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IMPLEMENTATION COMMITTEE UNDER THE
NON-COMPLIANCE PROCEDURE FOR
THE MONTREAL PROTOCOL
Seventeenth meeting
Geneva, 15-16 April 1997

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

I. INTRODUCTION

1. The seventeenth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Geneva Executive Center on 15-16 April 1997.

II. ORGANIZATIONAL MATTERS

A. Opening of the meeting

2. The meeting was opened at 10 a.m. on Tuesday, 15 April 1997, by Mr. K. M. Sarma, Executive Secretary of the Ozone Secretariat.

B. Election of the President and Vice-President

3. In accordance with paragraph 5 of the non-compliance procedure formulated pursuant to Article 8 of the Montreal Protocol, the Committee elected Mr. Denis Langlois (Canada) to serve as President and Dr. Peter Claver Acquah (Ghana) to serve as Vice-President and Rapporteur for the period up to the Ninth Meeting of the Parties to the Montreal Protocol.

C. Attendance

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

5. The meeting was also attended by Dr. Lambert Kuijpers, Co-Chair of the Technology and Economic Assessment Panel. Representatives of the Implementing Agencies for the Multilateral Fund for the Implementation of the Montreal Protocol the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank and of the secretariats of the Multilateral Fund and the Global Environment Facility (GEF) were also present.

6. At the invitation of the Committee, a representative of the Russian Federation attended in order to present his country's report under agenda item 4.

7. The full list of participants is contained in annex I to the present report.

D. Adoption of the agenda and organization of work

8. The Committee adopted the following agenda on the basis of the provisional agenda that had been circulated under the symbol UNEP/OzL.Pro/ImpCom/17/1:

1. Opening of the meeting.
2. Election of the President and Vice-President.
3. Adoption of the agenda and organization of work.
4. Information from Latvia (decision VIII/22), Lithuania (decision VIII/23), Poland (recommendation of the Implementation Committee at its fifteenth meeting (UNEP/OzL.Pro/ImpCom/15/3, para. 13)), and the Russian Federation (decision VIII/25).
5. Report of the Secretariat on reporting mandates required by the Protocol for assessing compliance (decision VIII/21).
6. Other matters.
7. Closure of the meeting.

III. INFORMATION FROM LATVIA (DECISION VIII/22), LITHUANIA (DECISION VIII/23), POLAND (RECOMMENDATION OF THE IMPLEMENTATION COMMITTEE AT ITS FIFTEENTH MEETING (UNEP/OzL.Pro/ImpCom/15/3, para. 13)), AND THE RUSSIAN FEDERATION (DECISION VIII/25)

Latvia

9. The Secretariat said that, pursuant to decision VIII/22 of the Eighth Meeting of the Parties, it had written to the Government of Latvia seeking the information required by that decision and, in particular, an indication of the steps taken by Latvia to ratify the London Amendment to the Protocol. To date, no information had been received from the country in response to that request. Nor had Latvia ratified the London Amendment.

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10. The representative of the Global Environment Facility (GEF) said that Latvia's country programme had been prepared by the United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP) with a view to submission for GEF funding. The programme, which included investment and technical assistance projects, was almost ready for implementation. The submission to the GEF Council had been deferred because the GEF eligibility criteria had not yet been met by the Government of Latvia. To facilitate the approval process, Latvia should confirm its commitment to ratifying the London Amendment and should provide a timetable indicating the expected date for the completion of the ratification process. However, the project could not be endorsed, and consequently disbursement of funding could not occur, until after the deposit of the instrument of ratification with the Secretary-General of the United Nations.

11. The Implementation Committee made the following observations for the consideration of the Ninth Meeting of the Parties:

(a) It regretted that Latvia had not yet submitted its timetable for the ratification process for the London Amendment as requested by the Eighth Meeting of the Parties;

(b) It reiterated the request made to Latvia through decision VIII/22 of the Eighth Meeting of the Parties for the submission of its timetable for the process of ratification of the London Amendment;

(c) It reminded Latvia that, in accordance with the GEF eligibility criteria and as mentioned by the representative of the Facility at the current meeting, the process for approval by GEF of the phase-out projects could begin only after GEF had been informed of the timetable for ratification of the London Amendment and that no financial assistance could be released until after the deposit of the instrument of ratification with the Secretary-General of the United Nations;

(d) It expressed the view that the situation with regard to ODS phase-out in Latvia should be kept under review.

Lithuania

12. The Secretariat drew attention to a letter from the Minister of Environmental Protection of Lithuania transmitting a report on the implementation of the Montreal Protocol in that country. The report had been forwarded to the Secretariat in response to its letter of December 1996 seeking further information from Lithuania in accordance with decision VIII/23 of the Eighth Meeting of the Parties.

13. Introducing her country's report, the representative of Lithuania said that the report addressed questions related to the implementation of the Protocol in Lithuania, as well as her country's request that its contributions to the Multilateral Fund should be postponed until 2000. Lithuania had been a Party to the Protocol since April 1995 and was endeavouring to meet its obligations. It had phased out halons and the use of CFCs in the foam sector. Some ODS uses, especially in the refrigeration sector, were still, however, important. The figures for 1995 showed a

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decrease in consumption over the previous year and, although no exact figures were available, 1996 was expected to see a further reduction. Unfortunately, because of lack of funding, the conversion of some ODS capacity had had to be suspended. Efforts were also being made to regulate trade through the issuance of permits by the Ministry of Environmental Protection, although it had not been possible to stop imports completely. Trade with non-Parties was also controlled. The country programme for Lithuania had been updated in late 1996/early 1997, but had not yet been submitted to the GEF Council for approval because her country had not yet ratified the London Amendment. Lithuania did, however, expect that it would have completed the ratification process by September 1997. She explained that Lithuania expected more procedural flexibility in the submission and consideration of the country programme and its projects. Finally, she said that Lithuania would continue to make every effort to comply with the Protocol without outside support. Some of those efforts had been successful, but she feared that, because of lack of funding, activities in such areas as recovery and recycling and training might not be started in the near future.

14. The representative of UNDP, also speaking on behalf of UNEP, confirmed that the country programme for Lithuania had been completed. The submission of the projects to GEF Council had been deferred because Lithuania had not yet complied with the GEF eligibility criteria for ozone. It should, however, be stressed once again that no funding could be released by GEF until the instrument of ratification had been deposited with the Secretary-General of the United Nations.

15. With reference to the request of Lithuania for postponement of its contributions to the Multilateral Fund until the year 2000, the Secretariat and the Fund Secretariat clarified that there was no provision in the Protocol to permit such postponement.

16. The representative of GEF said that the approval process for the country programme could be started as soon as the eligibility criteria were fulfilled. To facilitate the process, the Government of Lithuania should confirm its commitment to ratifying the London Amendment and submit a timetable indicating the expected date of completion of the ratification process.

17. The Implementation Committee made the following observations for the consideration of the Ninth Meeting of the Parties:

(a) It noted with satisfaction the information provided by the Government of Lithuania in response to decision VIII/23 and the presentation made by its representative to the Committee;

(b) It noted that, according to the information provided by Lithuania, that country was in non-compliance with the Protocol in 1996 and was likely to be in a situation of non-compliance in 1997;

(c) It noted the information provided by the representative of Lithuania that her Government would ratify the London Amendment by September 1997 and encouraged Lithuania to submit in writing to the GEF secretariat a full timetable for the ratification process so that the work programme for that country could be considered expeditiously by the GEF Council;

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(d) It noted that Lithuania had not yet submitted its ODS phase-out programme to the Implementation Committee and encouraged it to do so as soon as possible;

(e) It expressed the view that the situation regarding ODS phase-out in Lithuania should be kept under review.

Poland

18. The Secretariat drew attention to paragraph 7 of its note before the Committee (UNEP/OzL.Pro/ImpCom/17/2), which contained a summary of the additional information provided by Poland in response to the decision taken by the Implementation Committee at its fifteenth meeting (UNEP/OzL.Pro/ImpCom/15/3, para. 13). That information indicated, inter alia, that Poland's consumption of CFCs in 1996 was below the level of the essential-use exemptions granted it by the Sixth Meeting of the Parties.

19. The Implementation Committee decided:

(a) To note with satisfaction the information given by Poland that its use of ODS for essential uses was less than the quantities exempted for 1996 by the Sixth Meeting of the Parties;

(b) To urge Poland to submit to the Secretariat complete information for all controlled substances for 1995.

Russian Federation

20. The Secretariat drew attention to a letter dated 4 March 1997 from the Deputy Chairman of the State Committee of the Russian Federation on Environmental Protection addressed to the Executive Secretary of the Ozone Secretariat, and transmitting preliminary data on production, consumption, exports and imports of ODS for 1996, in response to decision VIII/25 of the Eighth Meeting of the Parties.

21. The representative of the Russian Federation reiterated his country's commitment to meeting its obligations under the Montreal Protocol. Efforts had been made to implement the decisions of the Eighth Meeting of the Parties, as could be seen from the information provided on production, consumption and trade in ODS that was currently before the Committee. Despite the economic problems resulting from the time of transition, the Russian Federation had made additional efforts to fulfil its obligations to protect the ozone layer. The State was regulating imports and exports, and quotas had been imposed on the production of ODS. There had also been an improvement in accountability and control of production and consumption, and a new federal phase-out programme for the period 1997-2000 had been prepared to integrate all aspects of the country's participation in international efforts to stop the depletion of the ozone layer. That programme would be implemented in cooperation with the international community and multilateral financing agencies. He hoped that all those factors would be taken into account by the Implementation Committee.

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22. The Secretariat said that, although the Russian Federation was still in a situation of non-compliance, its performance was satisfactory in terms of what it had told the Implementation Committee it would achieve at the Committee's thirteenth meeting. The data provided was detailed, but there were some items that were difficult to understand, such as the reported exports to Parties not operating under Article 5 and to Estonia, which had only recently become a Party to the Protocol.

23. During the ensuing discussion, members expressed appreciation at the efforts of the Russian Federation to comply with decision VIII/25. Concern was, however, expressed at the exports and imports referred to in the report and the questions were raised concerning the intended uses of the substances concerned. It was also suggested that the data on exports to CIS countries should be broken down by country of destination. It was further pointed out that there was a danger of a loss of credibility for the whole Montreal Protocol process if it was seen that the Parties not operating under Article 5, which should have completed phase-out, were still importing and exporting controlled substances.

24. In response to a question by the Secretariat, the representative of the World Bank said that the GEF-supported projects for ODS phase-out in the Russian Federation were under way. Two of the three tranches had been funded in a total amount of \$40 million. The release of the third tranche, originally scheduled for later in 1997, would, however, be delayed until early 1998. A number of residual production projects had been transferred to the GEF-supported programme following a reduction in the amount allocated for the special initiative for the production sector. A production-closure plan was in place and had been agreed upon by the Government. Unfortunately, of the \$27 million required for the plan, only \$15 million had as yet been firmly committed. He therefore appealed to all donors to contribute so that the plan could get under way in the near future.

25. The Implementation Committee decided:

(a) To note the data provided by the Russian Federation for 1996, in accordance with paragraphs 4 and 7 of decision VIII/25;

(b) To note that the Russian Federation was in non-compliance with the Protocol for 1996;

(c) To note that the Russian Federation had continued to produce ODS during 1996 contrary to the provisions of the Montreal Protocol and decision VII/18 adopted at the Seventh Meeting of the Parties;

(d) To note also that the Russian Federation had exported both new and reclaimed substances to, and also imported ODS from, many Parties operating under Article 5 and those Parties not operating under that Article;

(e) To urge the Secretariat to draw the data report of the Russian Federation to the attention of the Parties that had reportedly imported ODS from or exported ODS to the Russian Federation and to request those Parties to provide detailed comments by 15 May 1997 on the imports/exports of ODS;

(f) To request the Russian Federation to submit to the Secretariat by

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15 May 1997 information on the ways in which it was maximizing the use of its recycling facilities to meet its internal needs and to diminish its production of new CFCs, in accordance with paragraph 6 of decision VIII/25;

(g) To request the Russian Federation to provide by 15 May 1997 details on the conditions of delivery of imports and exports of ODS in 1996, including the specific purpose for which the substances were intended to be used, in accordance with paragraph 7 of decision VIII/25;

(h) To request the Russian Federation to provide the names of the members of the Commonwealth of Independent States (CIS) to which it had exported ODS in 1996, together with the quantities exported;

(i) To revert to the question at its eighteenth meeting, which the Russian Federation was invited to attend.

IV. REPORT OF THE SECRETARIAT ON REPORTING MANDATES REQUIRED BY THE MONTREAL PROTOCOL FOR ASSESSING COMPLIANCE (DECISION VIII/21)

26. Introducing agenda item 5, the Secretariat said that, in response to decision VIII/21 of the Eighth Meeting of the Parties, it had circulated a list of all the reporting requirements under the Protocol and in the decisions of the Meeting of the Parties and had requested all the Parties to communicate their views on which of the reporting provisions they considered essential for assessing compliance with the Protocol, which might no longer be necessary and what possible improvements could be made to the reporting formats. The following Parties had submitted responses to the Secretariat: Australia, the European Community, India, New Zealand, Norway, Poland, Seychelles and the United States of America. The Secretariat had prepared a document summarizing the responses from the Parties, explaining the formats for data-reporting and containing sample formats that incorporated the suggestions made. The United States of America had also prepared a questionnaire and format for consideration. The views of the Parties, the Secretariat's comments and the sample formats were before the Committee in the annex to the note by the Secretariat of 17 March 1997 (UNEP/OzL.Pro/ImpCom/17/2).

27. The Committee considered the relevant provisions of the Protocol, the decisions of the Parties containing reporting requirements and the comments submitted by Governments thereon with a view to considering which reporting provisions were essential for assessing compliance with the Protocol and which might be no longer necessary. A further table summarizing the responses received from the Parties was prepared and is attached to the present report as annex II.

Article 2, paragraphs 5, 5 bis, 6 and 7

28. It was felt that reporting under paragraphs 5, 5 bis and 7 should be retained.

29. It was generally agreed that reporting under paragraph 6 was no longer applicable. The view was expressed that it should be deleted, as was the contrary opinion that no advantage was to be gained by removing it from the Protocol. The Committee will revert to this issue when it considers its overall recommendations next meeting.

Article 7

30. It was agreed that reporting under Article 7 was necessary to assess compliance with the control measures under the Protocol.

Article 9

31. The Committee noted that two views were expressed on Article 9: first, that the reporting required by the Article was adequately covered by the TEAP reports and the information-exchange programme of the UNEP Industry and Environment Centre (UNEP/IE) under the Multilateral Fund, and the information provided to the Secretariat under the Article had to date not been as comprehensive; secondly, that reporting requirement under Article 9 could not be withdrawn without a formal amendment to the Protocol. The Committee noted that reporting under the Vienna Convention had been dispensed with on practical grounds even though it was a legal requirement under that instrument.

Decision IV/11, paragraph 3 (b)

32. It was agreed that the reporting on the quantity of controlled substances destroyed was necessary for assessing compliance only in so far as the country concerned wished to take advantage of production credit under Article 1, paragraph 5, of the Protocol. No Party had yet sought to do so. It was, however, noted that the information could be useful for assessing global levels of ODS destruction.

Decision IV/24

33. It was agreed that reporting on recycled and used substances was necessary even though compliance could be assessed without such reporting.

Decision V/15

34. It was noted that reporting under decision V/15 was to be made to UNEP/IE, not to the Ozone Secretariat. It was agreed that this reporting should continue as and when relevant information became available.

Decisions V/25, VI/14 A and VII/9, paragraph 4

35. The view was expressed that there was no need to report under V/25 or VI/14 A in view of decision VII/9, paragraph 4. However, it should be considered whether the reporting under these provisions is required to verify compliance with Article 5, which stated that the purpose of the grace-period was only to enable Article 5 Parties to meet their basic domestic needs. The reporting could also be necessary to ensure that producers did not exceed their 10 or 15 per cent production allowance under the control measures and that such production was indeed used to meet the basic domestic needs of Parties operating under Article 5. It was also noted that the Secretariat had not as yet received any certificates under decisions V/25 or VI/14 A.

Decision VI/9, paragraph 4, annex II

36. It was agreed that reporting under this decision could be simplified to include only the quantities and uses of substances authorized under the laboratory-and-analytical-use exemption and that no further information was required.

Decision VI/19, paragraph 4

37. It was agreed that it should be sufficient for Parties to submit full information on reclamation facilities only once and then update it on an ad hoc basis when new facilities were established or existing ones closed.

Decision VII/30

38. It was agreed that this requirement could be part of general reporting under Article 7. The Secretariat pointed out that the exporters of substances to be used as feedstocks should also be required to report on exports for such uses in order to assess compliance by the exporters.

Decision VII/32

39. It was agreed that reporting under this provision should continue.

Decision VIII/9, paragraph 9

40. The Co-Chair of TEAP mentioned that it would not be possible to simplify the essential-use reporting format. The Panel was, however, preparing a handbook on essential-use nominations, which would include the essential-use reporting format. The Secretariat pointed out that the format prescribed reporting by importing countries on the quantities and origins of the import and that similar reporting by exporters on the destinations and quantities of their exports for essential uses was necessary to assess compliance by exporters.

Decision VIII/20, paragraph 5

41. It was suggested that the requirement to report on exports should be considered in conjunction with discussions at the Ninth Meeting of the Parties on a system to require validation and approval of exports of used and recycled ODS. This should include trade with Parties and non-Parties.

Consideration of the sample reporting formats

42. The Secretariat drew attention to the sample reporting formats that it had prepared and circulated for the consideration of the Committee, together with the reporting questionnaire and format that had been received from the United States of America. In preparing the formats, the Secretariat had endeavoured to follow the various suggestions that had been put forward by Parties on the subject. Those suggestions included the listing of only the most commonly used, rather than all, controlled substances and the circulation of the formats electronically, which would enable easier completion. In all, seven formats had been prepared: one each for reporting data on production, export and import of the controlled substances other than methyl bromide, for which the terminology used varied from that used for other substances; three formats for reporting the corresponding data on methyl bromide; and a separate form for reporting data on quantities of substances destroyed. Parties that did not produce, export or destroy any of the ODS would need only to use the import formats. The forms included provision for the reporting of separate data on reused and recycled substances, essential uses and feedstock uses. The form submitted by the United States, which had been prepared in collaboration with New Zealand, consisted of a series of questions and suggested tables for recording data. Unlike the formats prepared by the Secretariat, there was no provision for reporting on quantities exported for exempted uses (i.e., feedstocks, essential uses agreed to by the Parties, and quarantine and pre-shipment applications of methyl bromide).

43. Following a discussion on the formats, as well as the possibility that a single form could be designed for the reporting of data to the Secretariat and to the Secretariat of the Multilateral Fund, it was agreed that the deadline for submission of the two reports should be brought into line and be made 30 June each year for both sets of data. The view was, however, noted that the inclusion of the sectoral consumption data required by the Fund Secretariat in the forms prepared for reporting under the Protocol would make those forms very much more complicated and that it might be preferable if separate formats were retained but sent simultaneously to the same focal point in order to minimize the risk of discrepancies between the data reported. It was agreed that the completion of the forms could be simplified by including one single column for all used substances, rather than the current three for recycled, recovered and reclaimed substances, respectively. It was also suggested that the Secretariat should include the customs codes of each substance, as was the case with the United States submission. Another suggestion made was that the United States questionnaire could be sent to Parties on an experimental basis in order to assess its usefulness before a final decision was made.

44. The Implementation Committee decided:

(a) That the question of the reporting mandates required by the Montreal Protocol for assessing compliance would be considered further by the Committee at its next meeting;

(b) That members should be encouraged to consult informally among themselves and with other interested parties in preparation for the Committee's consideration of the subject at its next meeting;

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(c) That the Parties not members of the Committee that had submitted comments on the reporting mandates under the Protocol and the formats prepared by the Secretariat should be invited to attend the next meeting of the Committee with a view to furthering the Committee's consideration of the matter.

V. OTHER MATTERS

Preliminary report of the Secretariat on the reporting of data provided by the Parties for 1995 in accordance with Article 7 of the Montreal Protocol

45. The Secretariat presented a preliminary report on the reporting of data by the Parties for the year 1995 in accordance with Article 7 of the Protocol, which had been circulated for the information of the Committee. The report was not yet finalized and would be updated for submission to the Ninth Meeting of the Parties in the light of further submissions of data and any clarifications provided by Parties at the request of the Secretariat. Although data reports for 1995 had been due by September 1996, in accordance with the requirements of Article 7 of the Protocol, only 88 of the 151 Parties required to report had done so. The Secretariat urged all concerned, and particularly the Implementing Agencies active in non-reporting countries, to encourage reporting of data so that a more comprehensive report could be prepared for the Ninth Meeting of the Parties.

46. The Secretariat drew attention, in particular, to the data it had received from Japan, on methyl chloroform production, the Russian Federation, on production of CFCs, and Ukraine, on the consumption of other fully halogenated CFCs, carbon tetrachloride and methyl bromide, which indicated that those countries had not met the 1995 reduction schedules for those substances. Those countries would be requested to explain the non-compliance, and their response would be placed before the Implementation Committee at its next meeting. All other reporting Parties seemed to have kept to the 1995 schedule for all controlled substances. The Secretariat also drew attention to the large amounts of used methyl bromide reported to have been consumed by certain Article 5 Parties. The size of the amounts involved suggested that the figures might have been reported erroneously, and the Secretariat was seeking clarification from the countries concerned.

47. The Committee noted that, in a number of cases, the data contained in the report varied from those obtained by the Fund Secretariat and the Implementing Agencies working in the country concerned, often by a considerable margin, to the extent that the per capita consumption levels indicated for some Parties operating under Article 5 would render them ineligible for treatment under that Article. It was suggested that, in addition to possible reporting errors, one reason for the discrepancy was that 1995 was the first year for which methyl bromide consumption had been reported by some Parties and that substance was not taken into account in the Implementing Agencies' calculations. It was also suggested that the inclusion of methyl bromide was the main reason why a number of Parties, previously considered as low-volume-consuming countries (LVCs), now had a total ODS consumption in excess of the 360-tonne threshold for inclusion in

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that category and, hence, for an exemption from the cost-effectiveness criteria used by the Executive Committee to determine eligibility of projects for funding from the Multilateral Fund. It was agreed that any adjustment of the threshold for consideration as a LVC in the light of the new figures should be a matter for the Executive Committee, which had decided on the original level.

48. The Implementing Agencies were requested to catalogue all discrepancies between the data report by the Secretariat and their figures and to submit a full list to the Secretariat after the meeting with a view to obtaining clarifications from the Parties concerned. It was suggested that, in order to ensure harmonization between the various sets of data reported, the Implementing Agencies should lay special emphasis in their capacity-building programmes on providing ozone focal points with stronger advice on ways of ensuring coordination between the various national entities responsible for data-reporting. It was further suggested that Parties should be encouraged to consider the benefit of ensuring that a single focal point was responsible for data-reporting to both the Ozone and the Fund Secretariats.

49. The representative of the United Nations Environment Programme (UNEP) introduced a report analysing data-reporting in countries being assisted by UNEP. That report indicated that the current level of reporting of data for 1995 was higher than that experienced for the equivalent period at the same time during the previous year. The greatest improvement had been in the African region, a development that was, at least in part, attributable to the holding of customs training workshops for ozone project officers in the region. Other regions, where no such workshops had been held, had not witnessed such an impressive improvement in reporting. Finally, he said that there were two major reasons for non-reporting of data: the first was the fact that capacity-building was still under way in the countries concerned, and their institutional strengthening had not yet come on stream; the second was that there were countries in which the national ozone units had little or no backing from government ministries or industries, a state of affairs that must be tackled at various levels, with a potentially important role to be played by the consultants engaged in the country by the Implementing Agencies. The full UNEP report was subsequently distributed to all participants in the meeting.

50. Following the discussion, the Implementation Committee decided that:

(a) The Ozone Secretariat and the Secretariat of the Multilateral Fund should be requested to jointly prepare for the consideration of the Committee at its next meeting a report explaining, as appropriate, the discrepancies, if any, in the data submitted to the two secretariats for 1995;

(b) The two secretariats should be encouraged to examine the feasibility of preparing a single reporting format for the submission of the required data to both bodies.

VI. DATE AND PLACE OF THE EIGHTEENTH MEETING
OF THE IMPLEMENTATION COMMITTEE

51. The Implementation Committee decided that its eighteenth meeting would be held in Nairobi on Monday, 2 June 1997, immediately prior to the fifteenth meeting of the Open-ended Working Group of the Parties to the Montreal Protocol.

VII. ADOPTION OF THE REPORT

52. In accordance with past practice, the Implementation Committee entrusted the President and Rapporteur with the finalization of the report on the work of its seventeenth session.

VIII. CLOSURE OF THE MEETING

53. After the customary exchange of courtesies, the President declared the seventeenth meeting of the Implementation Committee closed at 1 p.m. on Wednesday, 16 April 1997.

Annex I

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Article/Decision/General comments	Party	Recommendations
		to turn over functions required by the Protocol to UNEP IE.
Decision IV/11, para. 3 (b) (Reporting on the quantity of ozone-depleting substances)	<p>Australia</p> <p>India</p> <p>New Zealand</p> <p>Poland</p>	<p>It should be possible for the data required for this purpose to be provided in a single format which also meets the requirements of Article 7 for reporting on a production, feedstocks, destruction, and imports.</p> <p>Quantity destroyed is already covered in the format for reporting data under Article 7. A footnote can be added in a relevant data form to clarify that the quantity destroyed should be calculated based on destruction efficiency of facility employed.</p> <p>This requires reporting on destruction of substances . The original intention was that countries would be able to claim amounts destroyed as a credit and increase either manufacture or import accordingly. As no country appears to wish to claim such a credit, the decision appears to be redundant. The decision could be clarified to make reporting voluntary, with the proviso that any country which did wish to claim destruction as a credit should continue to comply with reporting requirements.</p> <p>Clarify relation between reporting requirement and Article 7 and the information requirement on the destroyed substances .</p>
Decision IV/24 (Recovery, reclamation and recycling of controlled substances)	<p>Australia</p> <p>India</p> <p>Poland</p>	<p>It should be possible for the data required for this purpose to be provided in a single format which also meets the requirements of Article 7 for reporting on production, feedstocks, destruction, imports and exports.</p> <p>The reporting requirement arising from this decision could be suitably incorporated in the format for reporting data under Article 7.</p> <p>The requirement concerning information on substances that have been recycled is not clear.</p>
Decision V/15 (International halon bank management)	European Community	The Halons Technical Options Committee has most of this information and an annual report does not seem necessary or useful. Parties could be asked to report anything new.

Article/Decision/General comments	Party	Recommendations
	<p>Norway</p> <p>United States of America</p>	<p>Reporting of data according to this decision seems to be relevant.</p> <p>We do not believe that the Ozone Secretariat should be requesting the collection of data that the Parties requested be submitted to UNEP/IE.</p>
<p>Decision V/25 (Provision of information on the supply of controlled substances to Parties operating under Article 5) and decision VI/14 A (Provision of information on the supply of ODS for basic domestic needs)</p>	<p>European Community</p> <p>India</p> <p>Norway</p> <p>United States of America</p>	<p>It is clearly desirable that the current requirement be maintained. This means that Article 5 Parties wishing to import ODS should certify to the Secretariat of the exporting Party that the import request is to meet its basic domestic needs. The exporting Party should then verify annually to the Secretariat that all relevant exports have been given this certification. However, given that this type of certification and reporting is often difficult to complete, we would be interested to know from the Secretariat the extent to which Parties have been able to comply with these decisions.</p> <p>In view of reporting requirement under VII/9, this is redundant and could be dispensed with.</p> <p>Reporting of data according to these decisions seems to be relevant.</p> <p>The reporting requirements for Article 5 Parties under decision V/25 and decision VI/14 A regarding letters of request to meet basic domestic needs seems largely inoperable. Further, non-Article 5 Parties may not be able to meet the reporting requirements in these decisions because they are not receiving the letters of request to meet basic domestic needs from Article 5 Parties for the reasons described above. Given these concerns and the fact that the grace-period will be over soon it might be worthwhile to take another look at these decisions. Parties</p>
<p>Decision VI/9, para. 3, annex, para. 4 (Essential use nominations)</p>	<p>European Community</p>	<p>This is essentially part of the essential use reporting requirements and, as it stands, is over-elaborate. It could be simplified to require, as part of the annual essential used reporting, details of the quantities and the specific uses of controlled substances authorized under the laboratory uses exemption. Parties should also report details of the phaseout of ODS in any specific laboratory use.</p>

Article/Decision/General comments	Party	Recommendations
	<p>Norway</p> <p>United States of America</p>	<p>Reporting of data according to this decision seems to be relevant.</p> <p>The reporting related to the global exemption for laboratory and analytical applications under this decision are overly detailed and administratively challenging to implement.</p>
<p>Decision VI/19, para. 4 (Annual submission of a list of reclamation facilities to the Secretariat)</p>	<p>European Community</p> <p>India</p> <p>New Zealand</p>	<p>It is very difficult to gather accurate data on a range of reclamation facilities available, especially as the situation is changing so rapidly. The requirement could be dropped and Parties asked simply to inform the Secretariat when large reclamation (i.e. not recycling) facilities are opened or closed.</p> <p>The reporting requirement arising from this decision could be obtained initially from all the countries. Thereafter, the countries may report on reclamation facilities if there is any change from the initial report. The requirement to report on the subject annually could be dispensed with.</p> <p>This decision requires annual reporting on reclamation facilities. The term reclamation facilities has never been properly defined. The original purpose of the decision was to allow independent verification by Governments on the existence of commercial recycling plants producing substances for export. The decision should be clarified so that those countries which do not produce recycled substances for exports and do not have commercial recycling plants do not have to make a report.</p>
<p>Decision VII/9, para. 4 (Basic domestic needs)</p>	<p>Norway</p>	<p>Formats should include columns for type, quantities and destinations of the exports of ODS during the previous year</p>
<p>Decision VII/14 (Timely reporting of data according to Article 7 and 9 of the Protocol)</p>	<p>Norway</p>	<p>Reporting of data according to this decision seems to be relevant.</p>
<p>Decision VII/30 (Reporting on imports of feedstock)</p>	<p>Australia</p>	<p>Data required for these purposes should be provided in a single format which also meets the requirements of Article 7 for reporting on production feedstocks, destruction, imports and exports.</p>

Article/Decision/General comments	Party	Recommendations
	<p>India</p> <p>Norway</p> <p>Poland</p>	<p>This requirement could be dropped. A provision similar to that for reporting requirements for exports as mandated by decision VII/9, paragraph 4, could be added for imports in the format for data reporting under Article 7. This may mean adding a new column in new form 10 proposed in document UNEP/OzL.Pro/WG.1/13/2. Also, the exports column in data form 6 needs to be subdivided into two so that quantities exported for feedstock could be separated from that for consumption.</p> <p>Reporting according to this decision seems to be relevant.</p> <p>Information-reporting under Article 7, paragraph 3, and this decision in relation to substances treated as feedstock is not clear.</p>
<p>Decision VII/32 (Control of export and import of products and equipment containing substances listed in Annexes A and B)</p>	<p>European Community</p> <p>Norway</p>	<p>This is an important topic, covering dumping and trade in obsolete products and equipment. All Parties have an interest in monitoring developments to limit such trade, and so we recommend retaining this requirement. However, it might also be useful for the Secretariat to consider ways of reminding Parties from time to time of the action envisaged by this type of decision, such that the reporting might be more regular and complete.</p> <p>According to this decision Parties are recommended to report on action to implement the decision at future meetings of the Parties. Could the Secretariat consider whether such reporting should instead be included in the yearly report to the Secretariat.</p>
<p>Decision VIII/9, para. 9 (Parties granted essential-use metered-dose inhaler (MDI) exemptions to provide information on steps taken to provide a continuity of treatments to importing countries)</p>	<p>European Community</p> <p>Norway</p>	<p>We agree with the new format for reporting essential use exemption.</p> <p>UNEP should consider whether it is possible to simplify the reporting form in Annex IV (essential uses) as the present reporting form seems to be a bit complicated.</p>
<p>Decision VIII/20, para. 5 (Ninth Meeting of the Parties to consider instituting a system to require</p>	<p>European Community</p>	<p>Approval of exports of used and recycled ODS should include trade with Parties and (if any) with non-Parties</p>

Article/Decision/General comments	Party	Recommendations
validation and approval of exports of used and recycled ozone-depleting substances)		
General comments	<p>Australia</p> <p>European Community</p> <p>New Zealand</p>	<p>A simpler approach may be to provide the Parties with a much shorter form which includes only the most commonly reported substances plus several blank rows that can be completed if necessary. Alternatively, Parties could be provided with an electronic version of the reporting format which they could edit to suit their particular needs.</p> <p>Dates of reporting requirements should be reviewed to ensure there is a single date for all reports to be submitted to the Secretariat.</p> <p>In the forms for reporting consumption under Article 7, the columns width available to write the actual numbers appears to be a function of how long the word at the top is, not the length of the number likely to be entered into the space. The clarity of the forms would be improved if a larger font was used for the headings. The forms should be colour coded and the layout could be vastly improved. The single most important change to assist compliance with the reporting requirements in developed countries would be to reissue the forms as spread sheets in a common software format.</p>
	<p>Seychelles</p> <p>United States of America</p>	<p>There is an apparent lack of communication between institutions involved (e.g. UNDP, UNEP, the Multilateral Fund and the Secretariat) and as a result similar data requested are submitted under various format requirements.</p> <p>The forms for data reporting are very obscure, and consideration of a booklet/diskette version with all the required forms may be envisaged.</p> <p>Parties be provided with an electronic version as well as a hard copy of the reporting forms.</p> <p>There should be provided an instruction booklet and/or glossary of terms used under the Protocol and decisions of the Parties.</p>

Article/Decision/General comments	Party	Recommendations
		<p>Customs codes should be provided in the data forms to help Parties submit accurate data.</p> <p>A simplified list of questions should help direct each Party to only pertinent reporting forms.</p> <p>We suspect that one reason for failure to report data may be that the forms never reach the agency or unit which is actually responsible for responding. It would be useful for the Secretariat to send an early letter to countries that have not regularly reported, seeking confirmation of the unit responsible for reporting. It would also be helpful if this letter and all data submission requests were copied to the ozone protection unit in the country.</p> <p>The Secretariat might want to consider revising the IE PAC/SIDA report on monitoring of imports of ODS to include a greater focus on reporting.</p> <p>The Secretariat should by phone, contact the Ozone Protection Unit (or Government, if such a unit has not been established) in each country that has not regularly reported data to understand why it has not submitted data.</p>
		<p>The Secretariat may want to consider establishing a response phone or fax service to assist Parties in collecting the needed data and with completing the reporting forms.</p> <p>Reorganizing the reporting forms into discrete categories will allow each Party to complete only the forms that pertain to their situation.</p> <p>Personalized requests to Parties should be possible if the Secretariat bases the request on previously submitted reports and answers to the list of questions. For example, a Party that previously reported that it does not produce, import or export halons would be told that unless this status has changed it is not required to fill out the halon reporting forms. Groupings of Parties will naturally appear in responses to the list of questions and historical reporting.</p> <p>We would like the Secretariat to present the most recent data submission to the Parties. This is particularly</p>

		<p>critical as we approach the 1999 freeze. The Parties cannot wait until late in 1999 to get the 1997 data critical to the establishment of the Article 5 country baselines. By then it would be impossible for any potential corrective action or assistance to help ensure compliance with the control provisions.</p>
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