complete the complex contractual and licensing procedure and the long supply chain in a country the size of the Russian Federation. As a result some shipments designated for 2004 had not arrived until 2005, following an extension of the license validity period, which normally expired at the end of the calendar year. Since that time administrative reform had simplified and shortened bureaucratic procedures and had clarified the roles of the different agencies involved. Currently, only two agencies were involved and as a result

the duration of the process had been reduced to two months. As such, it was expected that the problems that had arisen in 2004 and 2005 would not recur.

3. Recommendation

305. The Committee therefore *agreed*:

Noting with concern that the Russian Federation had reported consumption of 349.0 ODP-tonnes of the Annex A, group I, controlled substances (CFCs) in 2005, an amount inconsistent with the Protocol's requirement to maintain total phase-out of those substances and the authorization granted to the Russian Federation by the Fifteenth Meeting of the Parties to consume no greater than 336.0 ODP-tonnes of CFCs for essential uses in 2005 and was therefore in non-compliance with its obligations under the Protocol with respect to the consumption of CFCs in 2005,

Noting, however, the explanation presented by the representatives of the Russian Federation to the Implementation Committee at its thirty-eighth meeting that the Party's excess CFC consumption in 2005 had resulted from the delayed arrival of a consignment of CFCs in that year, which was the consequence of the time required to complete lengthy and complex licensing and administrative requirements,

Noting with appreciation the further explanation presented by the representatives of the Russian Federation to the Implementation Committee at its thirty-eighth meeting that the Party had taken action to streamline the above mentioned licensing and administrative requirements to ensure that they posed no future obstacle to the Party's implementation of its CFC phase-out obligations under the Protocol,

Recalling decision XVIII/17 of the Eighteenth Meeting of the Parties on the issue of stockpiling relative to compliance with the Montreal Protocol, which requested the Ozone Secretariat to maintain a consolidated record of cases in which Parties explained that their excess consumption or production was the consequence of any one of three of the stockpiling-related scenarios described in that decision and to include that record in the documentation of the Implementation Committee and in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol,

Recalling further that the consolidated record was to be included in the documentation of the Implementation Committee for information purposes only and that the Parties had agreed that the Twenty-first Meeting of the Parties would revisit the issue of stockpiling relative to compliance in the light of the information contained in the consolidated record with a view to considering the need for further action,

Noting that, in accordance with decision XVIII/17 the details of the Russian Federation's case of excess consumption of carbon tetrachloride in 2003 had been included in the consolidated record prepared as directed by that decision,

(a) To request the Russian Federation to submit to the Secretariat as soon as possible, and no later than 1 August 2007, an overview of the measures undertaken to reduce the timelines for the processing of imports and licences and to improve related administrative procedures, in time for consideration by the Committee at its thirty-ninth meeting;

(b) To remind the Russian Federation to submit to the Ozone Secretariat its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, as well as its essential use accounting framework report for that year, preferably no later than 1 August 2007, for consideration by the Committee at its thirty-ninth meeting;

(c) To congratulate the Russian Federation on its reported consumption of zero ODP-tonnes in 2004 and -77.9 ODP-tonnes in 2005 of the Annex B, group II, controlled substance (carbon tetrachloride), which showed that it was in compliance with its obligations under the Montreal Protocol to maintain total phase-out of that substance in those years.

Recommendation 38/33

HH. Saint Vincent and the Grenadines

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

1. Compliance issue subject to review: CFC consumption reduction commitment

307. Saint Vincent and the Grenadines had committed, as recorded in decision XVI/30 of the Sixteenth Meeting of the Parties, to reduce its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 0.83 ODP-tonnes in 2006.

308. Saint Vincent and the Grenadines had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of 0.5 ODP-tonnes, indicating that the Party was in advance of its commitment contained in decision XVI/30 and its CFC phase-out obligations under the Protocol.

2. Recommendation

309. The Committee therefore *agreed* to congratulate Saint Vincent and the Grenadines on its return to compliance in 2006 with the control measures of the Montreal Protocol for Annex A, group I, controlled substances (CFCs) as well as its implementation of its commitment contained in decision XVI/30 to reduce CFC consumption to no greater than 0.83 ODP-tonnes, as indicated by the Party's data report for 2006.

Recommendation 38/34

II. Saudi Arabia

310. Saudi Arabia had been listed for consideration with regard to its implementation of decision XVIII/34.

1. Compliance issue subject to review: outstanding 2005 data

311. Saudi Arabia had been requested, as recorded in decision XVIII/34 of the Eighteenth Meeting of the Parties, to report its 2005 ozone-depleting substances data to the Secretariat as a matter of urgency.

312. Saudi Arabia had subsequently submitted its outstanding data on 26 May 2007. The Party had informed the Secretariat that the delay in the submission of its 2005 data had been due to the additional time involved in cross checking the data obtained through its traditional data collection source, its licensing system, with data collected in the course of the preparation of its country programme and national phase-out management plan.

313. Saudi Arabia had reported 27.6 ODP-tonnes of consumption in 2005 of the Annex E controlled substance (methyl bromide). That represented a deviation from the Party's obligation under the Protocol to limit its consumption of methyl bromide in that year to no greater than 80 per cent of its consumption baseline for that substance, namely 0.48 ODP-tonnes. In correspondence dated 2 June 2007, Saudi Arabia had been requested to submit an explanation for this deviation. It was customary that if a request to explain an apparent deviation was sent less than three weeks prior to a meeting of the Committee, consideration of the compliance status of the Party in question would be deferred until the Committee's next meeting.

314. Saudi Arabia had also notified the Secretariat of its request to revise the existing methyl bromide consumption data recorded for Saudi Arabia for each of the baseline years 1995–1998. The Party had concluded, on the basis of the information obtained through the preparation of its country programme, that its existing baseline data were incorrect. Saudi Arabia had acknowledged that it would need to submit additional explanations and clarification to support its request. The Secretariat's correspondence of 2 June 2007 had explained that decision XV/19 of the Fifteenth Meeting of the Parties specified the information that Saudi Arabia should submit to the Committee, through the Secretariat, to enable the Committee to review the Party's request. Saudi Arabia had also been forwarded a copy of that decision.

2. Compliance assistance

315. UNIDO and UNEP were assisting Saudi Arabia to prepare a national ozone-depleting substances phase-out plan, funding for which had been approved by the Executive Committee of the Multilateral Fund at its forty-ninth meeting in July 2006. Completion of the plan was expected by January 2008.

316. The 2007–2009 business plan submitted by UNEP to the Executive Committee at its fifty-first meeting, in March 2007, had included a proposal to request institutional strengthening assistance for Saudi Arabia in 2007. The business plan had also indicated that the agency planned to provide data reporting and policy support to the Party under its Compliance Assistance Programme.

317. Saudi Arabia had reported the establishment of an ozone-depleting substances licensing system.

3. Discussion at the current meeting

318. Responding to queries from members of the Implementation Committee, the representative of the Secretariat explained that Saudi Arabia's request for a revision to its methyl bromide baseline consumption data had not included any indication of the substance of the proposed revision and that the Secretariat had responded by clarifying to Saudi Arabia the information that it should submit. She also noted that any recommendation agreed by the Committee and transmitted to Saudi Arabia would be accompanied by a letter detailing the information that the Party should submit to the Secretariat.

4. Recommendation

319. The Committee therefore *agreed*:

Noting with appreciation Saudi Arabia's submission of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XVIII/34,

Noting the request of Saudi Arabia to change its existing consumption data for each of the baseline years 1995–1998 for the Annex E controlled substance (methyl bromide),

(a) To defer consideration of Saudi Arabia's compliance with the Protocol's control measures in 2005 until its thirty-ninth meeting, in the light of the limited time which Saudi Arabia 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 Annex E controlled substance (methyl bromide) to no greater than 80 per cent of its baseline level in that year;

(b) To request Saudi Arabia to submit to the Secretariat as soon as possible, and no later than 1 August 2007, the information required by decision XV/19 in order that the Committee might review the Party's request to revise its methyl bromide consumption baseline data at its thirty-ninth meeting;

(c) To invite Saudi Arabia, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the above matters.

Recommendation 38/35

JJ. Serbia¹

320. Serbia had been listed for consideration with regard to its implementation of decision XVIII/33.

1. Compliance issue subject to review: outstanding Annex B and Annex E baseline data

321. Serbia had been requested, as recorded in decision XVIII/33 of the Eighteenth Meeting of the Parties, to report its outstanding baseline data for the Annex B controlled substances (other CFCs, carbon tetrachloride and methyl chloroform) for the years 1998 and 1999 and the Annex E controlled substance (methyl bromide) for the years 1995–1998.

322. Serbia had submitted some of its outstanding baseline data in correspondence dated 26 April 2007 and 7 May 2007. The Party had reported its outstanding methyl bromide consumption data for the years 1995–1998, and outstanding carbon tetrachloride and methyl chloroform data for the years 1998 and 1999. Serbia had not, however, submitted its outstanding data for the Annex B, group I controlled substances (other CFCs) for the years 1998 and 1999.

323. On the basis of the data submitted by Serbia, the methyl bromide consumption baseline of the Party had been calculated as 8.3 ODP-tonnes. Serbia had reported methyl bromide consumption for 2006 of zero ODP-tonnes, indicating that the Party was in compliance with the Protocol's methyl bromide control measures in that year.

324. The methyl chloroform consumption data reported by the Party had resulted in a baseline of zero ODP-tonnes. Serbia had reported methyl chloroform consumption for 2006 of zero ODP-tonnes, indicating that the Party was in compliance with the Protocol's methyl chloroform control measures in

¹ On 30 June 2006, the President of Serbia wrote to the United Nations Secretary General, in his capacity as depositary of the ozone treaties, advising that "all treaty actions undertaken by Serbia and Montenegro will continue in force with respect to the Republic of Serbia with effect from 3 June 2006" and that the Republic of Serbia "continues to exercise its rights and commitments deriving from international treaties concluded by Serbia and Montenegro". The United Nations Secretary General, acting on Serbia's communication, accepted the undertaking and consequently removed Montenegro from the list of Parties to the ozone treaties, leaving as a Party Serbia only.

that year. The carbon tetrachloride consumption data for the years 1998 and 1999 reported by the Party had resulted in a baseline of 18.8 ODP-tonnes. The Protocol required Serbia to reduce its carbon tetrachloride consumption to no greater than 2.8 ODP-tonnes in 2006. The Party had reported consumption for that year of 5.1 ODP-tonnes, representing an apparent deviation from the Protocol's carbon tetrachloride consumption control measures in 2006. In correspondence dated 15 May 2007, Serbia had been requested to submit an explanation for this deviation

325. In addition to reporting carbon tetrachloride consumption for the baseline years 1998 and 1999, however, Serbia had also reported carbon tetrachloride consumption data for the baseline year 2000 that differed from the data previously submitted by the Party for that year. In its correspondence dated 7 May 2007, Serbia had reported carbon tetrachloride consumption for the year 2000 of 3.4 ODP tonnes. The Party had previously reported consumption of 33 ODP-tonnes for that year. In its response, dated 15 May 2007, the Secretariat had sought clarification from Serbia as to whether the Party sought to change its baseline data for the year 2000, noting that such a request needed to be made in accordance with decision XV/19, which detailed the methodology agreed by the Fifteenth Meeting of the Parties for the review of baseline data revision requests.

326. The revision of Serbia's carbon tetrachloride consumption data for the year 2000 from 33.0 ODP-tonnes to 3.4 ODP-tonnes would have reduced the Party's maximum allowable consumption of that controlled substance in 2006 to 1.3 ODP-tonnes. Therefore, the Party would still have appeared to have deviated from the Protocol's control measures for carbon tetrachloride consumption in 2006 if a request to revise Serbia's year 2000 baseline data were approved by the Meeting of the Parties.

2. Compliance assistance

327. UNIDO was providing institutional strengthening assistance to Serbia under the auspices of the Multilateral Fund. The agency was also assisting the Party to prepare ozone-depleting substances phase-out projects in the methyl bromide and solvent sectors. In its 2007–2009 business plan, submitted for the fifty-first meeting of the Executive Committee to the Multilateral Fund, held in March 2007, UNIDO had planned to submit the project proposals for approval in 2007. The business plan had also stated that UNIDO was working with UNEP to assist Serbia to submit its outstanding baseline data.

3. Discussion at the current meeting

328. During its discussion on Serbia, the Committee noted that the Serbian authorities faced a considerable challenge in assembling accurate data following the division of Serbia and Montenegro into two separate States. In response to a query from one member, the representative of the Multilateral Fund secretariat said that consideration had been given to the proportion of the Serbian and Montenegro country programme funding that should be allocated to Serbia, following the separation of the two States. She added that Serbia had received institutional strengthening and country programme funding to support the preparation of a terminal phase-out management plan that included carbon tetrachloride, which was currently being submitted to the Executive Committee for its consideration.

4. Recommendation

329. The Committee therefore *agreed*:

Noting with appreciation Serbia's submission of its outstanding data for the controlled substances in Annex B, group III (methyl chloroform) and Annex E (methyl bromide) in accordance with its data-reporting obligations under the Protocol and decision XVIII/33, which indicated that it was in compliance with the Protocol's control measures in 2005,

Noting with appreciation Serbia's submission of its outstanding data for the Annex B, group II, controlled substance (carbon tetrachloride) in accordance with its data-reporting obligations under the Protocol and decision XVIII/33, but also noting that the Party had submitted consumption data for the baseline year 2000 that differed from data that it had previously reported for that year,

Noting with concern that Serbia had reported carbon tetrachloride consumption for 2006 of 5.1 ODP-tonnes, representing an apparent deviation from its obligation to reduce its consumption of that controlled substance to no greater than 2.8 ODP-tonnes in that year,

Noting further with concern that Serbia had not submitted its outstanding baseline data for the Annex B, group I, controlled substances (other CFCs) for the years 1998 and 1999 in accordance with its data-reporting obligations under the Protocol and decision XVIII/33,

(a) To request Serbia to clarify whether it sought to change its reported consumption data for the controlled substance in Annex B, group II, (carbon tetrachloride) for the baseline year 2000,

recalling that requests to change baseline data must be made in accordance with decision XV/19 of the Fifteenth Meeting of the Parties;

(b) To request Serbia to submit to the Secretariat as soon as possible, and no later than 1 August 2007, an explanation for its apparent deviation in 2006 from its obligation to reduce its consumption of carbon tetrachloride to no greater than 2.8 ODP-tonnes in that year and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(c) To request Serbia to submit to the Secretariat as a matter of urgency, and no later than 1 August 2007, its outstanding baseline data, in order that the Committee might assess the Parties' compliance with the Protocol at its thirty-ninth meeting;

(d) To invite Serbia, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the above matters;

(e) In the absence of an explanation for the excess consumption of carbon tetrachloride in 2006, to forward for consideration by the Nineteenth Meeting of the Parties the draft decision contained in annex I (section E) to the present report, which would request the Party to act in accordance with subparagraph (b) above.

Recommendation 38/36

KK. Singapore

330. Singapore had been listed for consideration with regard to its implementation of recommendation 35/35.

1. Compliance issue subject to review: stockpiling ozone-depleting substances relative to compliance

331. Singapore had reported consumption in 2004 of 16.9 ODP-tonnes of the Annex E controlled substance (methyl bromide), which was inconsistent with the Party's obligation to freeze consumption of methyl bromide at its baseline level of 5.0 ODP-tonnes in that year.

332. Singapore had advised the Implementation Committee at its thirty-fifth meeting that it believed that its consumption level was only 1.388 metric tonnes, representing the 1.388 metric tonnes of imports in 2004 that the Party had used for applications other than quarantine and pre-shipment in 2004. The Party had advised that the remaining quantity of methyl bromide imported in 2004 had been stored pending a decision in 2005 on whether it would be used for quarantine and pre-shipment or other applications. In subsequent correspondence the Party had advised that "it is normal business practice in Singapore to have a balance of stock available at any one time to cater for urgent requests by the industry and ensure business continuity".

333. Recommendation 35/35 had recorded the agreement of the Implementation Committee to defer assessment of Singapore's compliance in 2004 with the Protocol's consumption control measures for methyl bromide until it could consider the Party's situation in the light of any decision the Seventeenth Meeting of the Parties might adopt with regard to the issue of ozone-depleting substances stockpiling relative to compliance with the Protocol.

334. The Eighteenth Meeting of the Parties had adopted decision XVIII/17 on the issue. That decision noted that the Secretariat had reported that Parties that had exceeded the allowed level of production or consumption of a particular ozone-depleting substance in a given year had in some cases explained that their excess production or consumption corresponded to one of four scenarios. The decision had requested the Secretariat to maintain a consolidated record of the cases in which Parties explained that their situations were the consequence of any one of three of the scenarios and to incorporate that record in the documentation of the Implementation Committee, for informational purposes only, as well as in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol. By decision XVIII/17 the Meeting of the Parties had agreed that the Twenty-first Meeting of the Parties would revisit the issue in the light of the information contained in the consolidated record with a view to considering the need for further action.

335. Singapore had reported methyl bromide consumption in 2005 of 2.4 ODP-tonnes, indicating that it was in compliance with its obligations under the Protocol to reduce its consumption of that substance in that year to no greater than 80 per cent of its baseline, namely, 4.0 ODP-tonnes. The Party had not submitted its ozone-depleting substances data for 2006.

336. With regard to the Party's compliance with the Protocol's methyl bromide consumption control measures in 2004, Singapore's situation did not appear to be consistent with any of the four scenarios listed in decision XVIII/17, each of which was defined by the purpose to which the stockpiled ozone-depleting substances would be directed in a future year. The scenarios covered situations in which a Party stated that its excess production or consumption in a given year represented production in that year which had been stockpiled for domestic destruction or export for destruction in a future year; production in a given year which had been stockpiled for domestic feedstock use or export for that use in a future year; production in a given year which had been stockpiled for export to meet the basic domestic needs of Article 5 Parties; or imports in a given year that had been stockpiled for domestic feedstock use in a future year. In contrast, Singapore had informed the Committee that, at the time it reported its 2004 data, it had not yet determined whether the excess methyl bromide imports would be directed towards exempt quarantine and pre-shipment applications or other non-exempt applications.

337. Paragraph 4 of decision XVIII/17 stated that new scenarios not covered by the decision would be addressed by the Implementation Committee in accordance with the non-compliance procedure and the established practice thereunder. Singapore's controlled methyl bromide consumption level for 2004 had been calculated by the Secretariat on the basis of the formula provided by Articles 1 and 2H of the Montreal Protocol. Article 2H sets out the calculated levels of methyl bromide consumption which a Party is prohibited from exceeding in a prescribed period. Under the article, each prescribed period is 12 months in duration and commences on 1 January. Paragraph 6 of Article 2H stated that the calculated levels of methyl bromide consumption "shall not include the amounts used by the Party for quarantine and pre-shipment applications". Article 1, paragraph 6, of the Protocol, defined consumption as "production plus imports minus exports of controlled substances".

338. Under those provisions methyl bromide imported in a given year should be included in the calculation of a Party's controlled consumption level for that year, while the amount reported as used for quarantine and pre-shipment applications in that year should not. In addition, a Party's calculated level of methyl bromide consumption for that year should not exceed the level prescribed in Article 2H, which in 2004 was equal to the Party's baseline. Consequently, the Secretariat had calculated Singapore's 2004 consumption level of 16.9 ODP-tonnes (28.2 metric tonnes), which exceeded the Party's maximum allowable level of consumption for that year on the basis of the Party's reported imports of 109.6 metric tonnes minus reported exports of 35.7 metric tonnes and minus reported quarantine and pre-shipment use of 45.7 metric tonnes.

2. Compliance assistance

339. Singapore had initially been classified as a Party not operating under Article 5 of the Protocol but was subsequently reclassified. In accordance with decision VI/5 of the Sixth Meeting of the Parties, Singapore had not requested assistance from the Multilateral Fund.

3. Recommendation

340. The Committee therefore *agreed*:

Recalling that Singapore had reported 2004 consumption of 16.9 ODP-tonnes of the Annex E controlled substance (methyl bromide), which was inconsistent with its obligation under the Protocol to freeze its consumption at its baseline level of 5.0 ODP-tonnes,

Recalling with appreciation the explanation submitted by Singapore that its excess consumption of methyl bromide in 2004 represented methyl bromide that had been stored pending a decision in 2005 on whether it would be used for quarantine and pre-shipment or other applications,

Recalling further decision XVIII/17 of the Eighteenth Meeting of the Parties, which provided guidance on the issue of ozone-depleting substance stockpiling relative to compliance with the Montreal Protocol, including paragraph 4 of that decision which provided that new scenarios that were not covered by the decision would be addressed by the Implementation Committee in accordance with the non-compliance procedure and the established practice thereunder,

(a) To conclude that the situation of Singapore was not consistent with the scenarios addressed by decision XVIII/17 and, in the light of the explanation submitted by the Party for its deviation and in accordance with paragraph 4 of that decision, to conclude further that Singapore was in non-compliance with the Protocol's methyl bromide consumption control measures in 2004;

(b) To note with appreciation, however, that Singapore had reported methyl bromide consumption of 2.4 ODP-tonnes in 2005, which placed the Party in advance of its obligations under the Protocol to phase out methyl bromide in that year.

Recommendation 38/37

LL. Solomon Islands

341. The Solomon Islands had been listed for consideration with regard to its implementation of decision XVIII/34.

1. Compliance issue subject to review: outstanding 2005 data

342. The Solomon Islands had been requested, as recorded in decision XVIII/34 of the Eighteenth Meeting of the Parties, to report its 2005 ozone-depleting substances data to the Secretariat as a matter of urgency.

343. In correspondence dated 26 February 2007, the Solomon Islands had submitted its outstanding 2005 ozone-depleting substances data, which had indicated that the Party was in compliance with the Protocol's control measures in 2005.

2. Recommendation

344. The Committee therefore *agreed* to note with appreciation the Solomon Islands' submission of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XVIII/34, which indicated that the Party was in compliance with the Protocol's control measures in 2005.

Recommendation 38/38

MM. Somalia

345. Somalia had been listed for consideration with regard to its implementation of decision XVIII/34 and recommendation 37/32.

1. Compliance issues subject to review

(a) Agenda item 5 (a) (vi): outstanding 2005 data

346. Somalia had been requested, as recorded in decision XVIII/34 of the Eighteenth Meeting of the Parties, to report its 2005 ozone-depleting substances data to the Secretariat as a matter of urgency.

347. Somalia had subsequently submitted its outstanding data for 2005, returning it to compliance with its data reporting obligations under the Protocol. The submission had also advised that Somalia's data for 2006 would be submitted to the Secretariat by 6 June 2007

(b) Agenda item 5 (d) (ix): request for halons plan of action

348. Somalia had been urged, as recorded in recommendation 37/32, to submit to the Secretariat an update on its plan for returning to compliance with the Protocol's control measures for the Annex A, group II, controlled substances (halons), including regulatory measures to support and sustain planned phase-out activities.

349. In correspondence dated 16 May 2007, Somalia had informed the Secretariat that it intended to submit a halons plan of action by 6 June 2007. The Party had reported halons consumption in 2005 of 20.1 ODP-tonnes, an amount inconsistent with the Protocol's requirement that Somalia reduce its halons consumption in that year to no more than 8.9 ODP-tonnes.

2. Compliance assistance

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

3. Discussion at the current meeting

351. There was general agreement that the security situation meant that it would be very hard for UNEP to undertake the planned mission in the country. The representative of UNEP said that it was not currently possible to specify a date for the mission but that it was hoped that a plan of action for Somalia's return to compliance with the Protocol's halon controls could be agreed with the Party's ozone officer in accordance with the terms of the draft recommendation before the Committee.

352. One member of the Committee noted that Somalia was among the Parties that had ratified the Montreal Amendment but had failed to introduce a licensing system for imports and exports of ozone-depleting substances. He therefore urged UNEP to include the establishment of such a system in the programme of assistance that was being drafted.

4. Recommendation

353. The Committee therefore *agreed*:

Noting with appreciation that Somalia has submitted its ozone-depleting substances data for the year 2005 in accordance with decision XVIII/34 of the Eighteenth Meeting of the Parties,

Noting with concern, however, that the ozone-depleting substances data submitted by the Party for the years 2005 and 2006 indicated that Somalia continued to be in non-compliance with its obligations under the Protocol to reduce its consumption of the Annex A, group II, controlled substances (halons) to no greater than 8.9 ODP-tonnes in those years,

Noting further with concern that Somalia had not submitted 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, in accordance with recommendation 37/32 of the thirty-seventh meeting of the Implementation Committee,

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

To urge Somalia to submit to the Secretariat as soon as possible, and preferably no later than 1 August 2007, 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, in time for consideration by the Committee at its thirty-ninth meeting.

Recommendation 38/39

NN. South Africa

354. South Africa had been listed for consideration with regard to its implementation of recommendation 37/33.

1. Compliance issue subject to review: apparent bromochloromethane consumption deviation

355. South Africa had reported consumption in 2005 of 36.0 ODP-tonnes of the Annex C, group III, controlled substance (bromochloromethane), which was inconsistent with the Party's obligation to maintain total phase-out of that substance except to the extent of consumption for approved essential uses. South Africa had not been granted an essential uses authorization for bromochloromethane in 2005.

356. Recommendation 37/33 recorded the agreement of the Implementation Committee at its thirty-seventh meeting to defer until the current meeting consideration of the compliance status of South Africa in 2005 in the light of the limited time that the Party had had to respond to the request that it explain its apparent bromochloromethane consumption deviation.

357. In correspondence dated 13 February 2007, South Africa had notified the Ozone Secretariat that its bromochloromethane consumption in 2005 represented a data entry error. Investigations conducted by the national ozone unit of South Africa, in cooperation with the Party's departments of trade and industry and customs and excise, had determined that the department of trade and industry had mistakenly entered imports of bromochloroethane, a substance not controlled by the Protocol, as imports of the controlled bromochloromethane. In 2005, bromochloromethane had not been imported into South Africa.

2. Recommendation

358. The Committee therefore *agreed* to note with appreciation that South Africa had submitted revised data for 2005 to correct the misclassification of imports of bromochloroethane as imports of the Annex C, group III, controlled substance (bromochloromethane), which confirmed that the Party was in compliance with the Protocol's control measures in that year.

Recommendation 38/40

OO. Switzerland

359. Switzerland had been listed for consideration with regard to the review of information on its requests for changes in baseline data.

1. Compliance issue subject to review: methyl bromide exemption accounting framework report

360. Decision Ex.1/4 of the first extraordinary Meeting of the Parties had requested each Party which had been granted a critical-use exemption for methyl bromide to submit after the end of 2005 information on its exemption together with any new nomination for exemption using an accounting framework recommended by the Technology and Economic Assessment Panel of the Montreal Protocol. Decision XVI/6 had approved the accounting framework recommended by the Panel.

361. Decision XVI/2 of the Sixteenth Meeting of the Parties had granted Switzerland a critical-use exemption for methyl bromide of 7 metric tonnes for the year 2006.

362. Switzerland had not submitted its accounting framework for the year 2006. In the light of the review of decisions Ex.1/4 and XVI/6 that had been conducted by the Implementation Committee at its last meeting, the Committee had adopted recommendation 37/34, which provided that unless and until a Party submitted a new nomination for a critical-use exemption, that Party would not be required to submit to the Ozone Secretariat its accounting framework for the methyl bromide critical use exemptions that it had been granted. By the time of the current meeting, Switzerland had not submitted a new nomination for a critical-use exemption.

2. Recommendation

363. The Committee therefore *agreed*:

Recalling that, in accordance with decision Ex.1/4, after the end of 2005 each Party which had been granted a critical-use exemption for methyl bromide was to submit information on its exemption together with any new nomination for exemption using the accounting framework adopted by the Sixteenth Meeting of the Parties in decision XVI/6,

Noting that Switzerland had not submitted its accounting framework for the methyl bromide critical use exemption that the Party was granted for 2006, but also that the Party had to date not submitted any new nominations for exemption,

To agree that unless and until Switzerland submitted a new nomination for exemption, the Party would not be required to submit to the Ozone Secretariat its accounting framework for the methyl bromide critical use exemption granted to the Party for 2006.

Recommendation 38/41

PP. The former Yugoslav Republic of Macedonia

364. The former Yugoslav Republic of Macedonia had been listed for consideration with regard to its implementation of recommendation 36/44.

1. Compliance issue subject to review: excess carbon tetrachloride consumption (decision XVII/13)

365. The former Yugoslav Republic of Macedonia had reported consumption of 0.0119 ODP-tonnes of the Annex B, group II, controlled substance (carbon tetrachloride) in 2005, an amount inconsistent with the Protocol's requirement that it reduce consumption to a level no greater than 15 percent of the Party's carbon tetrachloride consumption baseline in that year, namely, 0.0098 ODP-tonnes.

366. In accordance with decision XVII/13 of the Seventeenth Meeting of the Parties on the use of carbon tetrachloride for laboratory and analytical uses in Parties operating under Article 5, the thirty-seventh meeting of the Implementation Committee had agreed 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. The decision had provided that the deferral should be reviewed at the Nineteenth Meeting of the Parties in order to address the period 2007–2009.

367. By the time of the current meeting, the former Yugoslav Republic of Macedonia had not submitted its ozone-depleting substances data for 2006, preventing review of the Party's compliance with the Protocol's consumption control measures for carbon tetrachloride in that year.

368. Pursuant to decision XVII/13, the former Yugoslav Republic of Macedonia had explained that its entire 2005 carbon tetrachloride consumption was imported for use as a laboratory reagent, specifically, to enable fat detection according to the Grossfeld method and detection of pesticide residues. Those applications were included in the non-exhaustive list of categories and examples of laboratory uses that were adopted by the Seventh Meeting of the Parties.

369. With regard to the former Yugoslav Republic of Macedonia's compliance with the Protocol's consumption control measures for carbon tetrachloride in 2005, the Eighteenth Meeting of the Parties had agreed that the Secretariat should report and review ozone-depleting substances data submitted by the Parties to one decimal place only. On that basis, the former Yugoslav Republic of Macedonia's maximum allowable level of carbon tetrachloride consumption in each of the years 2005–2009 had been zero ODP-tonnes. The Party's consumption in 2005, rounded to one decimal place, had been zero ODP-tonnes, indicating that the Party was in compliance with the Protocol's carbon tetrachloride control measures in that year.

2. Recommendation

370. The Committee therefore *agreed* to note with appreciation that, in the light of the guidance of the Eighteenth Meeting of the Parties that the Secretariat should report and review ozone-depleting substances data submitted by the Parties to one decimal place only, the former Yugoslav Republic of Macedonia had reported zero consumption of the Annex B, group II, controlled substance (carbon tetrachloride) in 2005, which showed that it was also in compliance with its obligations under the Montreal Protocol to reduce its consumption of that substance to no greater than 15 per cent of its baseline in that year.

Recommendation 38/42

QQ. Turkey

371. Turkey had been listed for consideration with regard to its implementation of recommendation 37/36.

1. Compliance issue subject to review: apparent bromochloromethane consumption deviations

372. Recommendation 37/36 and recommendation 35/45 had recorded the agreement of the Committee to defer assessment of Turkey's compliance in the years 2005 and 2004 with the Protocol's consumption control measures for the Annex C, group III, controlled substance (bromochloromethane) 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 by the Technology and Economic Assessment Panel of the Party's use of bromochloromethane in the production of sultamicillin.

373. Turkey had reported bromochloromethane consumption of 16.4 ODP-tonnes in 2004 and 18.5 ODP-tonnes in 2005, in excess of the Protocol's requirement that it maintain total phase-out of the consumption of that ozone-depleting substances in both years. The Party had explained to the Implementation Committee that bromochloromethane was used in both years as a process agent in the production of sultamicillin.

374. The Technology and Economic Assessment Panel had reported to the Eighteenth Meeting of the Parties in October 2006 that its Chemicals Technical Options Committee had concluded that the majority of the bromochloromethane used by Turkey in the production of sultamicillin had been used as a process agent and that a small part had been used as a feedstock. The Chemicals Technical Options Committee had recommended that the use of bromochloromethane in the process described by Turkey be classified as a process agent use.

375. The Eighteenth Meeting of the Parties had not adopted a decision on the issue but had agreed that the Panel would review the issue of process agents and report back to the Parties in accordance with its mandate under prior decisions of the Parties. The most recent decisions of the Parties on the issue of process agents, adopted by the Seventeenth Meeting of the Parties in 2006 (decision XVII/6, XVII/7 and XVII/8) had stated, among other things, that the Technology and Economic Assessment Panel was

requested “to report and make recommendations to the Parties at their Twentieth Meeting in 2008, and every other year thereafter, on process-agent use exemptions; on insignificant emission associated with any such use and on process-agent uses that could be added to or deleted from table A of decision X/14” (paragraph 7, decision XVII/6). That information had been forwarded by the Secretariat to Turkey in a letter dated 24 November 2006. The letter had also invited Turkey to submit any additional information that might assist the Committee in its consideration of the Party’s situation.

376. Decision X/14 of the Tenth Meeting of the Parties had made provision for excluding from the calculation of Turkey’s production and consumption the quantities of bromochloromethane produced or imported for use as process agents. In order to exclude those quantities, however, the use of bromochloromethane in the production of sultamicillin had to be added to the list of recognized process agents; further, the Party was prohibited from exceeding bromochloromethane emission levels agreed with the Executive Committee of the Multilateral Fund.

377. An addition to the list of process agent uses required a decision of the Meeting of the Parties. Paragraph 7 of decision XVII/6 of the Seventeenth Meeting of the Parties, described above, had suggested that the Parties would not consider additions to the list until their twentieth meeting, in 2008.

378. The 2006 progress report of the Technology and Economic Assessment Panel had stated that both India and China were producing sultamicillin using the non-ozone depleting substance chloromethylchlorosulfate.

379. Turkey had reported the establishment of an ozone-depleting substance licensing system.

2. Compliance assistance

380. The World Bank was providing institutional strengthening assistance to Turkey under the auspices of the Multilateral Fund. In the context of the 2007–2009 consolidated business plan of the Multilateral Fund, considered by the Executive Committee at its fifty-first meeting, in March 2007, the Multilateral Fund secretariat had stated that Turkey was not eligible for assistance in phasing out bromochloromethane. The 2007–2009 business plan of UNIDO, submitted for that meeting, had also stated that the Party was not then eligible for bromochloromethane phase-out assistance but, in anticipation of a change in this situation, the agency had included a project to assist Turkey in its 2008 business plan. The 2007–2009 business plan of UNEP included special compliance assistance in the area of bromochloromethane phase-out, in cooperation with UNIDO, and awareness raising.

3. Recommendation

381. The Committee therefore *agreed*:

Recalling that Turkey had reported consumption of 16.4 ODP-tonnes and 18.5 ODP-tonnes of the Annex C, group III, controlled substance (bromochloromethane) in 2004 and 2005 respectively, amounts that were inconsistent with the Protocol’s requirement that the Party maintain total phase-out of the consumption of that ozone-depleting substance in both years,

Recalling with appreciation the explanation for its deviations submitted by Turkey, which indicated that the bromochloromethane it had consumed had been used in the production of sultamicillin,

Noting the report of the Technology and Economic Assessment Panel to the Eighteenth Meeting of the Parties, in which the Panel recommended that the use of bromochloromethane in the production of sultamicillin be classified as a process agent use and that the Nineteenth Meeting of the Parties consider a draft decision to add the use to the list of uses of controlled substances as process agents for the purposes of decision X/14 of the Tenth Meeting of the Parties,

Noting that the United Nations Industrial Development Organization had included in its 2008 business plan, considered by the Executive Committee of the Multilateral Fund at its fifty-first meeting, a proposal to assist Turkey to comply with the Protocol’s control measures, should the Party become eligible for assistance with the phase-out of bromochloromethane,

(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 years 2004 and 2005 until it could review the Party’s situation in the light of the conclusions of the Nineteenth Meeting of the Parties with regard to the addition of the use of bromochloromethane in the production of sultamicillin to the list of uses of controlled substances as process agents for the purpose of decision X/14;

(b) To remind Turkey, should the use of bromochloromethane in the production of sultamicillin be added to the list of uses of controlled substances as process agents, that paragraph 3 (b) of decision X/14 provided that quantities of controlled substances produced or imported for use as process agents should not be taken into account in the calculation of production and consumption from 1 January 2002 onwards provided that “the emissions of controlled substances from process agent uses have been reduced to levels agreed by the Executive Committee to be reasonably achievable in a cost-effective manner without undue abandonment of infrastructure”.

Recommendation 38/43

RR. Turkmenistan

382. Turkmenistan had been listed for consideration with regard to the review of information on its requests for changes in baseline data.

1. Compliance issue subject to review: request to change methyl bromide baseline data

383. Turkmenistan had requested the revision of its 1997 and 1998 consumption baseline data for the Annex E controlled substance (methyl bromide).

384. Decision XV/19 of the Fifteenth Meeting of the Parties had set out the methodology for the review of baseline data revision requests.

385. The Ozone Secretariat had reviewed the information submitted by Turkmenistan against the requirements of decision XV/19 and, in correspondence dated 30 January 2007, had forwarded the following summary to the Party for its consideration. A representative of the Secretariat to the sixth meeting of the Eastern Europe and Central Asia regional network of ozone officers, held in Turkmenistan in February 2007, had received confirmation from the Party that it intended to address all of the issues raised by the Secretariat in its review.

2. Compliance assistance

386. UNEP was providing institutional strengthening assistance to Turkmenistan under the auspices of the Multilateral Fund. The 2007–2009 business plan submitted by the agency for the fifty-first meeting of the Fund’s Executive Committee, held in March 2007, had indicated that UNEP would provide special compliance assistance to Turkmenistan in the areas of awareness raising and CFC and methyl bromide phase-out.

387. At that meeting, in the context of discussions on the use of \$61 million in unallocated funds, the Executive Committee had agreed to consider projects to assist Parties that had not ratified the Copenhagen Amendment with methyl bromide consumption on the understanding that funds would not be disbursed until ratification had occurred. Previously, the Executive Committee had adopted decision 46/21 with regard to Turkmenistan, in which it had agreed that the Party would only receive institutional strengthening assistance. The decision had been based on information including data indicating that, since 1996, the only ozone-depleting substances consumed in the country had been hydrochlorofluorocarbons and CFCs. The Party had received CFC phase-out assistance from GEF when it was classified as a non-Article 5 Party, but Turkmenistan had been re-classified as a Party operating under Article 5 in 2006.

3. Discussion at the current meeting

388. One member of the Committee said that Turkmenistan’s situation was complex. In 1997 and 1998 the customs department had wrongly coded methyl bromide imports and the Party was attempting to rectify that error. It was unclear what the methyl bromide had been used for. Another member raised the question of whether the source of the imports had been a Party or a non-Party to the Copenhagen Amendment and said that there might be similar cases warranting further investigation.

389. In the light of its discussions on Turkmenistan’s request to change its methyl bromide baseline data, the Committee agreed to ask the Secretariat to prepare a paper, for presentation at its fortieth meeting, on what information provided by Parties in accordance with Article 7 might be of assistance to the Implementation Committee in more readily monitoring the obligations of Parties to the Protocol regarding trade with non-Parties under Article 4 of the Protocol.

4. Recommendations

390. The Committee therefore *agreed*:

Noting with appreciation the information submitted by Turkmenistan in support of its request to revise its baseline consumption data for the Annex E controlled substance (methyl bromide),

Recalling that decision XV/19 of the Fifteenth Meeting of the Parties sets out the methodology that was to be used to review requests to revise baseline data,

(a) To request Turkmenistan to submit to the Secretariat as soon as possible, and no later than 1 August 2007, the outstanding information required by decision XV/19 in order that the Committee might complete its review of the Party's request to revise its methyl bromide consumption baseline data at its thirty-ninth meeting;

(b) To invite Turkmenistan, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the matter.

Recommendation 38/44

391. The Committee therefore agreed to request the Ozone Secretariat to prepare a paper detailing the information provided by Parties in accordance with Article 7 of the Protocol that might assist the Committee in monitoring the implementation of Article 4 of the Protocol, which concerns the obligations of the Parties with regard to the control of trade with non-Parties in controlled substances, for the consideration of the Committee at its fortieth meeting.

Recommendation 38/45

SS. Ukraine

392. Ukraine had been listed for consideration with regard to the review of information on its requests for changes in baseline data.

1. Compliance issue subject to review: request to change methyl bromide baseline data

393. Ukraine had requested the revision of its 1991 baseline data for the Annex E controlled substance (methyl bromide).

394. Decision XV/19 of the Fifteenth Meeting of the Parties sets out the methodology for the review of baseline data revision requests.

395. The Ozone Secretariat had reviewed the information submitted by the Ukraine against the requirements of decision XV/19 and had communicated its review to the Party for comment.

2. Discussion at the current meeting

396. At the invitation of the Secretariat the Party sent a representative to the current meeting. The representative said that the Party had, in accordance with the request of the Secretariat, undertaken a search of the archives of relevant ministries and agencies for data pertaining to the period under discussion, although the process had been made difficult by the fact that the Ukraine had been part of the Soviet Union at that time, and methyl bromide regulation and data collection had only officially commenced in Ukraine in 1997. In the opinion of the Party, sufficient data had been located to support the proposed adjustment of the 1991 baseline, though it was acknowledged that there were still gaps in the primary data.

397. In response to a question regarding the high methyl bromide production in 1991 compared to subsequent years, the representative said that at that time the industrial facility in Ukraine produced methyl bromide for the entire Soviet Union and that production had decreased rapidly following the breakup of the Soviet Union and the related economic downturn. Determining accurate figures was extremely difficult, however, because prior to its break up, the Soviet Union had only produced aggregated ozone-depleting substance consumption and production data; it was not until 1992 that the constituent republics had started to produce their own data. In conclusion, the representative said that further research would be undertaken in an attempt to locate more primary data related to methyl bromide production and consumption at that time.

3. Recommendation

398. The Committee therefore *agreed*:

Noting with appreciation the information submitted by Ukraine in support of its request to revise its baseline consumption and production data for the Annex E controlled substance (methyl bromide), as well as the further information provided by the representatives of Ukraine to the Committee at its thirty-eighth meeting,

Recalling that decision XV/19 of the Fifteenth Meeting of the Parties sets out the methodology that was to be used to review baseline data revision requests,

(a) To request Ukraine to submit to the Secretariat as soon as possible, and no later than 1 August 2007, the outstanding information required by decision XV/19 in order that the Committee might complete its review of the Party's request to revise its methyl bromide consumption baseline data at its thirty-ninth meeting;

(b) To invite the Ukraine, if necessary, to send a representative to the thirty-ninth meeting of the Committee to discuss the matter.

Recommendation 38/46

TT. United Arab Emirates

399. The United Arab Emirates had been listed for consideration with regard to its implementation of recommendation 37/37.

1. Compliance issues subject to review

(a) Apparent CFC and carbon tetrachloride consumption deviations

400. The United Arab Emirates had reported consumption in 2005 of the Annex A, group I, controlled substances (CFCs) of 264.8 ODP-tonnes, an amount inconsistent with the Party's obligation under the Protocol to reduce its consumption of CFCs in that year to no greater than 50 per cent of its baseline for that substance, namely, 264.6 ODP-tonnes.

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

402. In later correspondence dated 23 October 2006 but not received by the Secretariat until after the closure of the last meeting of the Committee, the United Arab Emirates had re-submitted its CFC data for 2005, reporting the data to three decimal places. That data had revised the Party's calculated level of controlled CFC consumption for 2005 to 264.6 ODP-tonnes, placing the United Arab Emirates in compliance with its obligation to reduce its CFC consumption to no greater than 264.6 ODP-tonnes in that year.

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

(b) Request to replace carbon tetrachloride baseline data

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

405. With regard to the years 1999 and 2000, the Secretariat had advised that its records showed that the United Arab Emirates had left the data fields for carbon tetrachloride blank in its data reports for those years. As the United Arab Emirates had reported zero consumption of carbon tetrachloride in

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

406. Recommendation 37/37 had recorded the agreement of the Implementation Committee at its thirty-seventh meeting to defer until the current meeting consideration of the compliance status of the United Arab Emirates in 2005 in the light of the limited time that the Party had had to respond to the request that it explain its apparent CFC and carbon tetrachloride consumption deviations. The recommendation had also noted the request of the United Arab Emirates to revise its carbon tetrachloride data for the baseline years 1998–2000 and had invited the Party to submit to the Secretariat by 31 March 2007 information in accordance with decision XV/19, which sets out the methodology for the submission of requests to revise baseline data, for consideration by the Committee at its thirty-eighth meeting.

407. The submission from the United Arab Emirates dated 23 October 2006 had explained that the Party had reported zero ODP-tonnes consumption of carbon tetrachloride in 1998 to indicate that no data was available for that year and not to indicate that no consumption had occurred. With regard to the other baseline years of 1999 and 2000, the Party had explained that it had intentionally left the data fields for carbon tetrachloride blank in order to indicate that it did not intend to report carbon tetrachloride data in those years. As the United Arab Emirates had not ratified the London Amendment to the Montreal Protocol, which added carbon tetrachloride to the Protocol's schedule of controlled substance, until 16 February 2005, it had not been obliged to submit Article 7 data reports on that substance.

408. The submission had further indicated that the proposed baseline figures of 7.4, 0.3 and zero ODP-tonnes for the years 1998, 1999 and 2000, respectively, were derived from investigations conducted in 2005, after the United Arab Emirates had become a Party to the London Amendment.

409. In a letter dated 24 April 2007, the United Arab Emirates had submitted a report on imports registered under the Harmonized Commodity Description and Coding System code for carbon tetrachloride in the period 1997–2000 in support of its request to change its existing baseline data. The Secretariat had sought clarification from the United Arab Emirates with regard to the data contained in the report for the year 2000. The Secretariat had recalled the Party's letter dated 19 October 2006, which had stated that an investigation conducted by the United Arab Emirates had concluded that the Party had not imported carbon tetrachloride in 2000. The Secretariat had noted, however, that the document attached to the Party's correspondence of 24 April 2007 cited carbon tetrachloride imports for the year 2000 of 75.027 metric tonnes (82.5 ODP-tonnes).

410. In the light of that discrepancy, the Secretariat had also suggested that the United Arab Emirates explain the measures that it had taken to verify that the substance imported under the Harmonized System code for carbon tetrachloride in each of the baseline year 1998–2000 was indeed that ozone-depleting substance. The Secretariat had noted that such an explanation would be particularly important with regard to the data reported for the year 2000 because of the significant increase in imports in that year that had been reported in the Party's latest correspondence compared to the other baseline years of 1998 and 1999 and the statement in the Party's letter of 19 October 2006 that its investigations had revealed that carbon tetrachloride was "imported in small quantities to the [United Arab Emirates]".

411. In correspondence dated 17 May 2007, the United Arab Emirates had clarified that it considered the carbon tetrachloride import figure of 75.027 metric tonnes (82.5 ODP-tonnes) that had been provided by the Party's customs authorities to be correct. In the light of the clarification, in a letter to the United Arab Emirates dated 21 May 2007, the Secretariat had reiterated its invitation to the Party that it explain the measures it had taken to verify that the imports registered under the Harmonized System code for carbon tetrachloride in each of the baseline years 1998–2000 had indeed been that ozone-depleting substance.

412. Decision XV/19 of the Fifteenth Meeting of the Parties sets out the methodology for the review of baseline data revision requests. In the light of the information submitted by the United Arab Emirates, there appeared to be a question as to whether the Party could be considered to have reported baseline data for one or all of the carbon tetrachloride baseline years 1998–2000. If it

were concluded that the United Arab Emirates had not reported data for any of those years, the methodology contained in decision XV/19 might be considered not to apply.

2. Compliance assistance

413. The United Arab Emirates had not received Multilateral Fund assistance. Following its reclassification as a Party operating under Article 5 of the Protocol, the Executive Committee of the Fund had requested the Party not to seek financial assistance, in accordance with paragraph (e) of decision VI/5 of the Sixth Meeting of the Parties to the Protocol.

3. Discussion at the current meeting

414. The representative of the Secretariat said that the Party had not responded to a request as to whether it had cross-checked its customs data and had not indicated what the carbon tetrachloride imports of 2000 had been used for. The Committee agreed that information on the above matters was required before the issue could be resolved.

4. Recommendation

415. The Committee therefore *agreed*:

Noting with appreciation that the United Arab Emirates had submitted revised data for 2005 for each of the controlled substances contained in Annex A, group I, (CFCs) to three decimal places, rather than one, which had resulted in a revised calculated consumption level for those substances that confirmed that the Party was in compliance with the Protocol's control measures in 2005,

Noting further with appreciation the United Arab Emirates' explanation for its reported consumption of 0.4 ODP-tonnes of the Annex B, group II, controlled substance (carbon tetrachloride) in 2005, an amount inconsistent with the Protocol's requirement that it limit consumption of those substances in that year to no greater than 15 per cent of its baseline, namely, zero ODP-tonnes,

(a) To request the United Arab Emirates to submit to the Ozone Secretariat as soon as possible, and no later than 1 August 2007, an explanation of the measures taken to verify the data contained in the reports on imports registered under the Harmonized System code for carbon tetrachloride in each of the baseline years 1998–2000, which accompanied correspondence from the United Arab Emirates to the Secretariat dated 24 April 2007;

(b) To request the United Arab Emirates to submit to the Ozone Secretariat as soon as possible, and no later than 1 August 2007, information on the uses to which the carbon tetrachloride imported in the baseline years was put, as well as an explanation as to why the Party's reported imports of carbon tetrachloride in 2000 were significantly higher than in preceding years;

(c) To determine at its thirty-ninth meeting, in the light of the information submitted by the United Arab Emirates with respect to the Party's carbon tetrachloride consumption data for each of the baseline years, whether the methodology contained in decision XV/19 of the Fifteenth Meeting of the Parties applies to all or part of the Party's request that the Secretariat revise its carbon tetrachloride consumption baseline using the figures of 7.4, 0.3 and 85.2 ODP-tonnes for the years 1998, 1999 and 2000, respectively;

(d) To invite the United Arab Emirates to send a representative to the thirty-ninth meeting of the Committee to discuss the matter.

Recommendation 38/47

UU. United States of America

416. The United States of America had been listed for consideration with regard to its implementation of recommendation 35/31.

1. Compliance issue subject to review: stockpiling relative to compliance

417. The United States of America had reported production of 0.5 ODP-tonnes of the Annex B, group III controlled substance (methyl chloroform) and 1,986.2 ODP-tonnes of the Annex E controlled substance (methyl bromide) in 2004, which had placed it in violation of its obligation to maintain total phase-out of methyl chloroform in 2004, except to the extent of production that was for approved essential uses and allowed by the basic domestic needs production provisions of the Protocol, and to reduce its consumption and production of methyl bromide to no greater than 30 per cent of its baseline,

except to the extent of production that was allowed by the basic domestic needs production provisions of the Protocol.

418. The ozone-depleting substances in question had been produced in 2004 to meet the basic domestic needs of Parties operating under Article 5 but had been stockpiled rather than exported for that purpose in 2004 as a consequence of the timing of associated commercial arrangements.

419. Recommendation 35/43 had recorded the agreement of the Implementation Committee at its thirty-fifth meeting to defer assessment of the United States of America's compliance in 2004 with the Protocol's consumption control measures for methyl chloroform and methyl bromide until it could consider the Party's situation in the light of any decision adopted by the Seventeenth Meeting of the Parties on stockpiling relative to compliance with the Montreal Protocol.

420. The Eighteenth Meeting of the Parties had subsequently adopted decision XVIII/17 on the issue. That decision had noted that the Secretariat had reported that Parties that had exceeded the allowed level of production or consumption of a particular ozone-depleting substance in a given year had in some cases explained that their excess production or consumption corresponded to one of four scenarios involving stockpiling of that substance in one year for use or disposal in a later year, including the scenario presented by the United States of America. The decision had requested the Secretariat to maintain a consolidated record of the cases in which Parties had explained that their situations were the consequence of any one of three of the scenarios and to incorporate that record in the documentation of the Implementation Committee, for informational purposes only, as well as in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol. By decision XVIII/17 the Parties had agreed that the Twenty-first Meeting of the Parties would revisit the issue in the light of the information contained in the consolidated record with a view to considering the need for further action.

421. The United States of America had reported methyl bromide and methyl chloroform data for 2005 that had placed it in compliance with its obligations under the Protocol for that year. By the time of the current meeting, however, the Party had not submitted its ozone-depleting substances data for 2006. Its compliance status in that year therefore could not be determined.

2. Recommendation

422. The Committee therefore *agreed*:

Noting that, in accordance with decision XVIII/17, the details of the United States of America's excess consumption of the controlled substances in Annex B, group III, (methyl chloroform) and Annex E (methyl bromide) in 2004 had been included in the consolidated record prepared as directed by that decision (UNEP/OzL.Pro/ImpCom/38/INF/2),

Recalling decision XVIII/17 of the Eighteenth Meeting of the Parties on the issue of stockpiling relative to compliance with the Montreal Protocol, which requested the Ozone Secretariat to maintain a consolidated record of cases in which Parties explained that their excess consumption or production was the consequence of any one of three of the stockpiling-related scenarios described in that decision and to include that record in the documentation of the Implementation Committee and in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol,

Recalling further that the consolidated record was to be included in the documentation of the Implementation Committee for information purposes only and that the Parties had agreed that the Twenty-first Meeting of the Parties would revisit the issue of stockpiling relative to compliance in the light of the information contained in the consolidated record with a view to considering the need for further action,

(a) To congratulate the United States of America on its reported consumption of zero ODP-tonnes of methyl chloroform in 2005, which showed that it was in compliance with its obligations under the Montreal Protocol to maintain total phase-out of that ozone-depleting substance in that year;

(b) To further congratulate the United States of America on its reported consumption of 4,353.0 ODP-tonnes of methyl bromide in 2005, which showed that it was in compliance with its obligations under the Montreal Protocol to maintain total phase-out of that ozone-depleting substance in that year except to the extent of production that was allowed by the basic domestic needs production provisions of the Protocol.

Recommendation 38/48

VV. Uzbekistan

423. Uzbekistan had been listed for consideration with regard to its implementation of decision XVIII/34.

1. Compliance issue subject to review: outstanding 2005 data

424. Uzbekistan had been requested, as recorded in decision XVIII/34 of the Eighteenth Meeting of the Parties, to report its 2005 ozone-depleting substances data to the Secretariat as a matter of urgency.

425. In correspondence dated 27 February 2007, Uzbekistan had submitted its outstanding 2005 ozone-depleting substances data. The data had indicated that the Party was in compliance with the Protocol's control measures in 2005.

2. Recommendation

426. The Committee therefore *agreed* to note with appreciation Uzbekistan's submission of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XVIII/34, which indicated that it was in compliance with the Protocol's control measures in 2005.

Recommendation 38/49

WW. Venezuela (Bolivarian Republic of)

427. Venezuela had been listed for consideration with regard to its implementation of decision XVIII/34.

1. Compliance issues subject to review

(a) Outstanding 2005 data

428. Venezuela had been requested, as recorded in decision XVIII/34 of the Eighteenth Meeting of the Parties, to report its 2005 ozone-depleting substances data to the Secretariat as a matter of urgency.

429. In later correspondence dated 6 March 2007, Venezuela had submitted its outstanding 2005 ozone-depleting substances data. The data indicated that the Party was in compliance with the Protocol's control measures in 2005, with the possible exception of the control measures for the production and consumption of the Annex A, group I, controlled substances (CFCs).

(b) Apparent CFC consumption deviation

430. Venezuela had reported consumption of CFCs of 1,841.8 ODP-tonnes and production of those substances of 2,451.3 ODP-tonnes in 2005. That represented a deviation from the Party's obligation under the Protocol to limit its consumption and production of CFCs to no greater than 50 per cent of its baselines for that substance, namely, 1,661.2 ODP-tonnes for consumption and 2,393.5 ODP-tonnes for production. In correspondence dated 14 March 2007, Venezuela had been requested to submit an explanation for its deviations.

431. Venezuela had explained that its excess CFC consumption and production in 2005 had represented CFC-11 produced in 2005 and stockpiled for use in 2006 as a feedstock in the domestic production of CFC-12. Decision XVIII/17 therefore appeared to apply to the situation of Venezuela.

432. Decision XVIII/17 had noted that the Secretariat had reported that Parties that had exceeded the allowed level of production or consumption of a particular ozone-depleting substance in a given year had in some cases explained that their excess production or consumption corresponded to one of four scenarios involving stockpiling of that substance in one year for use or disposal in a later year. Those scenarios included the situation explained by Venezuela, namely that excess production or consumption in a given year represented ozone-depleting substance production in that year which was stockpiled for domestic feedstock use or export in a future year.

433. Decision XVIII/17 had requested the Secretariat to maintain a consolidated record of the cases in which Parties had explained that their situations arose from any one of three of the four scenarios, including that described by Venezuela, and to incorporate that record in the documentation of the Implementation Committee, for informational purposes only, as well as in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol. The issue was to be revisited

by the Twenty-first Meeting of the Parties in the light of the information contained in the consolidated record with a view to considering the need for further action.

434. Venezuela had reported the establishment and implementation of an ozone-depleting substances licensing system. By the time of the current meeting, however, the Party had not submitted its 2006 ozone-depleting substances data. Its compliance status in that year therefore could not be determined.

2. Compliance assistance

435. UNDP was providing institutional strengthening assistance to Venezuela under the auspices of the Multilateral Fund. UNIDO was implementing a national CFC phase-out plan approved by the Executive Committee of the Fund at its forty-second meeting in 2004. The plan contained a phase-out schedule of annual CFC consumption reduction benchmarks that were in advance of the Party's obligations under the Protocol and would achieve total phase-out of CFC consumption by 2008.

436. UNIDO had reported at the fifty-first meeting of the Committee, in March 2006, that the first tranche of the national plan had been successfully completed in September 2006. A contract had been signed with the national ozone unit of Venezuela for project monitoring and training of technicians. In 2007, it was expected that the unit would be extended, that a data monitoring system would be established and that training of technicians would continue. At its fifty-first meeting the Committee had approved the 2006 work programme of the national plan.

437. The Executive Committee at its forty-second meeting, in 2003, had approved a CFC production sector phase-out project for implementation by the World Bank. The agency had reported at the fifty-first meeting of the Committee that, in accordance with the terms of the project, CFC production in Venezuela had ceased at the end of 2006. The Government of Venezuela had been scheduled to carry out production audits during 2007 and 2008 and would continue to monitor carbon tetrachloride imports through its licensing system in order to prevent production of CFCs.

3. Recommendation

438. The Committee therefore *agreed*:

Noting with appreciation the submission by the Bolivarian Republic of Venezuela of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XVIII/34,

Noting with concern that that Party had reported consumption of Annex A, group I, controlled substances (CFCs) of 1,841.8 ODP-tonnes and production of those substances of 2,451.3 ODP-tonnes in 2005, amounts that were inconsistent with the Protocol's requirement that the Party limit consumption and production of those substances in that year to no greater than 1,661.2 ODP-tonnes and 2,393.5 ODP-tonnes respectively,

Noting with appreciation, however, the explanation submitted by Venezuela that its excess production and consumption of CFCs in 2005 represented production of CFC-11 in 2005 that was stockpiled in that year for use in 2006 as a feedstock in the domestic production of CFC-12 and that Venezuela had ceased CFC production by the end of 2006,

Recalling decision XVIII/17 of the Eighteenth Meeting of the Parties on the issue of stockpiling relative to compliance with the Montreal Protocol, which requested the Ozone Secretariat to maintain a consolidated record of cases in which Parties explained that their excess consumption or production was the consequence of any one of three of the stockpiling-related scenarios described in that decision and to include that record in the documentation of the Implementation Committee and in the Secretariat's report on data submitted by the Parties in accordance with Article 7 of the Protocol,

Recalling further that the consolidated record was to be included in the documentation of the Implementation Committee for information purposes only and that the Parties had agreed that the Twenty-first Meeting of the Parties would revisit the issue of stockpiling relative to compliance in the light of the information contained in the consolidated record with a view to considering the need for further action,

That, in accordance with decision XVIII/17, the details of Venezuela's case of excess consumption and production of the controlled substances in Annex A, group I, (CFCs) in 2005 should be included in the consolidated record prepared as directed by that decision.

Recommendation 38/50

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

439. The representative of the Secretariat drew the attention of the Committee to some Parties that were subject to previous compliance decisions and had not yet reported 2006 data to the Secretariat to confirm their compliance status for 2006.

440. The Committee therefore *agreed*:

Noting that the following Parties were subject to decisions containing plans of action with time-specific benchmarks for the phase-out of ozone-depleting substances: Albania, Fiji, Guinea-Bissau, Honduras, Lesotho, Maldives, Nigeria, Pakistan, Uganda and Uruguay,

Noting further that those Parties have not submitted their ozone-depleting substances data for 2006 and that implementation of their commitments recorded in those decisions to limit their consumption or production of particular ozone-depleting substances to the levels specified in those decisions therefore could not be confirmed,

To remind Albania, Fiji, Guinea-Bissau, Honduras, Lesotho, Maldives, Nigeria, Pakistan, Uganda and Uruguay to submit their ozone-depleting substances data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 1 August 2007, in order that the Committee might assess the Parties' compliance with the time-specific benchmark for 2006 recorded in their respective decisions of the Meeting of the Parties at its thirty-ninth meeting.

Recommendation 38/51

IX. Challenges associated with future implementation of the non-compliance procedure (recommendation 37/46)

441. The representative of the Secretariat introduced a note, prepared in accordance with recommendation 37/46, on the challenges associated with future implementation of the non-compliance procedure of the Montreal Protocol. She recalled that the Committee, at its thirty-seventh meeting, had taken note of a paper submitted by New Zealand on the challenges associated with the future implementation of the non-compliance procedure and possible options for addressing those challenges, with the intention of improving the efficiency of the Committee, in the light of its increasing workload. The issues considered by the paper included the setting of deadlines for the submission of data for the Committee's consideration; the requirement that the Committee provide reports of its meetings to the Parties six weeks prior to the meeting of the Parties; and the format of the Committee's reports to the Parties. In considering the item, the Committee identified various actions that the Ozone Secretariat should undertake to help the Committee to address the challenges to future implementation of the non-compliance procedure.

442. The Committee agreed that the Secretariat should facilitate the timely submission of data and information by Parties subject to the non-compliance procedure by including in its correspondence requesting data or information from Parties:

(a) Information on the scheduling of Committee meetings and the Committee's aim of concluding its assessment of compliance issues during the same year in which they were brought to its attention, in order to provide the Meeting of the Parties with the earliest opportunity to adopt any decisions necessary to support an individual Party's return to compliance;

(b) An indication of the potential consequences of late submission of the requested information and the potential consequences of failure to submit the requested information.

443. The Committee also agreed that the Secretariat should facilitate the consideration of information submitted by Parties subject to the non-compliance procedure after the deadline specified by the Committee or after the conclusion of the Committee meeting held immediately prior to the annual Meeting of the Parties by, where possible:

(a) Reconvening the Committee and reporting the conclusions of the reconvened meeting to the Meeting of the Parties through the verbal report of the President, in order that they might be recorded in the report of the Meeting;

(b) Presenting to the Meeting of the Parties through the report of the President any new information, indicating errors of fact in draft decisions recommended by the Committee for adoption by the Meeting of the Parties, which could not be considered by the Committee at a reconvened meeting.

444. The Committee noted that paragraph 9 of the non-compliance procedure provided that “the Implementation Committee shall report to the Meeting of the Parties, including any recommendations it considers appropriate. The report shall be made available to the Parties not later than six weeks before their meeting”. It further noted that although the report of its first meeting each year was made available to the Parties more than six weeks prior to the annual meeting of the Parties, the report of the Committee’s second meeting was not. That situation had arisen because, since the adoption of the non-compliance procedure on a permanent basis in 1992, the second meeting of the Committee had always been held immediately prior the annual meeting of the Parties. As a consequence, the Committee had adopted the practice of circulating a conference room paper at meetings of the Parties, which contained the draft decisions recommended for adoption by the Committee at its meeting held immediately before the meeting of the Parties. In addition, it had become customary for the President of the Committee to give a verbal presentation to the Meeting of the Parties on the work of the Committee during the year.

445. The Committee concluded that the interests of the Parties and the Protocol were best served by retaining the current approach to implementing paragraph 9, whereby the second meeting of the Committee each year was held immediately prior to the annual meeting of the Parties. It agreed that such an approach maximized the time available to Parties to submit the information required by the Committee to review their compliance status. It also provided the Secretariat with the greatest opportunity to resolve through administrative and diplomatic contacts prior to the Committee meeting and in accordance with paragraph 3 of the non-compliance procedure any apparent inconsistencies between the requirements of the Protocol and Parties’ data reports. It was noted that, as a result of its use of the current procedure, the Committee had been able to present to the annual meeting of the Parties a far more complete picture of all instances of potential or confirmed non-compliance with the Protocol in the preceding year.

446. The Committee also noted that the current approach to implementing paragraph 9 had also realized significant cost and logistical savings to the Parties. In order to make the report of the second meeting available six weeks prior to meetings of the Parties, the second meeting of the Implementation Committee would have needed to be held separately, requiring additional travel by members, invited Parties and representatives of the Fund secretariat and implementing agencies. A separate meeting would have imposed an additional cost of at least \$115,664 on the budget approved by the Parties for the Ozone Secretariat.

447. With those considerations in mind, the Committee expressed its hope that the Meeting of the Parties would continue to support its current approach to the implementation of paragraph 9 of the non-compliance procedure.

448. Finally, the Committee agreed that in order to facilitate the annual review by the Meeting of the Parties of the compliance issues considered by the Implementation Committee, the Secretariat should precede the text of the draft decisions presented in the conference room paper circulated to the Meeting of the Parties by the Committee for adoption with a tabular summary of the draft decisions. In addition to identifying the Party and compliance issues concerned, each tabular summary should include a remarks column to enable the Committee to highlight any special circumstances specific to a particular Party.

449. The Committee therefore *agreed*:

Recalling the paper tabled by New Zealand at the thirty-seventh meeting of the Committee on the key challenges to the future effective operation of the non-compliance procedure of the Montreal Protocol, namely, the timeliness of the submission of data and information to the Implementation Committee by Parties subject to the non-compliance procedure, paragraph 9 of the non-compliance procedure, which required the Implementation Committee to make its report available to the Meeting of the Parties not later than six weeks before that meeting, and the presentation of ever more compliance matters to the Meeting of the Parties,

Noting the document prepared by the Secretariat for the consideration of the Committee at its thirty-eighth meeting, which provided additional historical context and practical information on the operation of the non-compliance procedure in relation to each issue raised in the paper prepared by New Zealand and identified actions that had already been taken or could be taken to implement the

proposals contained in the paper to improve the arrangements of the Implementation Committee to ensure the continued effective operation of the non-compliance procedure,

To request the Ozone Secretariat to implement the actions to address the above mentioned challenges to the continued effective operation of the non-compliance procedure of the Protocol, in the light of the comments made by the Committee at its thirty-eighth meeting and, accordingly, to revise the Primer for the Implementation Committee to record those new actions.

Recommendation 38/52

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

450. Introducing the item, the member from Poland said that according to data from the Secretariat 20 Parties had not yet established systems for licensing the import and export of ozone-depleting substances, despite having ratified the Montreal Amendment, some as long ago as 1999. Of those 20, only one, Eritrea, had been brought before the Committee on account of that particular issue. In the case of some others, for example the Federated States of Micronesia, which had been considered by the Committee on other grounds, the issue of their non-compliance with the Montreal Amendment had been included in the recommendation on the Party concerned. Others among the 20, including Somalia, had been brought before the Committee for other reasons but no recommendation had been made regarding their non-compliance with the Montreal Amendment. The member suggested that the Secretariat should write to those Parties, other than Eritrea, seeking clarification of the reasons they had not established licensing systems in accordance with the Amendment. The issue, he concluded, was of great importance to the future of the Montreal Protocol, as Parties without functioning licensing systems could become the focus of illegal trade in ozone-depleting substances.

451. The representative of the Multilateral Fund secretariat said that it appeared that some Parties had informed the Multilateral Fund secretariat of their establishment of a licensing system but had failed to provide the same information to the Ozone Secretariat. In that context, he also noted that the introduction of national phase-out plans required that a licensing system should be in place. Consultation between the Multilateral Fund secretariat and the Ozone Secretariat could assist in clarifying the matter. The representative of the Ozone Secretariat said that it has become customary for the Secretariat, following the adoption at each Meeting of the Parties of a decision calling on Parties to establish licensing systems, to write letters conveying that decision to all the Parties concerned at the start of each year.

452. A member of the Committee queried whether it was within the mandate of the Implementation Committee to take action to further implementation of Article 4B in the light of decision XVIII/35, which conferred responsibility for that task upon the Meeting of the Parties. Another member said that decision XVIII/35 was more concerned with data gathering, whereas any action taken by the Committee would simply seek to identify reasons for non-compliance as a prelude to possible assistance.

453. The Committee agreed that although it differed from customary practice, the Committee was entitled to act proactively to ensure the implementation of Article 4B under the monitoring role accorded to it by paragraph 4 of that article. It also agreed that further discussion would take place on the item at the thirty-ninth meeting of the Implementation Committee.

454. The Committee therefore *agreed*:

Recalling that Article 4B of the Protocol provided that Parties to the Montreal Amendment to the Montreal Protocol were required, within three months of the Amendment's entry into force, to establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E of the Protocol, and report to the Ozone Secretariat on the establishment and operation of that system within three months of the date of its introduction,

Noting that Parties to the Montreal Amendment to the Protocol that had not yet established licensing systems were in non-compliance with Article 4B of the Protocol and could be subject to the non-compliance procedure under the Protocol,

Noting also that some Parties to the Montreal Amendment to the Protocol had reported the establishment and operation of licensing systems to the Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol (Multilateral Fund secretariat), but had not yet reported such information to the Ozone Secretariat, in accordance with paragraph 3 of Article 4B of the Protocol,

(a) To request the Ozone Secretariat to identify in consultation with the Multilateral Fund secretariat those Parties to the Montreal Amendment to the Protocol that had reported the establishment and operation of systems for licensing the import and export of new, used, recycled and reclaimed controlled substances listed in Annexes A, B, C and E of the Protocol;

(b) To further request the Ozone Secretariat to send letters to those Parties that had reported the establishment and operation of such a licensing system to the Multilateral Fund secretariat but had not yet reported such information to the Ozone Secretariat, requesting them to submit to the Ozone Secretariat as soon as possible, and no later than 1 August 2007, written confirmation that they had established and commenced operation of licensing systems in accordance with Article 4B of the Protocol, for consideration by the Committee at its thirty-ninth meeting;

(c) To also request the Ozone Secretariat to send a letter to those Parties to the Montreal Amendment that had not yet reported the establishment and operation of such licensing systems to either the Ozone Secretariat or the Multilateral Fund secretariat requesting them to submit to the Ozone Secretariat as soon as possible, and no later than 1 August 2007, an explanation as to why they had not yet done so in accordance with Article 4B of the Protocol, and to report on the status of their efforts to establish and implement such licensing systems, for consideration by the Committee at its thirty-ninth meeting.

Recommendation 38/53

XI. Other matters

455. No matters were raised for discussion under the item.

XII. Adoption of the report of the meeting

456. 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.

XIII. Closure of the meeting

457. Following the customary exchange of courtesies, the President declared the meeting closed at 6.25 p.m. on Saturday, 9 June 2007.

Annex I

Draft decisions

A. **Draft decision XIX/–: Potential non-compliance in 2006 with the provisions of the Protocol governing consumption of the controlled substances in Annex B, group I, (other CFCs) by Azerbaijan and request for a plan of action**

Noting that Azerbaijan ratified the Montreal Protocol and the London and Copenhagen Amendments on 21 June 1996 and the Montreal Amendment on 28 September 2000 and is classified as a Party not operating under paragraph 1 of Article 5 of the Protocol,

Noting further that Azerbaijan has reported annual consumption for the controlled substance in Annex B, group I, (other CFCs) for 2006 of 0.2 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for those controlled substances for that year, and that in the absence of further clarification Azerbaijan is therefore presumed to be in non-compliance with the control measures under the Protocol,

1. To request Azerbaijan to submit to the Secretariat, as a matter of urgency and no later than 16 April 2008, for consideration by the Implementation Committee at its next meeting, an explanation for its excess consumption together with a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance. Azerbaijan 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;

2. To monitor closely the progress of Azerbaijan with regard to the phase-out of other CFCs. 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, Azerbaijan should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;

3. To caution Azerbaijan, 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 other CFCs that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

B. **Draft decision XIX/–: Potential non-compliance in 2006 with the provisions of the Protocol governing consumption of the controlled substances in Annex B, group II, (carbon tetrachloride) by El Salvador and request for a plan of action**

Noting that El Salvador ratified the Montreal Protocol on 2 October 1992 and the London, Copenhagen and Montreal Amendments on 8 December 2000, 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 May 1997,

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

Noting also that El Salvador has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2006 of 0.8 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 El Salvador is therefore presumed to be in non-compliance with the control measures under the Protocol,

1. To request El Salvador to submit to the Secretariat, as a matter of urgency and no later than 16 April 2008, for consideration by the Implementation Committee at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance. El Salvador 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;

2. To monitor closely the progress of El Salvador 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, El Salvador should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;

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

C. Draft decision XIX/--: Non-compliance in 2005 with the provisions of the Protocol governing production of the controlled substances in Annex A, group I, (CFCs) and the requirements of Article 2 of the Protocol with regard to the transfer of CFC production rights by Greece

Noting 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,

Noting also that Greece has reported annual production for the Annex A, group I, controlled substances (CFCs) of 2,142,000 ODP-tonnes for 2005 to meet the basic domestic needs of Parties operating under Article 5 of the Protocol, which exceeds the Party's maximum allowable production level for those controlled substances of 730 ODP-tonnes,

Noting with appreciation the explanation submitted by the Party that 1,374 ODP-tonnes of the excess production could be attributed to a transfer of CFC production allowances from the United Kingdom of Great Britain and Northern Ireland to Greece in 2005,

Noting with concern, however, that Greece did not notify the Secretariat prior to the date of the transfer and that it is therefore in non-compliance with the provisions of Article 2 of the Protocol that prescribe the procedure for the transfer of production rights, while acknowledging the Party's regret at its failure to comply with the notification requirement of Article 2 and its undertaking to ensure that any future transfers are conducted in accordance with that Article,

Noting also the explanation submitted by Greece that the 38 ODP-tonnes of total reported CFC production in 2005 that was not accounted for by the transfer of production allowances reflected the Party's misunderstanding as to the calculation of its baseline for the production of CFCs to meet the basic domestic needs of Parties operating under Article 5 of the Protocol and data reporting errors by the Party for the baseline year 1995,

Noting further the information submitted by Greece in support of its request to revise the data for the year 1995 that is used to calculate the Party's baseline for the production of Annex A, group I, controlled substances (CFCs) to meet the basic domestic needs of Parties operating under Article 5 of the Protocol,

Recalling recommendation 39/-- of the Implementation Committee under the non-compliance procedure of the Montreal Protocol that concluded that the information submitted by Greece did not meet the requirements of decision XV/19 of the Fifteenth Meeting of the Parties for substantiating such a request, primarily on the basis that the Party could not identify a figure to replace its existing 1995 baseline data in accordance with paragraph 2 (a) (i) of decision XV/19,

Concluding therefore that Greece had exceeded its maximum allowable production level for the controlled substances in Annex A, group I, (CFCs) for 2005, and that Greece was therefore in non-compliance with the control measures for CFCs under the Protocol for that year,

Noting, however, that Greece ceased CFC production from February 2006 and will not issue licences to produce CFC in the future,

1. To monitor the status of Greece with regard to sustaining its cessation of CFC production. 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;

2. To caution Greece 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 action available under Article 4, such as ensuring that the demand for 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. Draft decision XIX/-: Compliance with the Montreal Protocol by the Islamic Republic of Iran

Noting that the Islamic Republic of Iran ratified the Montreal Protocol on 3 October 1990, the London and Copenhagen Amendments to the Protocol on 4 August 1997 and the Montreal Amendment to the Protocol on 17 October 2001, 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 June 1993,

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

Noting that the Islamic Republic of Iran has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 13.6 ODP-tonnes, which exceeds the Party's maximum allowable consumption of 11.6 ODP-tonnes for that controlled substance for that year but noting also that the excess consumption was for laboratory and analytical uses and that decision XVII/13 of the Seventeenth Meeting of the Parties 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 provides evidence to the Ozone 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 analytical and laboratory processes,

Noting with appreciation the Islamic Republic of Iran's submission of a plan of action to ensure its prompt return to compliance with the Protocol's carbon tetrachloride control measures, under which, without prejudice to the operation of the financial mechanism of the Protocol, the Islamic Republic of Iran specifically commits itself:

(a) To reducing consumption to no greater than:

(i) 11.6 ODP-tonnes in 2007;

(ii) Zero ODP-tonnes in 2008, save for essential uses that may be authorized by the Parties;

(b) To monitoring its existing system for licensing imports and exports of ozone-depleting substances, including import quotas;

Noting that the commitments listed in the present decision should enable the Islamic Republic of Iran to return to compliance in 2007;

1. To urge the Islamic Republic of Iran to work with the relevant implementing agencies to implement its plan of action to phase out consumption of carbon tetrachloride;

2. To monitor closely the progress of the Islamic Republic of Iran with regard to the implementation of its plan of action and the phase-out of carbon tetrachloride. 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, the Islamic Republic of Iran 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;

3. To caution the Islamic Republic of Iran 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 the carbon tetrachloride that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

E. Draft decision XIX/– Potential non-compliance in 2006 with consumption of the controlled substances in Annex B, group II (carbon tetrachloride) by Serbia, and request for a plan of action

Noting that Serbia ratified the Montreal Protocol on 12 March 2001 and the London, Copenhagen, Montreal and Beijing Amendments on 22 March 2005 and 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 [date],

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

Noting further that Serbia has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2006 of 5.1 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 2.8 ODP-tonnes for that controlled substance for that year, and that in the absence of further clarification Serbia is therefore presumed to be in non-compliance with the control measures under the Protocol,

1. To request Serbia to submit to the Secretariat, as a matter of urgency and no later than 16 April 2008, for consideration by the Implementation Committee at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Serbia 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;

2. To monitor closely the progress of Serbia 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, Serbia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;

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

Annex II

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