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**Implementation Committee under the
Non-compliance procedure for the
Montreal Protocol
Thirty-ninth meeting**
Montreal, 12–14 September 2007

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

I. Opening of the meeting

1. The thirty-ninth meeting of the Implementation Committee under the Non-compliance Procedure for the Montreal Protocol was held at the Palais des Congrès in Montreal, Canada, from 12 to 14 September 2007.

A. Opening statements

2. Ms. Robyn Washbourne (New Zealand), President of the Implementation Committee, opened the meeting at 10.10 a.m. on Wednesday, 12 September, welcoming the members of the Committee and representatives of the Multilateral Fund for the Implementation of the Montreal Protocol and the Fund's implementing agencies. She introduced Mr. Paul Horwitz, Deputy Executive Secretary of the Ozone Secretariat.

3. Mr. Horwitz read a statement from Mr. Marco González, Executive Secretary of the Ozone Secretariat, who could not attend the opening session of the meeting. In his statement, Mr. González expressed his hope that the current meeting would mark a thought provoking and fruitful start to the upcoming Nineteenth Meeting of the Parties and the associated meetings and events to be held in celebration of the Montreal Protocol's twentieth anniversary. Noting the critical role played by the Committee in helping Parties in non-compliance return to compliance through a supportive and positive mechanism, he praised the Committee members for their commitment and effort, underscoring that those who were not intimately involved with the workings of the Committee could not know just how much work Committee membership entailed. He also stressed the importance of the Committee in maintaining the effectiveness and credibility of the Protocol's non-compliance procedure and praised it for its efforts in various areas to enhance it, including through its consideration of how to treat late-submitted information and its recent decision to incorporate in the customary conference room

* Reissued for technical reasons.

paper prepared for each Meeting of the Parties a tabular summary of the draft decisions recommended for adoption by the Parties, which would soon be incorporated into the Committee's Primer. He also praised new proposals to continue improving the Committee's work, including one on the subject of strategically managing the Committee's workload in a transparent and equitable manner.

4. With respect to the work of the current meeting, he expressed regret that only 127 Parties had to date submitted their 2006 data. He also lamented the fact that while 32 of the 37 Parties that had been asked by the Committee to submit information had done so, only half of that number had submitted all of the information requested and had submitted most of that just in the week immediately preceding the current meeting, which might have an impact on the Committee's ability to deal with it at the current meeting. While those low rates of reporting might have been due to the early date of the meeting, he suggested that the Committee might wish to record in the present report a statement on the importance to the non-compliance procedure of timely submission of Party data and other relevant information.

5. In closing, he expressed his confidence that while it had not previously addressed them, the Committee would deal effectively, in a manner consistent with its mandate, with the items on its agenda relating to illegal trade and to production of CFCs for the basic domestic needs of Parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 Parties).

B. Attendance

6. Representatives of the following members of the Committee attended the meeting: Argentina, Bolivia, Georgia, India, Lebanon, the Netherlands, New Zealand, Nigeria, Poland and Tunisia.

7. At the prior invitation of the Committee, representatives of Greece, Paraguay and Turkmenistan attended. A representative of Ecuador also attended the meeting after the Committee was informed of the Party's availability.

8. 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. The Global Environment Facility had been invited to send a representative but had been unable to do so. During its discussion of Azerbaijan, the Committee agreed that the present report would reflect its regret that the Global Environment Facility was not represented at the current meeting and its view that the presence of a Facility representative was important whenever the potential non-compliance of a Party receiving assistance from the Facility was under consideration.

II. Adoption of the agenda and organization of work

9. The Committee adopted the following agenda, based on the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/39/1, 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) Equatorial Guinea (recommendation 38/15);
 - (ii) Montenegro (recommendation 38/27);

- (iii) Serbia (decision XVIII/33 and recommendation 38/36);
- (b) Existing plans of action to return to compliance:
 - (i) Albania (decision XV/26 and recommendation 38/51);
 - (ii) Armenia (decision XVIII/20 and recommendation 38/1);
 - (iii) Azerbaijan (decision XVII/26 and recommendation 37/2);
 - (iv) Bangladesh (decision XVII/27 and recommendation 38/3);
 - (v) Bosnia and Herzegovina (decisions XV/30 and XVII/28 and recommendation 38/6);
 - (vi) Botswana (decision XV/31 and recommendation 38/7);
 - (vii) Chile (decision XVII/29 and recommendation 38/8);
 - (viii) Federated States of Micronesia (decision XVII/32 and recommendation 38/17);
 - (ix) Fiji (decision XVII/33 and recommendation 38/51);
 - (x) Guatemala (decision XV/34 and recommendation 38/19);
 - (xi) Guinea-Bissau (decision XVI/24 and recommendation 38/51);
 - (xii) Honduras (decision XVII/34 and recommendation 38/51);
 - (xiii) Kenya (decision XVIII/28 and recommendation 38/21);
 - (xiv) Lesotho (decision XVI/25 and recommendation 38/51);
 - (xv) Libyan Arab Jamahiriya (decision XVII/37 and recommendation 38/24);
 - (xvi) Maldives (decision XV/37 and recommendation 38/51);
 - (xvii) Nepal (decision XVI/27 and recommendation 38/29);
 - (xviii) Nigeria (decision XIV/30 and recommendation 38/51);
 - (xix) Pakistan (decision XVIII/31 and recommendation 38/51);
 - (xx) Uganda (decision XV/43 and recommendation 38/51);
 - (xxi) Uruguay (decision XVII/39 and recommendation 38/51);
- (c) Draft plans of action to return to compliance:
 - (i) Ecuador (decision XVIII/23 and recommendation 38/13);
 - (ii) Eritrea (decision XVIII/24 and recommendation 38/16);
 - (iii) Paraguay (decision XVIII/32 and recommendation 38/32);
- (d) Other recommendations on compliance:
 - (i) Bangladesh (recommendation 38/3);
 - (ii) Bolivia (recommendation 38/5);
 - (iii) El Salvador (recommendation 38/14);
 - (iv) Greece (recommendation 38/18);
 - (v) Russian Federation (recommendation 38/33);
 - (vi) Saudi Arabia (recommendation 38/35);
 - (vii) Somalia (recommendation 38/39);
 - (viii) United Arab Emirates (recommendation 38/47);
- (e) Requests for change of baseline data:
 - (i) Saudi Arabia (recommendation 38/35);
 - (ii) Turkmenistan (recommendation 38/44);

(iii) Ukraine (recommendation 38/46).

6. Consideration of other non-compliance issues arising out of the data report.
7. Information on compliance by Parties present at the invitation of the Implementation Committee.
8. Consideration of the report of the Secretariat on Parties which have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol).
9. Minimizing production of CFCs by Parties not operating under Article 5, paragraph 1, of the Montreal Protocol to meet the basic domestic needs of Parties operating under Article 5, paragraph 1 (decision XVII/12).
10. Preventing illegal trade in controlled ozone-depleting substances (decision XVII/16).
11. Other matters.
12. Adoption of the report of the meeting.
13. Closure of the meeting.

10. Following a proposal from the President, the Committee agreed to consider under item 11, "Other matters", a paper that had been circulated by the President on possible prioritization of the work of the Committee at future meetings (UNEP/OzL.Pro/ImpCom/39/INF/5). The Committee also agreed to delete Turkey from the agenda, in consideration of the fact that at its thirty-eighth meeting it had agreed to defer consideration of that Party until after the Nineteenth Meeting of the Parties had dealt with the question of adding the use of bromochloromethane in the production of sultamicillin to the list of process agent uses for purposes of decision X/14.

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

11. The representative of the Ozone Secretariat provided a summary of the information set out in the report of the Secretariat on information provided by Parties in accordance with Article 7 of the Protocol (UNEP/OzL.Pro/ImpCom/39/2), focusing on the issues that the committee would be considering during their deliberations, namely: the status of compliance with data reporting obligations; the status of compliance with the control measures for the year 2006; and an update on the production of CFCs in the year 2006 by non-Article 5 Parties for basic domestic needs of Article 5 Parties, information that was requested under decision XVII/12.

12. On the issue of data reporting, he explained that at the time of preparation of the data report, two Parties – Equatorial Guinea and Montenegro – had been in breach of their obligations to report base-year data under paragraphs 1 and 2 of Article 7 and baseline data, as defined in paragraphs 3 and 8 ter of Article 5. He said that both had since submitted the missing data and that all Parties were therefore in compliance with their obligations in that regard. Moreover, all Parties were in compliance with their obligations to submit annual data pursuant to paragraphs 3 to 4 of Article 7 of the Protocol in the years prior to 2006.

13. He said that of the 190 Parties required to report annual data for the year 2006, 98 (52 per cent) had complied with all their obligations under paragraphs 3 to 4 of Article 7 of the Protocol. That represented a fairly low rate of reporting compared to previous years at similar times and suggested that this could be at least partly due to the celebration of the Protocol's twentieth anniversary, which had meant holding the current meeting prior to the 30 September deadline for submission of data. Information regarding the status of reporting of data for that period was set out in section E and annex V of document UNEP/OzL.Pro/ImpCom/39/2.

14. As set out in table 10 of document UNEP/OzL.Pro/ImpCom/39/2, one non-Article 5 Party, Azerbaijan, was listed as potentially non-compliant with the control measures relating to consumption by Parties not operating under Article 5 for 2006. Three Article 5 Parties had reported data for 2006 that placed them in possible non-compliance: Bolivia, El Salvador and Somalia. In terms of production, no cases of possible non-compliance had been reported either by Article 5 Parties or non-Article 5 Parties.

15. With respect to the production by non-Article 5 Parties of CFCs for basic domestic needs of Article 5 Parties in 2006, two Parties – France and the United Kingdom – had taken advantage of the provisions of paragraph 5 of Article 2, under which they had transferred CFC production rights to

Spain. Six Parties with a non-zero allowance for basic domestic needs production of CFCs had reported their 2006 data and the total basic domestic needs production of CFCs reported so far for the year 2006 totalled 290 ozone-depleting-potential tonnes (ODP-tonnes) from two of those Parties, the other 4 Parties having reported zero basic domestic needs production. Three Parties, France, Japan and Spain, had yet to report their data for the year 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 another representative of the Multilateral Fund secretariat presented a report under the item. Turning first to the decisions of the fifty-second meeting of the Executive Committee, the Chief Officer observed that the submission of 2006 country programme data seemed to be slower than usual, a matter of some concern as funding of proposals agreed by the Executive Committee was contingent on the submission of the data reports. The delays, however, were probably caused by a change in the format of the reports, which included using a web-based system, and would likely not be repeated in future years once Parties had become familiar with the new format.

17. The Fund secretariat representatives explained that the Executive Committee was aiming to facilitate the work of the Implementation Committee by requesting (for the first time) additional status reports on institutional strengthening for countries which had not replied to requests from the Implementation Committee for information concerning compliance. The Executive Committee was also approving institutional strengthening assistance for countries declared to be in non-compliance for one year at a time instead of the normal two years.

18. The Executive Committee had considered the final report on the evaluation of the UNEP Compliance Assistance Programme and had agreed to request UNEP, among other things, to focus the Programme's efforts on countries in potential or actual non-compliance, to promote further collaboration between customs and environmental officials and to assist in regional enforcement efforts. The Executive Committee had approved UNEP participation in the Green Customs Initiative, but only after ensuring that financial support from the Fund would genuinely contribute to the phase-out of ozone-depleting substances, rather than be spent on the other issues covered by the Initiative.

19. Finally, the Executive Committee had also approved a study on the challenges associated with halon banking and had requested China to re-examine its carbon tetrachloride production and consumption data for 1999 and 2000, in line with the Parties' requirements for calculating baseline data.

20. Turning to country programme data, the Fund Secretariat representatives reported that only 78 out of 142 Article 5 Parties had so far reported data for 2006, even though the deadline for reporting was 1 May. In the light of that relatively low figure, the Executive Committee had decided to require Article 5 Parties to submit their country programme data no later than the third Executive Committee meeting of the year. Of the 108 Parties that had reported information on regulatory measures, 90 (83 per cent) had operational licensing systems and 79 (73 per cent) had quota systems.

21. The country programme data had also enabled the Fund secretariat to report prices for the main ozone-depleting substances and alternatives. The data revealed that the average prices of CFC-11 and CFC-12 had increased since the previous report but still remained lower than the price of HFC-134a, which, like the price of HCFC-22, had remained fairly stable. Countries had reported a very wide range of prices, which could be due to regulatory impacts, such as taxes, or to the volumes of products imported, which were in some cases very small.

22. Based on the Fund Secretariat's assessment of the status of compliance, the Executive Committee had considered that additional actions might be needed for Somalia (for halons) and Niue (for carbon tetrachloride). Assistance for Somalia had already been approved, but the recent conflict in the country had made impossible to deliver it.

23. For CFCs, all countries in potential non-compliance with the phase-out targets (Eritrea, Palau, Paraguay and Venezuela) had received assistance from the Fund except Eritrea, whose country programme had not yet been completed. Looking ahead to the 85 per cent phase-out of CFCs in 2007,

2006 consumption had exceeded that level in 50 countries and 2005 consumption had done so in a further 41 (for whom 2006 data were not yet available). Significant reductions in consumption would therefore be needed if the target was to be achieved; all 91 countries, however, had already received assistance with phase-out or had funds allocated for them in the 2007 business plans, with the exception of Somalia, which was included in the 2008 business plans.

24. Of the two Parties that appeared to be in non-compliance with the halon phase-out schedule, Libya had received assistance and was in compliance with its plan of action approved by the Parties. Assistance had been earmarked for Somalia as soon as conditions permitted its delivery. The Secretariat's estimate of installed capacity for halons in Article 5 Parties was 227,200 ODP-tonnes, a drop of 40,875 ODP-tonnes from the previous year's estimate.

25. For methyl bromide, all Parties with consumption exceeding their targets (Fiji, Guatemala, Honduras, Libya and Saudi Arabia) had either agreements with the Executive Committee or approved projects, with the exception of Saudi Arabia; all others were in compliance with their plans of action approved by the Parties.

26. For carbon tetrachloride, all Parties with consumption exceeding their targets (Bolivia, Democratic Republic of the Congo, El Salvador, Islamic Republic of Iran, Pakistan) had phase-out projects in place. Niue and United Arab Emirates were also potentially in non-compliance, but Niue had been asked to clarify its data, while the United Arab Emirates had been requested by the Meeting of the Parties not to seek assistance from the Multilateral Fund.

27. For methyl chloroform, no Parties were at risk of not meeting the 2003 freeze and only one country (Democratic Republic of the Congo) was at risk of not meeting the 2005 target of a 30 per cent reduction from the 2003 level. A project for the complete phase-out of methyl chloroform was being implemented.

28. The representatives of the Secretariat drew attention to the preliminary version of their report for the fifty-third meeting of the Executive Committee, which presented the latest information with regard to the 62 countries for which there were compliance decisions, covering a total of 94 compliance issues, of which 74 had been resolved to date. Considering those decisions requiring regulatory actions such as the implementation of import and export licensing systems or quotas, 14 of the 31 countries listed had established such systems, 10 had not, and 7 had not yet reported.

29. Thanked the Fund secretariat representatives for their presentation. Responding to a query about the likelihood of countries being able to meet their 2007 CFC phase-out targets, one of the representatives recalled that many countries had showed relatively high consumption before their last phase-out target, in 2005, probably due to stockpiling. Owing partly to that, however, they had almost all managed to meet their targets; he hoped for the same result with respect to the target.

30. Several members queried some of the data included in the table showing prices of ozone-depleting substances and alternatives, particularly that reported for HFC-134a in the Marshall Islands, which seemed implausibly low to one member who wondered whether it might in fact be the price for CFCs being traded as HFCs. Members also highlighted the continuing low price of HCFC-22, which was now in general the cheapest ozone-depleting substance. In response, the representatives of the Fund secretariat stated that they often queried figures included in country programme data reports which looked doubtful, which sometimes led countries to revise them; the Marshall Islands price data had, however, not yet been investigated. In general there had been an increase in the quality of the data reported compared to the previous year.

31. Responding to a question about the calculation of installed halon capacity, the representative of the Fund secretariat clarified that the secretariat had used the same methodology as the Halons Technical Options Committee but intended to review it in the coming year.

32. One member observed that some of the countries identified as not being in compliance had only recently received phase-out assistance, whereas others had been receiving it for some time; he suggested that information on when Parties had received assistance be included in future presentations by the Multilateral Fund secretariat. The representative of the secretariat said that such information would be included in the future.

33. Responding to a question about Turkmenistan, the representative of the Fund Secretariat clarified that the country had received assistance with CFC phase-out from the Global Environment Facility, before its reclassification as an Article 5 Party. No further assistance was being made available, apart from support for institutional strengthening.

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

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

A. Albania

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

1. Compliance issue: CFC consumption reduction commitment

36. Albania had committed, as recorded in decision XV/26 of the Fifteenth Meeting of the Parties, to reduce its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 15.2 ODP-tonnes in 2006.

37. By the time of the current meeting Albania had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of 15.2 ODP-tonnes. That level of consumption was consistent with the Party's commitment contained in decision XV/26 and maintained it in advance of its obligations under the Protocol to phase out CFCs. It also represented, however, an increase in CFC consumption relative to 2005, for which Albania had reported CFC consumption of 14.3 ODP-tonnes.

2. Recommendation

38. The Committee therefore agreed to congratulate Albania on its reported data for the consumption of Annex A, group I, controlled substances (CFCs) in 2006, which showed that it had implemented its commitment contained in decision XV/26 to reduce CFC consumption to no greater than 15.2 ODP-tonnes and was in advance of its obligations under the CFC control measures of the Montreal Protocol in that year.

Recommendation 39/1

B. Armenia

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

1. Compliance issue: introduction of licensing and quota system

40. Armenia had committed, as stated in decision XVIII/20 of the Eighteenth Meeting of the Parties, to introduce by 1 July 2007 a system for licensing the import and export of ozone-depleting substances that included import quotas.

41. By the time of the current meeting, Armenia had completed implementation of its commitment. In an e-mail dated 4 July 2007, the Party had advised that its licensing and quota system had been established in the last week of June, following the adoption of the final Government resolution authorizing the commencement of the system's supporting legislation.

2. Discussion at the current meeting

42. One Committee member congratulated Armenia on its successful and swift implementation of the measures recommended by the Committee and noted with appreciation that a customs training programme and a train-the-trainers programme had recently been launched in the Party and that both had been very successful.

3. Recommendation

43. The Committee therefore agreed to note with appreciation that Armenia had completed implementation in 2007 of its commitment contained in decision XVIII/20 to introduce by 1 July 2007 a system for licensing the import and export of ozone-depleting substances that included import quotas.

Recommendation 39/2

C. Azerbaijan

44. Azerbaijan had been listed for consideration with regard to its implementation of recommendation 38/2.

1. Compliance issues

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

45. Azerbaijan had been requested, as stated in recommendation 38/2 of the thirty-eighth meeting of the Implementation Committee, 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 the controlled substances in Annex B, group I, (other CFCs) in 2006 and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance. The Committee at that meeting had agreed that in the absence of an explanation for the Party's excess consumption, it would forward for consideration by the Nineteenth Meeting of the Parties a draft decision that would request the Party to act in accordance with recommendation 38/2.

46. Recommendation 38/2 had arisen from the fact that Azerbaijan had reported consumption of 0.2 ODP-tonnes of other CFCs in 2006. Parties not operating under Article 5 of the Protocol were required to maintain total phase-out of those substances in 2006 except to the extent of consumption for uses agreed by the Parties to be essential. The Party had not been granted an essential use authorization for the consumption of those substances in 2006.

47. Azerbaijan had responded to recommendation 38/2 in correspondence dated 28 August 2007, explaining that it had mistakenly applied the customs code for other CFCs to what had in fact been a non-ozone-depleting substance. The Party had therefore not imported other CFCs in 2006 and was in compliance with the Protocol's control measures for those substances in that year.

(b) Status report on efforts to expedite implementation of the additional institutional strengthening project

48. Azerbaijan had also been requested, as stated in recommendation 38/2 of the thirty-eighth meeting of the Implementation Committee, 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 (UNEP) to expedite implementation of an additional institutional strengthening project approved by the Global Environment Facility.

49. The project took the form of national and regional activities for four countries with economies in transition: Azerbaijan, Kazakhstan, Tajikistan and Uzbekistan. National-level activities included 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 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.

50. The representative of UNEP to the thirty-eighth meeting of the Committee had reported that UNEP was at the time of that meeting preparing the documents that would allow disbursements under the project to commence shortly thereafter via subcontracts.

51. In its 28 August 2007 correspondence, however, Azerbaijan had subsequently explained that it had not yet commenced the additional institutional strengthening project, that it had been unable to access unspent funding from a previous institutional strengthening project to facilitate implementation of the additional institutional strengthening project and that it had been unsuccessful in seeking funding from UNDP.

52. In response to a request from the Secretariat, UNEP had subsequently provided an update on the status of the project, confirming that the project had not yet commenced. The delay, it said, had been caused by the need to revise the project's implementation arrangements significantly in the light of major revisions to the policies and standards for project implementation set by the Global Environment Facility secretariat and UNEP, including the establishment of minimum standards for project supervision. UNEP had, however, completed draft revised project implementation arrangements taking into account the new policies and standards. Following internal clearance of the document, it would be circulated to all participating Parties for review and establishment of their necessary internal arrangements for implementation of the project. To facilitate the Parties' consideration of the project implementation document and expedite the project's implementation, a representative of UNEP intended to meet bilaterally with each Party in the margins of the Nineteenth Meeting of the Parties.

2. Discussion at the current meeting

53. The Committee discussed the reasons for the long delays in the implementation of the additional institutional strengthening project. Responding to queries from Committee members, the representative of UNEP said that the slow progress in Azerbaijan had had two main causes: the transition within Azerbaijan from the previous institutional strengthening project to the new one, which had occurred alongside the dismantling of the national ozone office; and policy changes within the Global Environment Facility, which had necessitated a revision of the new project's implementation arrangements. He said that UNEP had not yet completed internal clearance of the revised draft project arrangements for the Parties concerned but would do so very soon. To expedite the project, however, a draft had been circulated to the participating Parties for their review. He added that the project would provide for the funding of a new ozone officer in Azerbaijan. The representative of the Secretariat explained that the implementation of the project in neighbouring countries would not be delayed until Azerbaijan had concluded its agreement with UNEP. Regional activities might, however, be impeded.

54. One Committee member said that Azerbaijan's difficulties in implementing the Protocol had been exacerbated by the lack of support that it was receiving under the Protocol and from its neighbours. He urged UNEP to play a more active role in assisting the country.

3. Recommendation

55. The Committee therefore agreed:

Noting with appreciation that Azerbaijan had explained that its apparent deviation from the Protocol's control measures for the Annex B, group I, substances (other CFCs) in 2006 had resulted from a misclassification of imports and that corrected data had confirmed that the Party had been in compliance with the Protocol's requirement to maintain total phase-out of those substances in that year,

Noting also with appreciation that Azerbaijan had responded to the request by the Implementation Committee at its thirty-eighth meeting, recorded in recommendation 38/2, to submit to the Secretariat as soon as possible, and 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,

Noting with concern, however, that contrary to previous advice the project had not commenced implementation while recognizing that not all the reasons for the delay were within the direct control of Azerbaijan,

(a) To urge Azerbaijan to work with the United Nations Environment Programme to expedite the implementation of the additional institutional strengthening project approved by the Global Environment Facility and to submit to the Ozone Secretariat a report on those efforts as soon as possible, and no later than 29 February 2008, for consideration by the Committee at its fortieth meeting;

(b) To invite Azerbaijan, if necessary, to send a representative to the fortieth meeting of the Committee to discuss the above matter.

Recommendation 39/3

D. Bangladesh

56. Bangladesh had been listed for consideration with regard to its implementation of decision XVII/27 and recommendation 38/3.

1. Compliance issues

(a) Methyl chloroform consumption reduction commitment

57. Bangladesh had committed, as stated 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.

58. By the time of the current meeting Bangladesh had submitted its official ozone-depleting substances data for 2006, reporting 0.5 ODP-tonnes of consumption of methyl chloroform. That level of consumption maintained the Party in advance of its commitment contained in decision XVII/27 and its methyl chloroform phase-out obligations under the Montreal Protocol for 2006.

(b) Notification of potential future CFC non-compliance

59. Bangladesh had been requested, as stated in recommendation 38/3 of the thirty-eighth meeting of the Implementation Committee, to submit three additional pieces of information to the Secretariat to assist the Committee in formulating a recommendation to the Meeting of the Parties with regard to the notification from the Party that, despite having made its best bona fide efforts, it anticipated that it would be unable to comply fully with the Protocol's consumption control measures for the Annex A, group I, controlled substances (CFCs) as prescribed by Articles 2A and 5 of the Protocol for the years 2007, 2008 and 2009.

60. The additional information comprised a copy, following its approval by the Executive Committee, of the Party's transition strategy for the phase-out of metered-dose inhalers using CFCs, including 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; a report on the implementation of the Party's national phase-out plan and any revisions that could be made, in the light of the progress made in the implementation of the 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; and a summary of the Party's project to convert its CFC-based 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.

61. By the time of the current meeting Bangladesh had responded to recommendation 38/3 submitting the documentation discussed below.

(i) National transition strategy

62. In accordance with recommendation 38/3, Bangladesh had submitted in its response a copy of its national transition strategy for the phase-out of metered-dose inhalers using CFCs, which was to be implemented by UNEP and UNDP under the auspices of the Multilateral Fund in close cooperation with the Government, industry and the health association of Bangladesh. The delay in submitting the strategy had been a consequence of the Party's desire to revise it, as approved by the Executive Committee at its fifty-second meeting in July 2007, to take into account the approval of funding at a level lower than that requested.

63. The estimated CFC consumption requirements of Bangladesh's metered-dose inhaler manufacturing facilities arising from the implementation of the revised strategy were unchanged from the original strategy. The estimates, presented in the table below as "requirement of CFCs for metered-dose inhalers (projected scenario)", would have placed the Party in non-compliance with the Protocol's CFC control measures in 2007, 2008 and 2009 to the same extent previously advised, thereby implicitly responding to the request by the Committee for advice on whether approval of the project would affect the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years 2007–2009.

		2007	2008	2009	Baseline
National phase-out plan limit	(a)	87.1	71.0	53.0	
CFC requirement for servicing sector	(b)	87.1	71.0	53.0	
Net CFC available for metered-dose inhaler applications	(c = a – b)	0.0	0.0	0.0	
Requirement of CFCs for metered-dose inhalers (projected scenario)	(d)	88.97	102.83	119.91	
Deficit (represented in negative numerals)	(e = c – d)	-88.97	-102.83	-125.98	
Montreal Protocol allowable consumption limit	(f)	87.2	87.2	87.2	581.6
Deficit (relative to Protocol limit)	(g = f – b – d)	-88.9	-86.6	-85.7	

64. Bangladesh had reported CFC consumption data for 2006 of 196.2 ODP-tonnes, which was a reduction from 2005 when the Party had reported CFC consumption of 263 ODP-tonnes. The revised strategy recorded CFC imports in 2006 for the CFC metered-dose inhaler manufacturing sector as 76.3 ODP-tonnes. The projected 2007 CFC metered-dose inhaler manufacturing requirements therefore represented a 10 per cent increase compared to 2006.

65. The revised strategy confirmed that the CFC metered-dose inhalers for which there were currently no CFC-free formulations, ipratropium bromide, triotropium and salmetrol combination, would be converted at a later date, with costs met by the manufacturers. It was thought that the demand for CFCs for those products would be met through the establishment, prior to 2010, of a 45.37 metric tonne stockpile. Manufacturers would be authorized to access the stockpile until 2012. The continued need for and size of the proposed stockpile would be reviewed by Bangladesh in the second half of 2008.

66. The key elements of the national transition strategy approved by the Executive Committee were retained in the revised strategy submitted to the Implementation Committee. The key elements were: implementing the conversion project; designing and implementing regulations to facilitate the phase-out of CFCs used in the production of metered-dose inhalers and to promote the adoption of non-CFC alternatives; implementing awareness and capacity-building among relevant stakeholders on the adoption of CFC-free alternatives; and designing and implementing monitoring and verification protocols to confirm and report on the status of CFC phase-out in the metered-dose inhaler subsector. The conversion project is described in more detail in subsection 1 (b) (ii) below.

67. Pages 29–34 of the revised strategy elaborated on its key elements. The table on page 6 of the revised strategy indicated that all transition activities would be completed by 2009, with related regulations to be implemented from the first half of 2008. Recommendation 38/3 had requested Bangladesh to ensure 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.

a. Regulatory measures

68. The secretariat of the Multilateral Fund had noted in its report to the Executive Committee at its July meeting that Bangladesh had existing legislation in place that prevented the import of products that were produced by local manufacturers, which effectively prevented the import of metered-dose inhalers containing either CFCs or non-ozone-depleting alternatives. The Party had also streamlined arrangements for the registration of alternatives to CFC-metered-dose inhalers manufactured in Bangladesh. At the last meeting of the Implementation Committee, a representative of Bangladesh had also informed the Committee that CFC-11 and CFC-12, which were used in the manufacture of metered-dose inhalers, were subject to a higher tax rate (26 per cent) than their alternative HFC-134a (6 per cent) and that no new CFC-based metered-dose inhalers could be registered.

69. The revised strategy stated that the Government of Bangladesh would consider the following additional regulatory measures to control CFC imports: CFC metered-dose inhaler supply; CFC metered-dose inhaler sales; and promotion of CFC-free alternatives. With regard to CFC import controls, Bangladesh would consider CFC import quotas on individual metered-dose inhaler manufacturers, followed by a total import ban. With regard to CFC metered-dose inhaler supply controls, Bangladesh would consider deregistration of licenses to manufacture CFCs; a ban on the registration of new CFC metered-dose inhaler manufacturing enterprises; an import ban on CFC-based metered-dose inhalers; a ban on the licensing of any new CFC-based metered-dose inhalers; a ban on licensing the import of any new CFC-based metered-dose inhalers; and mandatory provision of data by exporters from non-Article 5 Parties, including detailed export manufacturing transition plans where

exports of an active ingredient to Bangladesh exceeded 10 metric tonnes, specifying the actions that each manufacturer was taking and would take to transition its exports to CFC-free metered-dose inhalers as expeditiously as possible in a manner that did not put patients at risk. With regard to CFC-based metered-dose inhaler sales controls and incentives to promote alternatives, the Party would identify opportunities and implement fiscal incentives to achieve the phase-out CFC-based metered-dose inhalers and adopt CFC-free alternatives.

b. Awareness-raising and capacity-building

70. Awareness-raising and capacity-building activities were to be undertaken by the national ozone unit in collaboration with the Asthma Association and the Lung Foundation. Activities would include: workshops to promote the adoption of CFC-free alternatives among doctors and local medical practitioners; the development of awareness-raising materials for use at pharmaceutical outlets and clinics, select medical centres treating respiratory diseases and hospitals; free periodic clinics to demonstrate alternative therapies, conducted in close collaboration with pharmaceutical companies; development of a video to raise the awareness of students in medical colleges and nursing and pharmacist training institutions, as well as awareness-raising videos for the general public; and meetings on the design and implementation of regulations for CFC metered-dose inhaler phase-out in consultation with the ministry of health and family welfare, the drug regulatory authorities and drug control committees, including the identification of fast track processes for phasing in CFC-free alternatives.

c. Project monitoring and verification protocols

71. A sub-project implementation unit was to be established, which would report directly to the Director of the Drug Administration and coordinate its activities closely with the national ozone unit and the project management unit for Bangladesh's national phase-out plan. Monitoring and reporting protocols would also be designed in consultation with the participating companies.

72. To ensure expedited implementation of the project, the National Ozone Steering Committee would also periodically monitor project implementation status and adopt additional measures as and when identified. That committee's primary role would be to monitor timely completion of the project, in cooperation with other stakeholders, and to intervene to expedite the process should delays occur.

(ii) CFC-metered dose inhaler manufacturing sector conversion project

73. Bangladesh had also submitted a copy of the project document for the conversion of the Party's CFC-based metered-dose inhaler manufacturing sector. That investment project had also been approved by the Executive Committee at its fifty-second meeting in July 2007, for implementation by UNDP.

74. The project's planned duration and CFC phase-out schedule were unchanged from those presented to the Committee at its thirty-eighth meeting. It was planned that the project would phase out 76.3 ODP-tonnes by 2011 and be implemented over two years. Three locally-owned manufacturing facilities, Beximco, Square and Acme Pharmaceuticals, would be converted. They supplied virtually all of the Party's demand for CFC-based metered-dose inhalers, including those inhalers containing the active ingredients salbutamol, beclomethasone, salbutamol plus ipratropium and salmeterol plus fluticasone, which represented over 90 per cent of the Party's total production. It was expected that CFC-based metered-dose inhalers containing other active ingredients would continue to be manufactured until CFC-free formulations became available, drawing upon a stockpile of 45.37 metric tonnes established prior to 2010.

75. The project documentation stated that one of the three companies (Beximco) had already established a CFC-free metered-dose inhaler manufacturing line and had made two CFC-free products commercially available. The project featured retroactive assistance for Beximco's incremental investment to date. The two other companies to be assisted by the project, ACME and Square, also produced a range of single-dose CFC-free dry powder inhaler products, which Bangladesh believed would play a role in the transition strategy but might not necessarily replace the CFC-containing metered-dose inhaler products.

76. The project would meet the costs of production equipment and installation, product development and transfer to the companies, along with overall project supervision and implementation of the transition strategy. The participating companies would finance the cost of stability testing, laboratory analysis and overhead, under the supervision of a technical expert supported by the Multilateral Fund.

(iii) Revised national phase-out plan

77. Recommendation 38/3 had requested Bangladesh to submit 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. In response, Bangladesh has advised that the plan was under revision and that the revised plan would be communicated to the Secretariat upon completion.

78. In correspondence dated 16 April 2007, the Secretariat had sought clarification as to 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 the downward revision of the Party's estimated CFC requirements for 2007–2009 in its servicing sectors presented in the above table. Therefore, while acknowledging that Bangladesh anticipated some uncertainty as to the extent of the impact of the Executive Committee's recommendations, the Secretariat had sought the advice of the Party as to why it did not anticipate any additional CFC phase-out from the implementation of the recommendations. 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 because the Party had only recently begun doing so through its national phase-out plan.

2. Compliance assistance

79. At its fifty-second meeting, in July 2007, the Executive Committee had approved funding for UNEP and UNDP for the implementation of the Party's transition strategy for the phase-out of CFC-based metered-dose inhalers and conversion of its CFC-based metered-dose inhaler manufacturing sector.

80. UNDP and UNEP were also at that time implementing a national ozone-depleting substances phase-out plan in Bangladesh under the auspices of the Multilateral Fund. Implementation had been earlier delayed because the Party had not signed the project documentation. UNDP, however, had later informed the Executive Committee at its fifty-first meeting, in March 2007, that the outstanding signature had been obtained. The agency had reported to the Executive Committee at its fifty-second meeting that efforts to revise the annual implementation plans contained in the national phase-out plan were progressing well and were expected to be finalized in a meeting with Government representatives scheduled for the first week of August 2007.

3. Background information on CFC consumption in the metered-dose inhaler sector of Bangladesh

81. Bangladesh's CFC consumption baseline was 581.6 ODP-tonnes. The Protocol's control measures therefore required the Party to reduce CFC consumption to no greater than 87.2 ODP-tonnes in each year during the period 2007–2009. The national phase-out plan agreed between Bangladesh and the Executive Committee imposed more stringent consumption restrictions, requiring the Party to reduce its CFC consumption to no greater than 87.1 ODP-tonnes in 2007, 71.0 ODP-tonnes in 2008 and 53.0 ODP-tonnes in 2009. Bangladesh had reported CFC consumption of 196.2 ODP-tonnes for the year 2006, 76.3 ODP-tonnes (39 per cent) of which was consumption for metered-dose inhaler manufacture. The representatives of Bangladesh to the thirty-seventh meeting of the Committee had stated that, in the absence of remedial measures, CFC consumption in the metered-dose inhaler manufacturing sector could continue to rise from the current level of 70–75 metric tonnes per year. Furthermore, the Party expected to exceed its annual maximum allowable consumption of CFCs in the years 2007–2009 by approximately 88.9 ODP-tonnes, 86.6 ODP-tonnes and 85.7 ODP-tonnes, respectively.

4. Discussion at the current meeting

82. The Committee agreed that the situation of Bangladesh was very complicated and that it would need more information on a range of matters in order to determine the appropriate course of action. Responding to queries from Committee members, the representative of the Multilateral Fund secretariat confirmed that the Party's CFC consumption had expanded rapidly over recent years and was projected to continue doing so until 2010. He added that the investment project for conversion of the Party's CFC-based metered-dose inhaler sector had been approved by the Executive Committee at its fifty-second session and that the project was expected to conclude in two or three years. The

representative of the Ozone Secretariat explained that only around five per cent of Bangladesh's CFC-based metered-dose inhalers were exported to other countries.

83. Several Committee members expressed surprise that Bangladesh's consumption of CFCs was projected to continue expanding fast despite the approval of a phase-out plan. There was some uncertainty as to whether the Party was planning to stockpile CFCs in the years to 2010 for use by metered-dose inhaler manufacturers in the following three years. Some representatives suggested that it would be preferable for the Party to apply for an essential-use exemption after 2009 rather than stockpile reserves beforehand and thereby fall into non-compliance. The representative of the Secretariat noted, however, that the process by which Article 5 Parties would seek essential-use exemptions after 2009 was currently unclear and that that fact might have deterred Bangladesh from adopting such an approach.

84. In the light of the uncertainties outlined above, the Committee agreed that the Secretariat would seek the following information from Bangladesh prior to the Committee's next meeting:

(a) Confirmation that Bangladesh would impose a ban from the year 2010 on the import of CFCs for the manufacture of metered-dose inhalers for which there were alternatives;

(b) Further explanation of why CFC consumption was expected to increase in the period 2007–2009;

(c) An explanation of why projects already under way and the availability of alternatives were not expected to reduce CFC consumption in the period 2007–2009;

(d) A timetable for the introduction of the anticipated regulatory measures to control CFC supply, CFC metered-dose inhaler supply and CFC metered-dose inhaler sales and to promote CFC-free alternatives;

(e) An explanation of the Party's decision to stockpile CFCs in the period 2007–2009 to meet demand in the period 2010–2012 rather than to seek CFC supply through the Protocol's essential-use exemption process, noting that obtaining CFCs through the essential use process could enable the Party to avoid or at least minimize its non-compliance with the Protocol's CFC control measures in the period 2007–2009.

5. Recommendation

85. The Committee therefore agreed:

Noting with appreciation that Bangladesh had submitted its ozone-depleting substances data for 2006, as well as copies of its national transition strategy for the phase-out of metered-dose inhalers using CFCs and its project for the conversion of its CFC metered-dose inhaler manufacturing sector, in accordance with recommendation 38/3 of the Implementation Committee at its thirty-eighth meeting,

Noting with regret, however, that Bangladesh had not submitted in accordance with recommendation 38/3 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 that 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, but noting also that the Party had undertaken to submit the requested information as soon as revisions to the plan were completed,

(a) To congratulate Bangladesh on its reported data for the consumption of the Annex B, group III, controlled substance (methyl chloroform) in 2006, which showed that it was in advance of both its commitment contained in decision XVII/27 to maintain its consumption of that substance at no greater than 0.550 ODP-tonnes in 2006 and its obligations under the methyl chloroform control measures of the Montreal Protocol in that year;

(b) To urge Bangladesh to submit to the Ozone Secretariat as soon as possible, and no later than 29 February 2008, 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 that 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, for consideration by the Committee at its fortieth meeting;

(c) To further urge Bangladesh to submit to the Ozone Secretariat no later than 29 February 2008 an update on its progress in implementing its national transition strategy and conversion project, including any revisions that could be made to the estimated amount by which the Party expected to exceed its annual allowable consumption of CFCs in each of the years 2007–2009, for consideration by the Committee at its fortieth meeting;

(d) To request Bangladesh to submit to the Ozone Secretariat as soon as possible and no later than 29 February 2008 information to address the questions raised by the members of the Committee in the course of its discussion of Bangladesh's situation, as communicated to the Party by the Secretariat;

(e) To request Bangladesh to send a representative to the fortieth meeting of the Committee to discuss the above matters.

Recommendation 39/4

E. Bolivia

86. Bolivia had been listed for consideration with regard to its implementation of recommendation 38/5.

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

87. Bolivia had been requested, as stated in recommendation 38/5 of the thirty-eighth meeting of the Implementation Committee, 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 the Annex B, group II, controlled substance (carbon tetrachloride), in particular consumption for the testing of tar in road-paving and total petroleum hydrocarbon in water, which the Meeting of the Parties had through decision XI/15 removed 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. The Party had also been reminded to submit its ozone-depleting substances data for 2006 to enable the Committee to determine whether the Party continued to consume carbon tetrachloride in excess of the maximum allowable level prescribed by the Protocol for that year.

88. Bolivia had previously reported consumption of 0.1 ODP-tonnes of carbon tetrachloride in 2005, an amount inconsistent with the Protocol's requirement that it reduce its consumption to a level no greater than 15 percent of its carbon tetrachloride consumption baseline in that year, namely, zero ODP-tonnes. Determination of the Party's compliance status in 2005 had, however, been deferred in accordance with decision XVII/13 of the Seventeenth Meeting of the Parties as the excess consumption had been attributed by the Party to the laboratory uses of testing of tar in road-paving and the testing of total petroleum hydrocarbon in water.

89. Decision XVII/13 recorded the agreement of the Parties to review the deferral granted by that decision at the Nineteenth Meeting of the Parties in order to address the period 2007–2009.

90. By the time of the current meeting, Bolivia had responded to recommendation 38/5 and submitted its 2006 ozone-depleting substances data, although it had done so after the deadline of 1 August 2007 contained in recommendation 38/5. The Party had reported 2006 carbon tetrachloride consumption of 0.1 ODP-tonnes, a level of consumption inconsistent with the Protocol's requirement that it reduce carbon tetrachloride consumption in 2006 to a level no greater than 15 percent of its consumption baseline for that substance, namely, zero ODP-tonnes. In a subsequent letter, dated 30 August 2007, the Party had reported that in 2006 118.4 kilograms (0.1 ODP-tonnes) of its total consumption continued to be for the testing of total petroleum hydrocarbon, while an additional 73.6 kilogrammes (0.1 ODP-tonnes) was used for other laboratory and analytical uses.

91. With regard to the status of its efforts to phase out its consumption of carbon tetrachloride, Bolivia had explained that its efforts had been hampered by delays in the approval of assistance by the Executive Committee of the Multilateral Fund and what it considered to be an inadequate level of funding approved by the Executive Committee at its fifty-first meeting, in March 2007. The Executive Committee at its fifty-first meeting had approved in principle \$540,000 plus agency support costs for UNDP and the Government of Canada to assist Bolivia to implement a terminal phase-out management plan to achieve total phase-out of CFCs and carbon tetrachloride. The submission from Bolivia stated that \$20,000 of the approved budget had been allocated to carbon tetrachloride phase-out. The plan 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, which would enable the Party to achieve total-phase-out of carbon tetrachloride two years in advance of the Protocol's requirements. As noted above, while Bolivia's consumption of carbon tetrachloride for the testing of total petroleum hydrocarbon in water had continued in 2006, carbon tetrachloride had not been used for the testing of tar in road-paving in that year.

92. The submission also recorded the Party's commitment to make all necessary effort to ensure its compliance in 2008, including addressing institutional weaknesses attributed to the change of its Government in 2007, with the support of UNDP and Canada.

93. In reviewing the additional information, the Secretariat had noted that Bolivia referred to total carbon tetrachloride consumption in 2006 of 192 kilogrammes (0.2 ODP-tonnes), an amount greater than the 0.1 ODP-tonnes reported by the Party in its data submission of 1 August 2007. The Montreal Protocol, however, required Bolivia to reduce its carbon tetrachloride consumption in 2006 to no greater than 15 per cent of its baseline, namely, zero. Whether it had consumed 0.1 ODP-tonnes or 0.2 ODP-tonnes in 2006, its carbon tetrachloride consumption would still be in excess of the Protocol's requirement for that year.

94. As Bolivia had clarified that its entire carbon tetrachloride consumption in 2006 had been for laboratory and analytical use applications, however, decision XVII/13 of the Seventeenth Meeting of the Parties appeared to apply. Decision XVII/13 provides 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. It further provides that the Nineteenth Meeting of the Parties will review the deferral for the period 2007–2009.

2. Recommendation

95. The Committee therefore agreed:

Recalling that, in accordance with decision XVII/13 of the Seventeenth Meeting of the Parties, at its thirty-eighth meeting it had deferred consideration of the compliance of Bolivia in 2005 with the Annex B, group II, controlled substance (carbon tetrachloride) consumption control measures of the Protocol on the basis that the Party's excess consumption of that controlled substance was for laboratory uses,

Noting with concern that Bolivia had reported consumption of 0.1 ODP-tonnes of carbon tetrachloride in 2006, an amount inconsistent with the Protocol's requirement that Bolivia limit consumption of that substance in that year to no greater than 15 per cent of its consumption baseline for that substance, namely, zero ODP-tonnes,

Noting with appreciation that Bolivia had responded to the request of the Implementation Committee at its thirty-eighth meeting, recorded in recommendation 38/5, that it submit information on the status of its 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 had 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,

Noting further with appreciation that, while the Party's entire carbon tetrachloride consumption in 2006 continued to be directed to the testing of total petroleum hydrocarbon in water and other laboratory and analytical applications, it had not consumed the substance for the testing of tar in road-paving and that, with the assistance of the United Nations Development Programme and the Government of Canada under the auspices of the Multilateral Fund, Bolivia expected to achieve total phase-out of carbon tetrachloride in 2008,

(a) To agree, in the light of Bolivia's analysis of the particular circumstances relating to its carbon tetrachloride consumption in 2006, that decision XVII/13 on the use of carbon tetrachloride for laboratory and analytical uses in Parties operating under Article 5 of the Protocol applied to Bolivia's excess consumption of carbon tetrachloride in that year;

(b) To defer consideration of the compliance status of Bolivia in relation to the Protocol's control measures for carbon tetrachloride, in accordance with the provisions of decision XVII/13, while urging the Party to continue its carbon tetrachloride phase-out efforts in the interim.

Recommendation 39/5**F. Bosnia and Herzegovina**

96. Bosnia and Herzegovina had been listed for consideration with regard to its implementation of recommendation 38/6 and decisions XV/30 and XVII/28.

1. Compliance issues: CFC, methyl bromide and methyl chloroform consumption reduction commitments

97. Bosnia and Herzegovina had been reminded, as stated in recommendation 38/6 of the thirty-eighth meeting of the Implementation Committee, 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) at no greater than zero in 2006.

98. By the time of the current meeting Bosnia and Herzegovina had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of 32.6 ODP-tonnes and zero consumption of methyl bromide and methyl chloroform. That level of consumption maintained the Party in advance of both of its commitment contained in decision XV/30 and decision XVII/28 with regard to methyl bromide and methyl chloroform and in conformity with its commitment contained in decision XV/30 with regard to CFCs.

2. Recommendation

99. The Committee therefore agreed to congratulate Bosnia and Herzegovina on its reported data for the consumption of the substances contained in Annex A, group I (CFCs), Annex B, group III (methyl chloroform) and Annex E (methyl bromide) in 2006, which showed that in that year it was in advance of both its commitment contained in decisions XV/30 and XVII/28 and its obligations under the control measures of the Montreal Protocol with regard to methyl chloroform and methyl bromide and that it was meeting its commitment contained in decision XV/30 with regard to CFCs.

Recommendation 39/6**G. Botswana**

100. Botswana had been listed for consideration with regard to its implementation of recommendation 38/7 and decision XV/31.

1. Compliance issue: establishment of licensing and quota system

101. Botswana had been requested, as stated in recommendation 38/7, 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. The Party had previously committed, as stated in decision XV/31 of the Fifteenth Meeting of the Parties, to establish a system for licensing imports and exports of methyl bromide, including quotas.

102. By the time of the current meeting, Botswana had not responded to recommendation 38/7. The Party had informed the Implementation Committee at its thirty-eighth meeting that it would implement its obligation under decision XV/31 and ensure sustained total phase-out of controlled methyl bromide consumption and production through its Agro-Chemicals Act of 1999. The Party had explained that the Act required persons seeking to trade, use, transport or manufacture agrochemicals, including methyl bromide, to hold a license to do so and that, with regard to the import of methyl bromide, a valid license to undertake any such import was requested by the Party's customs officers at points of entry to the country. The Party had not, however, clearly indicated whether licenses were required to export such chemicals or whether the import and export of mixtures containing methyl bromide would be subject to the licensing system.

103. Germany had informed the Executive Committee of the Multilateral Fund at its fifty-second meeting, held in July 2007, that draft regulations had been finalized by Botswana and that it was hoped that they would be approved at the next session of the cabinet. The legal department of the Government of Botswana had, however, requested further stakeholder consultations prior to the submission of the regulations to cabinet. The additional consultation had been planned for June 2007.

2. Compliance assistance

104. At the time of the current meeting, UNEP was providing institutional strengthening assistance to Botswana under the auspices of the Multilateral Fund. In its progress report to the Executive Committee at its fifty-second meeting, held in July 2007, UNEP had reported that it had assisted the Party to develop ozone-depleting substances legislation, including a licensing system. It had further reported that Botswana had conducted sensitization workshops for stakeholders on the legislation.

105. At the time of the current meeting, Germany was implementing a refrigerant management plan in Botswana under the auspices of the Multilateral Fund. It had reported to the Executive Committee at its fifty-second meeting that implementation of the plan had been delayed by the absence of relevant legislation, although one refrigeration technician training workshop had been held.

3. Recommendation

106. The Committee therefore agreed:

Recalling that Botswana had committed, as recorded in decision XV/31, to establish a system for licensing imports and exports of methyl bromide, including import quotas,

Noting with concern that Botswana had not responded to the request of the Implementation Committee at its thirty-eighth meeting, recorded in recommendation 38/7, 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,

(a) To urge Botswana to submit the requested information to the Ozone Secretariat no later than 29 February 2008, in time for consideration by the Committee at its fortieth meeting;

(b) To invite Botswana, if necessary, to send a representative to the fortieth meeting of the Committee to discuss the above matter.

Recommendation 39/7

H. Chile

107. Chile had been listed for consideration with regard to its implementation of recommendation 38/8 and decision XVII/29.

1. Compliance issue: methyl chloroform consumption reduction commitment

108. Chile had been requested, as stated in recommendation 38/8 of the thirty-eighth meeting of the Implementation Committee, to submit to the Secretariat 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, no later than 1 August 2007, in time for consideration by the Committee at its thirty-ninth meeting.

109. By the time of the current meeting Chile had submitted a response to recommendation 38/8, reporting that the regulation required to fulfil its obligation contained in decision XVII/29 to introduce an import quota system was being processed by the Office of the Comptroller-General and that once that Office had officially noted and published the regulation as a decree it would enter into force. It had also reported that the national ozone unit was making all possible efforts to ensure early publication and that the customs service had developed the necessary internal rules to implement the system as soon as the regulation entered into force.

110. With regard to the Party's progress in implementing alternatives to methyl chloroform in the solvent sector, it had indicated in its response that through the Multilateral Fund project "Technical assistance to eliminate ozone-depleting solvents in Chile" five companies had been identified as users of ozone-depleting solvents, including methyl chloroform. Each company had been visited by an international expert and supplied with alternatives to trial.

111. The Party had also indicated that to date one company had fulfilled its undertaking to eliminate CFC-113 and another had reduced consumption of that substance by 50 per cent. Two other companies were testing alternatives to methyl chloroform and receiving direct technical assistance. One of those companies had undertaken to eliminate methyl chloroform use before the end of 2007. The fifth company was expected soon to receive samples of methyl chloroform alternatives for trial.

112. Chile had also explained that the technical assistance project had also revealed that ozone-depleting solvents were being used in very small amounts for laboratory applications by students in accordance with international standards for chemical analysis. The quantities concerned were on the order of microlitres or millilitres per sample, with a few samples per year. Finally, the Party had explained that it expected the technical assistance project to be completed in December 2007.

2. Compliance assistance

113. At the time of the current meeting, UNDP was providing institutional strengthening assistance to Chile under the auspices of the Multilateral Fund. Such assistance had earlier been provided by the World Bank but was transferred to UNDP in 2007. In its progress report to the Executive Committee at its fifty-second meeting, held in July 2007, the World Bank had noted that during 2006 representatives of the national customs service, environment and health ministries and other institutions had undertaken training on a new information system that would support the Party's new import quota system to control trade in ozone-depleting substances.

114. UNDP was also providing technical assistance to Chile in the implementation of alternatives to methyl chloroform in the solvent sector, under the auspices of the Multilateral Fund. The agency had reported to the Executive Committee at its fifty-second meeting that it expected the technical assistance project to be completed by the end of 2007. 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 it would also assist the Party in its efforts to implement its enhanced import quota system.

3. Recommendation

Recalling that Chile had committed, as recorded in decision XVII/29, to introduce an enhanced ozone-depleting substances licensing and import quota system,

Noting with appreciation that Chile had responded to the request by the Implementation Committee at its thirty-eighth meeting, recorded in recommendation 38/8, to submit to the Ozone Secretariat 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,

To urge Chile to submit an updated report on the above matters to the Ozone Secretariat no later than 29 February 2008, in time for consideration by the Committee at its fortieth meeting.

Recommendation 39/8

I. Ecuador

115. Ecuador had been listed for consideration with regard to its implementation of recommendation 38/13.

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

116. Ecuador had been requested, as stated in recommendation 38/13 of the thirty-eighth meeting of the Implementation Committee, 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.

117. Shortly before the current meeting Ecuador had submitted a revised plan of action, together with its ozone-depleting substances data for 2006, confirming consumption of 51 ODP-tonnes of methyl bromide in that year. That data placed Ecuador in compliance with the methyl bromide control measures of the Montreal Protocol for 2006, which required the Party to reduce its methyl bromide consumption in that year to no greater than 53 ODP-tonnes.

118. The time-specific benchmarks for the phase-out of methyl bromide contained in the revised plan of action would, however, have placed Ecuador in non-compliance with the Protocol's methyl bromide control measures in 2007, before returning it to compliance in 2008. The revised plan is summarized below, highlighting the extent to which Ecuador fulfilled the request contained in recommendation 38/13 that the Party respond to the queries contained in the correspondence from the Secretariat dated 27 April 2007.

(a) Causes of non-compliance with methyl bromide control measures in 2005

119. At its thirty-eighth meeting the Committee had been informed that Ecuador was attributing 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, a fact which remained at that time 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 import had then been subsequently detected in the course of a survey conducted by the World Bank, completed in early 2006.

(b) Methyl bromide consumption in Ecuador

(i) Historical methyl bromide consumption

120. The survey conducted in 2006 that had detected the Party's excess methyl bromide imports in 2005 had concluded that the sole user of methyl bromide in Ecuador in that year was the summer-flower-growing sector, which had reported consumption of 225 metric tonnes. Total reported consumption for that year had been 255 metric tonnes. The intended consumer of the remaining 30 metric tonnes did not appear to be explained in the revised plan.

121. The revised plan stated that the flower-growing sector had generated exports worth \$436 million in 2006 and more than 96,000 jobs, directly and indirectly. Between 1995 and 2005, the area under flower cultivation grew from approximately 316.45 hectares to 1,049.72 hectares. Over that period Ecuador's methyl bromide consumption ranged from zero metric tonnes in 2003 and 2004 to 612 metric tonnes in 2001.

122. Table 3 of the revised plan of action attributed all methyl bromide consumption in 2006 to the summer-flower-growing sector. It also stated that one company, Rodel Flowers, was Ecuador's sole methyl bromide importer.

123. In accordance with recommendation 38/13, Ecuador had been requested to submit additional details on the methodology followed in conducting the 2006 survey to confirm that it had not consumed methyl bromide for quarantine and pre-shipment applications, given the challenges that it had faced in collecting accurate methyl bromide consumption data. It had also been requested to confirm that it had not imported methyl bromide in 2003 or 2004. The Multilateral Fund secretariat evaluation of the technical assistance project had suggested that the Party had not imported methyl bromide in those years because demand had been met from stockpiles imported in 2001.

124. The revised plan explained that Ecuador, in conjunction with the World Bank, had contracted a consulting firm, the Andean Higher Agricultural Institute, an arm of the Armed Forces Polytechnic, to survey methyl bromide users. The consultant had also been responsible for studying methyl bromide alternatives. The survey form used by the consultant expressly asked whether methyl bromide had been used for quarantine or pre-shipment applications. The survey had concluded that in 2005 methyl bromide had been used solely in the summer-flower-growing sector. In addition, the survey had confirmed that there had been no imports of methyl bromide in 2003 or 2004, as demand for the substance had been met by stockpiles imported in 2001.

125. The veracity of the users' response that no methyl bromide import had been directed to quarantine and pre-shipment applications had been confirmed by the Ecuadorian Organization for Plant and Animal Health (SESA). That organization had also informed the Government that methyl bromide consumption for such purposes would commence from 2006, in compliance with the international standard for phytosanitary measures number 15 (ISPM 15) of the International Plant Protection Convention, which concerned the treatment of wood packaging with methyl bromide.

(ii) Projected future methyl bromide consumption

126. Ecuador had reported methyl bromide consumption for 2006 of 51 ODP-tonnes. The revised plan estimated consumption needs of 204 metric tonnes (122.4 ODP-tonnes) in 2007.

127. Estimates for 2007 based on the import records of the official source of foreign trade statistics, the Ecuador Central Bank, had been calculated at 187 metric tonnes (112.2 ODP-tonnes), but the Government believed that that was an underestimate given the above-mentioned expansion over the previous decade in the area under flower cultivation, the quantity the Party's sole importer had sought authorization to import in 2007, the conclusions of an international seminar on methyl bromide alternatives held in May 2007 and the Party's view that no technically and economically viable alternatives to methyl bromide had been found for its summer-flower-growing sector.

(c) **Time-specific benchmarks contained in the revised plan of action**

128. As indicated below, Ecuador had not in its revised plan of action changed its proposed annual methyl bromide import limit of 204 metric tonnes (122.4 ODP-tonnes) for 2007 and it had never previously reported methyl bromide production or export. If that situation were to continue, the proposed limit of 204 metric tonnes would return Ecuador to non-compliance with the Protocol's methyl bromide control measures for that year and represent a 140 per cent increase in consumption compared to 2006. Ecuador had, however, revised the proposed annual import limit for 2008, reducing it from 204 metric tonnes to 88 metric tonnes (52.8 ODP-tonnes), which would return the Party to compliance in 2008 rather than 2010 as originally proposed.

(i) **Original plan**

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

(ii) **Revised plan**

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

129. Ecuador had not by the time of the current meeting responded to the request in recommendation 38/13 to elaborate further on its basis for selecting a methyl bromide consumption limit of 204 metric tonnes for 2008. As noted above, that proposed annual limit was greater than the estimated average methyl bromide consumption of 187 metric tonnes cited in the Party's plan of action, which, prior to 2005, had included consumption for the rose cultivation sector. Furthermore, the plan 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 sustaining that phase-out through implementation of the project and the use of import restrictions and other policies that it might deem necessary. That information 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, that is, 187 metric tonnes minus the 62 metric tonnes permanently phased out through the rose cultivation sector investment project.

130. With regard to its statement in the revised plan that no technically and economically viable alternatives to methyl bromide had been found for its summer-flower-growing sector, Ecuador had not responded to the request that it expand on its description of the technical assistance project for testing methyl bromide alternatives for soil treatment for the flower-growing industry and provide a summary of the project's results. A Multilateral Fund evaluation of the technical assistance project had found that it 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. The revised plan of action stated that the results of this project were presented at an international seminar in July 2005 and the results delivered to EXPOFLORES. The original plan of action also stated the Government's intention to disseminate the project's results to all regions by July 2007.

131. Pursuant to recommendation 38/13, Ecuador had been asked to comment on the fact that its original plan of action did not appear to support an accelerated phase-out. The business plan of the World Bank presented to the Executive Committee of the Multilateral Fund at its fiftieth meeting, in November 2006, 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 provided that such a project would be retained in the business plan of the World Bank on the condition that Ecuador commit to an accelerated phase-out of methyl bromide. Although the revised plan did not envisage accelerated phase-out, Ecuador had not responded to this query.

(d) Activities to support plan of action

132. The revised plan was the product of consultations between the Government and the private sector, namely EXPOFLORES, the Armed Forces Polytechnic, directors of several summer-flower companies, international experts in the field of alternatives to methyl bromide uses, UNEP and the World Bank.

133. The revised plan listed government action, continuation of an existing World Bank technical assistance project, UNEP cooperation in carrying out the technical assistance project and capacity-building as the four activities that would ultimately ensure Ecuador's compliance with the Protocol's methyl bromide control measures.

(i) Government action

134. Ecuador's focal point for the implementation of the Montreal Protocol, the ministry of industry and enterprise, would carry out four actions. Firstly, the revision of import tariff codes "by the stipulated dates" and the addition of the code for "other fungicides", 3808.20.90, to the Party's licensing system so that imports under that code could be approved by the national ozone unit. The revised plan did not specify the "stipulated dates". The original plan had stated that a request had been made to the body responsible for Ecuador's foreign trade policy to improve tracking of methyl bromide imports by adding a sub-heading to its national customs code for "other fungicides" to provide a specific code for "other fumigants – based on methyl bromide" (3808.20.90.10). This request was not included in the revised plan. Ecuador had accordingly been requested, in accordance with recommendation 38/13, to provide an update on the status of the request to add the subheading.

135. Secondly, as recorded in the original plan, relevant authorities would cooperate to facilitate the registration of methyl bromide alternatives that were not yet available in Ecuador. The revised plan did not, however, respond to the request of the Committee at its last meeting to include a timetable for completion of that activity or the request to provide an update on progress in listing the methyl bromide alternatives Telone and 1, 3 dichloropropene.

136. The focal point would also continue implementation of the Party's licensing and quota system. The revised plan did not, however, respond to the Committee's request to clarify whether Ecuador's import quota system would be revised to support the proposed annual methyl bromide consumption benchmarks contained in the plan and to explain how the Party intended to ensure that all summer-flower growers were made aware of the plan of action and were involved in its implementation.

137. Lastly, methyl bromide controls along the supply chain would be strengthened, with the establishment of a methyl bromide tracking system forming part of that activity.

(ii) World Bank technical assistance project

138. The World Bank had reported to the Executive Committee of the Multilateral Fund at its fifty-first meeting, in July 2007, that the technical assistance project it was implementing in Ecuador under the auspices of the Fund was progressing well. The project had involved the testing of six different alternative treatments to methyl bromide, and the results were 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 a set of booklets for distribution to unions and users around the country.

139. The revised plan of action stated that the World Bank would continue to support the adoption of alternatives through technical assistance. Key members of EXPOFLORES would showcase production systems for their peers and conduct pilot tests of alternatives. Chemical alternatives were to be the initial focus of the activities, in particular Telone, metam sodium and potassium, as well as methyl bromide/chloropicrin mixtures in various ratios. In the longer term, a range of activities would be conducted with national institutions such as the Armed Forces Polytechnic to demonstrate the benefits

of non-chemical alternatives and also the use of soil amendments from various sources, the introduction of biocontrollers, growth stimulators and bio-pesticides, used alone or in combination, as well as the adaptation and promotion of the use of such approaches in various production systems.

140. As mentioned above, Ecuador had not responded to the request of the Committee at its thirty-eighth meeting that it include in its revised plan a timetable for listing chemical alternatives to methyl bromide and provide an update on progress in listing the methyl bromide alternatives Telone and 1, 3 dichloropropenethe. The 2005 Multilateral Fund evaluation of the technical assistance project had noted that those alternatives had not been registered for use in Ecuador at the time the evaluation was conducted.

141. The revised plan also proposed that the World Bank, in cooperation with UNEP, the Chapingo Autonomous University in Mexico and various international experts, would assist the entire summer-flower sector to identify the phytosanitary problems which had led to the excessive use of methyl bromide and to adopt the necessary technologies to help the country return to compliance.

(iii) UNEP cooperation

142. In cooperation with the Government of Spain and UNEP, through a project supported by the Multilateral Fund, a programme had been launched in June 2007 to identify short-term alternatives to methyl bromide. Table 5 of the revised plan presented the timetable for the activities that would verify the alternatives deemed workable in Ecuador's particular circumstances. The revised plan recorded Ecuador's expectation that, over time, integrated pest management programmes would need to be developed to ensure the sustainability of the various agro-ecosystems. The timetable suggested that Ecuador would currently be in a position to report the completion of the research and development of trial protocols as well as considerable progress in the establishment and follow-up on demonstration plots.

143. The revised plan also envisaged the adoption of more rigorous medium- and long-term training programmes for company technicians using the services of experts in the field.

(iv) Capacity-building

144. A nine-measure strategy for capacity-building was also to be implemented. It would include documenting, in biological terms, the progress of each strategy or alternative to methyl bromide implemented over the 2007–2008 biennium, conducting an economic analysis of the various activities to determine whether or not to adopt the trialled alternatives, conducting seminars and workshops for technical experts to discuss the progress they had made in developing demonstration projects and promoting knowledge-sharing throughout the region by pooling funding to enable technical experts from different companies to take part in specialized conferences both within the country and abroad.

145. The revised plan stated that the proposed activities would be implemented over 2007 and 2008; with the exception of the programme of activities to identify short-term alternatives to methyl bromide, however, the plan did not appear to provide a timetable for their completion.

(e) Compliance phase-out assistance

146. In addition to the technical assistance project to identify methyl bromide alternatives described above, the Executive Committee of the Multilateral Fund had approved an investment project implemented by the World Bank to assist the rose cultivation sector of Ecuador to achieve total methyl bromide phase-out. The project had been completed in December 2004.

147. The technical assistance project for testing methyl bromide alternatives in soil treatment for the flower-growing industry, also implemented by the World Bank under the auspices of the Fund, 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 was to involve a minimum of three field tests in each of the production areas.

148. The World Bank was also providing institutional strengthening assistance to Ecuador under the auspices of the Fund. The Executive Committee at its fifty-second meeting had requested the World Bank to submit to the Executive Committee at its fifty-third meeting, scheduled for November 2007, a report on the status of the submission to the Ozone Secretariat of a revised methyl bromide plan of action for Ecuador.

2. Discussion at the current meeting

149. Although Ecuador had not been issued an invitation by the Secretariat to attend the current meeting, the Party had sent a representative with the aim of presenting its case and responding to questions. The Committee agreed that, given the complexity of the background information, it would be useful to permit Ecuador to appear before it.

150. Responding to questions from members of the Committee, the representative of Ecuador explained that relatively large volumes of methyl bromide were still being imported because some users were reluctant to adopt alternatives. Some projects to develop alternatives had proved successful, but their results were not always replicable under different topographical conditions in different regions of the country. The project to phase out methyl bromide in the rose cultivation sector, supported by the Multilateral Fund, had only succeeded in phasing out 2 tonnes. More had been hoped for, but the enterprise concerned had changed management part-way through the project and the new management had not proved enthusiastic about the project.

151. Nevertheless, substantial efforts were being made to accelerate the development and introduction of alternatives in cooperation with the flower-growers and other stakeholders and with the support of the World Bank. This would inevitably take several months, as would the registration of the new alternatives, but he was confident that more alternatives would be adopted in early and mid-2008, allowing a significant reduction in consumption of methyl bromide.

152. He explained that Ecuador's current licensing system was web-based; importers had to apply to the Central Bank, which made them aware of all relevant requirements, and the ministry of environment had to approve all requests. Data was then collected using information from the Central Bank and from customs receipts. The process could be complicated by the fact that importers did not always import up to the volumes for which they had sought authorization.

153. He also confirmed that a request had been submitted in February 2007 to the ministry of industry for the introduction of a new customs code sub-heading to enable the customs authorities to identify fumigants containing methyl bromide at less than 98 per cent concentrations. Unfortunately the introduction of such a code was a long process, involving an impact analysis and consultation with all Andean Community member States. Once the new code had been introduced, however, it would enhance Ecuador's ability to control its imports of methyl bromide.

154. In regard to the survey of 2005 imports that had showed consumption of 225 metric tonnes, in contrast with total reported consumption of 255 metric tonnes, the representative explained that he believed this was a typographical error. The correct figure should have been 255 metric tonnes.

155. In subsequent discussion, Committee members felt that Ecuador had helpfully provided some of the information required by the Committee but that there were still some issues on which further details and clarification was required.

3. Recommendation

156. The Committee therefore agreed:

Noting with appreciation Ecuador's submission of a revised plan of action for the phase-out of the Annex E controlled substance (methyl bromide),

Noting with concern, however, that Ecuador had not yet submitted all the information requested by the Secretariat in its correspondence dated 27 April 2007, in accordance with recommendation 38/13 of the thirty-eighth meeting of the Implementation Committee;

Noting further with concern that the time-specific benchmarks contained in the revised 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 29 February 2008, the outstanding information requested by the Secretariat in its correspondence dated 27 April 2007, as well as the additional information requested by the Committee at its thirty-ninth meeting, as communicated to the Party by the Secretariat, in order that the Committee might complete its review of the Party's revised plan of action for phasing out methyl bromide;

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

Recommendation 39/9

J. El Salvador

157. El Salvador had been listed with regard to its implementation of recommendation 38/14.

1. Compliance issue: apparent carbon tetrachloride consumption deviation

158. El Salvador had been requested, as stated in recommendation 38/14 of the thirty-eighth meeting of the Implementation Committee, to submit to the Secretariat as soon as possible, and no later than 1 August 2007, an explanation for its excess consumption of the Annex B, group II, controlled substance (carbon tetrachloride) in 2006 and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance.

159. El Salvador had reported consumption of 0.8 ODP-tonnes of carbon tetrachloride 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 had consequently been requested to submit an explanation for that deviation.

160. By the time of the current meeting El Salvador had responded to recommendation 38/14, albeit after the deadline of 1 August 2007 set in the recommendation, in a letter dated 15 August, sent by e-mail to the Secretariat on 25 August 2007. The e-mail had also contained a revised official annual data reporting form. The Party had explained in the e-mail that it had completed a field survey that had concluded that it had imported 0.07 metric tonnes, rather than 0.72 metric tonnes, of carbon tetrachloride in 2006. The survey had also determined that that quantity of carbon tetrachloride had been imported for laboratory applications, specifically the analysis of fat in food products. Following subsequent consultation with a representative of UNEP, the Party had concluded that two laboratories were using carbon tetrachloride for that purpose and that UNEP had identified internationally recognized non-ozone depleting alternatives to carbon tetrachloride for the application, which it intended to share with the Party.

161. The Party had also mentioned in its response that a separate import of 24,000 ounces (0.7 metric tonnes) had been initially recorded as carbon tetrachloride but had later been determined to be the non-ozone-depleting substance tetrafluoroethane.

162. If taken into account, the additional information provided by El Salvador would yield a revised carbon tetrachloride consumption level for 2006 of 0.1 ODP-tonnes. While that amount was inconsistent with the Protocol's requirement that the Party reduce its 2006 carbon tetrachloride consumption to zero, the Party had indicated that it had been used in its entirety for laboratory applications.

163. Decision XVII/13 of the Seventeenth Meeting of the Parties provides 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. It further provides that the Nineteenth Meeting of the Parties will review the deferral for the period 2007–2009.

164. El Salvador had also reported the establishment of a system for licensing the import and export of ozone-depleting substances. The Multilateral Fund Secretariat had likewise informed the Ozone Secretariat that the Party had reported the establishment of a quota system for imports of ozone-depleting substances, which the Party had rated as operating "very well" in 2005 and 2006.

2. Compliance assistance

165. At the time of the current meeting UNEP was providing institutional strengthening assistance to El Salvador under the auspices of the Multilateral Fund. In cooperation with UNDP, it was also assisting El Salvador to prepare a terminal phase-out management plan proposal, which the Fund Secretariat, in its report on the status of compliance of Article 5 Parties to the Executive Committee at its fifty-second meeting, had suggested could be used to address the Party's carbon tetrachloride consumption.

166. The Executive Committee at its fifty-second meeting had decided to request UNEP to submit to the Committee at its fifty-third meeting an additional status report on El Salvador's institutional strengthening project, specifically with regard to the request from the Implementation Committee for the submission of an explanation for El Salvador's apparent carbon tetrachloride consumption deviation in 2006 and, if relevant, a plan of action to return it to compliance.

3. Recommendation

167. The Committee therefore agreed:

Noting with appreciation that El Salvador had responded to the Committee's request at its thirty-eighth meeting, recorded in recommendation 38/14, 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 the Annex B, group II, controlled substance (carbon tetrachloride) in 2006 and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance,

Noting that the revised data for 2006 submitted by El Salvador with its explanation had resulted in reported consumption of carbon tetrachloride of 0.1 ODP-tonnes, an amount inconsistent with the Protocol's requirement that the Party reduce consumption to a level no greater than 15 percent of the Party's carbon tetrachloride consumption baseline in that year, namely zero,

Noting also, however, that El Salvador's entire consumption of carbon tetrachloride in 2006 had been for a laboratory application,

(a) To agree, in the light of the Party's analysis of the particular circumstances relating to its carbon tetrachloride consumption in 2006, that decision XVII/13 on the use of carbon tetrachloride for laboratory and analytical uses in Parties operating under Article 5 of the Protocol was applicable to El Salvador's excess consumption of carbon tetrachloride in that year;

(b) To defer consideration of the compliance status of El Salvador in relation to the Protocol's control measures for carbon tetrachloride, in accordance with the provisions of decision XVII/13, while urging the Party to continue its carbon tetrachloride phase-out efforts in the interim.

Recommendation 39/10

K. Equatorial Guinea

168. Equatorial Guinea had been listed for consideration with regard to its implementation of recommendation 38/15.

1. Compliance issue

169. Equatorial Guinea had been requested, as stated in recommendation 38/15 of the thirty-eighth meeting of the Implementation Committee, 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.

170. Equatorial Guinea had become a Party to the Montreal Protocol on 6 September 2006 and a Party to all the amendments of the Montreal Protocol on 11 July 2007. As a consequence, in addition to its obligation to submit base-year and baseline data for CFCs, Equatorial Guinea was required to report its base-year data for all Annex B, C and E substances by 11 January 2008. The Party was also required to report its baseline data for those controlled substances, with the exception of the controlled substances in Annex C. Furthermore, in accordance with Article 4B of the Protocol, Equatorial Guinea was required to establish and implement a system for licensing the import and export of ozone-depleting substances by 11 January 2008.

171. A representative of UNEP to the thirty-eighth meeting of the Implementation Committee had reported that communication with Equatorial Guinea had been initiated but that language difficulties had slowed progress and a data survey had not yet been completed.

172. Immediately before the current meeting the Party had reported all of its outstanding baseline and base year data for CFCs.

2. Compliance assistance

173. The Executive Committee at its forty-ninth meeting, held in July 2006, had approved institutional strengthening for Equatorial Guinea to be provided by UNEP, as well as funds for the preparation of a country programme with the assistance of UNEP, which was scheduled for completion by July 2007. In its progress report to the Executive Committee at its fifty-second meeting, held in July 2007, UNEP had stated that it had advised Equatorial Guinea on the coordination and enforcement of quota systems as well as on harmonizing the Party's regulations with those of the Central African Economic and Monetary Community system.

174. The Executive Committee at that meeting had requested UNEP to submit at the Committee's next meeting, scheduled for November 2007, an additional status report on Equatorial Guinea's institutional strengthening project, specifically with regard to the recommendation of the Implementation Committee that Equatorial Guinea submit its base-year and baseline data for CFCs.

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

3. Discussion at the current meeting

176. At the current meeting the members of the Committee congratulated the Party for its prompt response to recommendation 38/15 and noted its appreciation for the Party's efforts in doing so.

4. Recommendation

177. The Committee therefore agreed to note with appreciation that Equatorial Guinea had submitted all outstanding base-year and baseline data for the Annex A, group I, controlled substances (CFCs) in accordance with its data-reporting obligations under the Protocol and recommendation 38/15 of the thirty-eighth meeting of the Implementation Committee, as well as the fact that that data confirmed that Equatorial Guinea was a Party operating under Article 5, paragraph 1, of the Montreal Protocol.

Recommendation 39/11

L. Eritrea

178. Eritrea had been listed for consideration with regard to its implementation of recommendation 38/16 and decision XVIII/24.

1. Compliance issues

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

179. Eritrea had been requested, as stated in recommendation 38/16 of the thirty-eighth meeting of the Implementation Committee, 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 consumption control measures for the Annex A, group I, controlled substances (CFCs), in accordance with decision XVIII/24. The Party had also been reminded to submit its ozone-depleting substances data for 2006, in accordance with Article 7 of the Protocol.

180. Eritrea had reported CFC consumption of 30.2 ODP-tonnes in 2005, an amount inconsistent with its obligation to limit its consumption of CFCs in that year to no greater than 50 per cent of its baseline for those substances, namely, 20.6 ODP-tonnes.

181. Eritrea had responded to recommendation 38/16 in correspondence dated 16 and 27 July 2007, in which it had advised that work was underway to submit its ozone-depleting substances data for 2006. It had also stated that preparation of the requested plan of action was conditional upon completion of its country programme. At the thirty-eighth meeting of the Implementation Committee a representative of UNEP had stated that preparation of the Party's country programme and terminal phase-out management plan had been delayed because it was clear what kind of activities the Party wished to undertake. The representative had expressed hope, however, that a resolution would be reached by 1 August. In its correspondence of 16 July, the Party had attributed the delay to difficulties experienced by UNDP in developing the investment component of the country programme and anticipated a resolution of the delays in the near future with the assistance of the UNEP Regional Office for Africa.

(b) Establishment and implementation of a licensing system

182. Eritrea had been requested, as stated in recommendation 38/16 of the thirty-eighth meeting of the Implementation Committee, to notify the Secretariat in writing immediately after it 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.

183. In its correspondence of 16 and 27 July 2007 the Party had advised that its licensing system would commence operation following approval from the legal office of the Government. The representative of UNEP had informed the Committee at its thirty-eighth meeting that gaps in the draft system shared with the Ozone Secretariat prior to that meeting, namely, a lack of controls on the export of ozone-depleting substances and trade in the Annex C, group III, controlled substance (bromochloromethane), had been addressed.

184. In its 27 March 2007 correspondence, the Party had attributed its 2005 CFC consumption deviation to a lack of capacity to control the import of ozone-depleting substances in that year. It had also reported that in addition to preparing a licensing system to redress the situation, it had also commenced public education and awareness-raising activities, including mass media communications and information leaflets.

2. Compliance assistance

185. 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 a refrigerant management plan and to receive institutional strengthening assistance from UNEP. The funds to develop the refrigerant management plan had subsequently been reallocated to the preparation of a terminal phase-out management plan by UNEP and UNDP.

186. UNEP had planned to complete the country programme and refrigerant management plan by December 2006. Preparation of the country programme and terminal phase-out management plan had been delayed, however, and the Executive Committee at its fifty-second meeting, in July 2007, had requested the submission of a status report on the implementation of recommendation 38/16 at its next meeting, scheduled for November 2007. The 2007–2009 business plan of UNEP had also stated the agency's intention to assist Eritrea to establish and enforce ozone-depleting substance regulations.

3. Discussion at the current meeting

187. Several members of the Committee observed that in ratifying the Protocol and all its amendments simultaneously, Eritrea had undertaken a significant number of obligations and that that fact ought to be recognized. They noted too that the request in the recommendation that Eritrea submit a plan of action by 29 February 2008 would be difficult for the country to achieve given that the Executive Committee had still not approved its country programme or terminal phase-out management plan.

188. Representatives of the Multilateral Fund Secretariat and UNEP clarified that Eritrea had received assistance from the Multilateral Fund through UNEP and UNDP both for institutional strengthening and for the preparation of its country programme and terminal phase-out management plan. The terminal phase-out management plan had already been submitted to the Executive Committee but had had to be revised and would be presented at the Executive Committee's next meeting, along with Eritrea's country programme. Institutional strengthening was continuing: a national ozone officer had been recruited and support was continuing under the UNEP Compliance Assistance Programme, for example with regard to the establishment of a licensing system.

189. Members felt that the steps Eritrea had taken to date to encourage phase-out, including public awareness campaigns, deserved recognition and praise.

4. Recommendation

190. The Committee therefore agreed:

Recalling that Eritrea had been requested, as stated in recommendation 38/16 of the thirty-eighth meeting of the Implementation Committee, 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 consumption control measures for the controlled substance in Annex A, group I, (CFCs), in accordance with decision XVIII/24,

Recalling further that Eritrea had been requested to notify the Ozone Secretariat in writing immediately after it had established and commenced operation of an ozone-depleting substance licensing system in accordance with its obligations under Article 4B of the Protocol and to submit its ozone-depleting substances data for 2006 in accordance with Article 7 of the Protocol,

Noting with appreciation the efforts by Eritrea to establish an ozone-depleting substances import and export licensing system and conduct related public education and awareness raising activities,

Noting further with appreciation the status report submitted by Eritrea with regard to the requests contained in recommendation 38/16, including its expectation that obstacles encountered in completing the country programme required to inform the development of a plan of action to return the Party to compliance with the Protocols' CFC control measures would soon be overcome,

Noting further that Eritrea was receiving institutional strengthening assistance, including assistance in the development of an ozone-depleting substances licensing system, that the country programme and terminal phase-out management plan for the Party were being prepared for submission to the Executive Committee of the Multilateral Fund at its fifty-third meeting and that Eritrea had expressed the view that the country programme and the terminal phase-out management plan were important to its compliance and necessary for the preparation of its plan of action to return to compliance with the Protocol's CFC control measures,

(a) To urge Eritrea to continue to work with relevant implementing agencies to submit to the Secretariat as soon as possible, and no later than 29 February 2008, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance with the Protocol's CFC consumption control measures, in accordance with decision XVIII/24, in order that the Committee might assess the Party's compliance with the Protocol at its fortieth meeting;

(b) To remind Eritrea to notify the Ozone Secretariat in writing immediately after it established and commenced operation of an ozone-depleting substances import and export licensing system in accordance with its obligations under Article 4B of the Protocol;

(c) To invite Eritrea, if necessary, to send a representative to the fortieth meeting of the Committee to discuss the above matters.

Recommendation 39/12

M. European Community

191. The European Community had been listed for consideration with regard to its reported consumption of other CFCs in 2006.

1. Compliance issue: apparent other CFCs consumption deviation in 2006

192. The European Community had reported consumption of the Annex B, group I, controlled substances (other CFCs) of 533.7 ODP-tonnes in 2006, which was inconsistent with the Party's obligation to maintain total phase-out of those substances except to the extent of consumption for approved essential uses. The Meeting of the Parties had not approved an essential-use exemption for the European Community with regard to the consumption of other CFCs in 2006. The Party had not otherwise reported consumption of the other CFCs in question since 2001. In correspondence dated 16 August 2007, the Party had been requested to confirm the accuracy of its 2006 data report.

193. In correspondence dated 7 September 2007, the European Community had advised that it had mistakenly failed to indicate that the entire quantity of 533.7 ODP-tonnes of other CFCs imported in 2006 had been imported for domestic feedstock purposes. On that basis, the controlled consumption level of other CFCs by the European Community in 2006 was zero, which placed the Party in compliance with the Protocol's control measures for those substances in that year.

2. Recommendation

194. The Committee therefore agreed to note with appreciation that the European Community had clarified that its entire reported consumption of the Annex B, group I, substances (other CFCs) in 2006 had been for domestic feedstock use, which was excluded from the calculation of a Party's controlled consumption in a given year, and confirmed that the European Community was in compliance with the Protocol's control measures in 2006 to maintain total phase-out of other CFCs.

Recommendation 39/13

N. Federated States of Micronesia

195. The Federated States of Micronesia had been listed for consideration with regard to its implementation of recommendation 38/17 and decision XVII/32.

1. Compliance issues

(a) CFC consumption reduction commitment

196. The Federated States of Micronesia had been reminded, as stated in recommendation 38/17 of the thirty-eighth meeting of the Implementation Committee, 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.

197. 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 showed 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 ODP-tonnes in that year and had returned to compliance with the Protocol's CFC consumption control measures. By the time of the current meeting, however, the Party had not submitted its ozone-depleting substances data for 2006. Implementation of its commitment contained in decision XVII/32 therefore could not be confirmed.

(b) Introduction of a licensing and quota system

198. The Party had also been requested in recommendation 38/17 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 contained in decision XVII/32 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. In addition to its commitment contained in decision XVII/32, the Federated States of Micronesia was obligated as a Party to the Montreal Amendment to the Protocol to introduce a system for licensing the import and export of ozone-depleting substances.

199. By the time of the current meeting the Party had not submitted the requested 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.

200. In correspondence dated 5 June 2007, presented at the thirty-eighth meeting of the Committee, the Federated States of Micronesia had stated that it expected to adopt the legislation required to establish the licensing and quota system by September 2007. The legislation had at that time been in draft form and scheduled for further review with the assistance of the legal advisors based in the Secretariat of the South Pacific Regional Environment Programme (SPREP), which was overseeing the Regional Strategy to Comply with the Montreal Protocol in Pacific Island Countries being implemented by UNEP, SPREP and the Government of Australia under the auspices of the Multilateral Fund.

2. Compliance assistance

201. At the time of the current meeting the Federated States of Micronesia was receiving ozone-depleting substance phase-out assistance through its participation in the Regional Strategy to Comply with the Montreal Protocol in Pacific Island Countries. The strategy had been approved by the Executive Committee on the understanding that the Governments of the countries concerned would achieve complete ozone-depleting substance 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.

202. The Committee had been informed at its thirty-eighth meeting, in November 2006, 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. The Executive Committee of the Multilateral Fund at its fifty-second meeting, in July 2007, had requested the Government of Australia to submit at the Committee's fifty-third meeting a status report on the customs office training component of the project. The

Executive Committee had been informed that the mobile air-conditioning recovery and recycling component of the project had been completed.

203. 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. In addition, the Director of the UNEP Regional Office for Asia and the Pacific had 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.

204. 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 its consumption data as soon as possible. In addition to providing institutional strengthening and technical assistance to the Party under the Regional Strategy, UNEP, according to its 2007–2009 business plan, intended to support the Party's compliance with decision XVII/32 through the UNEP Compliance Assistance Programme.

3. Recommendation

205. The Committee therefore agreed:

Noting with concern that the Federated States of Micronesia had not responded to the requests recorded in recommendation 38/17 of the thirty-eighth meeting of the Implementation Committee that it submit an update on the implementation of its commitment contained in decision XVII/32 to introduce by 1 January 2006 a system for licensing imports and exports of ozone-depleting substances, including import quotas, and that it submit its ozone-depleting substances data for 2006 in order that the Committee might at its thirty-ninth meeting review the Party's commitment to reduce its consumption of Annex A, group I, controlled substances (CFCs) to no greater than zero in 2006,

Recalling 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 urge the Federated States of Micronesia to submit to the Ozone Secretariat its data for the year 2006 by 30 September 2007 in accordance with paragraph 3 of Article 7 of the Protocol in order that the Committee at its fortieth meeting might assess the Party's compliance with its commitment to reduce its consumption of CFCs to no greater than zero in 2006;

(b) To urge the Federated States of Micronesia further to submit to the Ozone Secretariat the information requested in recommendation 38/17 of the thirty-eighth meeting of the Implementation Committee as soon as possible, and no later than 29 February 2008, for consideration by the Committee at its fortieth meeting;

(c) To invite the Federated States of Micronesia, if necessary, to send a representative to the fortieth meeting of the Committee to discuss the above matter.

Recommendation 39/14

O. Fiji

206. Fiji had been listed for consideration with regard to its implementation of recommendation 38/51 and decision XV/30.

1. Compliance issue

207. Fiji had been requested, as stated in recommendation 38/51 of the thirty-eighth meeting of the Implementation Committee, to submit its 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 Party's compliance with its commitment contained in decision XVII/33 to reduce consumption of the Annex E controlled substance (methyl bromide) to no greater than 1.3 ODP-tonnes in 2006.

208. By the time of the current meeting, Fiji had submitted its ozone-depleting substances data for 2006, reporting methyl bromide consumption of 0.7 ODP-tonnes. That level of consumption placed the Party in advance of its commitment contained in decision XVII/33 and moved it toward compliance with the methyl bromide control measures of the Protocol.

209. Fiji had also submitted a progress report on its methyl bromide phase-out efforts. Implementation of the Party's licensing and quota system had continued. Annual audits and inspections were being conducted to verify compliance. In addition, the technical assistance project being implemented in Fiji by UNEP and UNDP under the auspices of the Multilateral Fund was progressing well. Phosphine, hydrogen cyanide and heat treatment had been introduced as alternatives under the project.

2. Recommendation

210. The Committee therefore agreed to congratulate Fiji on its reported data for the consumption of the Annex E controlled substances (methyl bromide) in 2006, which showed that it was in advance of its commitment contained in decision XVII/33 to reduce consumption of methyl bromide to no greater than 1.3 ODP-tonnes in that year.

Recommendation 39/15

P. Greece

211. Greece had been listed for consideration with regard to its implementation of recommendation 38/18.

1. Compliance issue: request to revise the Party's CFC baseline data and deviation from CFC production phase-out obligations in 2005

212. In accordance with recommendation 38/18 of the thirty-eighth meeting of the Implementation Committee, Greece had been advised that the Committee could not recommend approval of its request to revise its data for the year 1995 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. The Committee had reached this conclusion because Greece 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.

213. Also in accordance with recommendation 38/18, the Secretariat had invited Greece, should it wish to pursue its request further, to submit any additional supporting information 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. As stated in that recommendation, the Committee had insisted that, should Greece wish to pursue its request, it should send a representative to the thirty-ninth meeting of the Committee.

214. Recommendation 38/18 had also stated the conclusion of the Committee that Greece had exceeded its maximum allowable CFC production level for 2005 and that it was therefore in non-compliance with the control measures for CFCs under the Protocol for that year. The recommendation had also stated the Committee's agreement to forward a draft decision on the matter to the Nineteenth Meeting of the Parties for consideration, amended as necessary in the light of the Party's response to the recommendation.

215. Greece had reported CFC production in 2005 of 2,142.000 ODP-tonnes, entirely to meet the basic domestic needs of Article 5 Parties. Article 2A of the Protocol provides that in 2005 a Party such as Greece that is 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 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 had been 1,460.0 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 that figure, namely, 730.0 ODP-tonnes.

216. Greece had attributed its CFC production deviation to two factors. First, it had attributed 1,374 ODP-tonnes of the 1,412 ODP-tonne deviation to a transfer of CFC production allowances between RHODIA (UK) and PFI SA (Greece) for industrial rationalization purposes for the period 1 January 2005–31 December 2005. In recommendation 37/15 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 any such 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.

217. Greece had attributed the remaining 38 ODP-tonnes to the fact that it had used a different CFC basic domestic needs production figure for the year 1995 to calculate its maximum allowable level of CFC production. Consequently, it had sought at the Committee's thirty-eighth meeting to revise the figure previously reported to the Secretariat to the figure used by Greece.

218. In correspondence dated 10 July 2007 Greece had responded to recommendation 38/18, confirming that it wished to pursue its request to revise the 1995 data used to calculate its baseline for the production of CFCs to meet the basic domestic needs of Parties operating under Article 5 of the Protocol and indicating that it wished to use a figure of 1,746 ODP-tonnes as its new baseline. The Party had explained in that correspondence that it did not have any additional information to submit to the Committee in support of its proposed figure and confirmed that it would send a representative to the current meeting.

219. Greece had also requested that, in the event that the Committee concluded at the current meeting that it could not recommend approval of its baseline data revision request, the Committee revise the draft decision proposed for adoption by the Nineteenth Meeting of the Parties to reflect its view that its compliance status in 2005 was ambiguous.

220. The draft decision as submitted had concluded that in 2005 Greece had exceeded its maximum allowable CFC production level and that it was therefore in non-compliance with the control measures for those substances under the Protocol for that year. The Committee had reached this conclusion at its thirty-eighth meeting in the light of the fact that Greece had reported CFC production of 2,142.0 ODP-tonnes for 2005 to meet the basic domestic needs of Parties operating under Article 5 of the Protocol, which exceeded the Party's maximum allowable production level for those controlled substances of 730 ODP-tonnes in that year. The Party had attributed 1,374 ODP-tonnes of the excess production to a 2005 transfer of CFC production allowances from the United Kingdom of Great Britain and Northern Ireland to Greece, which the Committee deemed to be non-compliant with the provisions of the Protocol for such transfers. The remaining 38 ODP-tonnes had been attributed to Greece's claim that its maximum allowable production had been calculated from a baseline containing incorrect data for 1995.

221. Approval of the Party's request to replace its existing 1995 CFC production figure for basic domestic needs of 1,400 ODP-tonnes with the figure 1,746 ODP-tonnes would have had the effect of increasing its maximum allowable CFC production in 2005 to meet the basic domestic needs of Article 5 Parties from 730 ODP-tonnes to 787.7 ODP-tonnes. As the Committee had concluded that the transfer of 1,374 ODP-tonnes of CFC production rights to Greece from the United Kingdom and Northern Ireland in 2005 did not comply with the requirements of Article 2 of the Protocol, however, the revised maximum allowable production level of 787.7 ODP-tonnes would not have accommodated Greece's entire reported CFC production of 2,142 ODP-tonnes for that year. Consequently, approval of Greece's request to revise its baseline data would have left the Party still with excess CFC production of 1,354.3 ODP-tonnes in 2005.

222. By the time of the current meeting Greece had submitted its official 2006 data report in accordance with Article 7 of the Protocol. That report had confirmed the Party's earlier advice that it had produced 150 ODP-tonnes of CFCs in 2006 entirely to meet the basic domestic needs of Parties operating under Article 5 of the Protocol. That consumption placed Greece in compliance with its obligation under the Protocol to limit its CFC production for basic domestic needs to no greater than 730 ODP-tonnes in 2006.

2. Review of information submitted in support of 1995 baseline data revision request

223. As stated above, Greece had advised shortly before the current meeting that it did not have any additional information to submit in support of its request and had requested the Committee to reconsider its correspondence dated 30 May 2007. That correspondence contained a statement by Greece that its existing records "do not show in a definitive way what the production specific for BDN [basic domestic needs] was" in 1995. Prior to the current meeting the Secretariat had reviewed the documentation with the correspondence against the requirements of decision XV/19. That review is outlined in the following paragraphs.

(a) Paragraph 2 (a) (i) of decision XV/19

224. Paragraph 2 (a) (i) of decision XV/19 requires a Party wishing to change its baseline data to identify which of its baseline data for the year or years at issue are considered incorrect and to provide proposed new figures. Greece had identified its data for the baseline year 1995 as incorrect. In its correspondence dated 30 May 2007, the Party had estimated that its proposed new baseline data for that year was between 1,746 ODP-tonnes and 2,278 ODP-tonnes. It had subsequently requested the Committee to consider the lowest end of that range, 1,746 ODP-tonnes, as its proposed new 1995 baseline data.

(b) Paragraph 2 (a) (ii) of decision XV/19

225. Paragraph 2 (a) (ii) of the decision requires a Party to explain why its existing baseline data are incorrect and to provide supporting information, including information on the methodology used to collect and verify that data, along with supporting documentation where available. Paragraph 8 of the Party's submission dated 9 February 2007 states that Greece concluded that its existing baseline data for 1995 was incorrect owing to information it obtained through "the retrieval and comparison of the communications records between the Greek producer and the EC contractor KPMG both in Greece and at the EC headquarters". KPMG is engaged by the European Commission to collect data on ozone-depleting substances from the member States of the European Community, including Greece.

226. Paragraph 8 (d) (i) of the submission dated 9 February 2007 states that "PFI [the sole CFC producer in Greece] for 1995 reported to the MinEnv 1400 tn which was the additional 10% of the 1986 production level allowed for covering BDN for Art. 5 countries". In response to the Secretariat's request for clarification, Greece confirmed that it was likely that PFI had reported 1,400 metric tonnes as the amount produced in 1995 for basic domestic needs because it was under the mistaken impression that, in 1995, the Protocol only allowed Greece to attribute an amount equal to 10 per cent of its 1986 production to production for basic domestic needs. In addition, Greece expressed the view that the existing baseline data of 1,400 ODP-tonnes for 1995 was incorrect because it was inconsistent with the data submitted by PFI to KPMG for that year. PFI had reported total CFC production of 2,453 metric tonnes to KPMG for the year 1995.

227. Greece had acknowledged on the fourth page of its submission of 30 May 2007 that its existing records did not enable an unequivocal conclusion as to its exact level of CFC production in 1995 for basic domestic needs. It had also expressed the view, however, that the records did support the conclusion that the existing 1995 baseline data of 1,400 metric tonnes was incorrect. The Party had elaborated on this view on pages two and three of its 30 May 2007 submission, presenting two scenarios for estimating a maximum and a minimum figure for its 1995 baseline data. The scenarios were based on the production and sales data contained in the report of PFI to KPMG for the year 1995.

228. The first scenario, "extreme case 1", presented an approach to calculating the maximum amount that Greece would have produced in 1995 to meet basic domestic needs. It presumed that Greece's entire stock of 352 metric tonnes held at the start of 1995 had been sold to non-Article 5 Parties. Under this presumption, only 175 metric tonnes of new production in 1995 would then have been required to meet the total recorded sales of 527 metric tonnes to non-Article 5 Parties in that year. Deducting the 175 metric tonnes from the total reported CFC production of 2,453 metric tonnes would leave a balance of 2,278 metric tonnes, which Greece had proposed could represent the maximum quantity that the Party had produced in 1995 to meet the basic domestic needs of Article 5 Parties.

229. The second scenario, "extreme case 2", presented an approach to calculating the minimum amount that Greece would have produced in 1995 to meet basic domestic needs. It presumed that Greece's entire stock of 352 metric tonnes held at the start of 1995 had been sold to Article 5 Parties. In this scenario, only 1,746 metric tonnes of new production in 1995 would then have been required to meet the total recorded sales of 2,098 metric tonnes to Article 5 Parties in that year, and therefore Greece argued that the figure of 1,746 metric tonnes represented the Party's minimum 1995 baseline figure for that year.

(c) Paragraphs 2 (a) (iii) and (iv) of decision XV/19

230. Paragraph 2 (a) (iii) of decision XV/19 requires a Party to explain why the changes it requests should be considered correct and to provide supporting information, including information on the methodology used to collect and verify the accuracy of its proposed changes. Paragraph 2 (a) (iv) requires the submission of documentation to substantiate the proposed changes, including a list of examples of such documentation.

231. As stated above, Greece's submission of 30 May 2007 had recorded its view that its existing records did not enable a definitive determination of its exact level of CFC production in 1995 for basic domestic needs but did support the conclusion that the existing figure of 1,400 metric tonnes was incorrect. In its correspondence of 10 July 2007, the Party had requested that the figure of 1,746 metric tonnes be considered correct. In support of that conclusion Greece had presented the "extreme case 2" scenario described above, which it based on data derived from its "retrieval and comparison of the communications records between the Greek producer and the EC contractor KPMG both in Greece and at the EC headquarters" and, more specifically, the annual report for 1995 that was submitted by its producer, PFI, to the data collection agency of the European Commission, KPMG.

232. The annual reports submitted by PFI to KPMG reflect the CFC-producing company's compliance with the requirements of article 19 (3) of European Community regulation 2037/2000/EC. That regulation requires producers of ozone-depleting substances to report on an annual basis to the European Commission, with notification to their national authorities, on the quantities of those substances that they produce. Licenses to produce ozone-depleting substances in Greece are issued by the ministry of development, in communication with the ministry for environment. Page 5 of the submission of 30 May 2007 suggests that the accuracy of the CFC production data reported to the Commission and notified to the authorities in Greece could be verified through a review of mass balance data submitted by the producer.

233. In seeking to change its 1995 baseline data from 1,400 metric tonnes to 1,746 metric tonnes, Greece had noted that it did not plan to issue CFC production licenses 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. It had then later ceased operations.

234. As noted above, Greece had by the time of the current meeting submitted its ozone-depleting substance data for 2006, which had confirmed its CFC production of 150 metric tonnes for basic domestic needs. Regardless of whether the maximum allowable level of CFC production for Greece was determined by its existing baseline data or the data proposed by Greece, therefore, the Party was in compliance with its CFC production phase-out obligations under the Protocol for 2006.

3. Discussion at the current meeting

235. At the invitation of the Committee a representative of the Party attended the current meeting. The President explained to the representative that the Committee had been unable thus far to recommend approval of the Party's baseline data revision request because, as noted by Greece, the figure proposed to replace the existing baseline data for 1995 represented an estimate based on certain assumptions made by the Party and therefore did not fulfill the requirement of paragraph 2 (a) (iii) of decision XV/19. The representative was asked whether she had any additional information that would assist the Committee and enable the Party to satisfy the requirements of decision XV/19, in particular the requirement of paragraph 2 (a) (iii) of decision XV/19 that the Party explain why the requested change should be considered correct and provide information on the methodology used to collect the data underlying the proposed changes and verify their accuracy. The representative said she did not. She explained that documentation could not be obtained from the CFC producer for the year 1995 that distinguished production for basic domestic needs in that year from other CFC production because the facility had now closed and, in any event, it had not retained documentation from more than ten years ago. Greece had therefore instead submitted copies of the records submitted each year by the producer to the European Community. She expressed the view that the proposed new baseline data for 1995 was supported by better evidence than was the Party's original baseline figure.

4. Recommendation

236. The Committee therefore agreed:

Recalling that the Committee at its thirty-eighth meeting had concluded that Greece was in non-compliance with the production control measures of the Montreal Protocol for Annex A, group I, controlled substances (CFCs) in 2005 and the provisions contained in Article 2 of the Protocol that prescribe the requirements for the transfer of the rights to produce those substances,

Recalling also 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,

Recalling further 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 with appreciation that Greece had ceased CFC production in February 2006 and had reported ozone-depleting substances data for 2006 that confirmed its return to compliance with the Protocol’s CFC production control measures in 2006,

(a) To conclude that, on the basis of the information submitted by Greece, it 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 record that it could not recommend approval of the Party’s baseline data revision request because, as noted by Greece, the figure proposed to replace the existing baseline data for 1995 represented an estimate based on certain assumptions made by the Party and therefore did not fulfill the requirement of paragraph 2 (a) (iii) of decision XV/19 that the Party explain why the requested change should be considered correct and provide information on the methodology used to collect the data underlying the proposed changes and verify their accuracy;

(c) To forward for consideration by the Nineteenth Meeting of the Parties the draft decision contained in annex I (section A) to the present report.

Recommendation 39/16

Q. Guatemala

237. Guatemala had been listed for consideration with respect to its implementation of recommendation 38/19 and decision XV/34.

1. Compliance issue: regulatory measures

238. Guatemala had been requested, as stated in recommendation 38/19 of the thirty-eighth meeting of the Implementation Committee, to submit to the Secretariat no later than 1 August 2007 an explanation as to why the ban it had introduced on the import of equipment using the controlled substances in Annex A, group I, (CFCs) did not also cover the import of equipment using other ozone-depleting substances, in accordance with the Party’s commitment detailed in paragraph 3 (d) of decision XV/34, in time for consideration by the Committee at its thirty-ninth meeting.

239. The Party had also been asked to submit to the Secretariat no later than 1 August 2007 and in time for consideration by the Committee at its thirty-ninth meeting an explanation as to why the maximum allowable CFC consumption limit for the year 2007 contained in its ozone-depleting substances regulations appeared to be inconsistent with decision XV/34, which recorded the Party’s commitment to limit its CFC consumption in 2007 to 20 ODP-tonnes.

240. By the time of the current meeting Guatemala had not responded to recommendation 38/19. A ministerial agreement attached to the report it had submitted at the last meeting of the Committee, however, provided that the import and domestic production of certain equipment and articles that might use CFCs were banned. The agreement had entered into force in January 2007. The agreement did not, on the other hand, appear to ban the import of equipment using controlled substances other than CFCs. Decision XV/34 had specified that Guatemala would ban imports of “ODS-using equipment”.

241. In addition, there was an 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 and had not specified a limit for 2008.

2. Compliance assistance

242. At the time of the current meeting UNEP was providing institutional strengthening assistance to Guatemala and implementing a refrigerant management plan in the Party under the auspices of the Multilateral Fund. The Executive Committee to the Multilateral Fund at its fifty-second meeting, held in July 2007, had requested UNEP to submit at its next meeting a status report on Guatemala’s institutional strengthening project, as well as a report on the Party’s response to recommendation 38/19.

243. UNEP and UNDP were also assisting Guatemala to prepare 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 stated the intention of the agency to submit the plan for the approval of the Executive Committee at its fifty-third meeting, at the end of 2007.

244. Also at the time of the current meeting, UNIDO was implementing, in cooperation with UNEP, a national methyl bromide phase-out plan. The Executive Committee at its fifty-second meeting had approved the revision of the plan's phase-out schedule to make it consistent with the revised time-specific benchmarks contained in decision XVIII/26. The Committee had also requested UNIDO to submit a progress report on the implementation of the plan at the Executive Committee's fifty-fourth meeting. The 2007–2009 business plan submitted by the agency at that meeting had reported that the first phase of the plan was under way and that a request for approval for funding for the second phase was expected to be submitted to the Executive Committee before the end of 2007.

3. Discussion at the current meeting

245. Responding to a query from one Committee member, the representative of the Multilateral Fund secretariat explained that the institutional strengthening and refrigeration management programmes in Guatemala had faced difficulties due to the replacement of the national ozone officer there. He said that several informal meetings had taken place recently between representatives of the Multilateral Fund, UNEP and the Party to address the outstanding issues. Work under the institutional strengthening programme and some aspects of the refrigeration management programme had since commenced.

4. Recommendation

246. The Committee therefore agreed:

Noting with concern that Guatemala had not responded to the request recorded in recommendation 38/19 of the thirty-eighth meeting of the Implementation Committee that it submit to the Secretariat, in time for consideration by the Committee at its thirty-ninth meeting and no later than 1 August 2007, an explanation as to why the ban it had introduced on the import of equipment using the controlled substances in Annex A, group I, (CFCs) did not also cover the import of equipment using other ozone-depleting substances in accordance with the Party's commitment detailed in paragraph 3 (d) of decision XV/34,

Noting further with concern that Guatemala had not responded to the request recorded in recommendation 38/19 that it 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 appeared to be inconsistent with decision XV/34,

(a) To urge Guatemala to submit to the Ozone Secretariat the information requested in recommendation 38/19 of the thirty-eighth meeting of the Implementation Committee as soon as possible, and no later than 29 February 2008, for consideration by the Committee at its fortieth meeting;

(b) To invite Guatemala, if necessary, to send a representative to the fortieth meeting of the Committee to discuss the above matter.

Recommendation 39/17

R. Guinea-Bissau

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

1. Compliance issue: CFC consumption reduction commitment

248. Guinea-Bissau had committed, as stated in decision XVI/24 of the Sixteenth Meeting of the Parties, to maintain consumption of the Annex A, group I, controlled substances (CFCs) at no greater than 13.137 ODP-tonnes in 2006.

249. By the time of the current meeting Guinea Bissau had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of 13.1 ODP-tonnes, which placed in advance of its commitments to phase out CFC consumption contained in decision XVI/24 and the Montreal Protocol. The reported consumption did, however, represent an increase relative to 2005, when the Party reported CFC consumption of 12.5 ODP-tonnes.

2. Recommendation

250. The Committee therefore agreed to congratulate Guinea Bissau on its reported data for the consumption of the Annex A, group I, controlled substances (CFCs) in 2006, which showed that it was in advance of both its commitment contained in decision XVI/24 to reduce CFC consumption to no greater than 13.137 ODP-tonnes and its obligations under the CFC control measures of the Montreal Protocol in that year.

Recommendation 39/18

S. Honduras

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

1. Compliance issue: methyl bromide consumption reduction commitment

252. Honduras had committed, as stated in decision XVII/34 of the Seventeenth Meeting of the Parties, to reduce its consumption of the Annex E controlled substance (methyl bromide) to no greater than 295.8000 ODP-tonnes in 2006.

253. By the time of the current meeting Honduras had submitted its ozone-depleting substances data for 2006, reporting methyl bromide consumption of 284.6 ODP-tonnes. That data placed the Party in advance of its methyl bromide consumption reduction commitment contained in decision XVII/34 for that year and maintained its progress toward compliance.

2. Recommendation

254. The Committee therefore agreed to congratulate Honduras 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 XVII/34 to reduce methyl bromide consumption to no greater than 295.8 ODP-tonnes for that year.

Recommendation 39/19

T. Kenya

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

1. Compliance issues

(a) CFC consumption reduction commitment

256. Kenya had committed, as stated 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.

257. By the time of the current meeting Kenya had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of 57.7 ODP-tonnes, which placed it in advance of its CFC phase-out commitment contained in decision XVIII/28 and returned it to compliance with the CFC consumption control measures of the Montreal Protocol.

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

258. Kenya had been urged, as stated in recommendation 38/21 of the thirty-eighth meeting of the Implementation Committee, 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.

259. Decision XVIII/28 had previously urged the Party to gazette its ozone-depleting substances regulations preferably no later than 31 December 2006.

260. By the time of the current meeting, Kenya had responded to recommendation 38/21, reporting that its ozone-depleting substances regulations had been gazetted on 31 May 2007, as legal notice number 73, legislative supplement number 33 of the Kenya Gazette Supplement number 57.

2. Recommendation

261. The Committee therefore agreed:

(a) To congratulate Kenya on its reported data for the consumption of the Annex A, group I, controlled substances (CFCs) in 2006, which showed that it was in advance of its commitment contained in decision XVIII/28 to reduce CFC consumption to no greater than 60 ODP-tonnes and had returned to compliance with its obligations under the CFC control measures of the Montreal Protocol in that year;

(b) To note with appreciation that Kenya had gazetted on 31 May 2007 the ozone-depleting substance regulations required to establish and implement its system for licensing the import and export of ozone-depleting substances including import quotas.

Recommendation 39/20

U. Lesotho

262. Lesotho had been designated for consideration with regard to its implementation of recommendation 38/51 and decision XVI/25.

1. Compliance issue: halon consumption reduction commitment

263. Lesotho had been requested, as stated in recommendation 38/51 of the thirty-eighth meeting of the Implementation Committee, to submit its 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 Party's compliance with its commitment contained in decision XVI/25 of the Sixteenth Meeting of the Parties to reduce its consumption of the Annex A, group II, controlled substances (halons) to no greater than 0.1 ODP-tonnes in 2006.

264. By the time of the current meeting Lesotho had submitted its ozone-depleting substance data for 2006, reporting zero consumption of halons. Those data demonstrated a continuation of the Party's sustained total phase-out of halons, in advance both of its commitment contained in decision XVI/25 and its halon phase-out obligations under the Montreal Protocol for 2006.

2. Recommendation

265. The Committee therefore agreed to congratulate Lesotho 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 XVI/25 to reduce halon consumption to no greater than 0.1 ODP-tonnes and its obligations under the halon control measures of the Montreal Protocol in that year.

Recommendation 39/21

V. Libyan Arab Jamahiriya

266. The Libyan Arab Jamahiriya had been listed for consideration with regard to its implementation of recommendation 38/24, decision XV/36 and decision XVII/37.

1. Compliance issues

(a) Halon and methyl bromide consumption reduction commitments

267. The Libyan Arab Jamahiriya had committed, as stated 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.

268. 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 Libyan Arab Jamahiriya had not submitted its ozone-depleting substances data for 2006. Implementation of its ozone-depleting substance consumption reduction commitments for that year therefore could not be confirmed.

(b) Establishment of licensing and quota system

269. The Libyan Arab Jamahiriya had been requested, as stated in recommendation 38/24 of the thirty-eighth meeting of the Implementation Committee, 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 had become operational, in time for consideration by the Committee at its thirty-ninth meeting. The Party had earlier committed in decision XV/36 of the Fifteenth Meeting of the Parties to introducing the licensing and quota system by 2004.

270. A report submitted by the Libyan Arab Jamahiriya to UNIDO prior to the thirty-eighth meeting of the Implementation Committee had indicated that the Party had had a licensing system for controlling the export and import of ozone-depleting substances in place since 1999 and expected to establish an ozone-depleting substances quota system in the near future, pursuant to its commitments contained in decision XV/36. The Party had previously submitted information to the Ozone Secretariat indicating that the legislation required to introduce its licensing and quota system was at that time 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.

271. By the time of the current meeting the Party had responded to recommendation 38/24, confirming at a joint meeting of ozone officer networks for French and English-speaking Africa held on 20 and 21 August 2007 that it had introduced a system for licensing the import and export of controlled substances in 1999 and that the system was operational. The Secretariat had subsequently received two letters from the Libyan Arab Jamahiriya on 30 August 2007 in Arabic, with which it had received translation assistance from UNIDO.

272. UNIDO had explained that the letters had re-confirmed that a licensing system had been in place since 1999 and had summarized its manner of operation. Under the system the import of ozone-depleting substances without the prior approval of the General Commission for Environment had been banned. A department of the Commission was responsible for reviewing requests to import ozone-depleting substances and, following approval by the ozone unit coordinator, issuing import licenses. Requests to import had to include information on the type of ozone-depleting substance and its quantity and country of origin. Upon arrival of a shipment, the department would examine the import and release it only if it found it to be consistent with the license held by the importer. Following documentation of the import, the department would notify the national ozone office, providing information including the details of the import in its own records.

273. With regard to the Libyan Arab Jamahiriya's quota system, the letters sought to assure the Implementation Committee that the Party was implementing an import quota system, with annual quotas consistent with the Party's obligations under the Protocol, as well its agreements with the Executive Committee of the Multilateral Fund to phase out ozone-depleting substances. To that end the Party had issued a memorandum on 11 February 2007 in which it requested all relevant institutions and individuals to abide by the quota set for each year and delegated monitoring functions to the national committee for climate change and ozone protection. The Party had indicated that the committee held periodic meetings to review the Party's compliance and report any identified deviations and that the national ozone unit, which was subject to the direction of the national committee, was responsible for ensuring the distribution of the quota among use sectors according to national priorities and the annual allowable consumption limits.

2. Compliance assistance

274. At the time of the current meeting UNIDO was providing institutional strengthening to the Libyan Arab Jamahiriya under the auspices of the Multilateral Fund. It was also providing halon and methyl bromide phase-out assistance to the Party.

275. UNIDO had reported to the Executive Committee at its fifty-first meeting, in March 2007, that the above projects had experienced delays owing to a number of factors including difficulty in obtaining entry visas for project personnel, a lack of responsiveness to UNIDO attempts to communicate with the Party and a lack of clarity as to the identity of the Party's ozone officer. To resolve the last issue, a meeting between the agency, the Minister for Environment of the Libyan Arab Jamahiriya and the Fund secretariat had been held during the fiftieth meeting of the Executive Committee in November 2006 and followed up by a letter from the Chief Officer of the Fund secretariat. The Executive Committee at its fifty-second meeting, in July 2007, had requested UNIDO to submit a status report on the Party's institutional strengthening project at its next meeting.

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

277. The halon phase-out project implemented by UNIDO had been planned for completion in 2008. An international consultant had been recruited and, following the approval by the Executive Committee of a plan prepared with the aim of making the halon banking centre established under the project self-sustaining, halon awareness and training workshops were to be arranged. The Executive Committee at its fifty-second meeting had decided to write a letter to the Government of Libya at the highest appropriate level indicating that it would cancel the project if no progress was reported at its next meeting on establishment of a plan for the sustainability of the facility, including the selection of a host for the facility and a business plan from that host to ensure the facility's sustainability. UNIDO had also been requested to submit a status report on the project at the next meeting of the Executive Committee.

278. In addition, the Executive Committee had decided to request high-level contact with the Government of the Libyan Arab Jamahiriya concerning ongoing difficulties in obtaining the required Government approval for implementing components of projects approved by the Committee.

279. The 2007–2009 business plan of UNEP submitted to the Executive Committee at its fifty-first meeting 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 support of 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

280. The Committee therefore agreed:

Noting with appreciation that the Libyan Arab Jamahiriya had responded to the request in recommendation 38/24 of the thirty-eighth meeting of the Implementation Committee that it 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 substance 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,

Noting further with appreciation that the Party's submission had confirmed that it had completed implementation in 2007 of its commitment contained in decision XV/36 to establish, by 2004, a system for licensing imports and exports of ozone-depleting substances, including quotas,

Noting also with concern, however, that the Libyan Arab Jamahiriya had not responded to the request recorded in recommendation 38/24 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,

(a) To urge the Libyan Arab Jamahiriya to submit to the Ozone Secretariat its data for the year 2006 by 30 September 2007 in accordance with paragraph 3 of Article 7 of the Protocol, in order that the Committee might assess at its fortieth meeting the Party's compliance with its commitment, as recorded in decision XVII/37 of the Seventeenth Meeting of the Parties, to reduce its consumption of

halons to no greater than 653.91 ODP-tonnes and to maintain its consumption of methyl bromide at no greater than 96.000 ODP-tonnes in 2006;

(b) To invite the Libyan Arab Jamahiriya, if necessary, to send a representative to the fortieth meeting of the Committee to discuss the above matter.

Recommendation 39/22

W. Maldives

281. The Maldives had been listed for consideration with regard to its implementation of recommendation 38/51.

1. Compliance issue: CFC consumption reduction commitment

282. The Maldives had been requested, as stated in recommendation 38/51 of the thirty-eighth meeting of the Implementation Committee, to submit its 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 Party's compliance with its commitment, contained in decision XV/37 of the Fifteenth Meeting of the Parties, to maintain its consumption of the Annex A, group I, controlled substances (CFCs) at no greater than 2.3 ODP-tonnes in 2006.

283. By the time of the current meeting Maldives had submitted its ozone-depleting substance data for 2006, reporting 1.1 ODP-tonnes consumption of CFCs. Those data demonstrated that the Party continued to be in advance both of its commitment contained in decision XV/37 and its CFC phase-out obligations under the Montreal Protocol for 2006.

2. Compliance assistance

284. UNEP was providing institutional strengthening to the Maldives under the auspices of the Multilateral Fund. The agency had also planned CFC phase-out assistance for the Maldives. 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 assistance for the Maldives in completing implementation of its refrigerant management plan and preparing a CFC terminal phase-out management plan in cooperation with UNDP. Further support through the agency's compliance assistance programme was also planned in 2007 to enable the Party to implement its commitments contained in decision XV/37.

285. At its fifty-second meeting, in July 2007, the Executive Committee of the Multilateral Fund had requested UNEP to submit an additional status report at its next meeting on the Party's institutional strengthening project, focusing on efforts to respond to recommendation 38/51.

3. Recommendation

286. The Committee therefore agreed to congratulate Maldives 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/37 to maintain CFC consumption at no greater than 2.3 ODP-tonnes and was in compliance with its obligations under the CFC control measures of the Montreal Protocol in that year.

Recommendation 39/23

X. Montenegro

287. Montenegro had been listed for consideration with regard to its implementation of recommendation 38/27.

1. Compliance issue: outstanding baseline and base year data

288. Montenegro had been requested, as stated in recommendation 38/27 of the thirty-eighth meeting of the Implementation Committee, to make its best efforts to submit its baseline data for the controlled substances in Annex A, groups I and II (CFCs and halons), Annex B, groups I, II and III (other CFCs, carbon tetrachloride and methyl chloroform) and Annex E (methyl bromide), as well as base-year data for those controlled substances and the controlled substances in Annex C, groups I and II (hydrochlorofluorocarbons and hydrobromofluorocarbons) 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.

289. By the time of the current meeting Montenegro had responded to recommendation 38/27, reporting its outstanding baseline data in correspondence dated 31 August 2007 and its outstanding base-year data in correspondence dated 5 September 2007.

2. Compliance assistance

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

291. 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 had been scheduled to meet with representatives of Montenegro in late 2007 to share their expertise and experience in areas including data reporting, licensing systems and training of the national ozone unit.

292. The representative of UNIDO to the thirty-eighth meeting of the Implementation Committee had reported that the Party's country programme was then being prepared, that a mission to Montenegro had been planned to assist the process and that the institutional strengthening project document was then awaiting endorsement by the Government.

3. Discussion at the current meeting

293. The representative of UNIDO reported that UNEP and UNIDO had undertaken a joint mission to the Party and that its country programme had been finalized and sent to the Multilateral Fund secretariat for consideration by the Executive Committee at its fifty-third session.

294. Several Committee members paid tribute to the Party for its expeditious and effective implementation of its obligations under the Protocol and recommendation 38/27.

4. Recommendation

295. The Committee therefore agreed to note with appreciation that Montenegro had submitted of all its outstanding data, in accordance with its data-reporting obligations under the Protocol and recommendation 38/27 of the thirty-eighth meeting of the Implementation Committee, as well as the fact that that data confirmed that Montenegro was a Party operating under paragraph 1 of Article 5 of the Montreal Protocol.

Recommendation 39/24

V. Nepal

296. Nepal had been listed for consideration with regard to its implementation of recommendation 38/29.

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

297. Nepal was reminded, as stated in recommendation 38/29 of the thirty-eighth meeting of the Implementation Committee, to submit its data for the year 2006 in accordance with paragraph 3 of Article 7 of the Protocol and its annual report on the quantity of the Annex A, group I, controlled substances (CFCs) released onto its market, preferably no later than 1 August 2007, in order that the Committee might at its thirty-ninth meeting assess the Party's compliance with its commitment contained in decision XVI/27 of the Sixteenth Meeting of the Parties to release onto its domestic market in 2006 no more than 13.5 ODP-tonnes of CFCs.

298. By the time of the current meeting Nepal had submitted its data for the year 2006, reporting the release onto its domestic market of 12.0 ODP-tonnes of CFCs from its seized stockpile, consistent with its commitment for that year contained in decision XVI/27. The Party had also reaffirmed its commitment to refrain from issuing CFC import licenses.

2. Recommendation

299. The Committee therefore agreed to note with appreciation the report of Nepal for 2006, which showed that it had fulfilled its commitment contained in decision XVI/27 to release onto its domestic market no more than 13.5 ODP-tonnes of CFCs in that year.

Recommendation 39/25

Y. Nigeria

300. Nigeria had been listed for consideration with regard to its implementation of recommendation 38/51 and decision XIV/30.

1. Compliance issue: CFC consumption reduction commitment

301. Nigeria had been requested, as stated in recommendation 38/51 of the thirty-eighth meeting of the Implementation Committee, to submit its 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 Party's compliance with its commitment contained in decision XIV/30 to reduce its consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 1,100 ODP-tonnes in 2006.

302. By the time of the current meeting Nigeria had submitted its ozone-depleting substances data for 2006, reporting CFC consumption of 454 ODP-tonnes. Those data had placed the Party in advance of both of its commitment contained in decision XIV/30 and its CFC phase-out obligations under the Montreal Protocol for 2006.

2. Recommendation

303. The Committee therefore agreed to congratulate Nigeria on its reported data for the consumption of Annex A, group I, controlled substances (CFCs) in 2006, which showed that it continued to be in advance of both its commitment contained in decision XIV/30 to reduce CFC consumption to no greater than 1,100 ODP-tonnes and its obligations under the CFC control measures of the Montreal Protocol in that year.

Recommendation 39/26

Z. Pakistan

304. Pakistan had been listed for consideration with regard to its implementation of recommendation 38/51.

1. Compliance issue: carbon tetrachloride consumption reduction commitment

305. Pakistan had been requested, as stated in recommendation 38/51 of the thirty-eighth meeting of the Implementation Committee, to submit its 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 Party's compliance with its commitment contained in decision XVIII/31 of the Eighteenth Meeting of the Parties to reduce its consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 41.8 ODP-tonnes in 2006.

306. By the time of the current meeting, the Party had submitted its ozone-depleting substances data for 2006, reporting carbon tetrachloride consumption of 41.8 ODP-tonnes. That level of consumption both returned the Party to compliance with the Protocol's control measures for that substance in 2006 and placed it in advance of the Protocol's carbon tetrachloride control measures. The Party had also reported that, from 28 May 2007, Pakistan had banned the import of carbon tetrachloride.

2. Recommendation

307. The Committee therefore agreed to congratulate Pakistan on its return to compliance in 2006 with the control measures of the Montreal Protocol for the Annex B, group III, controlled substance (carbon tetrachloride) and its fulfilment of its consumption reduction commitment for that substance contained in decision XVIII/31 of the Eighteenth Meeting of the Parties, as indicated by the Party's data report for that year, which also indicated that the Party was in advance of its obligations to phase out carbon tetrachloride in 2006 and had banned from 28 May 2007 the import of that substance.

Recommendation 39/27

AA. Paraguay

308. Paraguay had been listed for consideration with regard to its implementation of recommendation 38/32 and decision XVIII/32.

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

309. Paraguay had been requested, as stated in recommendation 38/32 of the thirty-eighth meeting of the Implementation Committee, 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 the controlled substances in Annex A, group I, (CFCs) and Annex B, group II, (carbon tetrachloride), in accordance with decision XVIII/32.

310. Recommendation 38/32 had also reminded 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.

311. By the time of the current meeting Paraguay had not submitted its ozone-depleting substances data for 2006. It had, however, submitted a plan of action in accordance with recommendation 38/32 and decision XVIII/32 of the Eighteenth Meeting of the Parties. The terms of the plan are summarized below.

(a) Identification of CFC and carbon tetrachloride users

312. The plan explained that the majority of the Party's CFC consumption was in its refrigeration and air conditioning sector. That assertion was supported by the sectoral consumption data submitted by the Party to the Multilateral Fund Secretariat for 2006, which showed consumption of 249.7 ODP-tonnes of CFCs in the Party's servicing sector and 1.1 ODP-tonnes of CFCs in its laboratory and analytical application sector.

313. The plan explained that a pharmaceutical company was the primary user of carbon tetrachloride in Paraguay. The company used carbon tetrachloride to dilute the wax that gives medicinal tablets their sheen.

(b) Identification of causes of non-compliance

314. Paraguay had reported consumption of 250.7 ODP-tonnes of CFCs in 2005, an amount inconsistent with the Protocol's requirement that it limit consumption of those substances in that year to no greater than 50 per cent of its baseline for those substances, namely, 105.280 ODP-tonnes. The Party had attributed its non-compliance to inadequate coordination between customs authorities at points of entry for ozone-depleting substances, the Department of Environment and the national customs directorate. Also, high staff turnover at the customs authority had limited the effectiveness of training and a lack of integration of the national ozone unit into the Department of Environment had also contributed to the situation. A review of import data collection procedures had highlighted errors and inconsistencies in the handling of tariff certificates, identification of substances, net weights and the importation of ozone-depleting substances without requisite licenses.

315. Paraguay had also reported consumption of 0.7 ODP-tonnes of carbon tetrachloride in 2005, an amount inconsistent with the Protocol's requirement that it limit consumption of that substance to no greater than 0.1 ODP-tonnes in that year. The Party had attributed the non-compliance to the above-mentioned deficiencies in its licensing system and the lower level of priority assigned by Government agencies to that ozone-depleting substance.

(c) Time-specific benchmarks for returning to compliance

316. The Party's plan contained the following time-specific CFC and carbon tetrachloride consumption reduction benchmarks, which should have returned it to compliance with the Protocol's control measures in 2006 and then enabled its continued compliance until the achievement of total phase-out in 2010.

	2006	2007	2008	2009	2010
Annex A/I CFCs	105.28	31.58	31.58	31.58	0.00
Carbon tetrachloride	0.09	0.09	0.09	0.09	0.00

317. The time-specific benchmarks contained in the plan for CFC consumption were consistent with those contained in the national terminal phase-out management plan approved by the Executive Committee of the Multilateral Fund at its fifty-first meeting. As noted above, however, by the time of the current meeting Paraguay had not yet submitted its ozone-depleting substances data for 2006, which

had prevented review of the Party's CFC and carbon tetrachloride consumption for that year against the time-specific benchmark proposed in the above table for 2006.

(d) Measures to implement the time-specific benchmarks

318. By the time of the current meeting Paraguay had already undertaken certain institutional changes to redress its non-compliance. The work plans of the national ozone unit had thus been officially incorporated into the annual operational plan of the department of the environment, allowing greater scrutiny of the unit's activities and demanding a greater degree of commitment from the ministerial authorities to the implementation of the national ozone programme.

319. Further, to redress the perceived inadequate inter-agency coordination between the department of the environment and the national directorate of customs, the Party had established an inter-institutional operational commission. The commission's work included identification of a single port of entry for ozone-depleting substances, replication of training activities of customs officers and other relevant actors and computer connections between the various customs offices and the department of environment.

320. The regulatory framework established by Paraguay provided for the department of environment to establish, through various legal instruments, schedules and deadlines for banning the import of ozone-depleting substances and establishing annual maximum import volumes in accordance with the Montreal Protocol's phase-out schedules, as well as criteria for the distribution of authorized volumes. Legal instruments established by the time of the current meeting included the mandatory registration of all importers of ozone-depleting substances, restriction of licenses to import ozone-depleting substances to registered persons, a ban on the import of new and used refrigeration and air-conditioning equipment that used CFC-11 or CFC-12 and mandatory labelling of ozone-depleting substance containers and all refrigeration and air-conditioning equipment and components.

321. Specific measures contained in Paraguay's plan of action to address CFC and carbon tetrachloride phase-out are summarized below.

(i) Annex A, group I, controlled substances (CFCs)

322. Under the auspices of a refrigerant management plan and national terminal phase-out management plan supported by the Multilateral Fund, Paraguay planned to implement the following activities to ensure its compliance: improvements to its licensing system; refrigeration sector training in the conservation of refrigerants and the use of alternatives supported by a cooperation agreement with the Party's technical refrigeration institute; public and user-specific environmental awareness raising campaigns; creation and promotion of a code of best practice in refrigeration in cooperation with the Paraguayan Chamber of Air conditioning, Refrigeration and Mechanical Ventilation (CAPAREV) and the National Professional Training Service (SNPP); distribution of refrigerant recovery and recycling equipment and tools for best practices in refrigeration equipment maintenance to workshops and companies, use of which was to be monitored by the department of environment; and creation of a virtual unit for the control of trade in ozone-depleting substances, including the employment of the newly established inter-institutional commission to prevent illegal trade in ozone-depleting substances.

323. As noted above, Paraguay had determined that a small percentage of its CFC consumption was used in laboratory applications. The Party planned to address that consumption through the activities outlined below to phase out its carbon tetrachloride consumption.

(ii) Annex B, group II, controlled substances (carbon tetrachloride)

324. Paraguay intended to ensure its compliance with the Protocol's carbon tetrachloride control measures through a strategy of strict and efficient control of the import, transit and export of ozone-depleting solvents and reduction in the demand for such substances through a technical assistance project. Activities planned under the technical assistance project included a workshop for past, current and potential users of carbon tetrachloride, CFC-113 and methyl chloroform at which information would be presented on alternatives to ozone-depleting substances in existing applications and the carbon tetrachloride import limit. Consultations with laboratories had indicated that, while carbon tetrachloride had been used in the past, the substance had since been replaced by cheaper alternatives. The sector also demonstrated a high level of awareness with regard to the requirement to phase-out carbon tetrachloride.

2. Compliance assistance

325. At the time of the current meeting 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 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 was a condition of project approval that the agencies not disburse any funding until Paraguay submitted to the Ozone Secretariat the plan of action requested by the Eighteenth Meeting of the Parties in decision XVIII/32. Also at the time of the current meeting, 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. Discussion at the current meeting

326. At the invitation of the Committee, a representative of the Party attended the current meeting. Responding to questions from Committee members, she confirmed that her country was not a producer of carbon tetrachloride but did import it for use in the automobile and refrigeration sectors. She said that her Government had enacted a law to extend the existing import license and quota system to cover carbon tetrachloride but the corresponding regulation had not yet come into force. While the forthcoming elections in Paraguay might delay the promulgation of the law, her Government accorded a high priority to the matter and expected it to come into force very swiftly.

327. She noted that Paraguay had consumed a combined total of 102 ODP-tonnes of all ozone-depleting substances in 2006. The Party aimed to return to compliance as soon as possible and was very confident that it would meet its limit for CFCs of 31.5 ODP-tonnes in 2007.

328. She explained that Paraguay's annual import quotas set out in decree 3980 had been revised to reflect the phase-out schedule contained in the new plan of action and that the country's customs authorities were prepared to implement the new limits. An institutional bureau, consisting of officials from the ministry for the environment, the ministry for public health and social affairs and the customs and ports authorities, had been established to oversee implementation of the decree. Specialized agents were working with the customs authorities to implement the rule and others made random visits to importers' facilities to check on their use.

329. On the measures already in place to control legal flows of ozone-depleting substances, she explained that the existing licensing system covered both used substances and mixtures. The system did not, however, cover exports of ozone-depleting substances because such exports were prohibited. The customs authorities' data on imports were cross-checked against the information provided by the four importing firms, who were also regulated by a chamber of commerce of which they were all members.

330. She said that although the Government was working hard to train the customs authorities and eliminate corruption in order to improve the management of trade in ozone-depleting substances, Paraguay's relatively porous borders made it hard to control unofficial movements to and from neighbouring States. She suggested that the Party might need to focus more on efforts to control such flows and stressed that financial and technical assistance from international donors would be crucial to its efforts to control both legal and illegal trade.

4. Recommendation

331. The Committee therefore agreed:

Noting with appreciation that Paraguay had submitted, in accordance with decision XVIII/32 of the Eighteenth Meeting of the Parties and recommendation 38/32 of the Implementation at its thirty-eighth meeting, a plan of action for returning to compliance with the Protocol's control measures for the substances contained in Annex A, group I, (CFCs) and Annex B, group II, (carbon tetrachloride) of the Protocol by 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 B) to the present report.

Recommendation 39/28

BB. Russian Federation

332. The Russian Federation had been listed for consideration with regard to its implementation of recommendation 38/33.

1. Compliance issues

(a) Apparent CFC consumption deviation in 2005

333. The Russian Federation had been requested, as stated in recommendation 38/33 of the thirty-eighth meeting of the Implementation Committee, 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 licenses with respect to the import of the Annex A, group I, controlled substances (CFCs) for the manufacture of metered-dose inhalers and to improve related administrative procedures in time for consideration by the Committee at its thirty-ninth meeting.

334. By the time of the current meeting the Russian Federation had submitted a response to recommendation 38/33 in the form of a letter dated 13 August 2007. It had explained in that letter that, by order no. 101 of the Federal Environmental, Technological and Nuclear Oversight Service (Rostekhnadzor) of 24 September 2004, a statute on the issuance by the Rostekhnadzor of licenses for the transboundary movement of ozone-depleting substances and products containing them had been adopted. The statute had empowered the Rostekhnadzor to issue licenses for the import and export of ozone-depleting substances and products containing such substances. It required the Rostekhnadzor to complete its examination of a license application within thirty days and specified the documentation from the applicant that the Rostekhnadzor had to review in order to make its determination to grant or reject an application. The statute further empowered the Rostekhnadzor to suspend or revoke a license in the event a license holder violated a license condition.

335. At the thirty-eighth meeting of the Committee representatives of the Party had explained that its non-compliance with the Protocol's CFC consumption control measures in 2005 had arisen from a combination of factors, including the time required to complete the complex contractual and licensing procedures associated with the import of CFCs 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.

336. The representatives had further explained that action had been taken to avoid future non-compliance through the simplification of the procedures relating to the import of CFCs, including a reduction in the number of agencies involved and a clarification of their roles and responsibilities. That action had reduced the duration of the process to two months. The Committee had then requested a written submission regarding those actions as a record of the Government's commitment to sustaining its compliance with the Protocol.

(b) Article 7 data and essential use accounting framework reports for 2006

337. The Party had also been reminded 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.

338. By the time of the current meeting the Russian Federation had submitted its ozone-depleting substances data for 2006, along with its essential use accounting framework for that year, reporting consumption of 394.7 ODP-tonnes of CFCs, an amount consistent with the Party's essential-use authorization, granted by decision XVII/5, to import or produce up to 400 metric tonnes of CFCs for the manufacture of metered-dose inhalers to treat asthma and chronic obstructive pulmonary disease. The data reported by the Russian Federation with regard to the other controlled substances was also consistent with the Party's obligations under the Montreal Protocol for 2006.

2. Recommendation

339. The Committee may wish:

Recalling 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 with appreciation that the Russian Federation had responded to the request recorded in recommendation 38/33 of the thirty-eighth meeting of the Implementation Committee that it submit to the Secretariat as soon as possible, and no later than 1 August 2007, an overview of the measures undertaken to address the above-mentioned non-compliance through the reduction of the timelines for the processing of import shipments and associated licenses and the improvement of related administrative procedures, in time for consideration by the Committee at its thirty-ninth meeting,

Noting also with appreciation that the Party had submitted its 2006 ozone-depleting substances data and essential use accounting framework for that year,

To congratulate the Russian Federation on its return to compliance in 2006 with the CFC control measures of the Montreal Protocol.

Recommendation 39/29

CC. Saudi Arabia

340. Saudi Arabia had been listed for consideration with regard to its implementation of recommendation 38/35.

1. Compliance issues

(a) Apparent methyl bromide consumption deviation in 2005

341. Saudi Arabia had been requested, as stated in recommendation 38/35 of the thirty-eighth meeting of the Implementation Committee, to respond to the Secretariat's request for an explanation of its apparent deviation from the 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.

342. By the time of the current meeting Saudi Arabia had not submitted an explanation for its apparent deviation. The Party had submitted its outstanding 2005 data at the last meeting of the Committee, in accordance with decision XVIII/34 of the Eighteenth Meeting of the Parties, reporting consumption of 27.6 ODP-tonnes of methyl bromide, an amount inconsistent with its 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 its apparent deviation. As the request had been sent less than three weeks prior to the last meeting of the Committee, however, the Committee had followed its customary practice of deferring consideration of the compliance status of the Party in question until its next meeting. The Committee therefore considered the matter at the current meeting.

343. By the time of the current meeting Saudi Arabia had not reported its ozone-depleting substances data for 2006.

(b) Request to revise its methyl bromide consumption baseline data

344. The Party had also been requested, as stated in recommendation 38/35, 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.

345. By the time of the current meeting Saudi Arabia had responded to the request that it provide information in support of its request to revise its methyl bromide consumption baseline data, albeit after the deadline of 1 August 2007 contained in recommendation 38/35. The Party had indicated in that response that it was preparing a detailed report on its request in cooperation with UNEP and UNIDO and in accordance with decision XV/19. The Party had anticipated, however, that it would not finalize

the report prior to the current meeting given the shorter than usual period of time between the meetings of the Committee in 2007. The Party had indicated that it expected to submit the report to the Secretariat before the end of the year and therefore requested that the Committee at the current meeting defer consideration of the Party's request to revise its baseline data until its fortieth meeting.

346. Saudi Arabia had 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 in its submission of its 2005 data, dated 26 May 2007. The Party had concluded, on the basis of information obtained through the preparation of its country programme, that its existing baseline data were incorrect, but had acknowledged that it would need to submit additional explanations to support its request. The Secretariat, in correspondence dated 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 and had furnished Saudi Arabia with a copy of that decision.

2. Compliance assistance

347. At the time of the current meeting UNIDO and UNEP were assisting Saudi Arabia to prepare a national ozone-depleting substance 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.

348. The 2007–2009 business plan submitted by UNEP to the Executive Committee at its fifty-first meeting, in March 2007, had included a request for institutional strengthening assistance for Saudi Arabia in 2007. The progress report of UNEP submitted to the Executive Committee at its fifty-second meeting had stated that UNEP had also provided data reporting and policy support to the Party under its Compliance Assistance Programme.

349. Saudi Arabia had also reported the establishment of an ozone-depleting substances licensing system. In its progress report to the Executive Committee, UNEP had advised that the planned national ozone-depleting substance phase-out plan would include a component to update the Party's legislation to make it consistent with recently adopted regional ozone-depleting substances legislation.

3. Recommendation

350. The Committee therefore agreed:

Noting with concern that Saudi Arabia had reported consumption of 27.6 ODP-tonnes of the Annex E controlled substance (methyl bromide) in 2005, an amount that was inconsistent with the Protocol's requirement that the Party limit consumption of that substance in that year to no greater than eighty per cent of its baseline, namely, 0.5 ODP-tonnes,

Noting also with concern that Saudi Arabia had not responded to the requests recorded in recommendation 38/35 of the thirty-eighth meeting of the Implementation Committee that it submit to the Secretariat as soon as possible, and no later than 1 August 2007, an explanation for its apparent deviation from the Protocol's methyl bromide control measures,

Noting with appreciation, however, that Saudi Arabia was preparing a detailed report in support of its request to revise its methyl bromide baseline data, in accordance with decision XV/19 and expected to submit that report before the end of 2007,

(a) To request Saudi Arabia to submit to the Secretariat as a matter of urgency, and no later than 29 February 2008, an explanation for its apparent deviation from the Protocol's methyl bromide control measures in 2005 and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(b) To request Saudi Arabia to submit to the Secretariat information in accordance with decision XV/19 to support its request to revise its methyl bromide baseline data as soon as possible, and no later than 29 February 2008, for consideration by the Committee at its fortieth meeting;

(c) To invite Saudi Arabia, if necessary, to send a representative to the fortieth meeting of the Committee to discuss the above matters;

(d) To forward for consideration by the Nineteenth Meeting of the Parties the draft decision contained in annex I (section C) to the present report, which would request the Party to act in accordance with subparagraph (a) above.

Recommendation 39/30

DD. Serbia¹

351. Serbia had been listed for consideration with regard to its implementation of recommendation 38/36.

1. Compliance issues**(a) Outstanding Annex B, group I, baseline data**

352. Serbia had been requested, as stated in recommendation 38/36 of the thirty-eighth meeting of the Implementation Committee, to submit as a matter of urgency, and no later than 1 August 2007, its outstanding baseline data for the Annex B, group I, controlled substances (other CFCs) for the years 1998 and 1999, in order that the Committee might assess the Parties' compliance with the Protocol at its thirty-ninth meeting.

353. By the time of the current meeting the Party had submitted its outstanding baseline data, reporting zero consumption of other CFCs in both 1998 and 1999, resulting in a baseline for that substance of zero ODP-tonnes. The Party had also reported zero consumption of other CFCs in 2006, which placed it in compliance with the Protocol's control measures for that substance in that year.

(b) Apparent carbon tetrachloride consumption deviation in 2006

354. Serbia had also been requested, as stated in recommendation 38/36, 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 the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 2.8 ODP-tonnes in that year and, if relevant, to submit a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance.

355. The Party had previously 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, which required it to reduce its consumption to no greater than 15 per cent of its baseline, namely, 2.8 ODP-tonnes.

356. By the time of the current meeting Serbia had submitted an explanation for its apparent deviation from the Protocol's carbon tetrachloride control consumption measures, reporting that it had conducted an audit in which it had cross-checked the data provided by its directorate of customs with data collected from users. It had concluded from that exercise that the previously submitted data were incorrect. The corrected data had revealed consumption of 1.4 ODP-tonnes for 2006, placing Serbia in compliance with its obligation to reduce its consumption of carbon tetrachloride to no greater than 2.8 ODP-tonnes in that year.

(c) Possible carbon tetrachloride consumption baseline data revision request

357. Recommendation 38/36 had also requested Serbia to clarify whether it sought to change its reported carbon tetrachloride consumption data for the baseline year 2000, recalling that requests to change baseline data had to be made in accordance with decision XV/19 of the Fifteenth Meeting of the Parties. In addition to reporting to the Committee at its last meeting its outstanding carbon tetrachloride consumption data for the baseline years 1998 and 1999, Serbia had reported carbon tetrachloride consumption data for the baseline year 2000 that differed from the data it had previously submitted for that year. In 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.

358. Serbia had clarified in a letter received by the Secretariat on 6 September 2007 that it did not seek to change its reported carbon tetrachloride consumption data for the baseline year 2000. The Party had explained that the 3.4 ODP-tonnes contained in its previous correspondence reflected data that had been derived from tariff codes only used by the civil sector. Carbon tetrachloride had been used in Serbia by sectors other than the civil sector in the baseline year 2000. Hence, with the incorporation of

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 the name of Serbia only.

consumption data from those other sectors, the previously reported carbon tetrachloride consumption of 33 ODP-tonnes was considered correct for the year 2000.

2. Compliance assistance

359. At the time of the current meeting 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 substance phase-out projects in the methyl bromide and solvent sectors. The Executive Committee at its fifty-second meeting, held in July 2007, had requested UNIDO to expedite completion of the preparation of the carbon tetrachloride sector plan in Serbia. UNIDO had reported at that meeting that it had undertaken a mission to discuss the project with the Government of Serbia and that a survey of ozone-depleting substances had started. By the end of May 2007, however, the survey report had not been submitted to UNIDO. UNIDO had requested a formulation mission in April or May 2007 to prepare a proposal but no invitation had been received from the Government of Serbia. The Multilateral Fund secretariat had stated that it was not clear whether the project preparation would be completed on schedule by July 2007.

3. Discussion at the current meeting

360. At the current meeting the members of the Committee congratulated the Party for timely submission of its base-year and baseline data reporting obligations and voiced their appreciation for its efforts in doing so.

361. In response to a request, the representative of UNIDO reported that the carbon tetrachloride phase-out project was still being prepared. She reported that the Party's ozone officer had been changed, which had resulted in changes to the process for preparing the project and caused some delay. It was hoped that the planned mission to the Party would take place before the end of 2007 and that there would be progress to report at the Committee's next meeting.

4. Recommendation

362. The Committee therefore agreed to note with appreciation that Serbia had responded to recommendation 38/36 of the thirty-eighth meeting of the Implementation Committee, submitting all outstanding data for the controlled substances in Annex B, group I, (other CFCs) in accordance with its data-reporting obligations under the Protocol and revised ozone-depleting substances data for the year 2006 to correct errors in its original submission, which confirmed that the Party was in compliance with the Protocol's control measures for 2006 with regard to the phase-out of the Annex B, group II, substance (carbon tetrachloride) and confirming that it did not seek to revise its carbon tetrachloride data for the baseline year 2000.

Recommendation 39/31

EE. Somalia

363. Somalia had been listed for consideration with regard to its implementation of recommendation 38/39.

1. Compliance issue: request for halon plan of action

364. Somalia had been urged, as stated in recommendation 38/39 of the thirty-eighth meeting of the Implementation Committee, 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.

365. Somalia had originally been requested to submit a halon plan of action in 2004. Since 2002, the Party had reported annual consumption of halons that placed it in non-compliance with the Montreal Protocol's control measures for those substances, although since 2003 it had reported data showing a downward trend in halon consumption. For the year 2006, Somalia had reported at the thirty-eighth meeting of the Committee halon consumption of 18.8 ODP-tonnes, an amount that, although less than its reported 2005 consumption of 20.1 ODP-tonnes, was inconsistent with its obligation to reduce 2006 halon consumption to no greater than 8.9 ODP-tonnes.

366. In correspondence dated 11 July 2007, Somalia had described the many challenges that it had faced in implementing its Montreal Protocol obligations and the recommendations of the Committee, including a lack of technical and financial support and logistical problems. Somalia had also stated that

the Multilateral Fund secretariat and the implementing agencies, including UNEP and UNDP, had not provided requested technical and financial assistance, saying that it had repeatedly requested those agencies to provide the financial, technical and logistical support required to reduce its halon consumption to 8.9 ODP-tonnes and plan regulatory and non-regulatory measures to support and sustain its phase-out efforts.

367. Somalia had informed the Secretariat prior to the last meeting of the Committee that it intended to submit a halons plan of action by 6 June 2007.

2. Compliance assistance

368. At the time of the current meeting UNEP was providing institutional strengthening assistance to Somalia under the auspices of the Multilateral Fund. In its progress report to the Executive Committee at its fifty-second meeting, held in July 2007, UNEP had reported that the ozone unit for Somalia had been established under the institutional strengthening project but had not been fully functional or effective due to the unstable political situation in the Party. A renewal of the institutional strengthening project had been approved by the Executive Committee in 2004 at its forty-fourth meeting on the assumption that the funds approved in the previous year had been fully utilized and would be accounted for; by the time of the current meeting, however, no funds had been reported as disbursed for either project. UNEP had also reported that the political situation was preventing the development of a licensing system and that development of a halons management plan had been put on hold in 2006 owing to the political situation. In the light of that information, the Executive Committee had requested UNEP to submit at its fifty-third meeting an additional status report on Somalia's institutional strengthening project, specifically with regard to the request contained in recommendation 38/39 that Somalia submit a halons plan of action including regulatory measures to support and sustain planned phase-out activities.

369. The 2007–2009 business plan of UNEP, submitted to the Executive Committee of the Fund at its fifty-first meeting, in March 2007, stated that when circumstances permitted in 2007 UNEP 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 also indicated that UNEP planned a mission to Somalia in 2007. The representative of UNEP informed the Committee at its thirty-eighth meeting that it was not then 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 halons control measures could be agreed with the Party's ozone officer.

3. Recommendation

370. The Committee therefore agreed:

Recalling that Somalia had been requested, as recorded in recommendation 38/38 of the thirty-eighth meeting of the Implementation Committee, 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 control measures for the controlled substances in Annex A, group II, (halons) including regulatory measures to support and sustain planned phase-out activities, in time for consideration by the Committee at its thirty-ninth meeting,

Noting with appreciation that Somalia had submitted the requested update, in which it had explained that it required financial, technical and logistical assistance to prepare and implement a halons plan of action to enable it to return it to compliance,

Noting also that, while the implementing agencies of the Multilateral Fund were ready to assist Somalia in accordance with the policies and guidelines of the Fund, the current situation in the country presented significant challenges to the provision of assistance and to sustaining efforts to phase out ozone-depleting substances,

To agree to review the situation of Somalia at its fortieth meeting and, to that end, to request the Party to submit to the Ozone Secretariat by 29 February 2008 a report on its efforts, in cooperation with relevant implementing agencies, to develop a plan of action for returning to compliance with the Protocol's halons control measures, as well as a system for licensing the import and export of ozone-depleting substances.

Recommendation 39/32

FF. Turkmenistan

371. Turkmenistan had been listed for consideration with regard to its implementation of recommendation 38/44.

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

372. Turkmenistan had been requested, as stated in recommendation 38/44 of the thirty-eighth meeting of the Implementation Committee, 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 at its thirty-ninth meeting complete its review of the Party's request to revise its consumption baseline data for the Annex E controlled substance (methyl bromide).

373. Turkmenistan had submitted additional information in support of its request along with its original submission. The Ozone Secretariat had reviewed all the information submitted against the requirements of decision XV/19. Its review is summarized below.

(a) Paragraph 2 (a) (i) of decision XV/19

374. Paragraph 2 (a) (i) of decision XV/19 requires a Party requesting a revision of its baseline data to identify which of the baseline data for a given year or years it considers to be incorrect and to provide proposed new data. The original submission from Turkmenistan had stated that the zero ODP-tonnes consumption reported for each of the baseline years 1997 and 1998 had been based on incorrect methyl bromide import data and had proposed new data of 1,800 kilogrammes and 22,000 kilogrammes, respectively.

375. The Secretariat had sought clarification from Turkmenistan on its information pertaining to paragraph 2 (a) (i). The Party had been requested to confirm that it considered its methyl bromide consumption data for the baseline years 1995 and 1996 to be correct. Turkmenistan had responded by stating that the data for 1995 and 1996 were also incorrect, but had not at that time responded to the Secretariat's request for the proposed new data for those years. In correspondence received by the Secretariat on 23 August 2007, however, the Party had confirmed that the existing baseline data for 1995 and 1996 were correct. Its earlier translation of its submission from Russian into English had mistakenly translated the word "correct" as "incorrect".

376. In reviewing all documentation submitted by the Party to date, the Secretariat had noted that the date of import of the 1,800 kilogrammes recorded in the original submission from the Party and in the later submitted customs import documentation was 2 December 1998. The Secretariat had brought this issue to the attention of the Party for comment. In its response dated 8 September 2007, Turkmenistan had clarified that the existing zero ODP-tonne figure for methyl bromide consumption in 1997 was correct because, although the contract for the import of the 1,800 kilogrammes of methyl bromide was dated 26 November 1997, the import had not occurred until 1998. Consequently, the Party had confirmed that the only year for which it considered its methyl bromide consumption baseline data to be incorrect was 1998. It considered the correct figure for that year to be 23,800 kilogrammes rather than zero.

377. As the Montreal Protocol defines consumption as imports plus production minus exports, the Secretariat had also sought, based on its former understanding that Turkmenistan had sought to change the data for both 1997 and 1998, to ensure that the proposed changes to the import data in 1997 and 1998 represented the only changes to be made in re-calculating the Party's consumption. Consequently, the Party had been requested to confirm that it had not exported methyl bromide in the years for which it was seeking the data revisions, namely 1997 and 1998; to clarify whether the term "kilogramme" used in its submission referred to metric kilogrammes or ozone-depleting kilogrammes; and to indicate whether any of the methyl bromide imported in either 1997 or 1998 had been used for exempted quarantine and pre-shipment purposes, noting that Turkmenistan had reported methyl bromide imports for quarantine and pre-shipment uses in 2005. Turkmenistan had responded, stating that it had not exported methyl bromide in 1997 or 1998; that the proposed new data for those years referred to metric kilogrammes and that none of the methyl bromide imported in 1997 and 1998 had been used for quarantine or pre-shipment applications.

(b) Paragraph 2 (a) (ii) of decision XV/19

378. Paragraph 2 (a) (ii) of decision XV/19 requires the requesting Party to explain why its existing baseline data are incorrect and to provide relevant information, including on the methodology used to collect and verify the incorrect data, along with supporting documentation where available.

Turkmenistan had explained that its first national programme on the phase-out of ozone-depleting substances had been prepared in 1998 and 1999. Nineteen-ninety-six was the first year for which data were available, although no data were available for 1997. Since 1998, the state customs service had employed a computer database to collect data. Errors, however, had been detected in the establishment of the database, including the use of an incorrect customs code to identify methyl bromide shipments. Consequently, the data collected by the customs service could not be used to report methyl bromide imports. Given that Turkmenistan had advised that it had not received information on methyl bromide imports in the baseline years 1997 and 1998, the Secretariat had requested the Party to explain why it had reported zero imports and exports to the Secretariat for those years.

379. The 23 August 2007 correspondence suggested that the Party had based its reported zero imports and exports of methyl bromide in 1997 and 1998 on information received from its state customs service and ministry of agriculture. The state customs service had shared its list of reported imports of ozone-depleting substances in 1997 and 1998. According to that list, no imports of methyl bromide had occurred in those years. It also appeared that in those years prospective importers of methyl bromide had first to notify the ministry of nature protection of their intention to import and then to confirm that any proposed import had taken place. In 1998, the ministry of agriculture had notified the ministry of nature protection of its intention to import methyl bromide but had not subsequently confirmed that any import had taken place. The ministry of nature protection had therefore not recorded any import.

(c) Paragraph 2 (a) (iii) of decision XV/19

380. Paragraph 2 (a) (iii) of decision XV/19 requires the requesting Party to explain why its proposed new baseline data should be considered correct and to provide supporting information, including information on the methodology used to collect and verify that new data, along with supporting documentation where available. The original submission from Turkmenistan had indicated that the new data should be considered correct because it was the result of data collection activities conducted in the methyl bromide consumption sector of Turkmenistan with the assistance of the national ozone unit of Kyrgyzstan, as well as methyl bromide import data verification activities conducted by the national ozone unit and state customs service of Turkmenistan.

381. The Secretariat had invited Turkmenistan to submit further information to assist the Committee to determine whether the Party had fulfilled the requirements of paragraph 2 (a) (iii). The Party had thus been invited to describe the nature of its data collection and verification activities, including how it had ensured that methyl bromide consumption for quarantine and pre-shipment uses was recorded separately from that for other uses and that stockpiled pre-1997 methyl bromide imports were not counted as imports in 1997 or 1998. It had also been invited to explain why methyl bromide imports had commenced only in 1997 and not earlier, why there had been such a significant increase in methyl bromide imports in 1998 compared to 1997 and why there had then been no further methyl bromide imports until 2005. In accordance with paragraphs 2 (a) (iii) and 2 (a) (iv), Turkmenistan had also been invited to submit copies of supporting documentation.

382. Turkmenistan had explained that data was collected through written enquiries to the ministries for nature protection and agriculture, the state customs service, the state commodity and raw materials exchange and organizations that used methyl bromide. The ministry for nature protection also “conducted inspection control of objects that were using mebr” and collected sectoral methyl bromide consumption data. The Party had not yet responded to the Secretariat’s request to explain how the “organizations that were using mebr” and the “objects that were using mebr” had been identified. Given that the written correspondence between the Government agencies and user organizations was in the Turkmen language, Turkmenistan had also been invited to summarize the correspondence and its conclusions in English. The Secretariat had indicated that it was not clear on the procedure that had been used by the Party to verify the proposed new data for 1995–1998. Specifically, it had requested further information on how or whether the data obtained from the Government agencies and organizations had been used to cross-check the accuracy of the proposed new data.

383. In its response received by the Secretariat on 23 August 2007 Turkmenistan had further elaborated on the measures used to collect and verify its proposed new data. The Party had detailed the various agencies within the ministry of agriculture from which information was collected, namely the associations of food industry, and the grain association of Turkmenistan “Turkmengallaonumleri”, the state plant quarantine service of Turkmenistan and the enterprise “USSAT”. A questionnaire seeking information on methyl bromide data, including applications and quantities used, had also been distributed to the country’s five regions. The responses submitted by the agencies had suggested that none had sought the import of or had purchased methyl bromide during the baseline period. The

Secretariat had requested confirmation from Turkmenistan that the agencies had specifically been requested to report any purchase or imports during that period.

384. In its response of 8 September 2007 Turkmenistan had advised that “after reclassification [as a Party not operating under Article 5 of the Protocol] we started to gather info about the baseline years of 1995 and 1998”. The cover letters to the questionnaires were dated 23 January 2006, after Turkmenistan’s reclassification, and therefore the Party’s response of 8 September 2007 had presumably been intended to indicate that the agencies had been requested to report any methyl bromide purchase or import during the baseline period.

385. In addition, the Secretariat had recalled that the original submission from Turkmenistan had stated that the recipients of the 1,800 kilogramme import of methyl bromide was “a self-supporting thermal facility” and the recipient of the 22,000 kilogramme import of methyl bromide was the ministry of agriculture enterprise “USSAT”. The Secretariat had suggested that Turkmenistan share the responses of these entities with the Committee, if they had been requested to complete the questionnaire. It had also suggested that in the event that they had not been asked to complete the questionnaire Turkmenistan describe the nature of the uses to which these entities put the methyl bromide, in order to demonstrate that their imports would have been directed solely to controlled uses. Turkmenistan’s response of 8 September 2007 had explained that the “self-supporting thermal facility” was a hothouse under the control of the Association of Food Industry. The response had included a letter from the facility stating that in 1998 it had purchased 1,800 kilogrammes of methyl bromide for soil fumigation in vegetable hothouses. With regard to “USSAT”, it is considered a “daughter” enterprise of the grain association of Turkmenistan “Turkmengallaonumleri”. Both enterprises had verbally confirmed that USSAT had imported 22,000 kilogrammes of methyl bromide in 1998 on behalf of the association of Turkmenistan. In its response to the ministry of nature protection’s questionnaire of 2006, the association of Turkmenistan had advised that it had used methyl bromide to fumigate elevators, flour-milling plants and warehouses. In 2000, the association had purchased 15 metric tonnes and in 2003 32 metric tonnes.

386. With regard to verification exercises, Turkmenistan had explained that inspectors from the ministry of nature protection had conducted verification and cross-checking in all regions of Turkmenistan. The exercises had involved site inspection where methyl bromide was used and the review of documentation at those locations. The “objects that were using mebr” had been identified on the basis of the commonly understood uses of methyl bromide.

387. In response to the request for advice as to why methyl bromide imports had commenced only in 1997 and not earlier, why there had been such a significant increase in methyl bromide imports in 1998 compared to 1997 and why there had then been no further methyl bromide imports until 2005, Turkmenistan had stated that “[s]uch irregular consumption is connected with economic features”. Specifically, the Party had explained that methyl bromide could only be purchased with permission in the form of a presidential order. Consequently, it had been customary for chemicals to be purchased some years in advance of the year in which they would be required.

388. The Secretariat had also pointed out to Turkmenistan that it had not responded to the request that it explain how it had ensured that methyl bromide consumption for quarantine and pre-shipment uses was recorded separately from consumption for other uses and that methyl bromide stockpiled from imports prior to 1997 had not been counted as imports in 1997 or 1998. Turkmenistan had not responded directly to these queries. The questionnaire response of the state plant quarantine service did not, however, report methyl bromide import or use in the baseline period. The Secretariat had therefore sought clarification from Turkmenistan as to whether that agency would have been the only agency that would have sought the import of methyl bromide for quarantine and pre-shipment uses in the baseline period. Turkmenistan had confirmed that such was the case.

389. With regard to the issue of stockpiling, the quantities of 1,800 kilogrammes and 22,000 kilogrammes had both been recorded in customs reports submitted to the Secretariat, together with import documentation recording the import of the 1,800 kilogrammes, though as noted above, it was recorded as imported in 1998 rather than 1997. In any event, if the proposed new import data were based on customs import data, it would appear to remove the possibility that methyl bromide stockpiles from prior years could have been mistakenly included in the proposed new baseline data.

390. With regard to supporting documentation, the state customs service of Turkmenistan was unable to provide import documentation with regard to the proposed new data of 22,000 kilogrammes for 1998 because its archives for those years had been annulled. In addition, the company responsible for the importation, “USSAT”, no longer possessed documentation owing to a fire in its office, which had been

confirmed with the state fire service. Documentation was available with regard to the proposed new import data of 1,800 kilogrammes for 1997. In response to the Secretariat's request, Turkmenistan had highlighted the relevant year and methyl bromide volumes in the documentation to assist review by the Committee.

2. Ratification status relative to compliance

391. Turkmenistan had not ratified the Copenhagen Amendment to the Montreal Protocol and therefore was not required to comply with the Protocol's control measures for methyl bromide. The Minister of Nature Protection of Turkmenistan, however, had informed the representative of the Ozone Secretariat at the sixth meeting of the Eastern Europe and Central Asia regional network of ozone officers, held in Turkmenistan in February 2007, that Turkmenistan intended to ratify the Copenhagen Amendment early in the second half of 2007.

392. The methyl bromide consumption data for Turkmenistan currently held by the Secretariat indicated that 2005 was the first year that the Party had recorded methyl bromide consumption. It had reported consumption in that year of 5.6 ODP-tonnes. The Party had now submitted its data for 2006, reporting zero consumption of methyl bromide in that year. Should the request of Turkmenistan to change its methyl bromide consumption data for the baseline year 1998 from zero to 14.3 ODP-tonnes be approved by the Meeting of the Parties, the Party's baseline would change from zero to 3.6 ODP-tonnes.

3. Compliance assistance

393. 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, indicated that UNEP would provide special compliance assistance to Turkmenistan in the areas of awareness raising and CFC and methyl bromide phase-out. The progress report of UNEP to the Executive Committee at its fifty-second meeting, held in July 2007, stated that UNEP had assisted Turkmenistan to update its country programme to account for its new status as a Party operating under Article 5 of the Protocol. Turkmenistan had been reclassified as an Article 5 Party in 2004. UNEP further reported that, under the auspices of its regional networking activities, Turkmenistan had also received policy assistance to develop a state ozone protection law, as well as assistance from the national ozone units of Georgia, Kyrgyzstan and the Former Yugoslav Republic of Macedonia with regard to methyl bromide alternatives, CFC and halon phase-out and enforcement of ozone-depleting substances licensing systems.

394. The issue of providing project preparation funds to assist Turkmenistan to develop a terminal phase-out management plan had been raised at the last meeting of the Executive Committee. It had been noted that, as Turkmenistan was planning to ratify the Copenhagen Amendment soon, it should be eligible for assistance for methyl bromide projects. It had been suggested that such a request could be included in the business plans for 2008.

395. In addition, at its previous meeting, in March 2007, in the context of discussion 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 HCFCs and CFCs. The Party had received CFC phase-out assistance from the Global Environment Facility when it was classified as a non-Article 5 Party.

4. Discussion at the current meeting

396. At the invitation of the Secretariat, a representative of the Party attended the current meeting. Responding to questions from the Committee, she confirmed that methyl bromide had been imported about every three years. Given the country's dry climate, methyl bromide was not used in growing crops, but consumption for post-harvest processing was increasing as a result of the Government's policy of expanding grain production in order to reduce the need for grain imports. Several new flour-milling plants were scheduled for construction and she therefore expected imports of methyl bromide to grow in the future but was unable to give a precise estimate of the likely quantity.

397. The growth in the Party's use of methyl bromide and discussions at an Eastern Europe and Central Asia regional network meeting in 2005 had prompted a re-examination of the original data from which the country's baseline had been calculated, resulting in discovery of the mistaken submission of zero consumption figures.

398. She described the current licensing system for chemicals, which had been introduced in 2005 and was overseen by the ministry of energy. The agency Gosstandard was responsible for issuing permits to any organization wishing to import methyl bromide and approval from the ministry for the environment was also required to ensure that total imports remained below permitted levels. The customs service also insisted on examining all relevant documents. The ministry of agriculture was responsible for plant quarantine issues but was not involved in regulating imports of chemicals such as methyl bromide. Individual operators did not require licenses to use methyl bromide, but it was not used outside the public sector, which included the grain industry. Before the licensing system had been introduced, any organization wishing to import methyl bromide had to apply to the ministry of environment.

399. She also explained that Turkmenistan was in the process of ratifying the Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol. The foreign affairs ministry had already canvassed all relevant Government ministries and agencies and she expected the process to be completed in the very near future.

400. In subsequent discussion, Committee members expressed the view that Turkmenistan had fully complied with the requirements of decision XV/19 in a manner that could serve as a model to other Parties in similar circumstances. Indeed, it was agreed that its efforts to comply with the decision, particularly in contacting methyl-bromide users and in conducting site visits, had been exemplary.

5. Recommendation

401. The Committee therefore agreed:

Noting with appreciation the information submitted by Turkmenistan in support of its request to revise its baseline consumption data for 1998 for the Annex E controlled substance (methyl bromide), and in accordance with recommendation 38/44 of the thirty-eighth meeting of the Implementation Committee,

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

Noting further with appreciation the extensive efforts undertaken by Turkmenistan to fulfil the information requirements of decision XV/19, in particular its efforts to verify the accuracy of its proposed new baseline data through the inspection of sites that use methyl bromide,

To forward for consideration by the Nineteenth Meeting of the Parties the draft decision contained in annex I (section D) to the present report, which would approve the request of Turkmenistan to revise its baseline consumption data for 1998 for the Annex E controlled substance (methyl bromide) from zero to 14.3 ODP-tonnes.

Recommendation 39/33

GG. Uganda

402. Uganda had been listed for consideration with regard to its implementation of recommendation 38/51 and decision XV/43.

1. Compliance issue: methyl bromide consumption reduction commitment

403. Uganda had been requested, as stated in recommendation 38/51 of the thirty-eighth meeting of the Implementation Committee, to submit its 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 Party's compliance with its commitment contained in decision XV/43 of the Fifteenth Meeting of the Parties to reduce its consumption of the Annex E controlled substance (methyl bromide) to no greater than 4.8 ODP-tonnes in 2006.

404. By the time of the current meeting Uganda had submitted its ozone-depleting substances data for 2006, reporting zero consumption of methyl bromide. That level of consumption placed the Party in advance of both of its commitment contained in decision XV/43 and its methyl bromide phase-out obligations under the Montreal Protocol for 2006.

2. Recommendation

405. The Committee therefore agreed to congratulate Uganda on its reported data for the consumption of methyl bromide in 2006, which showed that it was in advance of both its commitment contained in decision XV/43 to reduce methyl bromide consumption to no greater than 4.8 ODP-tonnes and its obligations under the methyl bromide control measures of the Montreal Protocol in that year.

Recommendation 39/34

HH. Ukraine

406. Ukraine had been listed with regard to its implementation of recommendation 38/46.

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

407. Ukraine had been requested, as stated in recommendation 38/46 of the thirty-eighth meeting of the Implementation Committee, 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.

408. The information had been requested in accordance with paragraph 2 (a) (iv) of decision XV/19. That paragraph requires Parties requesting the revision of baseline data to submit supporting documentation to substantiate the accuracy of the proposed new data. It had been brought to the attention of Ukraine in correspondence from the Secretariat dated 29 May 2007, and again highlighted by the Committee in its discussion with the representatives of Ukraine at the Committee's thirty-eighth meeting, that Ukraine had not at that time fulfilled this requirement. It had been suggested that that requirement might be met through the submission of production invoices from the Saki State Chemistry Works for the year 1991. Ukraine's representatives to the meeting had then undertaken to determine whether such documentation was available and, in the event that it was, to submit copies to the Secretariat for consideration by the Committee at its next meeting.

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

(a) Paragraph 2 (a) (i) of decision XV/19

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

411. Ukraine had indicated that it considered both its 1991 consumption and production data of zero ODP-tonnes to be incorrect and had confirmed that it would propose changing its 1991 production and consumption levels to 2,087.6 ODP-tonnes.

412. The Party had indicated that its proposed consumption level of 2,087.6 ODP-tonnes was based on revised official data reporting forms, which it had submitted as attachments to a letter dated 14 February 2007. The forms indicated that Ukraine had produced 3,607 metric tonnes of methyl bromide in 1991, 127.7 metric tonnes of which had been produced for quarantine and pre-shipment uses. As production of methyl bromide for quarantine and pre-shipment uses was exempt from the Montreal Protocol's control measures, the controlled production of methyl bromide by the Ukraine for the baseline year 1991 was 3,479.3 metric tonnes (2,087.6 ODP-tonnes). The revised data reporting forms also indicated that Ukraine had not imported, exported or destroyed methyl bromide in 1991. Consequently, the controlled methyl bromide consumption of the Ukraine for the baseline year of 1991 was also 3,479.3 metric tonnes (2,087.6 ODP-tonnes).

(b) Paragraph 2 (a) (ii) of decision XV/19

413. Paragraph 2 (a) (ii) of decision XV/19 requires the requesting Party to explain why its existing baseline data are incorrect and to provide relevant information, including information on the methodology used to collect and verify that baseline data, along with supporting documentation where available.

414. In correspondence dated 16 June 1994 from the deputy Minister for Foreign Affairs of Ukraine, the Party had reported zero methyl bromide production, import, export and aggregate quarantine and pre-shipment use in 1991, resulting in the existing methyl bromide consumption and production baseline of zero. In its letter dated 14 February 2007, however, the Ukraine had explained that the existing baseline data reported by the Ministry of Foreign Affairs appeared to “reflect a gap in the collection and reporting of such information” that had occurred during the Party’s transition to independence in 1991 and the time prior to the establishment of a mechanism for addressing ozone-depleting-substance-related matters.

415. The Secretariat had notified Ukraine in correspondence dated 29 March 2007 that it had not been able to identify in the Party’s submission information required by paragraph 2 (a) (ii) of decision XV/19 on the methodology used to collect and verify the Party’s existing baseline data or relevant supporting documentation. The representatives of Ukraine at the thirty-eighth meeting of the Committee had explained that the existing baseline data had not been submitted by Ukrainian authorities and that official data collection had only commenced in 1997.

(c) Paragraph 2 (a) (iii) of decision XV/19

416. Paragraph 2 (a) (iii) of decision XV/19 requires the requesting Party to explain why its proposed new baseline data should be considered correct and to provide relevant information, including information on the methodology used to collect and verify the new data, along with supporting documentation where available.

417. The information submitted by the Ukraine had suggested that the Party’s ozone office had based the Party’s proposed new data on research into and analysis of archived materials from the Ministry of Environmental Protection, the State Ecological Inspectorate, the Interagency Coordination Committee for the Fulfilment of the Montreal Protocol, the Ministry of Industrial Policy, the Ministry of Agricultural Policy, the Main Administration on Bread Products, the Saki State Chemistry Works, the State Joint Company “Bread of Ukraine”, the Main State Quarantine Administration and the Main State Inspection of Plants Quarantine. The archive materials had apparently included correspondence among those agencies and other documentation.

418. Prior to the Committee’s last meeting the Secretariat had invited Ukraine to provide further details on the methodology used to collect and verify its proposed new data. Specifically, the information provided up to that time had indicated that the revised data for total methyl bromide production by Ukraine and methyl bromide production for quarantine and pre-shipment uses had been based on letters from the Ministry of Industrial Policy and the Ministry of Agrarian Industrial Complex, respectively. Those letters had been included in the Party’s submission but had not explained how the data had been collected by the ministries. The Ukraine had therefore been invited to consider addressing that issue by submitting a description of the actions taken by those ministries to collect the data.

419. The information provided also had not appeared to explain what actions, if any, had been taken by the Ministry of Industrial Policy, the Ministry of Agrarian Industrial Complex or the ozone office to verify the accuracy of the data on methyl bromide total production and methyl bromide production for quarantine and pre-shipment uses contained in the ministries’ letters. The Ukraine had therefore also been invited to consider providing further information to address that issue. It had also been invited to consider explaining why methyl bromide production in 1991 had been significantly higher than in the following years, to remove any concern that the significant variation might have resulted from an error in data collection and verification.

420. The revised official data reporting forms submitted by Ukraine indicated that it had not exported methyl bromide in 1991 but had done so in 1992, 1996, 2000, 2001 and 2002. The Party had therefore been invited, prior to the last meeting, to consider describing the measures it had taken to confirm that it had not exported methyl bromide in 1991. The revised official data reporting forms had also indicated that Ukraine had imported methyl bromide in 1996. The Party had therefore been invited to consider describing the measures it took to confirm that it had not imported methyl bromide in 1991.

421. With regard to the methodology employed to collect and verify the proposed new data, the representatives of Ukraine to the Committee's thirty-eighth meeting had said that, in order to collect the proposed new data, the Party had undertaken a search of the archives of relevant ministries and agencies for data pertaining to the period under discussion. The representatives had further explained that determining accurate figures had been extremely difficult because prior to its break up the Soviet Union had only produced aggregated ozone-depleting substance consumption and production data, that it had not been until 1992 that the individual republics had started to produce their own data and that methyl bromide regulation and data collection had only officially commenced in Ukraine in 1997.

422. With regard to explaining the significantly higher methyl bromide production in 1991, a representative of Ukraine had said that at that time the industrial facility in Ukraine had produced methyl bromide for the entire Soviet Union and that production had decreased rapidly following the break up of the Soviet Union and the related economic downturn.

423. The Secretariat had also brought to the Party's attention the need to submit supporting documentation, where available, to substantiate the accuracy of the proposed new data. To that end, Ukraine had been invited to consider submitting copies of methyl bromide production invoices from the Saki State Chemistry Works for the year 1991 or copies of that enterprise's annual report for that year containing its methyl bromide production figures. The Party's representatives to the Committee's thirty-eighth meeting had said that further research would be undertaken in an attempt to locate more primary data related to methyl bromide production and consumption at that time.

2. Discussion at the current meeting

424. Several representatives observed that while they agreed with the proposed recommendation, they wished to highlight the difficulties faced by the Party in its efforts to obtain the necessary data, pointing out in particular that in 1991 the Party had been part of the Union of Soviet Socialist Republics and that the necessary information would have been held by the central Soviet authorities rather than the Party itself.

3. Recommendation

425. The Committee therefore agreed:

Noting with concern that Ukraine had not responded to the request recorded in recommendation 38/46 of the thirty-eighth meeting of the Implementation Committee that it 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 at its thirty-ninth meeting complete its review of the Party's request to revise its methyl bromide consumption baseline data,

(a) To invite Ukraine, should it still wish to pursue its request to revise its methyl bromide baseline data, to submit to the Ozone Secretariat the information requested in recommendation 38/46 of the thirty-eighth meeting of the Implementation Committee as soon as possible, and no later than 29 February 2008, for consideration by the Committee at its fortieth meeting;

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

Recommendation 39/35

II. United Arab Emirates

426. The United Arab Emirates had been listed for consideration with regard to its 2005 carbon tetrachloride consumption and its implementation of recommendation 38/47.

1. Compliance issues

(a) Apparent carbon tetrachloride consumption deviation

427. The United Arab Emirates had 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. In response to a request to explain its apparent deviation, the Party had expressed the view that the consumption did not represent a deviation because the baseline data for carbon tetrachloride held by the Secretariat had been incorrect. It had therefore proposed replacement data that would have resulted in a revised consumption baseline of

2.6 ODP-tonnes and place 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

428. The United Arab Emirates had been requested, as stated in recommendation 38/47 of the thirty-eighth meeting of the Implementation Committee, to provide additional information to enable the Committee at its thirty-ninth meeting to determine whether the methodology contained in decision XV/19 of the Fifteenth Meeting of the Parties applied to all or part of the Party's request that the Secretariat revise its carbon tetrachloride consumption data for each of the baseline years 1998–2000.

429. Specifically, the United Arab Emirates had been requested to submit to the Ozone Secretariat 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 Commodity Description and Coding System code for carbon tetrachloride in each of the baseline years 1998–2000 which had accompanied correspondence from the United Arab Emirates to the Secretariat dated 24 April 2007. The Party had also been requested to submit information on the uses to which the carbon tetrachloride imported in the baseline years had been put, as well as an explanation of why the Party's reported imports of carbon tetrachloride in 2000 had been significantly higher than in preceding years.

430. By the time of the current meeting the United Arab Emirates had responded to recommendation 38/47, seeking an extension of the 1 August 2007 deadline for submitting the information concerning its carbon tetrachloride baseline data. The Party had explained that it had commenced investigations with relevant parties to review further its carbon tetrachloride data for the baseline years 1998–2000, focusing on the measures taken to verify the data contained in its data reports and the uses of carbon tetrachloride imports in that period.

431. By the time of the current meeting the Party had not reported its ozone-depleting substances data for 2006.

2. Background to request to revise carbon tetrachloride baseline data

432. The United Arab Emirates had requested replacement of its carbon tetrachloride consumption baseline data for each of the baseline years 1998, 1999 and 2000 on the grounds that the data held by the Secretariat had not been submitted by the Party. It had proposed to replace the existing baseline data of zero for each year with 7.4, 0.3 and 85.2 ODP-tonnes for the years 1998, 1999 and 2000, respectively.

433. In response to a letter from the United Arab Emirates dated 19 October 2006, the Secretariat had forwarded a copy of the data report for the year 1998 submitted by the United Arab Emirates in correspondence dated 25 November 1999. That report had recorded zero carbon tetrachloride imports for the year 1998. With regard to the years 1999 and 2000, the Secretariat had advised the Party 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 Party 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 had been intended again to indicate zero consumption and had 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 and submitted 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 its presumption was incorrect.

434. The United Arab Emirates' response 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 were 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 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 was not obliged at the time it prepared the Article 7 data reports in 1999 to submit data on that substance.

435. 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, had been derived from investigations conducted in 2005, after the United Arab Emirates had become a Party to the London Amendment. A subsequent submission dated 24 April 2007 had provided documentation on imports registered under the Harmonized Commodity Description and Coding System code for carbon tetrachloride in the period 1997-2000.

436. 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, in which it had stated that following an investigation it had concluded that it 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 had cited carbon tetrachloride imports for the year 2000 of 75.027 metric tonnes (82.5 ODP-tonnes).

437. In the light of that discrepancy, the Secretariat had also suggested that the United Arab Emirates explain the measures 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 had indeed been 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 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 had been "imported in small quantities to the UAE".

438. 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) provided by its 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 to 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. The Party had not responded to that invitation prior to the thirty-eighth meeting of the Committee.

439. The Implementation Committee at its thirty-eighth meeting had considered the above information and noted that decision XV/19 of the Fifteenth Meeting of the Parties set out the methodology for the review of baseline data revision requests. In the light of the information submitted by the United Arab Emirates, the Committee had further noted that there would appear 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, 1999 and 2000, and therefore whether the methodology contained in decision XV/19 could be considered to apply to a request to replace the data for one or all of those years. It was on that basis that the Committee had adopted recommendation 38/47.

3. Compliance assistance

440. 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. That paragraph provides that:

"any developing country Party initially classified as non-Article 5 but reclassified subsequently as operating under Article 5 shall not be requested to contribute to the Multilateral Fund. Such Parties are urged not to request financial assistance for national programmes from the Multilateral Fund but may seek other assistance under Article 10 of the Montreal Protocol. This will not apply if the initial classification of the Party as non-Article 5, made in the absence of complete data, is subsequently proved to be wrong on the basis of complete data."

4. Discussion at the current meeting

441. One member of the Committee, noting that the difficulty presented by the Party's case stemmed from the fact that its reported carbon tetrachloride data had been based entirely on customs data, observed that the case illustrated the importance of Parties ensuring that such data were cross-checked for accuracy, preferably against data obtained from importers and other sources.

5. Recommendation

442. The Committee therefore agreed:

Recalling that the United Arab Emirates had been requested, as recorded in recommendation 38/47 of the thirty-eighth meeting of the Implementation Committee, to submit to the Ozone Secretariat no later than 1 August 2007 an explanation of the measures taken to verify the data contained in its reports on imports registered under the Harmonized Commodity Description and Coding System code for carbon tetrachloride in each of the baseline years 1998–2000, information on the uses to which the carbon tetrachloride imported in the baseline years had been put and an explanation of why its reported imports of carbon tetrachloride in 2000 had been significantly higher than in preceding years,

Noting the request of the United Arab Emirates for additional time to obtain the information requested by recommendation 38/47,

(a) To request the United Arab Emirates to submit to the Ozone Secretariat the information requested in recommendation 38/47 of the thirty-eighth meeting of the Implementation Committee as soon as possible, and no later than 29 February 2008, for consideration by the Committee at its fortieth meeting;

(b) To invite the United Arab Emirates, if necessary, to send a representative to the fortieth meeting of the Committee to discuss the above matter.

Recommendation 39/36

JJ. Uruguay

443. Uruguay had been listed for consideration with respect to its implementation of recommendation 38/51 and decision XVII/39.

1. Compliance issue: methyl bromide consumption reduction commitment

444. Uruguay had been requested, as stated in recommendation 38/51 of the thirty-eighth meeting of the Implementation Committee, to submit its 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 Party's compliance with its commitment contained in decision XVII/39 of the Seventeenth Meeting of the Parties to reduce its consumption of the Annex E controlled substance (methyl bromide) to no greater than 8.9 ODP-tonnes in 2006.

445. By the time of the current meeting Uruguay had submitted its ozone-depleting substances data for 2006, reporting 8.5 ODP-tonnes consumption of methyl bromide. Those data placed the Party in advance of both of its commitment contained in decision XVII/39 and its methyl bromide phase-out obligations under the Montreal Protocol for 2006.

2. Recommendation

446. The Committee therefore agreed to congratulate Uruguay on its reported data for the consumption of the Annex E controlled substance (methyl bromide) in 2006, which showed that it continued to be in advance of both its commitment contained in decision XVII/39 to reduce methyl bromide consumption to no greater than 8.9 ODP-tonnes and its obligations under the methyl bromide control measures of the Montreal Protocol in that year.

Recommendation 39/37

KK. Consideration of compliance issues arising out of the data report

447. The Committee therefore agreed 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 among other things record the number of Parties that had reported ozone-depleting substances data for the year 2006 and urge those Parties yet to report that data to do so in accordance with Article 7 of the Montreal Protocol.

Recommendation 39/38

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

448. The representative of the Secretariat introduced a report on the item. Decision XVIII/35 had urged Parties to the Montreal Amendment that had not yet done so to provide information to the Secretariat on the establishment of import and export licensing systems and to establish such systems as a matter of urgency. The decision had also encouraged Parties which had not yet ratified the Montreal Amendment to ratify it and to establish licensing systems. The Secretariat had conveyed the decision to the Parties concerned in January 2007.

449. The report listed all 156 Parties to the Montreal Amendment and identified 12 that had yet to establish licensing systems. One further Party, Equatorial Guinea, had only ratified the amendment in July and therefore had a further three months within which to establish its licensing system. The report also listed 26 Parties to the Protocol that had not yet ratified the Montreal Amendment but had nevertheless established licensing systems.

450. Pursuant to recommendation 38/53, the Secretariat had worked with the Multilateral Fund secretariat in following up Parties which had reported licensing systems to the Fund but not to the Ozone Secretariat. As a result, Eritrea and Haiti had both responded, explaining that they were in the final stages of adopting such systems. Licensing system development assistance had been approved for all 12 Parties, either from the Fund or from the Global Environment Facility.

451. The representative of the Secretariat drew the Committee's attention in particular to paragraph 4 of the draft decision on the item, which would urge Parties operating licensing systems to ensure that they were implemented and enforced effectively. The provision reflected the fact that some Parties that had established licensing systems had not done all they could to ensure that they operated effectively.

452. It was clarified in discussion that Parties such as Equatorial Guinea and Algeria that had ratified the Amendment less than three months previously were not technically Parties to the Amendment, as it had not yet entered into force for them. It was accordingly agreed that they should be listed separately from the list of Parties to the Amendment.

453. Several Committee members emphasized the importance of licensing systems not being merely established, but also implemented and enforced effectively. It was also agreed that they should be set up in accordance with the elements listed in Article 4B of the Montreal Protocol, including, for example, used ozone-depleting substances. The dates on which the 12 Parties that had ratified the Montreal Amendment but not yet established licensing systems had started to receive financial assistance for establishing their systems was an important matter and could usefully be made known to the Committee as those Parties that had only recently begun to receive assistance could reasonably be expected to not yet have fully functional systems.

454. The Committee therefore agreed to forward for consideration by the Nineteenth Meeting of the Parties the draft decision contained in annex I (section F) to the present report, which would among other things record the number of Parties to the Montreal Amendment that had reported to the Secretariat the establishment and operation of systems for licensing the import and export of ozone-depleting substances data in accordance with Article 4B of the Montreal Protocol and request those Parties to the Montreal Amendment yet to do so to submit to the Secretariat as a matter of urgency and no later than 29 February 2008 plans of action to ensure the prompt establishment and operation of such licensing systems, for consideration by the Committee at its fortieth meeting.

Recommendation 39/39

IX. Minimizing production of CFCs by Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol to meet the basic domestic needs of Parties so operating (decision XVII/12)

455. The representative of the Secretariat introduced the item, recalling, as explained in the relevant note by the Secretariat, that at its last meeting the Committee had requested the secretariat to add the item to the agenda for the current meeting as there had been insufficient time to consider it at that meeting, when it had been placed on the agenda under other matters. Outlining the issue, he recalled

that by decision XVII/12 the Meeting of the Parties had urged all non-Article 5 Parties producing CFCs to meet the basic domestic needs of Article 5 Parties to ensure that such production was truly required by requesting prospective importing Parties to provide written affirmations that the CFCs were required and that their import would not result in non-compliance. The decision also urged the producing Parties to include copies of such affirmations when reporting their data under Article 7 of the Protocol and provided that the Secretariat should present copies of the affirmations at each meeting of the Parties, along with information on how the levels of CFC production in non-Article 5 Parties compared to their allowed levels of production for basic domestic needs purposes under Article 2A of the Protocol, as well as information on any transfers of CFC basic domestic needs production rights.

456. He then presented in tabular form the information called for by the decision. Two Parties, France and the United Kingdom of Great Britain and Northern Ireland, had transferred production rights to Spain. Six Parties with basic domestic needs allowances, Greece, Italy, the Netherlands, the Russian Federation, the United Kingdom and the United States of America, had reported 2006 data: Greece had reported production of 150 tonnes, the United States of America had reported production of 140.4 tonnes and the remaining four Parties had reported zero production. Three other Parties with basic domestic needs allowances, France, Japan and Spain, had yet to report. Overall, he said, the Parties had produced relatively little CFC compared to their allowances. The Secretariat had not yet received any affirmations from exporting countries as required by the decision. He suggested that it was not likely that they would be forthcoming with respect to 2005 exports as the decision had been adopted late in 2005. With respect to 2006 he reported that the two exporting countries had undertaken to investigate whether they would be in a position to submit any affirmations; the secretariat was awaiting the outcome of those investigations.

457. In the ensuing discussion the Committee members agreed that the Committee should play a role in monitoring implementation of decision XVII/12 on the basis of the information to be provided by the Secretariat each year pursuant to the decision. It was further agreed that the Committee would submit a draft decision to that end for consideration by the Nineteenth Meeting of the Parties.

458. The Committee therefore agreed to forward for consideration by the Nineteenth Meeting of the Parties the draft decision contained in annex I (section H) to the present report, which would request the Committee to review the implementation of paragraph 1 of decision XVII/12, which urged all Parties not operating under Article 5 of the Protocol that produce chlorofluorocarbons to meet the basic domestic needs of Parties so operating to include in their annual data reports to the Secretariat copies of the written affirmations they receive from prospective importing Parties pursuant to that decision.

Recommendation 39/40

X. Preventing illegal trade in controlled ozone-depleting substances (decision XVII/16)

459. Introducing the item, the representative of the Ozone Secretariat reminded the Committee that the issue had been held over from the last meeting due to lack of time. Decision XVII/16 had, among other things, urged Parties to use the new reporting format for exports (including re-exports), which covered all ozone-depleting substances and included identifying the exports' destinations. The Secretariat was to report aggregated export data to the Parties identified as importing the substances. In 2005, 36 Parties had reported exports, of which 32 had specified destinations. She suggested that as the decision had only been adopted in 2005, it was possible that some Parties had not had time to put appropriate data collection systems in place.

460. Responding to questions from the Committee, the representative of the Secretariat explained that it routinely sought further information from Parties that reported export data without specifying destinations, as such information was required by the decision. He noted that one Party had cited commercial confidentiality as a reason for not identifying export destinations. Another had explained that it had not to date collected information on destinations but would begin to do so in response to the decision. Some Parties had submitted partial reports, specifying destinations for some exports but not others. He said that he expected the quality of the data submitted gradually to improve.

461. Several Committee members expressed concern at the notion that Parties might fail to report export destinations with impunity. Reporting such information for Annex A and B substances had been required for years and the recent decision had merely extended that requirement to all other ozone-depleting substances. Commercial confidentiality, while an important concern, could not by itself justify a Party in breaching its obligations under the Protocol. Several suggested that information on

Parties' reports on export data should be included in the Secretariat's data report for each meeting of the Committee, as it would enable the Committee to discuss whether any further action was necessary.

462. The Committee therefore agreed to request the Secretariat to include in its regular report on data submitted by the Parties in accordance with Article 7 of the Protocol, information on those Parties that had not reported the destinations of all exports (including re-exports) for all controlled substances (including mixtures) in accordance with paragraph 4 of decision XVII/16 of the Seventeenth Meeting of the Parties.

Recommendation 39/41

XI. Other matters

A. Proposal on prioritizing the work of the Committee

463. The President drew the Committee's attention to a note on Parties' timeliness in responding to requests from the Committee at its thirty-eighth meeting. She noted that during recent meetings the Committee had faced difficulties in addressing its growing workload and suggested that it could be useful for the Committee to establish a transparent and predictable process for prioritizing its work in the event that it were unable to address all items on its agenda at future meetings. One possible approach was to give priority to those Parties that had met their data reporting deadlines and had timely and fully complied with requests for information in recommendations of the Committee and decisions of the Parties; if the Committee had insufficient time at a given meeting to address the situation of all Parties then it could defer consideration of those that had not fully and timely provided data or other relevant information until its next meeting.

464. Several Committee members welcomed the useful information set out in the note. While agreeing that it would be useful to identify a means of prioritizing the consideration of Parties, several members questioned whether the criterion for prioritization should be the timeliness of responses to the Committee's requests for data. One member noted that Parties generally made every effort to meet the deadline for submission of information, which was often a significant challenge. Moreover, there was broad agreement that informing Parties that late submission of data could lead to the postponement of the consideration of their situation could create an incentive for any that wanted to avoid the Committee's scrutiny to report late. In the light of those concerns, the Committee agreed that it would not at present adopt any procedure for prioritizing the consideration of Parties at its meetings.

B. Mention of country names in the consolidated record of cases of stockpiling prepared in accordance with decision XVIII/17

465. Under decision XVIII/17 the Secretariat is to include in the documentation for each meeting of the Implementation Committee (for informational purposes only) and in the data report presented at each meeting of the Parties a consolidated record of cases of stockpiling of ozone-depleting substances by Parties. At the current meeting one member of the Committee asked why the Secretariat had included in the consolidated record descriptions of cases of stockpiling by Parties but had not indicated the names of those Parties. The representative of the Secretariat explained that as decision XVIII/17 did not indicate explicitly that Parties engaged in stockpiling should be identified by name in the consolidated record of cases of stockpiling it had been felt that it was more prudent not to include them. She said that if the Parties felt that the names should in fact be included in the consolidated record the Secretariat would of course amend it accordingly. The Committee member said that in her view the terms of decision XVIII/17 did not preclude listing the names of Parties in the consolidated record and expressed her view that it be useful to do so. She asked that her views be reflected in the present report.

C. Proposal for an additional meeting day each year

466. One Committee member suggested that in the light of its already heavy workload, which was expected to expand over coming years, the Committee should make provision to work one extra day each year. There was broad agreement that the Committee would be unable to fulfil its duties if the number of meeting days remained at the current level, particularly since the Committee had been unable to identify workable criteria for prioritizing its work.

467. The Committee therefore agreed to urge the Parties strongly to accommodate the Committee meeting for one additional day per year.

D. Resignation of the Ozone Secretariat's Monitoring and Compliance Officer

468. During the Committee's final session Mr. González announced with regret that Ms. Tamara Curll, the Ozone Secretariat's Monitoring and Compliance Officer, would be resigning shortly after the current meeting. Wishing her success in her future endeavours, the members of the Committee were unanimous and enthusiastic in praising Ms. Curll for the energy, devotion and professionalism she had shown in carrying out the work of the Committee and serving the cause of the Montreal Protocol. She had, they said, been a highly effective force in the operation of the Committee and would be greatly missed.

XII. Adoption of the report of the meeting

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

XIII. Closure of the meeting

470. Following the customary exchange of courtesies, the President declared the meeting closed at 1.10 p.m. on Friday, 14 September 2007

Annex I

Draft decisions

A. **Draft decision XIX/–: Non-compliance in 2005 with the provisions of the Montreal 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, its 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 its excess production of CFCs is attributable to a transfer of CFC production allowances from the United Kingdom of Great Britain and Northern Ireland to Greece in 2005, but noting with concern that Greece did not notify the Secretariat prior to the date of the transfer in accordance with the requirements of Article 2 of the Protocol,

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 CFCs to meet the basic domestic needs of Parties operating under Article 5 of the Protocol,

Recalling recommendation 39/16 of the Implementation Committee under the non-compliance procedure of the Montreal Protocol, which 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 requests for the revision of baseline data, primarily because the Party could not verify the accuracy of the proposed new baseline data as required by paragraph 2 (a) (iii) of decision XV/19,

Noting with appreciation, however, that Greece ceased CFC production in February 2006, will not issue licenses to produce CFCs in the future and reported ozone-depleting substances data for 2006 that confirms its return to compliance with the Protocol's CFC production control measures in that year,

1. That Greece was in non-compliance in 2005 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;

2. That Greece was also in non-compliance in 2005 with the production control measures under the Montreal Protocol for the controlled substances contained in Annex A, group I (CFCs) of the Protocol;

3. To monitor whether the Party continues to refrain from producing 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;

4. To caution Greece in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of action available under Article 4;

B. Draft decision XIX/-: Non-compliance with the Montreal Protocol by Paraguay

Noting that Paraguay ratified the Montreal Protocol and its London Amendment on 3 December 1992, the Copenhagen and Montreal Amendments on 27 April 2001 and the Beijing Amendment on 18 July 2006, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in February 1997,

Noting also that the Executive Committee has approved \$1,787,030 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable Paraguay's compliance,

1. That Paraguay has reported annual consumption for the controlled substances in Annex A, group I, (CFCs) for 2005 of 250.7 ODP-tonnes, which exceeds the Party's maximum allowable consumption of 105.3 ODP-tonnes for those controlled substances for that year, and was therefore in non-compliance with the consumption control measures under the Montreal Protocol for CFCs in 2005,

2. That Paraguay has reported annual consumption of the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 0.7 ODP-tonnes, which exceeds its maximum allowable consumption of 0.1 ODP-tonnes for that controlled substance for that year, and was therefore in non-compliance with the consumption control measures under the Montreal Protocol for carbon tetrachloride in 2005,

3. To record with appreciation the submission by Paraguay of a plan of action to ensure its prompt return to compliance with the Protocol's CFC and carbon tetrachloride control measures, under which, without prejudice to the operation of the financial mechanism of the Protocol, Paraguay specifically commits itself:

(a) To reducing CFC consumption to no greater than:

(i) 31.6 ODP-tonnes in 2007, 2008 and 2009;

(ii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;

(b) To reducing carbon tetrachloride consumption to no greater than:

(i) 0.1 ODP-tonnes in 2007, 2008 and 2009;

(ii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;

(c) To monitoring its import licensing and quota system for ozone-depleting substances and to extending that system to carbon tetrachloride;

(d) To monitoring the implementation of its ban on the export of all ozone-depleting substances and the import of refrigeration and air-conditioning equipment, whether new or used, which use CFC-11 and CFC-12;

4. To urge Paraguay to work with the relevant implementing agencies to implement its plan of action to phase out consumption of CFCs and carbon tetrachloride;

5. To monitor closely the progress of Paraguay with regard to the implementation of its plan of action and the phase-out of CFCs and 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, Paraguay 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;

6. To caution Paraguay in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the CFCs and carbon tetrachloride that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

C. Draft decision XIX/-: Potential non-compliance in 2005 with the provisions of the Montreal Protocol governing consumption of the controlled substance in Annex E (methyl bromide) by Saudi Arabia and request for a plan of action

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

Noting also that the Executive Committee has approved \$65,000 from the Multilateral Fund for the Implementation of the Montreal Protocol to enable Saudi Arabia's compliance in accordance with Article 10 of the Protocol,

1. That Saudi Arabia reported annual consumption for the controlled substance in Annex E (methyl bromide) for 2005 of 27.6 ODP-tonnes, which exceeds its maximum allowable consumption level of 0.5 ODP-tonnes for that controlled substance for that year, and is therefore presumed in the absence of further clarification to be in non-compliance in 2005 with the control measures under the Montreal Protocol for methyl bromide;

2. To request Saudi Arabia to submit to the Secretariat, as a matter of urgency and no later than 29 February 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. Saudi Arabia 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;

3. To monitor closely the progress of Saudi Arabia with regard to the phase-out of methyl bromide. To the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Saudi Arabia 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;

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

D. Draft decision XIX/-: Request for change in baseline data by Turkmenistan

Noting that Turkmenistan has submitted a request to revise its consumption data for the Annex E controlled substance (methyl bromide) for the baseline year 1998 from zero to 14.3 ODP-tonnes,

Noting also that decision XV/19 of the Fifteenth Meeting of the Parties sets out the methodology for the submission and review of requests for the revision of baseline data,

Noting with appreciation the extensive efforts undertaken by Turkmenistan to fulfil the information requirements of decision XV/19, in particular its efforts to verify the accuracy of its proposed new baseline data through the inspection of methyl bromide use sites,

1. That Turkmenistan has presented sufficient information in accordance with decision XV/19 to justify its request to change its baseline data on the consumption of methyl bromide;

2. To change the baseline consumption data of Turkmenistan for methyl bromide for the year 1998 from zero to 14.3 ODP-tonnes;

E. Draft decision XIX/-: Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol

Noting with appreciation that [a] Parties out of the [b] that should have reported data for 2006 have done so and that [c] of those Parties reported their data by 30 June 2007 in accordance with decision XV/15,

Noting with concern, however, that the number of Parties that have reported 2006 data is lower than the number of Parties that reported 2005 data by September of 2006,

Noting that a lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol,

Noting also that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting Parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures;

1. To urge the Parties that have yet to report their data for 2006 to report the required data to the Secretariat in accordance with the provisions of Article 7 of the Montreal Protocol, working closely with the implementing agencies where appropriate;

2. To request the Implementation Committee to review at its next meeting the situation of those Parties that have not submitted their 2006 data by that time;

3. To encourage Parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15;

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

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

Noting with appreciation that [143] Parties to the Montreal Amendment to the Protocol have established import and export licensing systems for ozone-depleting substances as required under the terms of the amendment,

Noting also with appreciation that [26] Parties to the Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems for ozone-depleting substances,

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

1. To record that Barbados, Cook Islands, Eritrea, Haiti, Kiribati, Nauru, Niue, Sao Tome and Principe, Somalia, Tonga, United Republic of Tanzania and Uzbekistan are Parties to the Montreal Amendment to the Protocol, that they have not yet established import and export licensing systems for ozone-depleting substances and are therefore in non-compliance with Article 4B of the Protocol and that financial assistance has been approved for all of them;

2. To request each of the [12] Parties listed in paragraph 1 to submit to the Secretariat as a matter of urgency and no later than 29 February 2008, for consideration by the Implementation Committee under the Non-Compliance Procedure of the Montreal Protocol at its fortieth meeting, a plan of action to ensure the prompt establishment and operation of an import and export licensing system for ozone-depleting substances;

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

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

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

G. 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 also that the Executive Committee approved \$65,323,350 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable the Islamic Republic of Iran's compliance,

Noting further that decision XVII/13 of the Seventeenth Meeting of the Parties provides 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 that a deviation from the Protocol's annual consumption limit was due to the use of carbon tetrachloride for analytical and laboratory processes,

Congratulating the Islamic Republic of Iran on its reported data for carbon tetrachloride consumption in 2006, which shows that it was in compliance with its obligations under the control measures of the Montreal Protocol for that substance in that year,

1. That the Islamic Republic of Iran 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 that the Party's excess consumption was for laboratory and analytical uses;

2. To record with appreciation the submission by the Islamic Republic of Iran 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;

3. 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;

4. 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;

H. Draft decision XIX/-: Implementation of paragraph 1 of decision XVII/12 with respect to the reporting of production of chlorofluorocarbons 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

Recalling that decision XVII/12 of the Seventeenth Meeting of the Parties urges Parties not operating under paragraph 1 of Article 5 of the Protocol, prior to exporting to Parties operating under paragraph 1 of Article 5, to request written affirmations from such Parties that the chlorofluorocarbons are required by them and that their importation will not result in those Parties' non-compliance,

Recalling also that paragraph 1 of decision XVII/12 urges all Parties not operating under paragraph 1 of Article 5 of the Protocol that produce chlorofluorocarbons to meet the basic domestic needs of Parties so operating to include in their annual data reports to the Secretariat copies of the written affirmations they receive from prospective importing Parties pursuant to that decision,

Recalling further that paragraph 2 of decision XVII/12 requests the Secretariat to report at each regular meeting of the Parties the level of production of chlorofluorocarbons in Parties not operating under Article 5 to meet the basic domestic needs of Parties so operating, as compared to their allowed production set out in Article 2A of the Protocol, and when doing so to include copies of the affirmations referred to above, together with available data on transfer of production rights,

To request the Implementation Committee under the non-compliance procedure of the Montreal Protocol to review, on the basis of the report prepared by the Secretariat in accordance with paragraph 2 of decision XVII/12, the implementation by the Parties of paragraph 1 of decision XVII/12, and report its conclusions, including any appropriate recommendations, to the Meeting of the Parties.

Annex II

List of participants

Parties

Argentina

Ms. Marcia Levaggi
Embassy of Argentina in South Africa
Ministry of Foreign Affairs
200 Standard Plaza, 440 Hilda Street, P.O. Box 11125
Hatfield, Pretoria 28
Pretoria 28, South Africa
Tel: +27 12 342 4041
Fax: +27 12 430 3521
E-mail: marcia.levaggi@embassyofargentina.co.za

Dr. Laura Berón
Coordinadora
Oficina Programa Ozono, Subsecretaría de Promoción del
Desarrollo Sustentable
Secretaría de Ambiente y Desarrollo Sustentable
Maipu 116 - piso 10
Buenos Aires 1084, Argentina
Tel: +54 11 4348 8413
Fax: +54 11 4348 8274
E-mail: lberon@ambiente.gov.ar

Bolivia

Mr. Alex Suarez
National Coordinator
Ozone Governmental Commission, Land and
Environmental Planning, Viceministry, Development
Planning Ministry
Av. Mcal. Santa Cruz esq. Oruro 1092 Plazuela del
Obelisco, edificio ex Comibol
La Paz, Bolivia
Tel: + 591 2 231 03 77
Fax: + 591 2 231 03 77
E-mail: ozonobolivia@planificacion.gov.bo

Georgia

Mr. Mikheil Tushishvili
Head, Air Protection Division
Ministry of Environment of Georgia
6, Gulua Str. 0114
Georgia
Tel: + 99 532 727 228
Fax: +995 32 727 228
E-mail: geoairdept@caucasus.net

India

Dr. A. Duraisamy
Director
Ozone Cell, Government of India, Ministry of
Environment and Forests
Core 4B, 2nd Floor, India Habitat Centre, Lodhi Road
New Delhi 110003
India
Tel: + 91 11 2464 2176
Fax: + 91 11 2464 2175
E-mail: ozone-mef@nic.in

Dr. Sachidananda Satapathy
Ozone Cell National Program Manager,
Sector Phaseout Plan Unit, Ministry of Environment and
Forests
Ministry of Environment and Forests
Core 4 B, 2nd Floor, India Habitat Centre, Lodhi Road
New Delhi 110003
India
Tel: + 91 11 2464 1687
Fax: + 91 11 2463 5794
E-mail: sspu-mef@nic.in

Lebanon

Ms. Roula El Cheikh
National Focal Point
Department of Environment and Technology
Ministry of Environment
Lazarieh Bldg. |Ryad El Solh
Beirut 11-2727
Lebanon
Tel: + 961 976 555
Fax: + 961 976 530
E-mail: rola.sh@moe.gov.lb

Mr. Mazen Hussein
Project Manager - Ozone Officer
National Ozone Unit, Ministry of Environment
Lazarieh Bldg|Ryad Al Soleh
Beirut 11-2727
Lebanon
Tel: + 961 1976 555 ext 432
Fax: +961 17981 534
E-mail: mkhusein@moe.gov.lb

Netherlands

Mr. Maas Goote
Coordinating Senior Legal Counsel
Directorate International Affairs |Ministry of Housing,
Spatial Planning and the Environment
Rijnstraat 8 |P.O Box 20951 Internal postcode 670
Den Haag 2500 EZ
Netherlands
Tel: + 31 70 339 5183
Fax: + 31 70 339 1306
E-mail: maas.goote@minvrom.nl

Mr. Philip J.J. Drost
Senior Legal Counsel
Ministry of Housing, Spatial Planning and the
Environment
Rijnstraat 8 P.O. Box 20951 |Internal postcode 670
Den Haag 2500 EZ
Netherlands
Tel: +3170 3392381
Fax: +31 070339 13 06
E-mail: philip.drost@minvrom.nl

New Zealand

Ms. Robyn Washbourne
Environmental Issues, Effective Markets Branch, Ministry
of Economic Development
Ministry of Economic Development
P.O. Box 1473
Wellington
New Zealand
Tel: + 64 4 474 0030
Fax: + 64 4 473 7010
E-mail: robyn.washbourne@med.govt.nz

Nigeria

Mr. Abdul-Kazeem Bayero
Assistant Director, Head of NOU
Federal Ministry of Environment, Housing and Urban
Development
PMB 469 Garki
Abuja
Nigeria
Tel: + 234 9413 5971 / 234 8033 113755
Fax: + 234 94136 317
E-mail: kasimubayero@yahoo.com

Poland

Mr. Ryszard Purski
Counsellor of the Minister
Department of Global Environmental Issues
Wawelska 52/54
Warsaw 00-922
Poland
Fax: + 48 22 57 92 463
E-mail: ryszard.purski@mos.gov.pl

Prof. Janusz Kozakiewicz
Head of Ozone Unit
Industrial Chemistry Research Institute
Rydygiera 8
Warsaw 01-793
Poland
Fax: + 48 22 633 92 91
E-mail: kozak@ichp.pl

Tunisia

Dr. Hassen Hannachi
Chef de Département de l'évaluation environnementale et de
la dépollution et Directeur du Bureau National d'Ozone
Agence Nationale de Protection de l'Environnement,
Ministère de l'Environnement et du Développement
Durable, Centre Urbain Nord
15 Rue 7051 Cité Essalem 2080 Tunis,
B.P. No 52, le Belvedere
Tunis
Tunisia
Tel: + 216 7123 1813
Fax: + 216 7123 1960
E-mail: dt.dep@anpe.nat.tn

Parties by Invitation only**Ecuador**

Mr. Jorge Humberto Carvajal Tamayo
 Coordinador de la Unidad de Gestion Ambiental
 Ministerio de Industrias y Competitividad
 194-A |Avs, Eloy Alfaro N30-350 y Amazonas
 Quito
 Pichincha
 Ecuador
 Tel: + 543 2 2554260
 Fax: +542 2 2562258
 E-mail: jcarvajal@micip.gov.e

Mr. Victor Rondan
 First Secretary and Ambassador's Assistant
 Embassy of Paraguay
 151 Slater Street, suite 501
 Ottawa K1P 5H3
 Ontario
 Canada
 Tel: +1 613 567 1283
 Fax: +1 613 567 1679
 E-mail: urondan@embassyofparaguay.ca

Greece

Dr. Sotiria Koloutsou
 Representative
 Ministry for the Environmental Regional Planning &
 Public Works, Division for Air Pollutions & Noise
 Control, General Directorate for the Environment
 147 Patission Ave.
 Athens 11521
 Greece
 E-mail: s.koloutsou@dearth.com

Turkmenistan

Ms. Marianna Pursiyanova
 Administrative Assistant of NOU
 National Ozone Unit
 15 Bitarap Turkmenistan Str. 2-nd build.room96
 Ashgabat 744000
 Turkmenistan
 Tel: + 993 12 35 70 91
 Fax: + 993 12 35 74 93
 E-mail: ozoneturkm@mail.ru

Paraguay

Ms. Paula Valeria Lopez Montero
 Deputy Head of the Environment Minister's Cabinet
 Ministry of the Environment, Department of the Cabinet
 Madame Lynch 3500 - Campo Grande
 Asuncion
 Central
 Paraguay
 Tel: +595 21 615806/7
 Fax: +1 595 21 615807
 E-mail: gabinete@seam.gov.py

Representatives of United Nations secretariat units and bodies**Ozone Secretariat**

Mr. Paul Horwitz
 Deputy Executive Secretary
 Ozone Secretariat
 United Nations Environment Programme United Nations
 Avenue, Gigiri P.O. Box 30552
 Nairobi 00100
 Kenya
 Tel: + 254 20 762 3855/3851
 Fax: + 254 20 762 4691/92/93
 E-mail: paul.horwitz@unep.org

Mr. Gilbert M. Bankobeza
 Senior Legal Officer
 Ozone Secretariat
 United Nations Environment Programme United Nations
 Avenue, Gigiri P.O. Box 30552
 Nairobi 00100
 Kenya
 Tel: + 254 20 762 3854/4285
 Fax: + 254 20 762 4691/92/93
 E-mail: gilbert.bankobeza@unep.org

Mr. Gerald Mutisya
Database Manager
Ozone Secretariat
United Nations Avenue, Gigiri P.O. Box 30552
Nairobi 00100
Kenya
Tel: + 254 20 76 -4057
Fax: + 254 20 762 4691/92/93
E-mail: gerald.mutisya@unep.org

Ms. Tamara Curll
Monitoring and Compliance Officer
Ozone Secretariat
United Nations Avenue, Gigiri P.O. Box 30552
Nairobi 00100
Kenya
Tel: + 254 20 762 3430
Fax: + 254 20 762 4691/92/93
E-mail: Tamara.curll@unep.org

**Secretariat of the Multilateral Fund for the
Implementation of the Montreal Protocol**

Ms. Maria Ulana Nolan
Chief Officer
1800 McGill College Ave, 27th floor
Montreal H3A 3J6
Quebec, Canada
Tel: + 514 282 1122
Fax: + 514 282 0068
E-mail: maria.nolan@unmfs.org

Mr. Eduardo Ganem
Senior Programme Management Officer
1800 McGill College Ave, 27th floor
Montreal H3A 3J6
Quebec, Canada
Tel: + 514 282 1122
Fax: + 514 282 0068
E-mail: eganem@unmfs.org

Mr. Andrew Reed
Senior Programme Management Officer
1800 McGill College Ave, 27th floor
Montreal H3A 3J6
Quebec, Canada
Tel: + 514 282 1122
Fax: + 514 282 0068
E-mail: areed@unmfs.org

Ms. Cecilia Mercado
Project Management Officer
1800 McGill College Avenue, 27th floor
Montreal H3A 3J6
Quebec
Canada
Tel: +514 282 1122
Fax: +514 282 0068
E-mail: secretariat@unmfs.org
United Nations Development Programme

United Nations Development Programme

Ms. Dominique Kayser
Programme Specialist
Montreal Protocol - Chemicals Unit, Environment &
Energy Group, BDP, UNDP
304, East 45th St., Room FF-974
New York 10017
United States of America
Tel: + 212 906 50 05
Fax: + 212 906 69 47
E-mail: dominique.kayser@undp.org
United Nations Environment Programme - Division of
Technology, Industry, and Economics

United Nations Environment Programme

Mr. Jim Curlin
Capacity Building Manager
Ozone Action Branch
15 rue Milan
Paris 75441 Paris Cedex 09
France
Tel: +33 1 44 37 14 55
Fax: +33 1 44 37 14 74
E-mail: jcurlin@unep.fr
United Nations Industrial Development Organization

United Nations Industrial Development Organization

Ms. Rana Ghoneim
Associate Industrial Development Officer
Program Development & Technical Cooperation Division,
Multilateral Environmental Agreements Branch
Vienna International Center, P.O.Box: 300
Vienna A-1400
Austria
Tel: + 431 260 2643 56
Fax: + 431 213 464 356
E-mail: R.Ghoneim@unido.org
World Bank

World Bank

Mr. Viraj Vithoontien
Senior Regional Coordinator
MP/POPs Operations, Environment Department
1818 H Street, N.W.
DC Washington 20433
United States of America
Tel: + 202 473 6303
Fax: + 202 522 3258
E-mail: vvithoontien@worldbank.org
