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IMPLEMENTATION COMMITTEE UNDER THE  
NON-COMPLIANCE PROCEDURE FOR  
THE MONTREAL PROTOCOL  
Sixteenth meeting  
San José, 20 November 1996

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

I. INTRODUCTION

1. The sixteenth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Herradura International Conference Centre on 20 November 1996.

II. ORGANIZATIONAL MATTERS

A. Opening of the meeting

2. The meeting was opened at 2 p.m. on Wednesday, 20 November 1996, by Mr. Antonio Garcia-Revilla (Peru), President of the Committee.

B. Officers

3. Mr. Antonio Garcia-Revilla (Peru) served as President of the Committee and Mr. Denis Langlois (Canada) as Vice-President and Rapporteur of the Committee, in accordance with the decision of the Committee at its thirteenth meeting.

C. Attendance

4. The meeting was attended by Committee members from Austria, Bulgaria, Canada, Philippines, Peru, Sri Lanka, Ukraine, United Republic of Tanzania, Uruguay and Zambia. Representatives of the World Bank and GEF also attended. The full list of participants is contained in annex II to the present report.

D. Adoption of the agenda and organization of work

5. The Committee adopted the following agenda, based on the work of its fifteenth meeting :

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Information from Kuwait.
4. Information from the Russian Federation on the issues raised by the Implementation Committee at its fourteenth and fifteenth meeting.
5. Non-Compliance by the Czech Republic with the halons reduction schedule for 1994.
6. Closure of the meeting.

III. SUBSTANTIVE MATTERS

A. Information from Kuwait

6. The representative of Kuwait noted that his country was a fully participating Party to the Vienna Convention and Montreal Protocol and had ratified all of the Amendments to the Protocol. He noted further that his Government had submitted all required data for 1993, 1994 and 1995. He explained that his Government had not included new population figures with the most recent data in the expectation that the Secretariat would use the 1993 population figures in calculating Kuwait's per capita consumption of CFCs. His Government considered those population figures to be the most accurate available and therefore disagreed with the Secretariat's use of other figures, which would place Kuwait's per capita consumption of CFCs above the limit for classification as a Party operating under paragraph 1 of Article 5. Such classification would hurt Kuwait's efforts to phase out ODS expeditiously.

7. The Committee took note of Kuwait's presentation.

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B. Information from the Russian Federation on the issues raised by the Implementation Committee at its fourteenth and fifteenth meetings

8. In introducing this issue, the President drew attention to Decision VII/18 as well as to paragraph 19 of document UNEP/OzL.Pro/ImpCom/14/4, the Report of the Implementation Committee on its Fourteenth Meeting. He drew special attention to the issues surrounding trade in controlled substances.

9. The representatives of the Russian Federation provided members with additional information, reproduced in Annex I to the present report. The representative of the Russian Federation explained, at the request of one member, that the data referred to metric tonnes rather than ODP weighted tonnes and referred to newly produced substances rather than recycled substances. Only the figures for halon 2402 referred to recycled substances. It was also mentioned that some figures referred to newly produced substances while others were recycled. He undertook to clarify the figures not later than February 1997.

10. Responding to requests from several members for additional information regarding ODS suppliers and cross frontier movements of ODS, the representative of the Russian Federation referred to current difficulties of building a customs information system in his country. He informed the Committee that such a system would be implemented in Russia during 1997 and that the detailed information requested by the Committee would therefore be available by February 1997. This information would also include complete data for 1996.

11. One member stated that the Committee should look at the issue concerning the Russian Federation with a certain degree of satisfaction. Although not all the requested information had yet been received, it was clear that the Russian Federation had begun a substantive process of cooperation with the Committee in discussing issues relating to its compliance with the Montreal Protocol.

12. A representative from the Russian Federation requested clarification on the reporting requirements on export data required from other Parties. The representative of the World Bank also inquired if Article 2 Parties who exported controlled substances to Parties operating under Article 5 were required to report the destination of those exports.

13. Responding to these questions, the President and members of the Committee referred to Decision VII/18, and noted that to date only the Russian Federation had been requested to provide such information to the Parties. This was due to the fact that it was the only Party still producing ODS in non-compliance with the phase-out schedule of the Montreal Protocol.

14. After deliberation in closed session, the Committee decided to recommend an amended version of draft decision VIII/21 on Compliance with the Montreal Protocol by the Russian Federation to the Eighth meeting of the Parties for its consideration.

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Draft decision VIII/21. Compliance with the Montreal Protocol  
by Russian Federation

1. To recall decision VII/18 of the Seventh Meeting of the Parties by which the Russian Federation was, inter alia, requested to provide to the Implementation Committee in 1996, additional information relative to the implementation of the Montreal Protocol;
2. To note that according to its written submissions and the statements of the representative of the Russian Federation at the thirteenth, fourteenth, fifteenth and sixteenth meetings of the Implementation Committee, the Russian Federation was in a situation of non-compliance with the Montreal Protocol in 1996;
3. To also note the considerable progress made by the Russian Federation to address non-compliance issues raised by the Seventh Meeting of the Parties;
4. That the situation regarding the phase-out of ozone-depleting substances should be kept under review, specifically with regard to the additional information requested from the Russian Federation in paragraph 9 (c) of decision VII/18 of the Seventh Meeting of the Parties and, in particular, the detailed information on trade in ozone-depleting substances;
5. That the disbursement of financial assistance for ODS phase-out in the Russian Federation should continue to be contingent on further developments with regard to non-compliance and the settlement with the Implementation Committee of any problems related to the reporting requirements and the actions of the Russian Federation;
6. That the Russian Federation should maximize the use of its recycling facilities to meet its internal needs and therefore diminish the production of new CFCs accordingly;
7. To note that the Russian Federation has undertaken to report detailed information, including quantities, on imports and exports of ODS and products containing such substances; data on the type of ODS (freshly produced, recovered, recycled, reclaimed, re-used, used in feedstock); and details of the supplier, recipient and conditions of delivery of the substances for 1996 not later than February 1997;
8. To keep under review the situation regarding the phase-out of ozone-depleting substances in the Russian Federation.

C. Non-compliance by the Czech Republic with the halons  
reduction schedule for 1994

15. Introducing this item, the President recalled the discussion of this issue during the fifteenth meeting of the Implementation Committee. He noted that the information provided by the Czech Republic as outlined in

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paragraph 3 of document UNEP/OzL.Pro/ImpCom/15/2 indicated that although the Czech Republic had been in violation of the Protocol in 1994, halon consumption had been phased out completely during 1995.

16. The Committee agreed to recommend to the Eighth meeting of the Parties for its consideration the following draft decision on non-compliance by Czech Republic with the halon phase out by 1994:

1. To note the Czech Republic's non-compliance in the year 1994 with the halon phase out due to the indispensable operation of special cooling equipment for the chemical industry;
2. To note further that, if continued halon use was indispensable, the Czech Republic should have applied to the Parties through the essential use nomination process for allocation of a specific quantity of halon for that year;
3. To note, however, that the Czech Republic was in compliance in 1995 with the halon phase-out.
4. That no further action is necessary in view of the Czech Republic's complete phase out of halon consumption according to the data submitted to the Secretariat pursuant to Article 7 of the Montreal Protocol for 1995.

#### IV. ADOPTION OF THE REPORT

17. In accordance with past practice, the Implementation Committee entrusted to the President and the Rapporteur the finalization of the report on the work of its sixteenth meeting.

#### V. CLOSURE OF THE MEETING

18. The President declared the sixteenth meeting of the Implementation Committee closed at 3.30 p.m. on Wednesday 20 November 1996.

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Annex I

January to June 1996

SUBSTANCES	EXPORT	IMPORT	EXPORT TO THE COUNTRIES (PRELIMINARY INFORMATION)
ANNEX A			
GROUP I CFCl 3 (CFC-11)	444.48	-	CUBA
CF2Cl 2 (CFC-12)	2 039.469	200.143	UKRAINE, CUBA, LATVIA, UZBEKISTAN, ROMANIA, LITHUANIA, TURKMENISTAN
C2F3Cl 3 (CFC-113)	114.772	-	UKRAINE, REPUBLIC OF KOREA.
C2F4Cl 2 (CFC-114)	-	0.025	
C2F5Cl (CFC-115)		-	
TOTAL	2 598.72	200.168	
GROUP II CF2 BrCl (HALON 1211)	-	-	
CF3Br (HALON 1301)	-	USA 50 tonnes in August 1996	
C2F4Br2 (HALON 2402)	-	-	UKRAINE (10 tonnes) LITHUANIA (6 tonnes) UZBEKISTAN (4 tonnes) in July-August 1996
TOTAL	-	-	
SUBSTANCES ANNEX B	-	-	-
GROUP I CF3Cl (CFC-13)	-	-	UKRAINE (5 tonnes in August)
GROUP II CCl4	193.590	9.808	BELARUS
GROUP III C2H3Cl3	182.697	126.415	UKRAINE
Substances Annex C	-	-	-
GROUP I CHF2Cl (HCFC-22)	238.590	GREAT BRITAIN, FRANCE, NETHERLANDS  35.829	CUBA, LATVIA, IRAN, CYPRUS, UKRAINE, UZBEKISTAN, LITHUANIA, ROMANIA, TURKMENISTAN
Substances Annex E	-	-	-
GROUP I CH3Br	2.938	933.467	-

Annex II

LIST OF PARTICIPANTS

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