

**DECISIONS OF THE PARTIES RELATED TO THE  
NON-COMPLIANCE PROCEDURE OF THE  
MONTREAL PROTOCOL ON SUBSTANCES THAT  
DEplete THE OZONE LAYER**

**October 2007**

## TABLE OF CONTENTS

DECISION TOPIC	PAGE NO.
<b>Non-compliance procedure</b>	<b>1</b>
<b>Implementation committee</b>	<b>5</b>
Membership and term of office	<b>5</b>
Interaction with the Executive Committee	<b>9</b>
<b>Compliance by groups of parties</b>	<b>10</b>
Control measures	<b>10</b>
Data reporting*	<b>14</b>
Baseline data revision	<b>25</b>
Licensing systems*	<b>28</b>
<b>Compliance by particular Parties</b> (alphabetically listed)	<b>31</b>
<b>Current Non-Compliance Procedure of the Montreal Protocol, including indicative list of measures</b>	<b>115</b>

\* limited to decisions regarding the Parties' compliance with their data reporting and licensing system obligations under Articles 7 and 4B of the Protocol respectively. Other decisions on data reporting and licensing can be found in the *Handbook for the Montreal Protocol on Substances that Deplete the Ozone Layer, Seventh edition* (pp. 199-217; 161-171).

## Decisions on the non-compliance procedure

### Decision I/8: Non-compliance

The *First Meeting of the Parties* decided in *Dec.I/8*:

- (a) to establish an open-ended *ad hoc* Working Group of Legal Experts to develop and submit to the Secretariat by 1 November 1989 appropriate proposals for consideration and approval by the Parties at their Second Meeting on procedures and institutional mechanisms for determining non-compliance with the provisions of the Montreal Protocol and for the treatment of Parties that fail to comply with its terms;
- (b) to invite Parties and signatories to submit to the Secretariat by no later than 22 May 1989 any comments or proposals they wish to see reflected in the working documents of the *ad hoc* working group;
- (c) to urge the Parties to provide within the next three months on a voluntary basis, the necessary funds for the *ad hoc* working group's meeting.

### Decision II/5: Non-compliance

The *Second Meeting of the Parties* decided in *Dec.II/5*:

To adopt, on an interim basis, the procedures and institutional mechanisms for determining non-compliance with the provisions of the Protocol and for treatment of Parties found to be in non-compliance, as set out in Annex III to the report on the work of the Second Meeting of the Parties; [see *Section 2.8 in this Handbook*]

To extend the mandate of the open-ended *Ad hoc* Working Group of Legal Experts to elaborate further procedures on non-compliance and terms of reference for the Implementation Committee and to present the results for review by the preparatory meeting to the Fourth Meeting of the Parties with a view to their consideration at the Fourth Meeting.

### Decision III/2: Non-compliance procedure

The *Third Meeting of the Parties* decided in *Dec.III/2* to

- (a) request the *Ad hoc* Working Group of Legal Experts on the Non-compliance Procedure with the Montreal Protocol, when elaborating further the procedures on non-compliance, to:
  - (i) identify possible situations of non-compliance with the Protocol;
  - (ii) develop an indicative list of advisory and conciliatory measures to encourage full compliance;
  - (iii) reflect the role of the Implementation Committee as an advisory and conciliatory body bearing in mind that the recommendation of the Implementation Committee on Non-compliance Procedure must always be referred to the meeting of the Parties for final decision;
  - (iv) reflect the possible need for legal interpretation of the provisions of the Protocol;
  - (v) draw up an indicative list of measures that might be taken by a meeting of the Parties in respect of Parties that are not in compliance with the Protocol, bearing in mind the need to provide all assistance possible to countries, particularly developing countries, to enable them to comply with the Protocol;
  - (vi) endorse the conclusion of the *Ad Hoc* Working Group of Legal Experts that the judicial and arbitral settlement of disputes provided for in Article 11 of the Vienna Convention and the Non-compliance Procedure pursuant to Article 8 of the Montreal Protocol were two distinct and separate procedures (UNEP/OzL.Pro/WG.3/2/3);

- (b) adopt the following timetable for finalization of the draft non-compliance procedures for consideration by the Fourth Meeting of the Parties to the Protocol:

October 1991: Meeting of the *Ad hoc* Working Group of Legal Experts to complete the draft procedures for endorsement by the Parties;

November 1991: Submission of draft non-compliance procedures to the Ozone Secretariat;

December 1991: Circulation of draft non-compliance procedures to the Parties.

### **Decision III/17: Amendment of the Vienna Convention**

The *Third Meeting of the Parties* decided in *Dec.III/17* with respect to the amendment procedure of the Vienna Convention, to request the *Ad Hoc* Working Group of Legal Experts on Non-compliance with the Montreal Protocol to consider procedures for expediting the amendment procedure under Article 9 of the Vienna Convention.

### **Decision IV/5: Non-compliance procedure**

The *Fourth Meeting of the Parties* decided in *Dec.IV/5*:

1. to note with appreciation the work of the *Ad Hoc* Working Group of Legal Experts on Non-Compliance with the Montreal Protocol;
2. to adopt the non-compliance procedure, as set out in Annex IV to the report of the Fourth Meeting of the Parties [*see Section 2.8 in this Handbook*];
3. to adopt the indicative list of measures that might be taken in respect of non-compliance, as set out in Annex V to the report of the Fourth Meeting of the Parties [*see Section 2.8 in this Handbook*];
4. to accept the recommendation that there is no need to expedite the amendment procedure under Article 9 of the Vienna Convention for the Protection of the Ozone Layer;
5. to adopt the view that the responsibility for legal interpretation of the Protocol rests ultimately with the Parties themselves.

### **Decision IX/35: Review of the non-compliance procedure**

The *Ninth Meeting of the Parties* decided in *Dec. IX/35*:

*Recalling* the non-compliance procedure adopted by the Fourth Meeting of the Parties in its decision IV/5,

*Noting* that these procedures have not been reviewed since their adoption in 1992,

*Aware* that the effective operation of the Protocol requires that these procedures should be reviewed on a regular basis,

*Also aware* of the fundamental importance of ensuring compliance with the provisions of the Montreal Protocol and of assisting Parties to that end,

1. To establish an Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance composed of fourteen members: seven representatives from Parties operating under paragraph 1 of Article 5 and seven representatives from Parties not operating under Article 5, to review the non-compliance procedure of the Montreal Protocol and to develop appropriate conclusions and recommendations, for consideration by the Parties, on the need and modalities for the further elaboration and the strengthening of this procedure;
2. To select the following seven Parties: Australia, Canada, European Community, Russian Federation, Slovakia, Switzerland and United Kingdom of Great Britain and Northern Ireland from those Parties not operating under paragraph 1 of Article 5, and to select the following

- seven Parties: Argentina, Botswana, China, Georgia, Morocco, Sri Lanka and St. Lucia, from those Parties operating under paragraph 1 of Article 5, as members of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance;
3. To note that the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance shall select two Co-Chairs, one from those Parties operating under paragraph 1 of Article 5 and one from Parties not so operating;
  4. To adopt the following timetable for the work of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance:
    - (a) 1 November 1997: each of the selected Parties is invited to indicate to the Secretariat the name of its representative to the Ad Hoc Working Group;
    - (b) 1 January 1998: all Parties are also invited to submit to the Secretariat any comments or proposals they wish to see considered in the work of the Ad Hoc Working Group;
    - (c) The Ad Hoc Working Group will meet during the three days immediately prior to the seventeenth meeting of the Open-ended Working Group of the Parties. It should provide a short report at the seventeenth meeting of the Open-ended Working Group of the Parties on the status of its work;
    - (d) The Ad Hoc Working Group will meet during the three days immediately prior to the Tenth Meeting of the Parties. It should provide a status report on the outcome of its work, including any conclusions and recommendations;
    - (e) The Group may also consider carrying out additional work through correspondence or any other means it considers appropriate;
  5. To request the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance, when reviewing the non-compliance procedure to:
    - (a) Consider any proposals presented by Parties for strengthening the non-compliance procedure, including, *inter alia*, how repeated instances of major significance of non-compliance with the Protocol could trigger the adoption of measures under the indicative list of measures with a view to ensuring prompt compliance with the Protocol;
    - (b) Consider any proposals presented by Parties for improving the effectiveness of the functioning of the Implementation Committee, including with respect to data-reporting and the conduct of its work;
  6. To consider and adopt any appropriate decision at the Tenth Meeting of the Parties upon the review of the work of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance, including its conclusions and/or recommendations;
  7. To note that the review of the “Indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance with the Protocol” is not included in the mandate of the Ad Hoc Working Group.

#### **Decision X/10: Review of the non-compliance procedure**

The *Tenth Meeting of the Parties* decided in *Dec. X/11*:

*Recalling* decision IV/5 on a non-compliance procedure of the Montreal Protocol adopted by the Fourth Meeting of the Parties,

*Recalling also* decision IX/35 on review of the non-compliance procedure adopted by the Ninth Meeting of the Parties,

*Noting* the report of the Ad Hoc Working Group of Legal and Technical Experts on Non-Compliance established by decision IX/35 (UNEP/OzL.Pro/WG.4/1/3) and, in particular, its conclusion that in general the non-compliance procedure has functioned satisfactorily but that

further clarification was desirable and that some additional practices should be developed to streamline the procedure,

1. To express appreciation to the Ad Hoc Working Group for its report reviewing the non-compliance procedure;
2. To agree on the following changes in the text with a view to clarifying particular paragraphs of the non-compliance procedure:
  - (a) In *paragraph 2*, the following should be substituted for the last sentence:

“If the Secretariat has not received a reply from the Party three months after sending it the original submission, the Secretariat shall send a reminder to the Party that it has yet to provide its reply. The Secretariat shall, as soon as the reply and information from the Party are available, but not later than six months after receiving the submission, transmit the submission, the reply and the information, if any, provided by the Parties to the Implementation Committee referred to in paragraph 5, which shall consider the matter as soon as practicable.”
  - (b) In *paragraph 3*, the following should be substituted for the word “accordingly” at the end of the paragraph:

“, which shall consider the matter as soon as practicable”
  - (c) In *paragraph 5*:
    - (i) The following should be inserted after the second sentence:

“Each Party so elected to the Committee shall be requested to notify the Secretariat, within two months of its election, of who is to represent it and shall endeavour to ensure that such representation remains throughout the entire term of office.”
    - (ii) The following should be inserted after the third sentence:

“A Party that has completed a second consecutive two-year term as a Committee member shall be eligible for election again only after an absence of one year from the Committee.”
  - (d) In *paragraph 7*, the following subparagraph should be inserted after subparagraph (c):

“(d) To identify the facts and possible causes relating to individual cases of non-compliance referred to the Committee, as best it can, and make appropriate recommendations to the Meeting of the Parties;”

and the subsequent subparagraphs should be renumbered accordingly;
3. To agree, consistent with the Implementation Committee’s practice of reviewing all instances of non-compliance, that in situations where there has been a persistent pattern of non-compliance by a Party, the Implementation Committee should report and make appropriate recommendations to the Meeting of the Parties with the view to ensuring the integrity of the Montreal Protocol, taking into account the circumstances surrounding the Party’s persistent pattern of non-compliance. In this connection, consideration should be given to progress made by a Party towards achieving compliance and measures taken to help the non-compliant Party return to compliance;
4. To draw the attention of Parties to the amended non-compliance procedure as set out in annex II to the report of the Tenth Meeting of the Parties [*see Section 2.8 in this Handbook*];
5. To consider, unless the Parties decide otherwise, the operation of the non-compliance procedure again no later than the end of 2003.

## Decisions on the Implementation Committee

### Membership and Term of Office

#### **Decision III/3: Implementation Committee**

The *Third Meeting of the Parties* decided in *Dec.III/3*:

- (a) to note the progress made by the Implementation Committee and to urge strongly that the Parties that have not yet done so should submit without delay the data required by the Montreal Protocol;
- (b) that those States, not forming part of a regional economic integration organization, which had reported data jointly in the past should submit separate data in the future, and do so, if appropriate, in the context of Decision III/7(a);
- (c) that the period for data reporting is 1 January to 31 December (Article 7, paragraph 2) and that the control period is 1 July to 30 June (Article 2, paragraph 1) and to request the Parties to report the data for both periods;
- (d) To endorse the recommendation on the categorization of the developing countries under paragraph 1 of Article 5:  
  
“In the light of the figures contained in the report on data (UNEP/OzL.Pro/WG.2/1/3 and Add.1), the recommendation contained in paragraph 14 (e) of the report of the *Ad hoc* Group of Experts on the Reporting of Data (UNEP/OzL.Pro/WG.2/1/4), the Committee determined that the following developing countries should be temporarily categorized as not operating under Article 5, paragraph 1: Bahrain, Malta, Singapore and United Arab Emirates. All other developing countries were considered to be operating under Article 5, paragraph 1.”;
- (e) to confirm the positions of Hungary, Japan, Norway, Trinidad and Tobago, and Uganda as members of the Implementation Committee for one further year and to select Cameroon, Chile, Thailand, U.S.A. and U.S.S.R. for a two year period.

#### **Decision III/20: Composition of the Implementation Committee**

The *Third Meeting of the Parties* decided in *Dec.III/20* to change paragraph 3 of Non-compliance Procedure as in Annex III to the report of the Second Meeting of the Parties to the Montreal Protocol [*see Section 2.8 in this Handbook*]:

- “3. An Implementation Committee is hereby established. It shall consist of ten Parties elected by the Meeting of the Parties for two years, based on equitable geographical distribution. Outgoing Parties may also be re-elected for one immediate consecutive term.”.

#### **Decision IV/6: Implementation Committee**

The *Fourth Meeting of the Parties* decided in *Dec.IV/6* to confirm the positions of Cameroon, Chile, Russian Federation, Thailand and the United States as members of the Implementation Committee for one further year, and to select Argentina, Austria, Bulgaria, Republic of Korea and Uganda for a two-year period.

#### **Decision V/2: Implementation Committee**

The *Fifth Meeting of the Parties* decided in *Dec.V/2* to confirm the positions of Argentina, Austria, Bulgaria, the Republic of Korea and Uganda as members of the Implementation Committee for one further year, and to select Burkina Faso, Chile, Jordan, the Netherlands and the Russian Federation as members of the Committee for a two-year period.

### **Decision VI/3: Implementation Committee**

The *Sixth Meeting of the Parties* decided in *Dec. VI/3* to confirm the positions of Burkina Faso, Chile, Jordan, the Netherlands and the Russian Federation as members of the Implementation Committee for one further year, and to select Austria, Bulgaria, Peru, Philippines and the United Republic of Tanzania as members of the Committee for a two-year period.

### **Decision VII/21: Membership of the Implementation Committee**

The *Seventh Meeting of the Parties* decided in *Dec. VII/21*:

1. To note with appreciation the work done by the Implementation Committee;
2. To confirm the positions of Austria, Bulgaria, Peru, Philippines and the United Republic of Tanzania as members of the Committee for one further year, and to select Canada, Sri Lanka, Ukraine, Uruguay and Zambia as members of the Committee for a two-year period.

### **Decision VIII/3: Membership of the Implementation Committee**

The *Eighth Meeting of the Parties* decided in *Dec. VIII/3*:

1. To note with appreciation the work done by the Implementation Committee;
2. To confirm the positions of Canada, Sri Lanka, Ukraine, Uruguay and Zambia for one further year, and to select Dominican Republic, Germany, Ghana, Indonesia, and Lithuania as members of the Committee for a two-year period.

### **Decision IX/12: Membership of the Implementation Committee**

The *Ninth Meeting of the Parties* decided in *Dec. IX/12*:

1. To note with appreciation the work done by the Implementation Committee;
2. To confirm the positions of the Dominican Republic, Germany, Ghana, Indonesia and Lithuania for one further year, and to select Bolivia, Kenya, Latvia, Pakistan and the United States of America as members of the Committee for a two-year period.

### **Decision X/3: Membership of the Implementation Committee**

The *Tenth Meeting of the Parties* decided in *Dec. X/3*:

1. To note with appreciation the work done by the Implementation Committee;
2. To confirm the positions of Bolivia, Kenya, Latvia, Pakistan and the United States of America for one further year and to select Antigua and Barbuda, Mali, Poland, Saudi Arabia, and the United Kingdom as members of the Committee for a two-year period.

### **Decision XI/8: Membership of the Implementation Committee**

The *Eleventh Meeting of the Parties* decided in *Dec. XI/8*:

1. To note with appreciation the work done by the Implementation Committee for 1999;
2. To confirm the positions of Mali, Poland, Saudi Arabia and the United Kingdom for one further year and to select Argentina, Bangladesh, Czech Republic, Ecuador, Egypt and United States of America as members of the Committee for a two-year period.

**Decision XII/3. Membership of the Implementation Committee**

The *Twelfth Meeting of the Parties* decided in *Dec. XII/3*:

1. To note with appreciation the work done by the Implementation Committee in the year 2000;
2. To confirm the positions of Argentina, Bangladesh, the Czech Republic, Ecuador, Egypt and the United States of America for one further year and to select Senegal, Slovakia, Sri Lanka and the United Kingdom of Great Britain and Northern Ireland as members of the Committee for a two-year period from 1 January 2001;
3. To note the selection of the United Kingdom of Great Britain and Northern Ireland to serve as President and of Bangladesh to serve as Vice-President and Rapporteur of the Implementation Committee for one year effective 1 January 2001.

**Decision XII/13. Term of office of the Implementation Committee and its officers**

The *Twelfth Meeting of the Parties* decided in *Dec. XII/13*:

1. To fix the term of office of the Committee and its officers as 1 January to 31 December each year;
2. To request the Committee elected each year by the Meeting of the Parties to elect its President and Vice-President during the Meeting itself in order to ensure continuity of these two offices.

**Decision XIII/26. Membership of the Implementation Committee**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/26*:

1. To note with appreciation the work done by the Implementation Committee in the year 2001;
2. To confirm the positions of Senegal, Slovakia, Sri Lanka and the United Kingdom of Great Britain and Northern Ireland for one further year and to select Australia, Bangladesh, Bolivia, Bulgaria, Ghana and Jamaica as members of the Committee for a two-year period from 1 January 2002;
3. To note the selection of Bangladesh to serve as President and of Australia to serve as Vice-President and Rapporteur of the Implementation Committee for one year effective 1 January 2002.

**Decision XIV/12. Membership of the Implementation Committee**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/12*:

1. To note with appreciation the work done by the Implementation Committee in the year 2002;
2. To confirm the positions of Australia, Bangladesh, Bulgaria, Ghana, and Jamaica for one further year and select Honduras, Italy, Lithuania, Maldives and Tunisia as members of the Committee for a two-year period from 1 January 2003;
3. To note the selection of Australia to serve as President and of Jamaica to serve as Vice-President and Rapporteur of the Implementation Committee for one year effective 1 January 2003.

**Decision XV/13. Membership of the Implementation Committee**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/13*:

1. To note with appreciation the work done by the Implementation Committee in 2003;
2. To confirm the positions of Honduras, Italy, Lithuania, the Maldives and Tunisia for a further one year and select Australia, Belize, Ethiopia, Jordan and the Russian Federation as members of the Committee for a two-year period from 1 January 2004;
3. To note the selection of Tunisia to serve as President and of Italy to serve as Vice-President and Rapporteur of the Implementation Committee for one year with effect from 1 January 2004;

**Decision XVI/42. Membership of the Implementation Committee**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/42*:

1. To note with appreciation the work done by the Implementation Committee in the year 2004;
2. To confirm the positions of Australia, Belize, Ethiopia, Jordan and the Russian Federation for one further year and to select Cameroon, Georgia, Guatemala, Nepal and the Netherlands as members of the Committee for a two-year period from 1 January 2005;
3. To note the selection of the Netherlands to serve as President and of Jordan to serve as Vice-President and Rapporteur, respectively, of the Implementation Committee for one year with effect from 1 January 2005;

**Decision XVII/43: Membership of the Implementation Committee**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/43*:

1. To note with appreciation the work done by the Implementation Committee in 2005;
2. To confirm the positions of Cameroon, Georgia, Guatemala, Nepal and the Netherlands for one further year and to select Argentina, Lebanon, New Zealand, Nigeria and Poland as members of the Committee for a two-year period from 1 January 2006;
3. To note the selection of Georgia to serve as President and of New Zealand to serve as Vice-President and Rapporteur of the Implementation Committee for one year with effect from 1 January 2006;

**Decision XVIII/1: Membership of the Implementation Committee**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/1*:

1. To note with appreciation the work done by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol in the year 2006;
2. To confirm the positions of Argentina, Lebanon, New Zealand, Nigeria and Poland as members of the Committee for one further year and to select Bolivia, Georgia, India, Tunisia and the Netherlands as members of the Committee for a two-year period from 1 January 2007;
3. To note the selection of New Zealand to serve as President and of Tunisia to serve as Vice-President and Rapporteur, respectively, of the Implementation Committee for one year with effect from 1 January 2007;

## **Decision XIX/2: Membership of the Implementation Committee**

The *Nineteenth Meeting of the Parties* decided in *Dec. XIX/2*:

1. To note with appreciation the work done by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol in the year 2007;
2. To confirm the positions of Bolivia, Georgia, India, Tunisia and the Netherlands for one further year and to select Jordan, Mauritius, Mexico, New Zealand and the Russian Federation as members of the Committee for a two-year period commencing 1 January 2008;
3. To note the selection of Tunisia to serve as President and of the Russian Federation to serve as Vice-President and Rapporteur, respectively, of the Implementation Committee for one year with effect from 1 January 2008;

### Interaction with the Executive Committee

## **Decision XIV/37. Interaction between the Executive Committee and the Implementation Committee**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/37*:

*Noting* that the Multilateral Fund has an important responsibility for enabling compliance, but that without national action, there can be no compliance,

*Acknowledging* that the Executive Committee, pursuant to the Multilateral Fund's mandate "to enable compliance" has a responsibility to consider both the current and forecasted compliance status of a country when it reviews submissions connected with funding proposals and that, therefore, the Committee should work with the Party to eliminate the duration of any possible non-compliance,

*Mindful of the fact* that the Executive Committee's decisions to approve funding cannot be construed to condone a Party's non-compliance and that each Party continues to bear the responsibility to meet its obligations,

1. To request the Executive Committee to therefore make it clear that its funding decisions are always without prejudice to a Party's duty to meet its obligations under the Protocol, and are also without prejudice to the operation of the mechanisms in the Protocol that exist for the treatment of Parties in non-compliance. Accordingly, the Executive Committee should include language to this effect in its funding decisions where non-compliance is potentially at issue;
2. To note that while the Implementation Committee may take into account information from the Executive Committee consistent with paragraph 7(f) of the non-compliance procedure, the Executive Committee has no formal role in the crafting of Implementation Committee recommendations;
3. To further note that in no case should any Implementation Committee action be construed as directly requiring the Executive Committee to take any specific action regarding the funding of any specific project;
4. To note that the Executive Committee and Implementation Committee are independent of each other. However, pursuant to Article 10, the Multilateral Fund operates under the authority of the Parties and, pursuant to the non-compliance procedure of the Montreal Protocol, the Implementation Committee reports its recommendations to the Parties for possible decision.

## Decisions on compliance by groups of Parties

### Control measures

#### **Decision XIII/16. Potential non-compliance with the freeze on CFC consumption in Article 5 Parties in the control period 1999-2000**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/16*:

1. To note that, in accordance with decision X/29 of the 10th Meeting of the Parties, the Implementation Committee requested the Secretariat to write to the following Article 5 Parties, Bangladesh, Chad, Comoros, Dominican Republic, Honduras, Kenya, Mongolia, Morocco, Niger, Nigeria, Oman, Papua New Guinea, Paraguay, Samoa and Solomon Islands, that had reported data on CFC consumption for either the year 1999 and/or 2000 that was above their individual baselines;
2. That since none of the above Parties has responded to the request from the Secretariat for data for the control period from 1 July 1999 to 30 June 2000, all are presumed to be in non-compliance with the control measures under the Protocol in the absence of further clarification;
3. To closely monitor the progress of these Parties with regard to the phase-out of ozone-depleting substances. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution these Parties, in accordance with item B of the indicative list of measures, that in the event that any country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XIV/17. Potential non-compliance with the freeze on CFC consumption by Parties operating under Article 5 for the control period July 2000 to June 2001**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/17*:

1. To note that, pursuant to decision X/29 of the Tenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to those Parties operating under Article 5 that had reported data on CFC consumption for either the year 2000 and/or 2001 that was above their individual baselines;
2. To note that Guatemala, Malta, Pakistan and Papua New Guinea have failed to report data for the control period from 1 July 2000 to 30 June 2001, and have reported annual data for either 2000 or 2001 which is above their baseline. In the absence of further clarification, these Parties are presumed to be in non-compliance with the control measures under the Protocol;
3. To urge these Parties to report data for the control period from 1 July 2000 to 30 June 2001 as a matter of urgency;
4. To closely monitor the progress of these Parties with regard to the phase-out of ozone-depleting substances. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution these Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list

of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

**Decision XIV/28. Non-compliance with consumption phase-out by Parties not operating under Article 5 in 2000**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/28*:

1. To note that Belarus and Latvia have reported data on consumption of substances in Annex A or B to the Montreal Protocol in 2000 that places them in non-compliance with the national plans negotiated with the Parties and stated in Decisions X/21 and X/24 respectively;
2. To strongly request these Parties to provide the Implementation Committee, through the Secretariat, with explanations for their non-compliance, based on the data reported under Article 7 of the Protocol, as a matter of urgency;
3. To request the Implementation Committee to review the situation with regard to the phase-out of ozone-depleting substances in these Parties at its next meeting, and report to the Fifteenth Meeting of the Parties.

**Decision XV/21. Potential non-compliance with consumption of Annex A, group I, ozone-depleting substances (CFCs) by Article 5 Parties for the control period 1 July 2001-31 December 2002, and requests for plans of action**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/21*:

1. To note that the following Article 5 Parties have failed to report data for consumption of Annex A, group I, substances for the control period from 1 July 2001 to 31 December 2002, and have reported annual data for 2001 and/or 2002 which are above their requirement for a freeze in consumption: Dominica, Haiti, Saint Kitts and Nevis, and Sierra Leone. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. To urge those Parties to report data for Annex A, group I, substances for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency and, in addition, for consideration at the next meeting of the Implementation Committee, explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. To note also, however, the special situation of Haiti, which has only recently ratified the Montreal Protocol and begun to implement its refrigerant management plan;
4. To monitor closely the progress of those Parties with regard to the phase-out of CFCs. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution those Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner, 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XV/22. Potential non-compliance with consumption of Annex A, group II, ozone-depleting substances (halons) by Article 5 Parties in 2002, and requests for plans of action**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/22*:

1. To note that the following Article 5 Parties have reported annual data for Annex A, group II substances for 2002 which are above their requirement for a freeze in consumption: Malaysia, Mexico, Nigeria and Pakistan. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. To request those Parties to submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule; policy and regulatory instruments that will ensure progress in achieving the phase-out; and work with implementing agencies to identify alternatives to Annex A, group II, substances;
3. To monitor closely the progress of those Parties with regard to the phase-out of halons. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution those Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner 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 halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XV/24. Potential non-compliance with consumption of the controlled substance in Annex E (methyl bromide) by non-Article 5 Parties in 2002, and requests for plans of action**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/24*:

1. To note that Latvia has reported annual data for 2001 which are above its requirement for a 50 per cent reduction in consumption of the controlled substance in Annex E, therefore placing Latvia in non-compliance with its obligations under Article 2H of the Montreal Protocol for 2001;
2. To note also, however, that Latvia had provided an explanation for its non-compliance and has subsequently reported Annex E data for 2002 that indicate its return to compliance;
3. To note that Israel has reported annual data for 2002 which are above its requirement for a 50 per cent reduction in consumption of the controlled substance in Annex E. In the absence of further clarification, Israel is presumed to be in non-compliance with the control measures under the Protocol;
4. To request Israel to submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Israel may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
5. To monitor closely the progress of Israel with regard to the phase-out of methyl bromide. To the degree that Israel is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. Through the present decision, however, the Parties caution Israel, 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 Parties will consider

measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XV/25. Potential non-compliance with consumption of the ozone-depleting substance in Annex E (methyl bromide) by Article 5 Parties in 2002, and requests for plans of action**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/25*:

1. To note that the following Article 5 Parties have reported annual data for the controlled substance in Annex E for 2002 which are above their requirement for a freeze in consumption: Barbados, Egypt, Paraguay, Philippines, Saint Kitts and Nevis, and Thailand. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. To request those Parties to submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and 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 those Parties with regard to the phase-out of methyl bromide. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution those Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

## Data reporting

### **Decision IV/9: Data and information reporting**

The *Fourth Meeting of the Parties* decided in *Dec.IV/9*:

1. to note with satisfaction that all the Parties that reported data met or exceeded their obligations for control measures under Article 2 of the Protocol;
2. to urge all Parties that have not reported their data to the Secretariat to do so as soon as possible;
3. to encourage all Parties to adhere strictly to the reporting requirement under paragraph 3 of Article 7 of the amended Protocol which provides, *inter alia*, that data shall be provided not later than nine months after the end of the year to which the data relate;
4. to urge all Parties to insert further subdivisions to the recommended Harmonized System subheadings so that imports and exports of each of the substances listed in the annexes of the Protocol as well as each of the mixtures containing these substances can be accurately monitored in order to facilitate reporting of data under Article 7 of the Protocol.

### **Decision V/6: Data and information reporting**

The *Fifth Meeting of the Parties* decided in *Dec.V/6*:

1. To note with satisfaction that all the Parties that reported data have met or exceeded their obligations for control measures under Article 2 of the Protocol;
2. To urge all Parties that have not yet done so to report their data to the Secretariat as soon as possible;
3. To encourage all Parties to adhere strictly to the reporting requirement under paragraph 3 of Article 7 of the amended Protocol which provides, *inter alia*, that data shall be provided not later than nine months after the end of the year to which the data relate;
4. To take note of the information provided by some Parties on the implementation of Article 4 of the Protocol and to encourage further those Parties that have not yet done so to provide the information to the Secretariat as soon as possible.

### **Decision VI/2: Implementation of Article 7 and 9 of the Protocol**

The *Sixth Meeting of the Parties* decided in *Dec.VI/2*:

1. To note with satisfaction the implementation of the provisions of the Protocol by the Parties which have so far reported data and information under Articles 7 and 9 of the Protocol;
2. To note that the timely reporting of data and any other required information is a legal obligation for each Party and to request all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

### **Decision VII/14: Implementation of the Protocol by the Parties**

The *Seventh Meeting of the Parties* decided in *Dec.VII/14*:

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with regret that only 82 Parties out of 126 that should have reported data for 1993 have reported and that only 60 Parties have reported data for 1994;

3. To note that the timely reporting of data and any other required information is a legal obligation for each Party and to request all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

**Decision VIII/2: Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol**

The *Eighth Meeting of the Parties* decided in *Dec. VIII/2*:

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with regret that only 104 Parties out of 141 that should have reported data for 1994 have reported to date and that only 61 Parties have to date reported data for 1995;
3. To remind all Parties of the requirement to comply with the provisions of Articles 7 and 9 of the Protocol.

**Decision IX/11: Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol**

The *Ninth Meeting of the Parties* decided in *Dec. IX/11*:

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with regret that only 113 Parties out of 152 that should have reported data for 1995 have reported to date and that only 43 Parties have to date reported data for 1996;
3. To remind all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

**Decision X/2: Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol**

The *Tenth Meeting of the Parties* decided in *Dec. X/2*:

1. To note with regret that, as of 31 October 1998, only 88 of the 164 Parties that should have reported data for 1997 had done so;
2. To remind all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

**Decision XI/23: Data reporting**

The *Eleventh Meeting of the Parties* decided in *Dec. XI/23*:

1. To note the improvement in the timely submission of data in accordance with Article 7 of the Protocol;
2. To note that Parties are to submit data by 30 September of the following year in accordance with their obligations under Article 7;
3. To urge all Parties to introduce licensing systems in accordance with the provisions of decision IX/8 and Article 4B of the Protocol to facilitate accuracy in data submission under Article 7;
4. To note that data collection on ozone-depleting substances sectors is important in assisting a Party to meet its obligations under the Protocol and that the Parties might wish to consider the burden of collecting sector data and other data required in the context of the Montreal Protocol at a future meeting;
5. To note that, because of the significant improvement in the timely submission of data, the Implementation Committee had been able in 1999 to review the control status of Parties for the

previous year, 1998. In earlier years, the Implementation Committee had reviewed only the control status for two years prior. Accordingly, decide to request that the Implementation Committee begin a full review of data for the year immediately prior to the Meeting of the Parties beginning in 2000;

6. To note that many Parties with economies in transition have established a phase-out plan with specific interim benchmarks in cooperation with the Global Environment Facility;
7. To urge those Parties with economies in transition mentioned in paragraph 6 above to submit to the Secretariat the phase-out plans with specific interim benchmarks developed with the Global Environment Facility in accordance with requests made at the Tenth Meeting of the Parties.

**Decision XII/6. Data and information provided by the Parties in accordance with Articles 7 and 9 of the Montreal Protocol**

The *Twelfth Meeting of the Parties* decided in *Dec. XV/16*:

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with regret that 21 Parties out of the 175 that should have reported data for 1998 have not reported to date;
3. To note further with regret that 59 Parties out of the 175 that should have reported data for 1999 by 30 September 2000 have not reported to date;
4. To remind all Parties to comply with the provisions of Article 7 and 9 of the Protocol as well as relevant decisions of the Parties on data and information reporting.

**Decision XIII/15. Data and information provided by the Parties to the 13th Meeting of the Parties in accordance with Article 7 of the Montreal Protocol**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/15*:

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with regret that 16 Parties out of the 170 that should have reported data for 1999 have not reported to date;
3. To strongly urge Parties to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September;
4. To urge Parties that have not already done so to report baseline data for 1986, 1989 and 1991 or the best possible estimates of such data where actual data are not available;
5. To advise Parties that request changes in reported baseline data for the base years to present their requests before the Implementation Committee which will in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval.

**Decision XIV/13. Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/13*:

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with regret that 49 Parties out of the 180 that should have reported data for 2001 have not reported to date;

3. To note further that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;
4. To strongly urge Parties to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September every year;
5. To remind Parties operating under Article 5(1) that for the purposes of reporting data, under the provisions of Article 2A paragraph 2 and Article 5 paragraph 8 bis (a) the current control period extends from 1 July 2001 to 31 December 2002.

**Decision XIV/14. Non-compliance with data reporting requirements under Article 7 of the Montreal Protocol by Parties temporarily classified as operating under Article 5 of the Protocol**

*The Fourteenth Meeting of the Parties decided in Dec. XIV/14:*

1. To note that the following Parties, temporarily classified as operating under Article 5, have not reported any consumption or production data to the Secretariat: Cambodia, Cape Verde, Djibouti, Liberia, Micronesia (Federated States of), Nauru, Palau, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Suriname and Vanuatu;
2. To note that this situation places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
3. To acknowledge that many of these Parties have only recently ratified the Montreal Protocol but also to note that twelve of them have received assistance with data collection from the Multilateral Fund through the Implementing Agencies;
4. To urge these Parties to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other Implementing Agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

**Decision XIV/15. Non-compliance with data reporting requirement under Article 7 paragraphs 1 and 2 of the Montreal Protocol**

*The Fourteenth Meeting of the Parties decided in Dec. XIV/15:*

1. To note that several Parties operating under Article 5 have not reported data for one or more of the base years (1986, 1989 or 1991) for one or more groups of controlled substances, as required by Article 7 paragraphs 1 and 2 of the Montreal Protocol;
2. To note that Article 7 paragraphs (1) and (2) of the Protocol provides for Parties to submit best possible estimates of the data referred to in those provisions where actual data is not available;
3. To request that the Secretariat should communicate with the Parties referred to in paragraph 1 above and offer assistance in reporting such estimates in accordance with Article 7 paragraphs (1) and (2).

**Decision XIV/16. Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5 paragraphs 3 and 8 ter (d)**

*The Fourteenth Meeting of the Parties decided in Dec. XIV/16:*

1. To note that the following Parties have not reported data for one or more of the years which are required for the establishment of baselines for Annex A and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):
  - (a) For Annex A: Angola, Cambodia, Cape Verde, Djibouti, Haiti, Liberia, Micronesia (Federated States of), Nauru, Palau, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Suriname and Vanuatu;

- (b) For Annex E: Cape Verde, Democratic Republic of Congo, Djibouti, Micronesia (Federated States of), Haiti, Democratic People's Republic of Korea, Liberia, Maldives, Nigeria, Palau, Saint Kitts and Nevis, Sao Tome and Principe, Sierra Leone, Somalia, Vanuatu;
2. To note that this places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
  3. To stress that compliance by these Parties with the Montreal Protocol cannot be determined without knowledge of this data;
  4. To note that 18 out of 20 of these Parties are receiving assistance with data collection from the Multilateral Fund through the Implementing Agencies;
  5. To urge these Parties to work closely with the Agencies concerned to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

**Decision XV/16. Non-compliance with data reporting requirements under Article 7, paragraphs 1 and 2 of the Montreal Protocol**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/16*:

1. To recall decision XIV/15 of the Fourteenth Meeting of the Parties, on non-compliance with data reporting requirements for the purpose of reporting data for base years;
2. To note with appreciation that several Parties have submitted data for their base years following the adoption of decision XIV/15;
3. To note, however, that the following Parties operating under Article 5, paragraph 1, have still not reported data for one or more of the base years (1986, 1989 or 1991) for one or more groups of controlled substances, as required by Article 7, paragraphs 1 and 2 of the Montreal Protocol: Cape Verde, China, Guinea-Bissau, Haiti, Honduras, Liberia, Libyan Arab Jamahiriya, Mali, Marshall Islands, Micronesia (Federated States of), Nauru, Nigeria, São Tomé and Príncipe, Somalia and Suriname;
4. To note further that Article 7, paragraphs 1 and 2 of the Protocol provide for Parties to submit best possible estimates of the data referred to in those provisions where actual data are not available;
5. To request the relevant implementing agencies of the Multilateral Fund to make available to the Secretariat any data they have obtained which may be relevant;
6. To request the Secretariat to communicate with the Parties referred to in paragraph 3 above and to offer assistance in reporting such estimates in accordance with Article 7, paragraphs 1 and 2;

**Decision XV/17. Non-compliance with data reporting requirements under Article 7 of the Montreal Protocol by Parties temporarily classified as operating under Article 5 of the Protocol**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/17*:

1. To note with appreciation the fact that, as requested under decision XIV/14 of the Fourteenth Meeting of the Parties, the following Parties have reported data, thus bringing themselves into compliance with the provisions of Article 7 and enabling their temporary classification as Article 5 Parties to be removed: Cambodia, Nauru, Rwanda, Sierra Leone and Suriname;
2. To note nevertheless that the following Parties, temporarily classified as operating under Article 5, have still not reported any consumption or production data to the Secretariat: Cape Verde, Guinea-Bissau, São Tomé and Príncipe and Somalia;
3. To note that that situation places those Parties in non-compliance with their data reporting obligations under the Montreal Protocol;

4. To acknowledge that many of those Parties have only recently ratified the Montreal Protocol but also to note that all of them have received assistance with data collection from the Multilateral Fund through the implementing agencies;
5. To urge those Parties to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of those Parties with respect to data reporting at its next meeting;

**Decision XV/18. Non-compliance with data reporting requirement for the purpose of establishing baselines under Article 5, paragraphs 3 and 8 ter (d)**

*The Fifteenth Meeting of the Parties decided in Dec. XV/18:*

1. To note with appreciation the fact that, as requested under decision XIV/16 of the Fourteenth Meeting of the Parties, the following Parties have reported baseline data, thus bringing themselves into compliance with the provisions of Article 5, paragraphs 3 and 8 ter (d): Angola, Cambodia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Haiti, Maldives, Micronesia (Federated States of), Nauru, Nigeria, Palau, Rwanda, Saint Kitts and Nevis, Sierra Leone, Suriname and Vanuatu;
2. To note nevertheless that the following Parties have still not reported data for one or more of the years which are required for the establishment of baselines for Annexes A, B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):
  - (a) For Annex A: Cape Verde, Djibouti, Guinea-Bissau, São Tomé and Príncipe, and Somalia;
  - (b) For Annex B: Cape Verde, Djibouti, Grenada, Guinea-Bissau, Liberia, São Tomé and Príncipe, and Somalia;
  - (c) For Annex E: Cape Verde, Djibouti, Guinea-Bissau, India, Liberia, Mali, São Tomé and Príncipe, and Somalia;
3. To note that that places those Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
4. To stress that compliance by those Parties with the Montreal Protocol cannot be determined without knowledge of those data;
5. To note that all those Parties are receiving assistance with data collection from the Multilateral Fund through the implementing agencies;
6. To note also that some of those Parties have only recently ratified various amendments to the Montreal Protocol and consequently may be in the process of collecting the required baseline data;
7. To urge those Parties to work closely with the implementing agencies concerned to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties with respect to data reporting at its next meeting;

**Decision XVI/17. Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/17*:

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with appreciation that 175 Parties out of the 184 that should have reported data for 2003 have now done so, but that the following Parties have still not reported to date: Botswana, Lesotho, Liberia, Micronesia (Federated States of), Nauru, Russian Federation, Solomon Islands, Turkmenistan and Tuvalu;
3. To note further that the Federated States of Micronesia has also still not reported data for 2001 and 2002;
4. To note that this places those Parties in non-compliance with their data-reporting obligations under the Montreal Protocol and to urge them, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties at its next meeting;
5. To note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;
6. To recall decision XV/15, which encouraged the Parties to forward data on consumption and production to the Secretariat as soon as the figures were available, and preferably by 30 June each year, in order to enable the Implementation Committee to make recommendations in good time before the Meeting of the Parties;
7. To note further with appreciation that 92 Parties out of the 184 that could have reported data by 30 June 2004 succeeded in meeting that deadline;
8. To note also that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund in assisting Parties operating under paragraph 1 of Article 5 to comply with the control measures of the Montreal Protocol;
9. To encourage Parties to continue to report consumption and production data as soon as the figures are available, and preferably by 30 June each year, as agreed in decision XV/15;

**Decision XVI/18. Non-compliance with data-reporting requirements under Articles 5 and 7 of the Montreal Protocol by Parties recently ratifying the Montreal Protocol**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/18*:

1. To note that the following Parties, temporarily classified as operating under paragraph 1 of Article 5, have not reported any consumption or production data to the Secretariat: Afghanistan and Cook Islands;
2. To note that that situation places those Parties in non-compliance with their data-reporting obligations under the Montreal Protocol;
3. To acknowledge that all those Parties have only recently ratified the Montreal Protocol and also to note that Cook Islands has not yet received assistance with data collection from the Multilateral Fund through the implementing agencies;
4. To urge those Parties to work together with the United Nations Environment Programme under the compliance assistance programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of those Parties with respect to data reporting at its next meeting;

**Decision XVI/20. Potential non-compliance in 2003 with consumption of the controlled substance in Annex B, group III (methyl chloroform) by Parties operating under paragraph 1 of Article 5, and requests for plans of action**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/20*:

1. To note that the following Parties operating under paragraph 1 of Article 5 of the Montreal Protocol have reported annual data for the controlled substance in Annex B, group III (methyl chloroform), for 2003 which is above their requirement for a freeze in consumption: Bangladesh, Bosnia and Herzegovina, Ecuador and the Islamic Republic of Iran. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol. To note, however, that the Islamic Republic of Iran has submitted a request for a change in its baseline data for methyl chloroform that will be considered by the Implementation Committee at its next meeting;
2. To request those Parties, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To monitor closely the progress of those Parties with regard to the phase-out of methyl chloroform. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions those Parties, in accordance with item B of the indicative list of measures, that, in the event that any Party fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVII/20. Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/20*:

1. To note with appreciation that 185 Parties out of the 188 that should have reported data for 2004 have done so, and that 114 of those Parties reported their data by 30 June 2005 in conformance with decision XV/15;
2. To note, however, that the following Parties have still not reported 2004 data: Cook Islands, Mozambique, Nauru;
3. To note that this places the Parties listed in paragraph 2 in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;
4. To urge the Parties listed in paragraph 2, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties at its next meeting;
5. To note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;
6. To note further 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;

7. 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;

**Decision XVII/21. Non-compliance with data-reporting requirements under Articles 5 and 7 of the Montreal Protocol by Parties recently ratifying the Montreal Protocol**

*The Seventeenth Meeting of the Parties* decided in Dec. XVII/21:

1. To note that Eritrea, temporarily classified as operating under paragraph 1 of Article 5 of the Montreal Protocol, has not reported any consumption or production data to the Secretariat;
2. To note that that situation places that Party in non-compliance with its data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data;
3. To acknowledge that Eritrea has only recently ratified the Montreal Protocol and has received approval for data collection assistance from the Multilateral Fund for the Implementation of the Montreal Protocol through the latter's implementing agencies;
4. To note with appreciation Eritrea's commitment to submit its outstanding data no later than the first quarter of 2006;
5. To urge Eritrea to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat and to request the Implementation Committee to review the situation of that Party with respect to data-reporting at its next meeting;

**Decision XVII/22. Non-compliance with data-reporting requirements for the purpose of establishing baselines under Article 5, paragraphs 3 and 8 ter (d)**

*The Seventeenth Meeting of the Parties* decided in Dec. XVII/22:

1. To note that Serbia and Montenegro has not reported data for one or more of the years which are required for the establishment of baselines for Annexes B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d);
2. To note that that places Serbia and Montenegro in non-compliance with its data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data;
3. To stress that compliance by Serbia and Montenegro with the Montreal Protocol cannot be determined without knowledge of those data;
4. To acknowledge that Serbia and Montenegro has only recently ratified the amendments to the Protocol to which the data-reporting obligation relates, but also to note that its has received assistance with data collection from the Multilateral Fund for the Implementation of the Montreal Protocol through the Fund's implementing agencies;
5. To urge Serbia and Montenegro to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as a matter of urgency to the Secretariat and to request the Implementation Committee to review the situation of Serbia and Montenegro with respect to data reporting at its next meeting;

**Decision XVIII/34: Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/34*:

1. To note with appreciation that 181 Parties out of the 189 that should have reported data for 2005 in accordance with Article 7 of the Montreal Protocol have done so and that 104 of those Parties reported their data by 30 June 2006 in accordance with decision XV/15;
2. To note, however, that the following Parties have still not reported their 2005 data: Cote d'Ivoire, Malta, Saudi Arabia, Solomon Islands, Somalia, Uzbekistan, Venezuela (Bolivarian Republic of);
3. To note that their failure to report their 2005 data in accordance with Article 7 places the Parties listed in paragraph 2 in non-compliance with their data-reporting obligations under the Protocol until such time as the Secretariat receives their outstanding data;
4. To note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Protocol;
5. To note further 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;
6. To urge the Parties listed in the present decision, as appropriate, to work closely with the implementing agencies of the Multilateral Fund to report the required data to the Secretariat as a matter of urgency;
7. To request the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol to review the situation of the Parties listed in paragraph 2 at its next meeting;
8. 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;

**Decision XVIII/33: Non-compliance with data-reporting requirements for the purpose of establishing baselines under paragraphs 3 and 8 ter (d) of Article 5 by Serbia**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/33*:

1. To note that Serbia has not reported the data required for the establishment of baselines for the controlled substances in Annex B (other CFCs, carbon tetrachloride and methyl chloroform) for the years 1998 and 1999, as provided for by paragraphs 3 and 8 ter (d) of Article 5 of the Montreal Protocol;
2. To note that the failure to report such data places Serbia in non-compliance with its data-reporting obligations under the Protocol until such time as the Secretariat receives the outstanding data;
3. To stress that compliance by Serbia with the Protocol cannot be evaluated without the outstanding data;
4. To acknowledge that Serbia has only recently ratified the amendments to the Protocol that require it to report data on the controlled substances indicated in paragraph 1 of the present decision and also that Serbia has recently experienced a considerable change in its national circumstances in connection with which it has undertaken to continue the legal personality of the former Serbia and Montenegro in respect of the Protocol for the territory under its control effective 3 June 2006, but also to note that the Party has received assistance with data collection from the Multilateral Fund for the Implementation of the Montreal Protocol through the Fund's implementing agencies;
5. To urge Serbia to work together with the United Nations Environment Programme under that agency's Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report the data, as a matter of urgency, to the Secretariat;

6. To request the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol to review the situation of Serbia with respect to data reporting at its next meeting;

**Decision XIX/25: Data and information provided by the Parties in accordance with Article 7 of the Montreal Protocol**

The *Nineteenth Meeting of the Parties* decided in *Dec. XIX/25*:

*Noting with appreciation* that 130 Parties out of the 190 that should have reported data for 2006 have done so and that 72 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;

**Decision XIX/28: 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**

The *Nineteenth Meeting of the Parties* decided in *Dec. XIX/28*:

*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 (non-Article 5 Parties), prior to exporting chlorofluorocarbons (CFCs) to Parties operating under paragraph 1 of Article 5 (Article 5 Parties), to request written affirmations from such Parties that the CFCs 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 non-Article 5 Parties that produce CFCs to meet the basic domestic needs of Article 5 Parties 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 CFCs in non-Article 5 Parties to meet the basic domestic needs of Article 5 Parties, 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 to report its conclusions, including any appropriate recommendations, to the Meeting of the Parties

## Baseline data revision

### **Decision XIII/15. Data and information provided by the Parties to the 13th Meeting of the Parties in accordance with Article 7 of the Montreal Protocol**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/15*:

1. To note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. To note with regret that 16 Parties out of the 170 that should have reported data for 1999 have not reported to date;
3. To strongly urge Parties to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September;
4. To urge Parties that have not already done so to report baseline data for 1986, 1989 and 1991 or the best possible estimates of such data where actual data are not available;
5. To advise Parties that request changes in reported baseline data for the base years to present their requests before the Implementation Committee which will in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval.

### **Decision XIV/27. Requests for changes in baseline data**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/27*:

7. To note that in accordance with decision XIII/15 of the Thirteenth Meeting of the Parties, Parties that had requested changes in reported baseline data for the base years were asked to present their requests before the Implementation Committee, which would in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval;
8. To note that the following Parties have presented sufficient information to justify their requests for a change in their baseline consumption of the relevant substances:
  - (a) Bulgaria to change baseline consumption data for Annex E substances in 1991 from zero to 51.78 ODP-tonnes,
  - (b) Sri Lanka to change its baseline consumption data for Annex A, Group I substances from 400.4 to 445.6 ODP-tonnes,
  - (c) Belize to change its baseline consumption data for Annex A, Group I substances from 16 to 24.4 ODP-tonnes;
  - (d) Paraguay to change its baseline consumption data for Annex A, Group I substances from 157.4 to 210.6 ODP-tonnes;
9. To accept these requests for changes in the respective baseline data.

### **Decision XV/19. Methodology for submission of requests for revision of baseline data**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/19*:

1. To recall decisions XIII/15 (paragraph 5) and XIV/27, on Parties' requests for changes in reported baseline data;
2. To recognize that Parties adopt different approaches to the collection and verification of data and that there may be some special circumstances where original documentation may no longer be available, and therefore to accept the following methodology:

- (a) Parties submitting requests to change baseline data are requested to provide the following information:
- (i) Identification of which of the baseline year's or years' data are considered incorrect and provision of the proposed new figure for that year or those years;
  - (ii) Explanation as to why the existing baseline data is incorrect, including information on the methodology used to collect and verify that data, along with supporting documentation where available;
  - (iii) Explanation as to why the requested changes should be considered correct, including information on the methodology used to collect and verify the accuracy of the proposed changes;
  - (iv) Documentation substantiating collection and verification procedures and their findings, which could include:
    - a. Copies of invoices (including ODS production invoices), shipping and customs documentation from either the requesting Party or its trading partners (or aggregation of those with copies available upon request);
    - b. Copies of surveys and survey reports;
    - c. Information on country's gross domestic product, ODS consumption and production trends, business activity in the ODS sectors concerned;
- (b) Where relevant, the Implementation Committee may also request the Secretariat to consult with the Multilateral Fund secretariat and the implementing agencies involved in both the original data collection exercises and any exercises that resulted in the baseline revision request to comment, and where considered appropriate, to endorse the explanation provided. (The Parties may themselves request the implementing agencies to provide their comments so that they can be submitted along with their requests to the Implementation Committee);
- (c) Following review of an initial request submission, if the Implementation Committee requires further information from a Party, the Party will be invited to take advantage of clause 7 (e) of the non-compliance procedure to invite an Implementation Committee representative, or other authorized representative, to their country to identify and/or review the outstanding information;

**Decision XV/43. Non-compliance with the Montreal Protocol by Uganda**

The *Fifteenth Meeting of the Parties* decided in *Dec.XV/43*:

4. To note further that Uganda has presented sufficient information to justify its request for a change in its baseline consumption of the controlled substance in Annex E from 1.9 ODP-tonnes to 6.3 ODP-tonnes, and that that change is therefore approved;

**Decision XVI/31. Requests for changes in baseline data**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/31*:

1. To note that, in accordance with decision XIII/15 of the Thirteenth Meeting of the Parties, Parties that had requested changes in reported baseline data for the base years were asked to submit their requests to the Implementation Committee, which would in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval;
2. To note further that decision XV/19 of the Fifteenth Meeting of the Parties set out the methodology for the submission of these requests;
3. To note that the following Parties have presented sufficient information, in accordance with decisions XIII/15 and XV/19, to justify their requests for a change in their baseline consumption of the relevant substances:

- (a) Lebanon, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 152.4 to 236.4 ODP tonnes;
  - (b) Philippines, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 8.0 to 10.3 ODP tonnes;
  - (c) Thailand, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 164.9 to 183.0 ODP tonnes;
  - (d) Yemen, to change its baseline consumption data for Annex A, group I, substances (CFCs) from 349.1 to 1,796.1 ODP tonnes; for Annex A, group II, substances (halons) from 2.8 to 140.0 ODP tonnes; and for the controlled substance in Annex E (methyl bromide) from 1.1 to 54.5 ODP tonnes;
- 5. To accept these requests for changes in the respective baseline data;
  - 6. To note that these changes in baseline data place the Parties in compliance with their respective control measures for 2003;

**Decision XVIII/29: Request for change in baseline data by Mexico**

The *Eighteenth Meeting of the Parties* decided in *Dec.XV/43*:

- 1. To note that the Mexico has presented sufficient information, in accordance with decision XV/19 of the Fifteenth Meeting of the Parties, to justify its request to change its baseline data for the year 1998 for the consumption of the controlled substance in Annex B, group II, (carbon tetrachloride) from zero ODP-tonnes to 187.517 ODP-tonnes;
- 2. To therefore accept the Party's request to change its baseline data;
- 3. To note that the revised baseline data will be used to calculate the Party's consumption baseline for carbon tetrachloride for the year 2005 and beyond.

**Decision XIX/24: Request for change in baseline data by Turkmenistan**

The *Nineteenth Meeting of the Parties* decided in *Dec.XIX/24*:

*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;

## Licensing systems

### **Decision XIV/36. Report on the establishment of licensing systems under Article 4B of the Montreal Protocol**

*The Fourteenth Meeting of the Parties* decided in *Dec. XIV/36*:

1. To note with appreciation that 59 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. To further note with appreciation that 56 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. To urge all the remaining 25 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
4. To encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
5. To review periodically the status of the establishment of licensing systems by all parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

### **Decision XV/20. Report on the establishment of licensing systems under Article 4B of the Montreal Protocol**

*The Fifteenth Meeting of the Parties* decided in *Dec. XV/20*:

1. To note with appreciation that 73 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. To note also with appreciation that 43 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;
4. To urge all the remaining 33 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
5. To encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
6. To urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;
7. To review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol;

### **Decision XVI/32. Report on the establishment of licensing systems under Article 4B of the Montreal Protocol**

*The Sixteenth Meeting of the Parties* decided in *Dec. XVI/32*:

1. To note with appreciation that 81 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;

2. To note also with appreciation that 42 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;
4. To urge all the remaining 39 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
5. To encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
6. To urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;
7. To review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol;

**Decision XVII/23. Report on the establishment of licensing systems under Article 4B of the Montreal Protocol**

*The Seventeenth Meeting of the Parties decided in Dec. XVII/23:*

1. To note with appreciation that 107 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. To note also with appreciation that 37 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;
4. To urge all the remaining 29 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
5. To encourage all remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
6. To urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;
7. To review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

**Decision XVIII/35: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol**

*The Eighteenth Meeting of the Parties decided in Dec. XVIII/35:*

1. To note 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;
2. To note with appreciation that 124 Parties to the Montreal Amendment to the Protocol have established import and export licensing systems as required under the terms of the Amendment;

3. To note also with appreciation that 30 Parties to the Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
4. To recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling of data collection;
5. To note that Parties to the Montreal Amendment to the Protocol that have not yet established licensing systems are in non-compliance with Article 4B of the Protocol and can be subject to the non-compliance procedure under the Protocol;
6. To urge all remaining 23 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems and to urge those that have not yet established such systems to do so as a matter of urgency;
7. 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 if they have not yet done so;
8. To urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;
9. To review periodically the status of the establishment of licensing systems by all Parties to the Protocol, as called for in Article 4B of the Protocol.

**Decision XIX/26: Report on the establishment of licensing systems under Article 4B of the Montreal Protocol**

*The Nineteenth Meeting of the Parties decided in Dec. XVIII/35:*

*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;

#### **Decisions on compliance by particular countries**

*(in alphabetical order of country)*

#### **Decision XIV/18. Non-compliance with the Montreal Protocol by Albania**

*The Fourteenth Meeting of the Parties decided in Dec. XIV/18:*

1. To note that Albania ratified the Montreal Protocol on 8 October 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol but has not had its country programme approved by the Executive Committee. However, the Executive Committee has approved \$215,060 from the Multilateral Fund to facilitate compliance in accordance with Article 10 of the Protocol;
2. Albania's baseline for Annex A, Group I substances is 41 ODP-tonnes. It reported consumption of 62 and 69 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 58 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Albania was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Albania submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Albania may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To closely monitor the progress of Albania with regard to the phase-out of ozone-depleting substances. To the degree that Albania is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Albania should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Albania, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

### **Decision XV/26. Non-compliance with the Montreal Protocol by Albania**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/26*:

1. To note that, in accordance with decision XIV/18 of the Fourteenth Meeting of the Parties, Albania was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Albania's submission of its plan of action, and to note further that, under the plan, Albania specifically commits itself:
  - (a) To reducing CFC consumption from 69 ODP-tonnes in 2001 as follows:
    - (i) To 68.0 ODP-tonnes in 2003;
    - (ii) To 61.2 ODP-tonnes in 2004;
    - (iii) To 36.2 ODP-tonnes in 2005;
    - (iv) To 15.2 ODP-tonnes in 2006;
    - (v) To 6.2 ODP-tonnes in 2007;
    - (vi) To 2.2 ODP-tonnes in 2008;
    - (vii) To phasing out CFC consumption by 1 January 2009, as provided in the plan for reduction and phase out of CFC consumption, save for essential uses that may be authorized by the Parties;
  - (b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (c) To banning, by 2004, imports of ODS-using equipment;
3. To note that the measures listed in paragraph 2 above should enable Albania to return to compliance by 2006, and to urge Albania to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
4. To monitor closely the progress of Albania with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Albania is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Albania should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Albania, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

### **Decision XIII/21. Compliance with the Montreal Protocol by Argentina**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/21*:

1. To note that Argentina ratified the Montreal Protocol on 18 September 1990, the London Amendment on 4 December 1992, the Copenhagen Amendment on 20 April 1995, and the Montreal Amendment on 15 February 2001. The country is classified as a Party operating under Article 5 (1) of the Protocol and its country programme was approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has

approved \$43,287,750 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Argentina's production baseline for Annex A, Group I substances is 2,745.3 ODP tonnes. Argentina reported production of 3,101 and 3,027 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Argentina responded to the Ozone Secretariat's request for data regarding the control period 1 July 1999 to 30 June 2000. Argentina reported production of 3,065 ODP tonnes of Annex A, Group I controlled substances for the production freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Argentina was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Argentina submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Argentina may wish to consider including in its plan actions to establish production quotas that will freeze production at baseline levels and support the phase-out;
4. To closely monitor the progress of Argentina with regard to the phase-out of ozone-depleting substances. To the degree that Argentina is working towards and meeting the specific Protocol control measures, Argentina should continue to be treated in the same manner as a Party in good standing. In this regard, Argentina should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Argentina, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XIII/18. Compliance with the Montreal Protocol by Armenia**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/18*:

1. To note that Armenia is in non-compliance with data reporting requirement under Article 7 of the Protocol, based on which compliance with the phase-out schedule is determined;
2. To note that ratification of the London Amendment is required to qualify for financial assistance from international funding agencies;
3. To recommend that, should Armenia ratify the London Amendment to the Montreal Protocol, international funding agencies should consider favourably the provision of financial assistance to Armenia for projects to phase out ozone-depleting substances in that country.

### **Decision XIV/31. Non-compliance with the Montreal Protocol by Armenia**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/31*:

1. To note that Armenia has reported data on consumption of substances in Annex A to the Montreal Protocol in 2000 above control levels as provided in Article 2 of the Protocol, and therefore that Armenia is in non-compliance with the control measures under Article 2 of the Montreal Protocol in 2000;
2. To note that, in accordance with Decision XIII/18 of the Thirteenth Meeting of the Parties, Armenia was requested to ratify the London Amendment as a precondition for Global Environment Facility (GEF) funding, and that this has not occurred;
3. To further note that since Armenia has applied for reclassification as a developing country operating under Article 5 of the Montreal Protocol, the Implementation Committee should review the situation of Armenia after this matter is resolved.

### **Decision XV/27. Non-compliance with the Montreal Protocol by Armenia**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/27*:

1. To note that Armenia has now been reclassified as a developing country under decision XIV/2 of the Fourteenth Meeting of the Parties;
2. To note that ratification of the London Amendment is a precondition for Multilateral Fund funding, and therefore to call upon Armenia expeditiously to complete its process of ratification of the London Amendment;
3. To note further, however, that despite the absence of financial assistance, Armenia has reported data showing it to be in compliance with the freeze on CFC consumption, and to congratulate Armenia on its achievements;

### **Decision XVII/25. Non-compliance with the Montreal Protocol by Armenia and request for a plan of action**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/25*:

1. To note that Armenia ratified the Montreal Protocol on 1 October 1999 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol, and that the Council of the Global Environment Facility has approved \$2,090,000 to enable Armenia's compliance;
2. To note further that Armenia has reported annual consumption for the controlled substance in Annex E (methyl bromide) for 2004 of 1.020 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for that controlled substance for that year, and that Armenia is therefore in non-compliance with the control measures for methyl bromide under the Protocol;
3. To request Armenia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Armenia 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;
4. To monitor closely the progress of Armenia with regard to the phase-out of the controlled substance in Annex E (methyl bromide). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Armenia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Armenia, in accordance with item B of the indicative list of measures, that, in the event that it

fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substance in Annex E (methyl bromide) that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision XVIII/20: Non-compliance with the Montreal Protocol by Armenia**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/20*:

1. To note that Armenia ratified the Montreal Protocol on 1 October 1999 and the London and Copenhagen Amendments to the Protocol on 26 November 2003 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol;
2. To note also that the Council of the Global Environment Facility has approved \$2,090,000 to enable Armenia's compliance with the Protocol;
3. To note further that Armenia has reported annual consumption for the Annex E controlled substance (methyl bromide) for 2004 of 1.020 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for that controlled substance for that year, and that Armenia is therefore in non-compliance with the control measures for methyl bromide under the Protocol;
4. To note with appreciation Armenia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Armenia specifically commits itself:
  - (a) To maintain methyl bromide consumption at no more than zero ODP-tonnes from 2007, save for critical uses that may be authorized by the Parties after 1 January 2015;
  - (b) To introduce by 1 July 2007 a system for licensing the import and export of ozone-depleting substances that includes import quotas;
5. To note that Armenia has reported methyl bromide consumption for 2005 that demonstrates its return to compliance in that year and to congratulate the Party on that achievement, but also to note the Party's concern that, until the measures contained in subparagraph 4 (b) of the present decision come into force, the Party cannot be confident of its ability to sustain its return to compliance, and therefore to urge Armenia to work with the relevant implementing agencies to implement the remainder of the plan of action to sustain its phase-out of consumption of methyl bromide;
6. To monitor closely the progress of Armenia with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Armenia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Armenia, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision X/20: Compliance with the Montreal Protocol by Azerbaijan**

The *Tenth Meeting of the Parties* decided in *Dec. X/20*:

1. To note that Azerbaijan ratified the Montreal Protocol and the London and Copenhagen Amendments on 21 June 1996. The country is classified as a non-Article 5 Party under the

Protocol and, for 1996, reported positive consumption of 962 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Azerbaijan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Azerbaijan also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Azerbaijan comes into compliance;

2. To express great concern about Azerbaijan's non-compliance and to note that Azerbaijan only very recently assumed the obligations of the Montreal Protocol, having ratified it in 1996. It is with that understanding that the Parties note, after reviewing the country programme and submissions of Azerbaijan (which was prepared with UNEP assistance), that Azerbaijan specifically commits:
  - To a phase-out of CFCs by 1 January 2001 (save for essential uses authorized by the Parties);
  - To establish, by 1 January 1999, a system for licensing imports and exports of ODS;
  - To establish a system for licensing operators in the refrigeration-servicing sector;
  - To tax the imports of ozone-depleting substances, to enable it to ensure that it meets the year 2001 phase-out;
  - To a ban, by 1 January 2001, on all imports of halons; and
  - To consider by 1999, a ban on the import of ODS-based equipment;
3. That the measures listed in paragraph 2 above should enable Azerbaijan to achieve the virtual phase out of CFCs, and a complete phase-out of halons by 1 January 2001. In this regard, the Parties urge Azerbaijan to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a system for managing banked halon for any continuing critical uses. The Parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources;
4. To closely monitor the progress of Azerbaijan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Azerbaijan submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Azerbaijan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Azerbaijan should continue to be treated in the same manner as a Party in good standing. In this regard, Azerbaijan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Azerbaijan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XV/28. Non-compliance with the Montreal Protocol by Azerbaijan**

*The Fifteenth Meeting of the Parties decided in Dec. XV/28:*

1. To note that, under decision X/20, Azerbaijan committed itself, among other things, to a complete phase-out of Annex A, group I substances, and to a ban on imports of Annex A, group II substances, by 1 January 2001, in order to ensure its return to compliance with its obligations under Articles 2A and 2B of the Montreal Protocol;

2. To note that data submitted for both 2001 and 2002 showed consumption of CFCs putting Azerbaijan in non-compliance with its obligations under Article 2A of the Montreal Protocol, and also that it has failed to report on the implementation of its ban on imports of halons;
3. To note further that Azerbaijan has undertaken to ban consumption of CFCs from January 2003;
4. To urge Azerbaijan to report its 2003 consumption data to the Secretariat as soon as they become available, along with a report on the status of its commitment to ban imports of halons, and to request the Implementation Committee to review the situation of Azerbaijan at its next meeting;

**Decision XVI/21. Non-compliance with the Montreal Protocol by Azerbaijan**

*The Sixteenth Meeting of the Parties decided in Dec. XVI/21:*

1. To recall that, under decision X/20, Azerbaijan committed itself, among other things, to a complete phase-out of Annex A, group I, substances (CFCs), and to a ban on imports of Annex A, group II, substances (halons), by 1 January 2001, in order to ensure its return to compliance with its obligations under Articles 2A and 2B of the Montreal Protocol;
2. To note with appreciation that Azerbaijan prohibited the import of halons in 1999, in accordance with decision X/20;
3. To note with great concern, however, that data submitted for 2001, 2002 and 2003 show consumption of CFCs that places Azerbaijan in non-compliance with its obligations under Article 2A of the Montreal Protocol;
4. To note also that Azerbaijan has not fulfilled its undertaking, contained in decision XV/28, to ban the consumption of CFCs from January 2003;
5. To note Azerbaijan's undertaking that complete phase-out of CFCs would be achieved by 1 January 2005 and to urge Azerbaijan to confirm its introduction of a ban on the import of CFCs, to support that undertaking;
6. To urge Azerbaijan to report its 2004 consumption data to the Secretariat as soon as they become available, and to request the Implementation Committee to review the situation of Azerbaijan at its thirty-fourth meeting;

**Decision XVII/26. Non-compliance with the Montreal Protocol by Azerbaijan**

*The Seventeenth Meeting of the Parties decided in Dec. XVII/26:*

1. To note that Azerbaijan ratified the Montreal Protocol, London and Copenhagen Amendments on 21 June 1996, and the Montreal Amendment on 28 September 2000, and is classified as a Party not operating under Article 5 of the Protocol. The Council of the Global Environment Facility has approved \$6.867 million to enable Azerbaijan's compliance;
2. To note with appreciation that Azerbaijan has confirmed the introduction of a ban on the import of controlled substances in Annex A group I (CFCs), in accordance with decision XVI/21, but also note with concern that the Party did not achieve total phase out of these controlled substances by 1 January 2005 in accordance with that decision;
3. To further note that Azerbaijan had expressed reservations as to its ability to enforce its import ban given its lack of expertise in the tracking of ozone-depleting substances, and recall that Azerbaijan was not able to fulfil its commitments contained in decision X/20 and decision XV/28 to achieve total phase-out of Annex A, group I, controlled substances (CFCs) by 1 January 2001 and 1 January 2003, respectively;
4. To note with appreciation, however, the Party's action in cooperation with UNEP to seek further assistance from the Global Environment Facility to address this situation and to request Azerbaijan to report to the Secretariat on the status of this initiative, in time for the Committee's consideration at its next meeting;

5. To agree, in the light of Azerbaijan's recurrent inability to return to compliance with the Protocol in accordance with the decisions of the Meetings of the Parties and the Party's reservations as to its capacity to enforce its newly introduced ban on the import of controlled substances in Annex A group I (CFCs), to request exporting Parties to assist Azerbaijan implement its commitment by ceasing export of those controlled substances to that Party, and to further caution Azerbaijan in accordance with item B of the indicative list of measures that, in the event that the Party does not achieve total phase out of Annex A, group I, controlled substances (CFC) by 1 January 2006, the Eighteenth Meeting of the Parties shall consider implementation of item C of the indicative measures, which could include action available under Article 4 to cease supply of Annex A, group I, controlled substances (CFCs) to Azerbaijan;

#### **Decision XIV/19. Non-compliance with the Montreal Protocol by Bahamas**

*The Fourteenth Meeting of the Parties decided in Dec. XIV/19:*

1. To note that Bahamas ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 4 May 1993. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$658,487 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Bahamas' baseline for Annex A, Group I substances is 65 ODP-tonnes. It reported consumption of 66 ODP-tonnes of Annex A, Group I substances in 2000 and consumption of 87 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bahamas was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Bahamas submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bahamas may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To closely monitor the progress of Bahamas with regard to the phase-out of ozone-depleting substances. To the degree that Bahamas is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Bahamas should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Bahamas, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

#### **Decision XIV/29. Non-compliance with the Montreal Protocol by Bangladesh**

*The Fourteenth Meeting of the Parties decided in Dec. XIV/29:*

1. To note that, in accordance with Decision XIII/16 of the Thirteenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to Bangladesh since it had reported data on CFC consumption for either the year 1999 and/or 2000 that was above its baseline, and was therefore in a state of potential non-compliance;
2. To further note that Bangladesh's baseline for Annex A, Group I substances is 580 ODP-tonnes. It reported consumption of 805 ODP-tonnes of Annex A, Group I substances in 2000, and consumption of 740 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001

control period, Bangladesh was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To note, however, that the information provided to the Implementation Committee by both Bangladesh and UNDP shows that Bangladesh is expected to return to compliance in the control period 1 July 2001-31 December 2002;
4. To closely monitor the progress of Bangladesh with regard to the phase-out of ozone-depleting substances. To the degree that Bangladesh is working towards and meeting the specific Protocol control measures, Bangladesh should continue to be treated in the same manner as a Party in good standing. In this regard, Bangladesh should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Bangladesh, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

#### **Decision XVII/27. Non-compliance with the Montreal Protocol by Bangladesh**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/27*:

1. To note that Bangladesh ratified the Montreal Protocol on 2 August 1990, the London Amendment on 18 March 1994, the Copenhagen Amendment on 27 November 2000 and the Montreal Amendment on 27 July 2001 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in September 1994. The Executive Committee has approved \$1,852,164 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note also that Bangladesh's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 0.8667 ODP-tonnes. As the Party reported consumption of 0.892 ODP-tonnes of methyl chloroform in 2003, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;
3. To note with appreciation Bangladesh's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Bangladesh specifically commits itself:
  - (a) To maintain methyl chloroform consumption at no more than the 2004 level of 0.550 ODP-tonnes from 2005 until 2009, and then to reduce methyl chloroform consumption as follows:
    - (i) To 0.2600 ODP-tonnes in 2010;
    - (ii) To zero ODP-tonnes in 2015, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties after that date;
  - (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances, which includes import quotas;
4. To note that the measures listed in paragraph 3 above have already enabled Bangladesh to return to compliance in 2004, to congratulate the country on that progress and to urge it to work with the relevant implementing agencies to implement the remainder of the plan of action and to phase out consumption of the controlled substance in Annex B, group III;
5. To monitor closely the progress of Bangladesh with regard to the implementation of its plan of action and the phase-out of methyl chloroform. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same

manner as a Party in good standing. In that regard, Bangladesh should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Bangladesh, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision VII/17: Compliance with the Montreal Protocol by Belarus**

The *Seventh Meeting of the Parties* decided in *Dec. VII/17*:

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol, and the statement made by the Russian Federation on its behalf and on behalf of Belarus, Bulgaria and Ukraine at the twelfth meeting of the Open-ended Working Group;
2. To note the consultations of the Implementation Committee with the representatives of Belarus regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;
3. To note that Belarus was in compliance with its obligations under the Montreal Protocol in 1995 and that there is a possibility of non-compliance in 1996 so that the Implementation Committee might have to revert to that question that year;
4. To note that Belarus agreed to submit its country programme for the phase-out of ozone-depleting substances in Belarus to the Secretariat by 31 December 1995;
5. To note that Belarus promised to provide information on the political commitment on the phase-out programme for ozone-depleting substances by Belarus and that the Implementation Committee after evaluation of the information might wish to request additional information on certain elements, such as:
  - (a) The political commitment on the phase-out plan for ozone-depleting substances by Belarus;
  - (b) The necessary linkages between the sectoral approach outlined by Belarus in its submission and the specific requirements for the financial, institutional and administrative arrangements towards the implementation of such measures;
  - (c) The gradual achievement of the proposed phase-out plan;
  - (d) The proposed measures for the enforcement of the measures – in particular the enforcement of the trade regulations;
6. To note that Belarus has agreed not to export any virgin, recycled or recovered substance controlled under the Montreal Protocol to any Party operating under Article 2 of the Protocol not member of the Commonwealth of Independent States and that such Parties shall not import such controlled substances from Belarus;
7. To recommend international assistance to enable compliance of Belarus with the Montreal Protocol in line with the following provisions:
  - (a) Such support should be provided in consultation with the relevant Montreal Protocol Secretariats and the Implementation Committee to ensure consistency of ODS phase-out measures with relevant decisions of the Parties to the Montreal Protocol and subsequent recommendations of the Implementation Committee;

- (b) Belarus shall submit annual reports on ODS phase-out progress in line with the schedule included in the country programme for the phase-out of ozone-depleting substances in Belarus;
  - (c) The reports shall be submitted in due time to enable the Ozone Secretariat – together with the Implementation Committee – to review them;
  - (d) In case of any questions related to the reporting requirements and the actions of Belarus, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee;
8. To note that despite the economic difficulties of the period of transition, Belarus will endeavour to settle its financial contributions to the Multilateral Fund of the Montreal Protocol in the near future.

### **Decision X/21: Compliance with the Montreal Protocol by Belarus**

*The Tenth Meeting of the Parties decided in Dec. X/21:*

1. To note that Belarus ratified the London Amendment on 10 July 1996. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 599.7 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Belarus was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Belarus also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Belarus comes into compliance;
2. To note that although Belarus submitted a list of specific projects with international financing that will reduce national consumption, it has not responded to the request of the Implementation Committee from its twentieth meeting for a phase-out plan with specific benchmarks demonstrating a schedule for coming into compliance with control obligations under Articles 2A through 2E of the Montreal Protocol. The Parties also note that in a verbal presentation to the Implementation Committee on 16 November 1998, Belarus announced the recent adoption, on 13 November 1998, of a resolution by its Cabinet of Ministers committing Belarus, through regulation:
  - To a phase-out in the consumption of Annex A and B substances by 1 January 2000.

However, Belarus noted that there may be difficulty in phasing out consumption for refrigeration associated with agriculture;
3. To closely monitor the progress of Belarus with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Belarus submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Belarus is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Belarus should continue to be treated in the same manner as a Party in good standing. In this regard, Belarus should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision the Parties caution Belarus, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

### **Decision XIII/22. Compliance with the Montreal Protocol by Belize**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/22*:

1. To note that Belize ratified the Montreal Protocol, London Amendment, and Copenhagen Amendment on 9 January 1998. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$327,841 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Belize's consumption baseline for Annex A, Group I substances is 16 ODP tonnes. Belize reported consumption of 25 and 9 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Belize responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Belize reported consumption of 20 ODP tonnes of Annex A, Group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Belize was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Belize submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Belize may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. To closely monitor the progress of Belize with regard to the phase-out of ozone-depleting substances. To the degree that Belize is working towards and meeting the specific Protocol control measures, Belize should continue to be treated in the same manner as a Party in good standing. In this regard, Belize should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Belize, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

### **Decision XIV/33. Non-compliance with the Montreal Protocol by Belize**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/33*:

1. To note that, in accordance with Decision XIII/22 of the Thirteenth Meeting of the Parties, Belize was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. Belize's baseline for Annex A, Group I substances is 24.4 ODP-tonnes, having been modified in accordance with Decision XIV/27. It reported consumption of 16 ODP-tonnes in 2000 and 28 ODP-tonnes in 2001, and consumption of 40 ODP-tonnes for the control period 1 July 2000 to 30 June 2001, placing Belize clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To express concern about Belize's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the Parties note, after reviewing the plan of action submitted by Belize, that Belize specifically commits itself:
  - (a) To reduce CFC consumption from the current level of 28 ODP tonnes in 2001 as follows:
    - (i) To 24.4 ODP tonnes in 2003;
    - (ii) To 20 ODP tonnes in 2004;

- (iii) To 12.2 ODP tonnes in 2005;
  - (iv) To 10 ODP tonnes in 2006;
  - (v) To 3.66 ODP tonnes in 2007; and
  - (vi) To phase out CFC consumption by 1 January 2008 as provided under the Montreal Protocol save for essential uses that might be authorized by the Parties;
- (b) To establish, by 1 January 2003, a system for licensing imports and exports of ODS;
  - (c) To ban, by 1 January 2004, imports of ODS-using equipment;
4. To note that the measures listed in paragraph 3 above should enable Belize to return to compliance by 2003. In this regard, the Parties urge Belize to work with relevant implementing agencies to phase out consumption of ozone-depleting substances in Annex A Group I;
  5. To closely monitor the progress of Belize with regard to the phase-out of ozone-depleting substances. To the degree that Belize is working towards and meeting the specific commitments noted above in paragraph 3, Belize should continue to be treated in the same manner as a Party in good standing. In this regard, Belize should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Belize, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

#### **Decision XIV/20. Non-compliance with the Montreal Protocol by Bolivia**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/20*:

1. To note that Bolivia ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 3 October 1994, and the Montreal Amendment on 12 April 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved \$1,428,767 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Bolivia's baseline for Annex A, Group I substances is 76 ODP-tonnes. It reported consumption of 79 and 77 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 78 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bolivia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Bolivia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bolivia may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To closely monitor the progress of Bolivia with regard to the phase-out of ozone-depleting substances. To the degree that Bolivia is working towards and meeting the specific Protocol control measures, Bolivia should continue to be treated in the same manner as a Party in good standing. In this regard, Bolivia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Bolivia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties

shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and exporting parties are not contributing to a continuing situation of non-compliance.

**Decision XV/29. Non-compliance with the Montreal Protocol by Bolivia**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/29*:

1. To note that, in accordance with decision XIV/20 of the Fourteenth Meeting of the Parties, Bolivia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Bolivia's submission of its plan of action, and to note further that under the plan, Bolivia specifically commits itself:
  - (a) To reducing CFC consumption from 65.5 ODP-tonnes in 2002 as follows:
    - (i) To 63.6 ODP-tonnes in 2003;
    - (ii) To 47.6 ODP-tonnes in 2004;
    - (iii) To 37.84 ODP-tonnes in 2005;
    - (iv) To 11.35 ODP-tonnes in 2007;
    - (v) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) To monitoring its system for licensing imports and exports of ODS, including quotas, introduced in 2003;
  - (c) To monitoring its ban on imports of ODS-using equipment, introduced in 1997 for CFC-12 and extended to other ODS in 2003;
3. To note that the measures listed in paragraph 2 above have already enabled Bolivia to return to compliance, to congratulate Bolivia on that progress, and to urge Bolivia to work with the relevant implementing agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
4. To monitor closely the progress of Bolivia with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Bolivia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bolivia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Bolivia, 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XIV/21. Non-compliance with the Montreal Protocol by Bosnia and Herzegovina**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/21*:

1. To note that Bosnia and Herzegovina ratified the Montreal Protocol on 6 March 1992. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$1,308,472 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Bosnia and Herzegovina's baseline for Annex A, Group I substances is 24 ODP-tonnes. It reported consumption of 176 and 200 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively. As a consequence, Bosnia and Herzegovina was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Bosnia and Herzegovina submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bosnia and Herzegovina may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To closely monitor the progress of Bosnia and Herzegovina with regard to the phase-out of ozone-depleting substances. To the degree that Bosnia and Herzegovina is working towards and meeting the specific Protocol control measures, Bosnia and Herzegovina should continue to be treated in the same manner as a Party in good standing. In this regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

**Decision XV/30. Non-compliance with the Montreal Protocol by Bosnia and Herzegovina**

*The Fifteenth Meeting of the Parties decided in Dec.XV/30:*

1. To note that, in accordance with decision XIV/21 of the Fourteenth Meeting of the Parties, Bosnia and Herzegovina was requested to submit to the Implementation Committee a plan of action, with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Bosnia and Herzegovina's submission of its plan of action, and to note further that, under the plan, Bosnia and Herzegovina specifically commits itself:
  - (a) To reducing CFC consumption from 243.6 ODP-tonnes in 2002 as follows:
    - (i) To 235.3 ODP-tonnes in 2003;
    - (ii) To 167 ODP-tonnes in 2004;
    - (iii) To 102.1 ODP-tonnes in 2005;
    - (iv) To 33 ODP-tonnes in 2006;
    - (v) To 3 ODP-tonnes in 2007;
    - (vi) To phasing out CFC consumption by 1 January 2008, as provided in the plan for reduction and phase-out of CFC consumption, save for essential uses that may be authorized by the Parties;
  - (b) To reducing methyl bromide consumption from 11.8 ODP-tonnes in 2002, as follows:
    - (i) To 5.61 ODP-tonnes in 2005 and in 2006;
    - (ii) To phasing out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;

- (c) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (d) To banning, by 2006, imports of ODS-using equipment;
3. To note that the measures listed in paragraph 2 above should enable Bosnia and Herzegovina to return to compliance by 2008, and to urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I and Annex E;
  4. To monitor closely the progress of Bosnia and Herzegovina with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Bosnia and Herzegovina is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the 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 CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVII/28: Non-compliance with the Montreal Protocol by Bosnia and Herzegovina**

*The Seventeenth Meeting of the Parties* decided in *Dec.XVII/28*:

1. To note that Bosnia and Herzegovina ratified the Montreal Protocol on 1 September 1993 and the London, Copenhagen and Montreal amendments on 11 August 2003, 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 March 1999. The Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved \$2,900,771 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note also that Bosnia and Herzegovina's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 1.548 ODP-tonnes. As the Party reported consumption of 3.600 ODP-tonnes of methyl chloroform in 2003 and consumption of 2.44 ODP-tonnes of methyl chloroform in 2004, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;
3. To note with appreciation Bosnia and Herzegovina's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures, and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Bosnia and Herzegovina specifically commits itself:
  - (a) To reduce methyl chloroform consumption from 2.44 ODP-tonnes in 2004 as follows:
    - (i) To 1.3 ODP-tonnes in 2005;
    - (ii) To zero ODP-tonnes in 2006, save for essential uses that may be authorized by the Parties after 1 January 2015;
  - (b) To establish a system for licensing imports and exports of ozone-depleting substances, which includes import quotas, by the end of January 2006;
4. To note that the measures listed in paragraph 3 above should enable Bosnia and Herzegovina to return to compliance in 2006 and to urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement its plan of action and phase out consumption of the controlled substance in Annex B, group III;

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

### **Decision XV/31. Non-compliance with the Montreal Protocol by Botswana**

The *Fifteenth Meeting of the Parties* decided in *Dec.XV/31*:

1. To note that Botswana ratified the Montreal Protocol on 4 December 1991, and the London and Copenhagen Amendments on 13 May 1997. Botswana is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved \$438,340 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Botswana's baseline for the controlled substance in Annex E is 0.1 ODP-tonnes. It reported consumption of 0.6 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Botswana was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. To note with appreciation Botswana's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Botswana specifically commits itself:
  - (a) To reducing methyl bromide consumption from 0.6 ODP-tonnes in 2002 as follows:
    - (i) To 0.4 ODP-tonnes in 2003;
    - (ii) To 0.2 ODP-tonnes in 2004;
    - (iii) To phasing out methyl bromide consumption by 1 January 2005, as provided by the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;
  - (b) To establishing a system for licensing imports and exports of methyl bromide, including quotas;
4. To note that the measures listed in paragraph 3 above should enable Botswana to return to compliance by 2005, and to urge Botswana to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;
5. To monitor closely the progress of Botswana with regard to the phase-out of methyl bromide. To the degree that Botswana is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Botswana should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Botswana, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures

may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision VII/16: Compliance with the Montreal Protocol by Bulgaria**

The *Seventh Meeting of the Parties* decided in *Dec. VII/16*:

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine at the eleventh meeting of the Open-ended Working Group of the Parties to the Montreal Protocol regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol;
2. To note the consultations of the Implementation Committee with the representative of Bulgaria regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;
3. To note that Bulgaria was in compliance with its obligations under the Montreal Protocol in 1995 and that there is a possibility of non-compliance in 1996 so that the Implementation Committee might have to revert to that question that year.

#### **Decision XI/24: Compliance with the Montreal Protocol by Bulgaria**

The *Eleventh Meeting of the Parties* decided in *Dec. XI/24*:

1. To note that Bulgaria acceded to the Vienna Convention and the Montreal Protocol on 20 November 1990 and acceded to the London and Copenhagen Amendments on 28 April 1999. The country is classified as a non-Article 5 Party under the Protocol and, for 1997, reported positive consumption of 1.6 ODP tonnes of Annex A Group II substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1997 Bulgaria was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;
2. To note with appreciation the work done by Bulgaria in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan that brought Bulgaria into compliance with the Montreal Protocol by 1 January 1998;
3. To monitor closely the progress of Bulgaria with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above and in this regard, to request that Bulgaria submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Bulgaria is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Bulgaria should continue to be treated in the same manner as a Party in good standing. In this regard, Bulgaria should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Bulgaria, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XIII/23. Compliance with the Montreal Protocol by Cameroon**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/23*:

1. To note that Cameroon ratified the Montreal Protocol on 30 August 1989, the London Amendment on 8 June 1992, and the Copenhagen Amendment on 25 June 1996. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme

approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$5,640,174 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Cameroon's baseline for Annex A, Group I substances is 256.9 ODP tonnes. Cameroon reported consumption of 362 ODP tonnes of Annex A, Group I substances in 1999. Cameroon responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Cameroon reported consumption of 368.7 ODP tonnes of Annex A, Group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Cameroon was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Cameroon submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Cameroon may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. To closely monitor the progress of Cameroon with regard to the phase-out of ozone-depleting substances. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, Cameroon should continue to be treated in the same manner as a Party in good standing. In this regard, Cameroon should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XIV/32. Non-compliance with the Montreal Protocol by Cameroon**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/32*:

1. To note that, in accordance with Decision XIII/23 of the Thirteenth Meeting of the Parties, Cameroon was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To further note that Cameroon's baseline for Annex A, Group I substances is 257 ODP-tonnes. It reported consumption of 369 ODP-tonnes in 2000 and 364 ODP-tonnes in 2001, placing Cameroon clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To note with regret that Cameroon has not fulfilled the requirements of Decision XIII/23 and to request that it should provide a plan of action to the Secretariat as soon as possible, and in time for it to be considered by the Implementation Committee at its next meeting in July 2003, in order for the Committee to monitor its progress towards compliance;
4. To further request the United Nations Environment Programme to submit to the Implementation Committee a progress report on implementation of its policy and technical assistance project currently under way in Cameroon, and for the United Nations Industrial Development Organization to submit to the Implementation Committee confirmation of the completion of its two foam projects, which might have significantly reduced consumption of ozone-depleting substances in Annex A Group I;
5. To stress to the Government of Cameroon its obligations under the Montreal Protocol to phase out the consumption of ozone-depleting substances, and the accompanying need for it to establish and maintain an effective governmental policy and institutional framework for the purposes of implementing and monitoring the national phase-out strategy;

6. To closely monitor the progress of Cameroon with regard to the phase-out of ozone-depleting substances. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, Cameroon should continue to be treated in the same manner as a Party in good standing. In this regard, Cameroon should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

#### **Decision XV/32. Non-compliance with the Montreal Protocol by Cameroon**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/32*:

1. To note that, in accordance with decision XIV/32 of the Fourteenth Meeting of the Parties, Cameroon was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with regard to its consumption of Annex A, group I substances;
2. To note also that Cameroon has reported data for 2002 suggesting that it may now be in compliance with the freeze on CFC consumption, but that it has still not submitted data for the control period 1 July 2001-31 December 2002;
3. To urge Cameroon, accordingly, to report data for the control period 1 July 2001–31 December 2002 as a matter of urgency;
4. To note further that Cameroon's baseline for Annex A, group II substances is 2.38 ODP-tonnes. It reported consumption of 9 ODP-tonnes for Annex A, group II substances in 2002. As a consequence, for 2002 Cameroon was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
5. To note with appreciation Cameroon's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group II substances, and to note also that, under the plan, Cameroon specifically commits itself:
  - (a) To reducing halon consumption from 9 ODP-tonnes in 2002 as follows:
    - (i) To 3 ODP-tonnes in 2003;
    - (ii) To 2.38 ODP-tonnes in 2004;
    - (iii) To phasing out halon consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) To monitoring its existing system for licensing imports and exports of ODS, including quotas introduced in 2003;
  - (c) To monitoring its existing ban on imports of ODS-using equipment, introduced in 1996;
6. To note that the measures listed in paragraph 5 above should enable Cameroon to return to compliance, with respect to consumption of halons, by 2005, and to urge Cameroon to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group II;
7. To note also that Cameroon's baseline for the controlled substance in Annex E is 18.09 ODP-tonnes. It reported consumption of 25.38 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Cameroon was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

8. To request Cameroon to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with respect to consumption of the controlled substance in Annex E;
9. To monitor closely the progress of Cameroon with regard to the implementation of its plan of action and the phase-out of halons and methyl bromide. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Cameroon should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the 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 halons and methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVI/22. Non-compliance with the Montreal Protocol by Chile**

*The Sixteenth Meeting of the Parties decided in Dec. XVI/22:*

1. To note that Chile has reported annual data for the controlled substances in Annex B, group I (other fully halogenated CFCs), Annex B, group III (methyl chloroform), and Annex E (methyl bromide) for 2003 which are above its requirements for those substances. As a consequence, for 2003, Chile was in non-compliance with its obligations under Articles 2C, 2E and 2H of the Montreal Protocol;
2. To request Chile, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Chile may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and 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 Chile with regard to the phase-out of other CFCs, methyl chloroform and methyl bromide. To the degree that Chile is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as Parties in good standing. In that regard, Chile should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of other CFCs, methyl chloroform and methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVII/29. Non-compliance with the Montreal Protocol by Chile**

*The Seventeenth Meeting of the Parties decided in Dec. XVII/29:*

1. To note that Chile ratified the Montreal Protocol on 26 March 1990, the London Amendment on 9 April 1992, the Copenhagen Amendment on 14 January 1994, the Montreal Amendment on 17 June 1998 and the Beijing Amendment on 3 May 2000, and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1992. The Executive Committee has approved \$10,388,451 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;

2. To note also that Chile's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 6.445 ODP-tonnes and its baseline for the controlled substance in Annex E (methyl bromide) is 212.510 ODP-tonnes. As the Party reported consumption of 6.967 ODP-tonnes of methyl chloroform and 274.302 ODP-tonnes of methyl bromide in 2003 and consumption of 3.605 ODP-tonnes of methyl chloroform and consumption of 262.776 ODP-tonnes of methyl bromide in 2004, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol in 2003 and under Article 2H of the Montreal Protocol in 2003 and 2004;
3. To note with appreciation Chile's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform and methyl bromide control measures, and to note that under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Chile specifically commits itself:
  - (a) To maintain methyl chloroform consumption at no more than 4.512 ODP-tonnes from 2005 until 2009, and then to reduce methyl chloroform consumption as follows:
    - (i) To 1.934 ODP-tonnes in 2010;
    - (ii) To zero ODP-tonnes by 1 January 2015, save for essential uses that may be authorized by the Parties after that date;
  - (b) To reduce methyl bromide consumption from 262.776 ODP-tonnes in 2004 as follows:
    - (i) To 170 ODP-tonnes in 2005;
    - (ii) To zero ODP-tonnes by 1 January 2015, save for critical uses that may be authorized by the Parties after that date;
  - (c) To introduce an enhanced ozone-depleting substances licensing and import quota system from the moment the bill is approved in Parliament and to ensure compliance in the interim period by adopting regulatory measures that the Government is entitled to apply;
4. To note that Chile has reported data for 2004 that indicate that it has already returned to compliance with the Protocol's methyl chloroform control measures, to congratulate Chile on that progress, and to urge the Party to work with the relevant implementing agencies to implement the remainder of the plan of action to achieve total phase-out of methyl chloroform;
5. To note also that the measures listed in paragraph 3 above should enable Chile to return to compliance with the Protocol's methyl bromide control measures by 2005, and to urge Chile to work with the relevant implementing agencies to implement the plan of action to achieve total phase-out of methyl bromide;
6. To monitor closely the progress of Chile with regard to the implementation of its plan of action and the phase-out of methyl chloroform and methyl bromide. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Chile should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform and methyl bromide that is the substances that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVII/30. Potential non-compliance in 2004 with consumption of the controlled substances in Annex B group I (other fully halogenated chlorofluorocarbons) by China, and request for a plan of action**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/30*:

1. To note that China ratified the Montreal Protocol and the London Amendment on 14 June 1991 and the Copenhagen Amendment on 22 April 2003, 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 of the Multilateral Fund for Implementation of the Montreal Protocol in March 1993. The Executive Committee has approved \$623,438,283 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note further that China has reported annual consumption for the controlled substances in Annex B, group I (other CFCs), for 2004 of 20.539 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 20.5336 ODP-tonnes for those controlled substances for that year, and that, in the absence of further clarification, China is presumed to be in non-compliance with the control measures of the Protocol;
3. To request China, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. China may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule;
4. To monitor closely the progress of China with regard to the phase-out of the controlled substances in Annex B, group I (other CFCs). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, China should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions China, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substances in Annex B, group I (other CFCs), that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision VIII/24. Non-compliance by the Czech Republic with the halon phase-out by 1994**

The *Eighth Meeting of the Parties* decided in *Dec. VIII/24*:

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 industrial 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.

**Decision IX/32. Non-compliance by the Czech Republic with the freeze in consumption of methyl bromide in 1995**

The *Ninth Meeting of the Parties* decided in *Dec. IX/32*:

1. To note the Czech Republic's non-compliance in 1995 with the freeze in the consumption of methyl bromide. According to the information provided by the Czech Republic, in 1995 a total of 11.16 ODP tonnes of methyl bromide was imported, of which 7.9 ODP tonnes was consumed in 1996, and no methyl bromide was imported in 1996;
2. To note that, consequently, although the 1995 imports of methyl bromide exceeded the freeze level of 6.0 ODP tonnes for the Czech Republic, the average annual consumption for the two years 1995 and 1996 was below that level;
3. That no action is required on this incident of non-compliance but the Czech Republic should ensure that a similar case does not occur again.

**Decision X/22. Compliance with the Montreal Protocol by the Czech Republic**

The *Tenth Meeting of the Parties* decided in *Dec. X/22*:

1. To note that the Czech Republic ratified the London and Copenhagen Amendments on 18 December 1996. The country is classified as a non-Article 5 Party under the Protocol. For 1996, the Czech Republic reported positive consumption of 49.6 ODP tonnes of Annex A, Group I, substances that are partially accounted for under the essential-use exemption by the Parties for laboratory and analytical applications. However, the Czech Republic claims the remainder of the 1996 CFC consumption was for essential uses for metered-dose inhalers. But, as the Czech Republic imported ozone-depleting substances in 1996 without obtaining an essential-use authorization from the Parties to the Protocol, the Czech Republic was in state of technical non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol for 1996. The Czech Republic reported to the Implementation Committee that it has the utmost interest in reliably meeting its obligations under the Montreal Protocol;
2. To take note of the Czech Republic's status regarding obligations under Articles 2A through 2E of the Montreal Protocol for 1996 and ask the Implementation Committee to continue to review annually the Czech Republic's status;

**Decision XV/33. Non-compliance with the Montreal Protocol by the Democratic Republic of the Congo**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/33*:

1. To note that the Democratic Republic of the Congo ratified the Montreal Protocol and the London and Copenhagen Amendments on 30 November 1994. The Democratic Republic of the Congo is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$1,037,518 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that the baseline of the Democratic Republic of the Congo for Annex A, group II substances is 218.67 ODP-tonnes. It reported consumption of 492 ODP-tonnes of Annex A, group II substances in 2002. As a consequence, for 2002 the Democratic Republic of the Congo was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
3. To request the Democratic Republic of the Congo to submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Democratic Republic of the Congo may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. To monitor closely the progress of the Democratic Republic of the Congo with regard to the implementation of its plan of action and the phase-out of halons. To the degree that the Democratic Republic of the Congo is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Democratic Republic of the Congo should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution the Democratic Republic of the Congo, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the 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 halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/21: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex B, group II, (carbon tetrachloride) and Annex B, group III, (methyl chloroform) by the Democratic Republic of the Congo**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/21*:

1. To note that the Democratic Republic of the Congo ratified the Montreal Protocol and the London and Copenhagen Amendments on 30 November 1994 and the Montreal and Beijing Amendments on 23 March 2005, 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in March 1999. The Executive Committee has approved \$2,974,819.30 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note also that the Democratic Republic of the Congo has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 16.500 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 2.288 ODP-tonnes for that controlled substance for that year, and that the Party is therefore in non-compliance with the carbon tetrachloride control measures under the Protocol;
3. To note further that the Democratic Republic of the Congo has reported annual consumption for the controlled substance in Annex B, group III, (methyl chloroform) for 2005 of 4.000 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 3.330 ODP-tonnes for that controlled substance for that year, and that the Democratic Republic of the Congo is therefore in non-compliance with the methyl chloroform control measures under the Protocol;
4. To note with appreciation the Democratic Republic of the Congo's submission of a plan of action to ensure its prompt return to compliance with the Protocol's carbon tetrachloride and methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, the Party specifically commits itself:
  - (a) To maintain carbon tetrachloride consumption in 2006 at no more than 16.500 ODP-tonnes and then to reduce it as follows:
    - (i) To 2.2 ODP-tonnes in 2007;
    - (ii) To zero in 2008;
  - (b) To maintain methyl chloroform consumption in 2006 at no more than 4.000 ODP-tonnes and then to reduce it as follows:
    - (i) To 3.3 ODP-tonnes in 2007;
    - (ii) To zero in 2008;
  - (c) To monitor its system for licensing the import and export of ozone-depleting substances, which includes import quotas;

5. To note that the measures listed in paragraph 4 above should enable the Democratic Republic of the Congo to return to compliance with the Protocol in 2007 and to urge the Party to work with the relevant implementing agencies to implement the plan of action to phase out consumption of carbon tetrachloride and methyl chloroform;
6. To monitor closely the progress of the Democratic Republic of the Congo with regard to the phase-out of carbon tetrachloride and methyl chloroform. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Party should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Democratic Republic of the Congo, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride and methyl chloroform that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/22: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex A, group I, (CFCs) by Dominica**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/23*:

1. To note that Dominica ratified the Montreal Protocol and the London Amendment on 31 March 1993 and the Copenhagen, Montreal and Beijing Amendments on 7 March 2006, 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in November 1998. The Executive Committee has approved \$232,320 from the Multilateral Fund to enable Dominica's compliance in accordance with Article 10 of the Protocol;
2. To note further that Dominica has reported annual consumption for the Annex A, group I, controlled substances (CFCs) for 2005 of 1.388 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 0.740 ODP-tonnes for those controlled substances for that year, and that Dominica is therefore in non-compliance with the control measures for CFCs under the Protocol;
3. To note with appreciation Dominica's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Dominica specifically commits itself:
  - (a) To reduce CFC consumption from 1.388 ODP-tonnes in 2005 as follows:
    - (i) To 0.45 ODP-tonnes in 2006;
    - (ii) To zero ODP-tonnes from 2007, save for essential uses that may be authorized by the Parties after 1 January 2010;
  - (b) To introduce by 31 December 2006 a system for licensing the import and export of ozone-depleting substances that includes import quotas for all ozone-depleting substances listed under the Protocol. With regard to CFCs, Dominica would set annual quotas consistent with the levels stated in paragraph 3 (a) of the present decision, except to meet the needs of any national disasters and resulting emergencies, in which case Dominica will ensure that the annual quotas do not exceed its maximum allowable levels of consumption as prescribed by Article 2A of the Protocol or such levels as may be otherwise authorized by the Parties;
  - (c) To monitor its ban on the import of equipment requiring the supply of ozone-depleting substances, noting that the ban excludes equipment for medical purposes;

4. To note that the measures listed in paragraph 3 above should enable Dominica to return to compliance in 2006 and to urge Dominica to work with the relevant implementing agencies to implement the plan of action to phase out consumption of CFCs;
5. To monitor closely the progress of Dominica with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Dominica should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Dominica, 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 CFCs that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance; Decision XVII/31. Non-compliance with the Montreal Protocol by Ecuador

#### **Decision XVII/31: Non-compliance with the Montreal Protocol by Ecuador**

*The Seventeenth Meeting of the Parties decided in Dec. XVII/31:*

1. To note that Ecuador ratified the Montreal Protocol on 10 April 1990 and the London Amendment on 30 April 1990, 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved \$5,493,045 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note also that Ecuador's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 1.997 ODP-tonnes. As the Party reported consumption of 3.484 ODP-tonnes of methyl chloroform in 2003, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;
3. To note with appreciation Ecuador's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Ecuador specifically commits itself:
  - (a) To reduce methyl chloroform consumption from 2.50 ODP-tonnes in 2004 to 1.3979 ODP-tonnes in 2005;
  - (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances, which includes import quotas;
4. To note that the measures listed in paragraph 3 above should enable Ecuador to return to compliance in 2005 and to urge Ecuador to work with the relevant implementing agencies to implement the plan of action to phase out consumption of the controlled substance in Annex B, group III (methyl chloroform);
5. To monitor closely the progress of Ecuador with regard to the implementation of its plan of action and the phase-out of methyl chloroform. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Ecuador should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Ecuador, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform that is, the substance that is the subject of non-

compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/23: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substance in Annex E (methyl bromide) by Ecuador and request for a plan of action**

*The Eighteenth Meeting of the Parties decided in Dec. XVIII/23:*

1. To note that Ecuador ratified the Montreal Protocol on 10 April 1990, the London Amendment on 30 April 1990 and the Copenhagen Amendment on 24 November 1993, 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved \$5,737,500 from the Multilateral Fund to enable Ecuador's compliance in accordance with Article 10 of the Protocol;
2. To note further that Ecuador has reported annual consumption of the controlled substance in Annex E (methyl bromide) for 2005 of 153.000 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 52.892 ODP-tonnes for that controlled substance for that year, and that Ecuador is therefore in non-compliance with the methyl bromide control measures under the Protocol;
3. To request Ecuador, as a matter of urgency and no later than 31 March 2007, to submit to the Secretariat, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Ecuador may wish to consider including in its plan of action the establishment of policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To monitor closely the progress of Ecuador with regard to the phase-out of methyl bromide. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Ecuador should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Ecuador, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/24: Potential non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex A, group I, (CFCs) by Eritrea and request for a plan of action**

*The Eighteenth Meeting of the Parties decided in Dec. XVIII/24:*

1. To note that Eritrea ratified the Montreal Protocol on 10 March 2005 and the London, Copenhagen, Montreal and Beijing Amendments on 5 July 2005 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol. The Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved \$106,700 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note that Eritrea has reported annual consumption for the controlled substances in Annex A, group I, (CFCs) for 2005 of 30.220 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 20.574 ODP-tonnes for those controlled substances for that year, and that in the absence of further clarification Eritrea is therefore presumed to be in non-compliance with the control measures under the Protocol;

3. To request Eritrea to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Eritrea may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of ozone-depleting-substance-using equipment and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To monitor closely the progress of Eritrea with regard to the phase-out of CFCs. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Eritrea should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Eritrea, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision X/23. Compliance with the Montreal Protocol by Estonia**

The *Tenth Meeting of the Parties* decided in *Dec. X/23*:

1. To note that Estonia acceded to the Montreal Protocol on 17 October 1996. Estonia is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 36.5 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Estonia was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Estonia also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Estonia comes into compliance;
2. To note with appreciation Estonia's significant strides in coming into compliance with the Montreal Protocol. Estonia decreased its consumption steadily from an estimated 131 ODP tonnes in 1995 to 36.5 tonnes in 1996. This significant reduction is a clear demonstration of Estonia's determination to achieve a complete phase-out according to its schedule. In response to a request from the Ozone Secretariat, Estonia submitted interim reductions targets for the phase-out. In this phase-out plan with interim benchmarks, Estonia commits:
  - To reduce consumption by 1 January 1999 to no more than 23 ODP tonnes for Annex A and B substances;
  - To completely phase out consumption of Annex B substances by 1 January 2000;
  - To reduce consumption by 1 January 2000 to no more than 14 ODP tonnes of Annex A substances;
  - To reduce consumption of CFC-12 to all but 1 tonne in 2001;
  - To a complete phase out of Annex A substances by 1 January 2002; and
  - To establish, for 1999, a harmonized system for monitoring and controlling imports of ozone-depleting substances;
3. To urge Estonia, in order to assist it in meeting its commitments, to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a system for managing recovered refrigerants and halon for any continuing critical uses. The Parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources.

4. To closely monitor the progress of Estonia with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Estonia submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. The Parties urge Estonia to ratify the London and Copenhagen Amendments. To the degree that Estonia is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Estonia should continue to be treated in the same manner as a Party in good standing. In this regard, Estonia should, to the degree consistent with relevant assistance requirements, receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision the Parties caution Estonia, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XIII/24. Compliance with the Montreal Protocol by Ethiopia**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/24*:

1. To note that Ethiopia ratified the Montreal Protocol on 11 October 1994 and has not ratified the London and Copenhagen Amendments. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$330,844 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Ethiopia's baseline for Annex A, Group I substances is 33.8 ODP tonnes. Ethiopia reported consumption of 39 and 39 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Ethiopia responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Ethiopia reported consumption of 39.2 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Ethiopia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Ethiopia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Ethiopia may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. To closely monitor the progress of Ethiopia with regard to the phase-out of ozone-depleting substances. To the degree that Ethiopia is working towards and meeting the specific Protocol control measures, Ethiopia should continue to be treated in the same manner as a Party in good standing. In this regard, Ethiopia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Ethiopia, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XIV/34. Non-compliance with the Montreal Protocol by Ethiopia**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/34*:

1. To note that, in accordance with Decision XIII/24 of the 13th Meeting of the Parties, Ethiopia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. Ethiopia's baseline for Annex A, Group I substances is 34 ODP-tonnes. It reported consumption of 39 ODP-tonnes in 2000 and 35 ODP-tonnes for the control period 1 July 2000 to 30 June 2001, placing Ethiopia clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To express concern about Ethiopia's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the Parties note, after reviewing the plan of action submitted by Ethiopia, that Ethiopia specifically commits itself to reduce CFC consumption from the current level of 35 ODP tonnes in 2001 as follows:
  - (a) To 34 ODP tonnes in 2003;
  - (b) To 17 ODP tonnes in 2005;
  - (c) To 5 ODP tonnes in 2007; and
  - (d) To phase out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the Parties;
4. To note that the measures listed in paragraph 3 above should enable Ethiopia to return to compliance by 2003. In this regard, the Parties urge Ethiopia to work with relevant implementing agencies to phase out consumption of ozone-depleting substances in Annex A Group I;
5. To closely monitor the progress of Ethiopia with regard to the phase-out of ozone-depleting substances. To the degree that Ethiopia is working towards and meeting the specific commitments noted above in paragraph 3, Ethiopia should continue to be treated in the same manner as a Party in good standing. In this regard, Ethiopia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Ethiopia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

#### **Decision XVII/32. Non-compliance with the Montreal Protocol by Federated States of Micronesia**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/32*:

1. To note that Federated States of Micronesia ratified the Montreal Protocol on 6 September 1995 and the London, Copenhagen, Montreal and Beijing amendments on 27 November 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in March 2002. The Executive Committee has approved \$74,680 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note further that the Federated States of Micronesia has reported annual consumption of the controlled substances in Annex A, group I (CFCs), for 2002, 2003 and 2004 of 1.876, 1.691 and 1.451 ODP-tonnes respectively, which exceed the Party's maximum allowable consumption

level of 1.219 ODP-tonnes for those controlled substances in each of those years, and that Federated States of Micronesia is therefore in non-compliance with the control measures under the Protocol;

3. To note with appreciation Federated States of Micronesia's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Federated States of Micronesia specifically commits itself:
  - (a) To reduce consumption of the controlled substances in Annex A, group I (CFCs), from 1.451 ODP-tonnes in 2004 as follows:
    - (i) To 1.351 ODP-tonnes in 2005;
    - (ii) To phase out consumption of the controlled substances in Annex A, group I (CFCs), by 1 January 2006, save for essential uses that may be authorized by the Parties;
  - (b) To introduce a system for licensing imports and exports of ozone-depleting substances, including a quota system, by 1 January 2006;
4. To note that the measures listed in paragraph 3 above should enable Federated States of Micronesia to return to compliance in 2006, and to urge Federated States of Micronesia to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substances in Annex A, group I (CFCs);
5. To monitor closely the progress of Federated States of Micronesia with regard to the implementation of its plan of action and the phase-out of the controlled substances in Annex A, group I (CFCs). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Federated States of Micronesia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Federated States of Micronesia, 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 controlled substances in Annex A, group I (CFCs), that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision XVI/23. Non-compliance with the Montreal Protocol by Fiji**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/23*:

1. To note that Fiji has reported annual data for the controlled substances in Annex E (methyl bromide) for 2003 that is above its requirement for that substance. As a consequence, for 2003, Fiji was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
2. To request Fiji, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Fiji may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and 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 Fiji with regard to the phase-out of methyl bromide. To the degree that Fiji is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Fiji should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Fiji, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider

measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

### **Decision XVII/33. Non-compliance with the Montreal Protocol by Fiji**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/33*:

1. To note that Fiji ratified the Montreal Protocol on 23 October 1989, the London Amendment on 9 December 1994 and the Copenhagen Amendment on 17 May 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1993. The Executive Committee has approved \$542,908 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note also that Fiji's baseline for the controlled substance in Annex E (methyl bromide) is 0.6710 ODP-tonnes. As the Party reported consumption of methyl bromide of 1.506 ODP-tonnes in 2003 and 1.609 ODP-tonnes in 2004, it was in non-compliance with its obligations under Article 2H of the Montreal Protocol in those years;
3. To note with appreciation Fiji's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Fiji specifically commits itself:
  - (a) To reduce methyl bromide consumption from 1.609 ODP-tonnes in 2004 as follows:
    - (i) To 1.5 ODP-tonnes in 2005;
    - (ii) To 1.3 ODP-tonnes in 2006;
    - (iii) To 1.0 ODP-tonnes in 2007;
    - (iv) To 0.5 ODP-tonnes in 2008;
  - (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances;
  - (c) To commence implementation of a methyl bromide import quota system in 2006;
4. To note that the measures listed in paragraph 3 above should enable Fiji to return to compliance in 2008, and to urge Fiji to work with the relevant implementing agencies to implement the plan of action and phase out consumption of methyl bromide;
5. To monitor closely the progress of Fiji with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Fiji should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Fiji, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/25: Non-compliance with regard to the transfer of CFC production rights by Greece**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/25*:

1. To note that Greece ratified the Montreal Protocol on 29 December 1988, the London Amendment on 11 May 1993, the Copenhagen Amendment on 30 January 1995, the Montreal Amendment on 27 January 2006 and the Beijing Amendment on 27 January 2006 and is classified as a Party not operating under paragraph 1 of Article 5 of the Protocol;
2. To note further that Greece has reported annual production for the Annex A, group I, controlled substances (CFCs) of 2,793.000 ODP-tonnes 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 1,168 ODP-tonnes;
3. To note with appreciation the explanation submitted by the Party that it received a transfer of CFC production rights from the United Kingdom of Great Britain and Northern Ireland of 1,786 ODP-tonnes in 2004 such that its maximum allowable level of CFC production in that year increased to 2,954 ODP-tonnes, an amount greater than the total CFC production reported by Greece for 2004;
4. To note with concern, however, that Greece did not notify the Secretariat prior to the date of the transfer and that it is therefore in non-compliance with the provisions of Article 2 of the Protocol that prescribe the procedure for the transfer of production rights, while acknowledging the Party's regret at its failure to comply with the notification requirement of Article 2 and its undertaking to ensure that any future transfers are conducted in accordance with that Article;

**Decision XIX/21: 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**

The *Nineteenth Meeting of the Parties* decided in *Dec. XIX/21*:

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

*Noting also* that Greece has reported annual production for the Annex A, group I, controlled substances (CFCs) of 2,142.000 ODP-tonnes for 2005 to meet the basic domestic needs of Parties operating under Article 5 of the Protocol, which exceeds the Party's maximum allowable production level for those controlled substances of 730 ODP-tonnes,

*Noting with appreciation* the explanation submitted by the Party that 1,374 ODP-tonnes of 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 January 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 of the Protocol;

#### **Decision XV/34. Non-compliance with the Montreal Protocol by Guatemala**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/34*:

1. To note that Guatemala ratified the Montreal Protocol on 7 November 1989 and the London, Copenhagen, Montreal and Beijing Amendments on 21 January 2002. Guatemala is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$6,302,694 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Guatemala's baseline for Annex A, group I substances is 224.6 ODP-tonnes. It reported consumption of 239.6 ODP-tonnes of Annex A, group I substances in 2002. Guatemala's baseline for the controlled substance in Annex E is 400.7 ODP-tonnes. It reported consumption of 709.4 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Guatemala was in non-compliance with its obligations under Articles 2A and 2H of the Montreal Protocol;
3. To note with appreciation Guatemala's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group I and Annex E substances, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Guatemala specifically commits itself:
  - (a) To reducing CFC consumption from 239.6 ODP-tonnes in 2002 as follows:
    - (i) To 180.5 ODP-tonnes in 2003;
    - (ii) To 120 ODP-tonnes in 2004;
    - (iii) To 85 ODP-tonnes in 2005;

- (iv) To 50 ODP-tonnes in 2006;
  - (v) To 20 ODP-tonnes in 2007;
  - (vi) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
- (b) To reducing methyl bromide consumption from 709.4 ODP-tonnes in 2002, as follows:
- (i) To 528 ODP-tonnes in 2003;
  - (ii) To 492 ODP-tonnes in 2004;
  - (iii) To 360 ODP-tonnes in 2005;
  - (iv) To 335 ODP-tonnes in 2006;
  - (v) To 310 ODP-tonnes in 2007;
  - (vi) To 286 ODP-tonnes in 2008;
  - (vii) To phasing out methyl bromide consumption by 1 January 2015, as required under the Montreal Protocol, save for critical uses that may be authorized by the Parties;
- (c) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
- (d) To banning, by 2005, imports of ODS-using equipment;
4. To note that the measures listed in paragraph 3 above should enable Guatemala to return to compliance by 2005 (CFCs) and 2007 (methyl bromide), and to urge Guatemala to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I and Annex E;
5. To monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Guatemala is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Guatemala should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Guatemala, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the 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 CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/26: Revised plan of action to return Guatemala to compliance with the control measures in Article 2H of the Montreal Protocol**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/26*:

1. To note that Guatemala ratified the Montreal Protocol on 7 November 1989 and the London, Copenhagen, Montreal and Beijing Amendments on 21 January 2002. Guatemala 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in 1993. Since approval of the country programme, the Executive Committee has approved \$6,366,065 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To recall decision XV/34, which noted that Guatemala was in non-compliance in 2002 with its obligations under Article 2H of the Protocol to freeze its consumption of the controlled substance in Annex E (methyl bromide) at its baseline level of 400.7 ODP-tonnes but also noted with appreciation the plan of action submitted by Guatemala to ensure its prompt return to compliance in 2007 with the Protocol's methyl bromide consumption control measures;
3. To note with concern, however, that Guatemala has reported consumption of methyl bromide for 2005 of 522.792 ODP-tonnes, which is inconsistent with the Party's commitment contained in decision XV/34 to reduce its methyl bromide consumption to 360 ODP-tonnes in 2005;
4. To note further the advice of Guatemala that all relevant stakeholders have committed to phase out methyl bromide in accordance with the revised time-specific consumption reduction benchmarks contained in paragraph 5 of the present decision, which provide the Party with one additional year to overcome the technical, economic and political challenges that were the cause of the Party's deviation from its commitments contained in decision XV/34;
5. To note also with appreciation that Guatemala has submitted a revised plan of action for methyl bromide phase-out in controlled uses and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Guatemala specifically commits itself:
  - (a) To reduce methyl bromide consumption from 709.4 ODP-tonnes in 2002 as follows:
    - (i) To 400.70 ODP-tonnes in 2006;
    - (ii) To 361 ODP-tonnes in 2007;
    - (iii) To 320.56 ODP-tonnes in 2008;
    - (iv) To phase out methyl bromide consumption by 1 January 2015, as required under the Protocol, save for critical uses that may be authorized by the Parties;
  - (b) To monitor its system for licensing imports and exports of ozone-depleting substances, including quotas;
6. To note that the measures listed in paragraph 5 above should enable Guatemala to return to compliance with the Protocol's methyl bromide control measures in 2008 and to urge Guatemala to work with the relevant implementing agencies to implement the plan of action and phase out consumption of methyl bromide;
7. To monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Guatemala is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Guatemala should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Guatemala, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

## **Decision XVI/24. Non-compliance with the Montreal Protocol by Guinea-Bissau**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/24*:

1. To note that Guinea-Bissau ratified the Montreal Protocol and the London, Copenhagen and Beijing amendments on 12 November 2002. Guinea-Bissau 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 2004. The Executive Committee has approved \$669,593 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Guinea-Bissau's baseline for the controlled substances in Annex A, group I (CFCs), is 26.275 ODP tonnes. It reported consumption of 29.446 ODP tonnes of CFCs in 2003. As a consequence, for 2003, Guinea-Bissau was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To note with appreciation Guinea-Bissau's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group I (CFCs), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Guinea-Bissau specifically commits itself:
  - (a) To reducing CFC consumption from 29.446 ODP tonnes in 2003 as follows:
    - (i) To 26.275 ODP tonnes in 2004;
    - (ii) To 13.137 ODP tonnes in 2005;
    - (iii) To 13.137 ODP tonnes in 2006;
    - (iv) To 3.941 ODP tonnes in 2007;
    - (v) To 3.941 ODP tonnes in 2008;
    - (vi) To 3.941 ODP tonnes in 2009;
    - (vii) To phasing out CFC consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) To introduce a system for licensing imports and exports of ozone-depleting substances, including quotas by the end of 2004;
4. To note that the measures listed in paragraph 3 above should enable Guinea-Bissau to return to compliance by 2004, and to urge Guinea-Bissau to work with the relevant implementing agencies to implement the plan of action and phase out consumption of CFCs;
5. To monitor closely the progress of Guinea-Bissau with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Guinea-Bissau is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Guinea-Bissau should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Guinea-Bissau, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

## **Decision XV/35. Non-compliance with the Montreal Protocol by Honduras**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/35*:

1. To note that Honduras ratified the Montreal Protocol on 14 October 1993 and the London and Copenhagen Amendments on 24 January 2002. Honduras is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$2,912,410 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Honduras's baseline for the controlled substance in Annex E is 259.43 ODP-tonnes. It reported consumption of 412.52 ODP-tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Honduras was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. To recognize the devastation and disruption to agriculture caused by Hurricane Mitch in October 1998, which contributed to the increase in use of methyl bromide, and to applaud Honduras's efforts to recover from the situation;
4. To note with appreciation Honduras's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Honduras specifically commits itself:
  - (a) To reducing methyl bromide consumption from 412.52 ODP-tonnes in 2002 as follows:
    - (i) To 370.0 ODP-tonnes in 2003;
    - (ii) To 306.1 ODP-tonnes in 2004;
    - (iii) To 207.5 ODP-tonnes in 2005;
  - (b) To monitoring its system for licensing imports and exports of ODS, including quotas, in force since May 2003;
  - (c) To monitoring its ban on imports of ODS-using equipment, in force since May 2003;
5. To note that the measures listed in paragraph 4 above should enable Honduras to return to compliance by 2005, and to urge Honduras to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the ozone-depleting substance in Annex E;
6. To monitor closely the progress of Honduras with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Honduras is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Honduras should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Honduras, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVII/34. Revised plan of action to return Honduras to compliance with the control measures in Article 2H of the Montreal Protocol**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/34*:

1. To note that Honduras ratified the Montreal Protocol on 14 October 1993 and the London and Copenhagen Amendments on 24 January 2002, 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in 1996. Since approval of the country programme, the Executive Committee has approved \$3,342,025 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To recall decision XV/35, which noted that Honduras was in non-compliance in 2002 with its obligations under Article 2H of the Montreal Protocol to freeze its consumption of the controlled substance in Annex E (methyl bromide) at its baseline level of 259.43 ODP-tonnes, but also noted with appreciation the plan of action submitted by Honduras to ensure its prompt return to compliance in 2005;
3. To note with concern, however, that while Honduras has reported consumption of methyl bromide for 2004 of 340.80 ODP-tonnes that is less than its reported consumption for 2003, it is still inconsistent with the Party's commitment contained in decision XV/35 to reduce its methyl bromide consumption to 306.1 ODP-tonnes in 2004;
4. Further to note the advice of Honduras that its stakeholders remain committed to methyl bromide phase out and that an additional two years would be required to overcome the technical difficulties that were the cause of the Party's deviation from its commitments contained in decision XV/35;
5. To note with appreciation that Honduras has submitted a revised plan of action for methyl bromide phase-out in controlled uses, and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Honduras specifically commits itself:
  - (a) To reduce methyl bromide consumption from 340.80 ODP-tonnes in 2004 as follows:
    - (i) To 327.6000 ODP-tonnes in 2005;
    - (ii) To 295.8000 ODP-tonnes in 2006;
    - (iii) To 255.0000 ODP-tonnes in 2007;
    - (iv) To 207.5424 ODP-tonnes in 2008;
  - (b) To monitor its system for licensing imports and exports of ozone-depleting substances, including quotas, in force since May 2003;
  - (c) To monitor its ban on imports of equipment using ozone-depleting substances, in force since May 2003;
6. To note that the measures listed in paragraph 5 above should enable Honduras to return to compliance with the Protocol's methyl bromide control measures in 2008 and to urge Honduras to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E (methyl bromide);
7. To monitor closely the progress of Honduras with regard to the implementation of its plan of action and the phase-out of the controlled substance in Annex E (methyl bromide). To the degree that Honduras is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Honduras should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Honduras, in accordance with item B of the indicative list of measures, that,

in the event that it fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/27: Potential non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substance in Annex B group II, (carbon tetrachloride) by the Islamic Republic of Iran and request for a plan of action**

*The Eighteenth Meeting of the Parties decided in Dec. XVIII/27:*

1. To note that the Islamic Republic of Iran ratified the Montreal Protocol on 3 October 1990, the London and Copenhagen Amendments on 4 August 1997 and the Montreal Amendment 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1993. The Executive Committee has approved \$59,507,714 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note that the Islamic Republic of Iran has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 13.640 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 11.550 ODP-tonnes for that controlled substance for that year, and that in the absence of further clarification the Islamic Republic of Iran is therefore presumed to be in non-compliance with the control measures under the Protocol;
3. To request the Islamic Republic of Iran to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Islamic Republic of Iran may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of ozone-depleting-substance-using equipment and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To monitor closely the progress of the Islamic Republic of Iran with regard to the phase-out of carbon tetrachloride. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Islamic Republic of Iran should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Islamic Republic of Iran, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XIX/27: Compliance with the Montreal Protocol by the Islamic Republic of Iran**

*The Nineteenth Meeting of the Parties decided in Dec. XIX/27:*

*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 of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1993,

*Noting also* that the Executive Committee has approved \$65,323,350 from the Multilateral Fund 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 under the Non-compliance Procedure of the Montreal Protocol 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 its 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;
5. 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

#### **Decision XIII/19. Compliance with the Montreal Protocol by Kazakhstan**

*The Thirteenth Meeting of the Parties* decided in *Dec. XIII/19*:

1. To note that Kazakhstan ratified the Montreal Protocol on 26 August 1998 and the London Amendment on 26 July 2001. The country is classified as a non-Article 5 Party under the Protocol. The data for 1998 through 2000 in Kazakhstan's country programme that was submitted to the Implementation Committee indicate positive consumption of Annex A and B

substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1998 through 2000, Kazakhstan is in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Kazakhstan expresses a belief that this situation will continue through at least the year 2004, necessitating annual review by the Implementation Committee and the Parties until such time as Kazakhstan comes into compliance;

2. To express great concern about Kazakhstan's non-compliance and to note that Kazakhstan only very recently assumed the obligations of the Montreal Protocol, having ratified the Montreal Protocol in 1998 and the London Amendment in 2001. It is with that understanding that the Parties note, after reviewing the country programme and submissions of Kazakhstan, that Kazakhstan specifically commits itself:
  - (a) To reduce CFC consumption to 162 ODP tonnes for calendar year 2002, to 54 ODP tonnes for 2003; and to phase out CFC consumption by 1 January 2004 (save for essential uses authorized by the Parties);
  - (b) To establish, by 1 January 2003, a system for licensing imports and exports of ODS;
  - (c) To establish, by 1 January 2003, a ban on imports of ODS-using equipment;
  - (d) To reduce halon consumption to 5.08 ODP tonnes for the calendar year 2002 and to phase out halon consumption by 1 January 2003;
  - (e) To phase out carbon tetrachloride and methyl chloroform consumption by 1 January 2002;
  - (f) To reduce methyl bromide consumption to 2.7 ODP tonnes for calendar year 2002, to 0.44 ODP tonnes for calendar year 2003, and to phase out methyl bromide consumption by 1 January 2004;
3. That the measures listed in paragraph 2 above should enable Kazakhstan to achieve the near total phase-out of all Annexes A, B and E controlled substances by 1 January 2004. In this regard, the Parties urge Kazakhstan to work with relevant implementing agencies to shift current consumption to non-ozone-depleting alternatives;
4. To closely monitor the progress of Kazakhstan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Kazakhstan should submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Kazakhstan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Kazakhstan should continue to be treated in the same manner as a Party in good standing. In this regard, Kazakhstan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Kazakhstan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of Annex A and B controlled substances that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

**Decision XVII/35. Potential non-compliance in 2004 with the controlled substances in Annex A, group I (CFCs) by Kazakhstan, and request for a plan of action**

*The Seventeenth Meeting of the Parties decided in Dec. XVII/35:*

1. To recall decision XIII/19, which noted that Kazakhstan was in non-compliance from 1998 to 2000 with its obligations under Article 2A of the Montreal Protocol to maintain total phase-out of its consumption of the controlled substances in Annex A, group I (CFCs), but also noted with appreciation the plan of action submitted by Kazakhstan to ensure its prompt return to compliance;

2. To note with concern, however, that Kazakhstan reported annual consumption for the controlled substances in Annex A, group I (CFCs), in 2004 of 11.2 ODP-tonnes, which is inconsistent with the Party's commitment contained in decision XIII/19 to reduce its consumption of the controlled substances in Annex A, group I (CFCs), to zero in 2004;
3. To note further with concern that Kazakhstan has not submitted to the Implementation Committee the requested explanation for this deviation and strongly to urge the Party to submit this information, along with its ozone-depleting substance data report for 2005, and to report on its commitment, also contained in decision XIII/19, to implement a ban on the import of equipment using ozone-depleting-substances, as a matter of urgency, in time for consideration by the Committee at its next meeting;
4. To remind the Party of paragraph 4 of decision XIII/19, which records the agreement of the Thirteenth Meeting of the Parties to monitor the progress of Kazakhstan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments contained in decision XIII/19. In this regard, the Parties requested that Kazakhstan should submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Kazakhstan is working towards and meeting the specific time-based commitments contained in decision XIII/19 and continues to report data annually demonstrating a decrease in imports and consumption, it should continue to be treated in the same manner as a Party in good standing. In this regard, Kazakhstan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through decision XIII/19, however, the Parties cautioned Kazakhstan, in accordance with item B of the indicative list of measures, that, in the event that the country fails to meet the commitments noted above in the times specified, the Parties should consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4 designed to ensure that the supply of controlled substances in Annex A and Annex B that are the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision XVIII/28: Non-compliance with the Montreal Protocol by Kenya**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/28*:

1. To note that Kenya ratified the Montreal Protocol on 9 November 1988, the London and Copenhagen Amendments on 27 September 1994 and the Montreal Amendment on 12 July 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in July 1994. The Executive Committee has approved \$4,579,057 from the Multilateral Fund to enable Kenya's compliance in accordance with Article 10 of the Protocol;
2. To note also that Kenya has reported annual consumption for the controlled substances in Annex A, group I, (CFCs) for 2005 of 162.210 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 119.728 ODP-tonnes for those controlled substances for that year, and that Kenya is therefore in non-compliance with the control measures for CFCs under the Protocol;
3. To note with appreciation Kenya's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Kenya specifically commits itself:
  - (a) To reduce CFC consumption from 162.210 ODP-tonnes in 2005 to 60.00 ODP-tonnes in 2006;
  - (b) To further reduce CFC consumption from 60.00 ODP-tonnes in 2006 to 30.00 ODP-tonnes in 2007;

- (c) To further reduce CFC consumption from 30.00 ODP-tonnes in 2007 to 10.00 ODP-tonnes in 2008;
  - (d) To further reduce CFC consumption from 10.00 ODP-tonnes in 2008 to zero (0.00) ODP-tonnes in 2009, save for essential uses that may be authorized by the Parties after 1 January 2010;
  - (e) To monitor its system for licensing the import and export of ozone-depleting substances, which includes import quotas;
4. To urge Kenya to gazette the ozone-depleting substances regulations required to establish and implement its system for licensing the import and export of ozone-depleting substances, which includes import quotas, as soon as possible and preferably no later than 31 December 2006;
  5. To note that the measures listed in paragraph 3 above should enable Kenya to return to compliance with the Protocol in 2006 and to urge Kenya to work with the relevant implementing agencies to implement the plan of action to phase out consumption of CFCs;
  6. To monitor closely the progress of Kenya with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Kenya should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Kenya, 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 CFCs that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVII/36. Non-compliance with the Montreal Protocol by Kyrgyzstan**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/36*:

1. To note that Kyrgyzstan ratified the Montreal Protocol on 31 May 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in July 2002. The Executive Committee has approved \$1,206,732 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note further that Kyrgyzstan has reported annual consumption for the controlled substances in Annex A, group II (halons), for 2004 of 2.40 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for those controlled substances for that year, and that Kyrgyzstan is therefore in non-compliance with the control measures under the Protocol;
3. To note with appreciation Kyrgyzstan's submission of a plan of action to ensure a prompt return to compliance with the Protocol's halon control measures, and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Kyrgyzstan specifically commits itself:
  - (a) To maintain consumption of the controlled substances in Annex A, group II (halons), at no more than the 2004 level of 2.40 ODP-tonnes in 2005, and then to reduce halon consumption as follows:
    - (i) To 1.20 ODP-tonnes in 2006;
    - (ii) To 0.60 ODP-tonnes in 2007;
    - (iii) To phase out consumption of these controlled substances by 1 January 2008, save for essential uses that may be authorized by the Parties;

- (b) To monitor its existing system for licensing imports and exports of ozone-depleting substances;
  - (c) To introduce a ban on the import of equipment containing halons and equipment that uses halons by 1 January 2006;
  - (d) To introduce an import quota system to limit annual consumption of the controlled substances in Annex A, group II (halons), by the beginning of 2006;
4. To note that the measures listed in paragraph 3 above should enable Kyrgyzstan to return to compliance in 2008 and to urge Kyrgyzstan to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substances in Annex A, group II (halons);
  5. To monitor closely the progress of Kyrgyzstan with regard to the implementation of its plan of action and the phase-out of Annex A, group II, controlled substances (halons). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Kyrgyzstan should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Kyrgyzstan, 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 Annex A, group II, controlled substances (halons) that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision VIII/22: Compliance with the Montreal Protocol by Latvia**

The *Eighth Meeting of the Parties* decided in *Dec. VIII/22*:

1. To note that, according to the information provided by Latvia and the statement made by its representative at the fourteenth meeting of the Implementation Committee, Latvia would be in a situation of non-compliance with the Montreal Protocol in 1996;
2. To note also that there is a possibility of non-compliance by Latvia in 1997 so that the Implementation Committee might have to revert to that question that year;
3. To note also that major efforts are being made by Latvia to meet its obligations under the Protocol, even in the absence of external financial assistance for investment projects;
4. To urge Latvia to ratify the London Amendment to the Montreal Protocol and provide immediately a timetable for the ratification process;
5. To recommend that international funding agencies should consider favourably the provision of financial assistance to Latvia for projects to phase out ozone-depleting substances in the country;
6. To keep under review the situation with regard to ODS phase-out in Latvia.

**Decision IX/29: Compliance with the Montreal Protocol by Latvia**

The *Ninth Meeting of the Parties* decided in *Dec. IX/29*:

1. To note the timetable for the ratification of the London Amendment of the Montreal Protocol provided by Latvia and urge Latvia to ratify the London Amendment by October 1997 as indicated in their timetable;
2. To note that, according to the information contained in Latvia's country programme for the phase-out of ozone-depleting substances, Latvia is a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance with the Montreal

Protocol in 1998, so that the Implementation Committee might have to revert to that question that year;

3. To recommend that, in light of the country's commitment reflected in the country programme, and related official communications of Latvia to the Parties in line with decision VIII/22, international assistance, particularly by GEF, should be considered favourably in order to provide funding to Latvia for projects to implement the country programme for phasing out ozone-depleting substances in the country;
4. To keep under review the situation with regard to ODS phase-out in Latvia.

#### **Decision X/24: Compliance with the Montreal Protocol by Latvia**

*The Tenth Meeting of the Parties decided in Dec. X/24:*

1. To note that Latvia acceded to the Montreal Protocol on 28 April 1995 and ratified the London and Copenhagen Amendments on 2 November 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported to positive consumption of 342 tonnes ODP of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Latvia was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Latvia also expresses a belief that this situation may continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Latvia comes into compliance.
2. To note with appreciation the fact that Latvia has made tremendous strides in coming into compliance with the Montreal Protocol. Although Latvia ratified the Protocol just three years ago, it has decreased its consumption steadily from 1986, when it was 6,558 tonnes, to 1993, when its consumption was 1,205 tonnes, to 1995, when its consumption was 711.5 tonnes to the present level of 342.8 tonnes. This significant reduction is a clear demonstration of Latvia's commitment to become a Party in full compliance with the Protocol. The Parties note with appreciation that Latvia has made efforts to achieve compliance through agreements with its industry, and through the application of a tax on imports of ozone-depleting substances. Latvia has also undertaken efforts to understand the disposition of halons that are currently deployed, and to stockpile halon from decommissioned uses in order to ensure availability to meet future critical uses. The Parties note these important undertakings, and point out that similar undertakings could be considered by other countries who are striving to comply with the provisions of the Protocol. The Parties also note that Latvia's submission and statements to the Implementation Committee indicate a commitment:
  - To observe the ban on the production and import of Annex A, Group II, substances imposed on 12 December 1997;
  - To limit consumption of Annex A, Group I, substances to no more than 100 metric tonnes in 1999; and
  - To ban the production and import of Annex A, Group I, and all Annex B substances by 1 January 2000;
3. To note Latvia's report that a majority of its remaining use of ozone-depleting substances is in the aerosol sector, a sector with alternatives that are available at a cost savings to users. The Parties further note the late time at which phase-out projects are being initiated. Accordingly, and considering the plan produced by Latvia, the Parties are hopeful that Latvia will be able to achieve a total phase-out of Annex A and B substances by 1 July 2001. Achievement of these commitments and goals will necessitate the strict application of import quota restrictions on an annual basis to ensure phased reductions in consumption;
4. To closely monitor the progress of Latvia with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, to request that Latvia submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Latvia is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Latvia should continue to be treated in

the same manner as a Party in good standing. In this regard, Latvia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Latvia, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in times specified, the Parties shall consider measures, consistent with item C of the indicative list of measure. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

**Decision XVI/25. Non-compliance with the Montreal Protocol by Lesotho**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/25*:

1. To note that Lesotho ratified the Montreal Protocol on 25 March 1994. Lesotho 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 1996. The Executive Committee has approved \$311,332 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Lesotho's baseline for the controlled substances in Annex A, group II (halons), is 0.2 ODP tonnes. It reported consumption of 1.8 ODP tonnes of halons in 2002. As a consequence, for 2002, Lesotho was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
3. To note with appreciation Lesotho's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group II (halons), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Lesotho specifically commits itself:
  - (a) To reducing halon consumption from 1.8 ODP tonnes in 2002 as follows:
    - (i) To 0.8 ODP tonnes in 2004;
    - (ii) To 0.2 ODP tonnes in 2005;
    - (iii) To 0.1 ODP tonnes in 2006;
    - (iv) To 0.1 ODP tonnes in 2007;
    - (v) To zero ODP tonnes in 2008, save for essential uses that may be authorized by the Parties after 1 January 2010;
  - (b) To introduce a quota system for the import of halons;
  - (c) To introduce a ban on the import of halon-based equipment and systems in 2005;
4. To note that the measures listed in paragraph 3 above should enable Lesotho to return to compliance by 2006, and to urge Lesotho to work with the relevant implementing agencies to implement the plan of action and phase out consumption of halons;
5. To monitor closely the progress of Lesotho with regard to the implementation of its plan of action and the phase-out of halons. To the degree that Lesotho is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Lesotho should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Lesotho, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, 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 halons (that is, the subject of non-

compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XIV/25. Non-compliance with the Montreal Protocol by Libyan Arab Jamahiriya**

*The Fourteenth Meeting of the Parties decided in Dec. XVI/25:*

1. To note that Libyan Arab Jamahiriya ratified the Montreal Protocol on 11 July 1990 and the London Amendment on 12 July 2001. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 2000. Since approval of the country programme, the Executive Committee has approved \$2,794,053 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Libyan Arab Jamahiriya's baseline for Annex A, Group I substances is 717 ODP-tonnes. It reported consumption of 985 ODP-tonnes in 2000 and 985 ODP-tonnes in 2001, placing Libyan Arab Jamahiriya clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Libyan Arab Jamahiriya submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Libyan Arab Jamahiriya may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To closely monitor the progress of Libyan Arab Jamahiriya with regard to the phase-out of ozone-depleting substances. To the degree that Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, Libyan Arab Jamahiriya should continue to be treated in the same manner as a Party in good standing. In this regard, Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

**Decision XV/36. Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya**

*The Fifteenth Meeting of the Parties decided in Dec. XV/36:*

1. To note that, in accordance with decision XIV/25 of the Fourteenth Meeting of the Parties, the Libyan Arab Jamahiriya was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation the Libyan Arab Jamahiriya's submission of its plan of action, and to note also that, under the plan, the Libyan Arab Jamahiriya specifically commits itself:
  - (a) To reducing CFC consumption from 985 ODP-tonnes in 2001 as follows:
    - (i) To 710.0 ODP-tonnes in 2003;
    - (ii) To 610.0 ODP-tonnes in 2004;
    - (iii) To 303.0 ODP-tonnes in 2005;
    - (iv) To 107 ODP-tonnes in 2007;

- (v) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (c) To monitoring its ban on imports of ODS-using equipment, introduced in 2003;
3. To note that the measures listed in paragraph 2 above should enable the Libyan Arab Jamahiriya to return to compliance by 2003, and to urge the Libyan Arab Jamahiriya to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
  4. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that the Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVI/26. Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/26*:

1. To note that the Libyan Arab Jamahiriya has reported annual data for the controlled substances in Annex A, group II (halons), for 2003 which is above its requirements for those substances. As a consequence, for 2003, the Libyan Arab Jamahiriya was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
2. To request the Libyan Arab Jamahiriya, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Libyan Arab Jamahiriya may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on the import of ozone-depleting-substances-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the phase-out of halons. To the degree that the Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVII/37. Non-compliance with the Montreal Protocol by the Libyan Arab Jamahiriya**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/37*:

1. To note that the Libyan Arab Jamahiriya ratified the Montreal Protocol on 11 July 1990, the London Amendment on 12 July 2001 and the Copenhagen Amendment on 24 September 2004, 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in December 2000. The Executive Committee has approved \$5,198,886 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. To note further that the Libyan Arab Jamahiriya's baseline for Annex A, group II, controlled substances (halons) is 633.067 ODP-tonnes. It reported consumption in 2003 and 2004 of 714.500 ODP-tonnes of those substances. The Libyan Arab Jamahiriya's baseline for the controlled substance in Annex E (methyl bromide) is 94.050 ODP-tonnes. It reported consumption in 2004 of 96.000 ODP-tonnes of that substance. As a consequence, in 2003 the Libyan Arab Jamahiriya was in non-compliance with its obligations under Article 2A of the Montreal Protocol, while in 2004 it was in non-compliance with its obligations under Articles 2A and 2H of the Protocol;
3. To note with appreciation the Libyan Arab Jamahiriya's submission of a plan of action to ensure a prompt return to compliance with the Protocol's halon and methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, the Libyan Arab Jamahiriya specifically commits itself:
  - (a) To maintain consumption of the controlled substances in Annex A, group II (halons), at no more than the 2004 level of 714.500 ODP-tonnes in 2005 and then to reduce halon consumption as follows:
    - (i) To 653.910 ODP-tonnes in 2006;
    - (ii) To 316.533 ODP-tonnes in 2007;
    - (iii) To phase out halon consumption by 1 January 2008, save for essential uses that may be authorized by the Parties;
  - (b) To maintain consumption of the controlled substance in Annex E (methyl bromide) at no more than the 2004 level of 96.000 ODP-tonnes in 2005 and 2006 and then to reduce methyl bromide consumption as follows:
    - (i) To 75.000 ODP-tonnes in 2007;
    - (ii) To phase out methyl bromide consumption by 1 January 2010, save for critical uses that may be authorized by the Parties;
4. To recall the commitment of the Libyan Arab Jamahiriya, contained in decision XV/36, to establish a system for licensing imports and exports of ozone-depleting substances, including quotas, and to monitor its ban on imports of equipment using ozone-depleting substances, introduced in 2003;
5. To note that the measures listed in paragraph 3 above should enable the Libyan Arab Jamahiriya to return to compliance with the Protocol's halon and methyl bromide control measures in 2007, and to urge the Libyan Arab Jamahiriya to work with the relevant implementing agencies to implement the plan of action and phase out consumption of halon and methyl bromide;
6. To monitor closely the progress of the Libyan Arab Jamahiriya with regard to the implementation of its plan of action and the phase-out of Annex A, group II, controlled substances (halons) and the controlled substance in Annex E (methyl bromide). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution the Libyan Arab Jamahiriya, 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 Annex A, group II, controlled substances (halons) and the controlled substance in Annex E (methyl bromide) that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision VIII/23: Compliance with the Montreal Protocol by Lithuania**

The *Eighth Meeting of the Parties* decided in *Dec. VIII/23*:

1. To note that, according to the information provided by Lithuania and the statement made by its representative at the fourteenth meeting of the Implementation Committee, Lithuania would be in a situation of non-compliance with the Montreal Protocol in 1996;
2. To note also that there is a possibility of non-compliance by Lithuania in 1997 so that the Implementation Committee might have to revert to that question that year;
3. To note also that major efforts are being made by Lithuania to meet its obligations under the Protocol, even in the absence of external financial assistance for investment projects;
4. To urge Lithuania to ratify the London Amendment to the Montreal Protocol and provide immediately a timetable for the ratification process;
5. To recommend that international funding agencies should consider favourably the provision of financial assistance to Lithuania for projects to phase out ozone-depleting substances in the country;
6. To keep under review the situation with regard to ODS phase-out in Lithuania.

#### **Decision IX/30: Compliance with the Montreal Protocol by Lithuania**

The *Ninth Meeting of the Parties* decided in *Dec. IX/30*:

1. To note the timetable for the ratification of the London Amendment to the Montreal Protocol provided by Lithuania and urge Lithuania to ratify the London Amendment in September 1997 as indicated in their timetable;
2. To note that, according to the information contained in Lithuania's country programme for the phase-out of ozone-depleting substances, Lithuania is in a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance in 1998, so that the Implementation Committee might have to revert to that question that year;
3. To recommend that, in light of the country's commitment reflected in the country programme, and related official communications of Lithuania to the Parties in line with decision VIII/23, international assistance, particularly by GEF, should be considered favourably in order to provide funding to Lithuania for projects to implement the country programme for phasing out ozone-depleting substances in the country;
4. To keep under review the situation with regard to ODS phase-out in Lithuania.

#### **Decision X/25: Compliance with the Montreal Protocol by Lithuania**

The *Tenth Meeting of the Parties* decided in *Dec. X/25*:

1. To note that Lithuania acceded to the Montreal Protocol on 18 January 1995, and acceded to the London and Copenhagen Amendments on 3 February 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 295 ODP tonnes ODP of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Lithuania was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Lithuania also expresses a belief that this situation may continue through at least the year 2000, necessitating annual

review by the Implementation Committee and the Parties until such time as Lithuania comes into compliance;

2. To note with appreciation the fact that Lithuania has made tremendous strides in coming into compliance with the Montreal Protocol. Although Lithuania ratified the Protocol just three years ago, it has decreased its consumption steadily from 1986, when it was estimated at 6,089 tonnes, to 1993, when its consumption was estimated at 935 ODP tonnes, to 1995, when its consumption was 428 tonnes, to 1996 when its consumption of Annex A and B substances is reported at 295 tonnes. Lithuania is very clear in admitting that a substantial reason for the significant reduction in consumption is due to the economic turmoil that has been taking place in its country. After review of the submissions and presentation to the Implementation Committee, it is noted that Lithuania commits:
  - To ban the import of CFC-113, carbon tetrachloride and methyl chloroform by 1 January 2000; and
  - To reduce the consumption of Annex A and B substances by 86 per cent from 1996 levels by 1 January 2000;
3. To note that achievement of these goals will necessitate a strict application of Lithuania's existing import licensing system to ensure that phased reductions and reduced reliance on ozone-depleting substances continue to take place, and indeed, the Lithuania country programme includes a commitment to make arrangements with its customs department to ensure that imports are ceased. Ensuring that requirement to cease imports is particularly important given the pending closure of CFC producers in Russian Federation, supply on which Lithuania has traditionally depended. Noting Lithuania's obvious commitment to the Montreal Protocol, it is hopeful that the country will be able to achieve a total phase-out of Annex A and B substances by 1 January 2001. In so stating, the Parties noted but specifically rejected a request by Lithuania to allow for continuous imports until 2005 for servicing existing refrigeration equipment. The Parties, in so doing, note that achieving a phase-out by 1 January 2001 may necessitate that Lithuania increase the recovery of existing ODS or the import of recycled material, and urge Lithuania to plan carefully for its future refrigerant-servicing needs and invite the Technology and Economic Assessment Panel to help in this endeavour. The Parties will closely monitor the progress of Lithuania towards meeting the above-noted commitments to reduce CFC-113, carbon-tetrachloride and methyl-chloroform use prior to the next Meeting of the Parties, and to put in place by June 1999 a requirement to cease imports of these substances by 1 January 2000 (save for essential uses authorized by the Parties);
4. To closely monitor the progress of Lithuania with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Lithuania submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Lithuania is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Lithuania should continue to be treated in the same manner as a Party in good standing. In this regard, Lithuania should receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Lithuania, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

### **Decision XIV/26. Non-compliance with the Montreal Protocol by Maldives**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/26*:

1. To note that Maldives ratified the Montreal Protocol on 16 May 1989, the London Amendment on 31 July 1991 and the Copenhagen Amendment and the Montreal Amendment on 27 September 2001. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$370,516 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Maldives' baseline for Annex A, Group I substances is 5 ODP-tonnes. It reported consumption of 5 ODP-tonnes in 2000 and 14 ODP-tonnes in 2001, placing Maldives clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Maldives submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Maldives may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To closely monitor the progress of Maldives with regard to the phase-out of ozone-depleting substances. To the degree that Maldives is working towards and meeting the specific Protocol control measures, Maldives should continue to be treated in the same manner as a Party in good standing. In this regard, Maldives should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Maldives, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

### **Decision XV/37. Non-compliance with the Montreal Protocol by Maldives**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/37*:

1. To note that, in accordance with decision XIV/26 of the Fourteenth Meeting of the Parties, Maldives was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Maldives' submission of its plan of action, and to note also that, under the plan, Maldives specifically commits itself:
  - (a) To reducing CFC consumption from 2.8 ODP-tonnes in 2002 as follows:
    - (i) To 0 ODP-tonnes in 2003, 2004 and 2005;
    - (ii) To 2.3 ODP-tonnes in 2006;
    - (iii) To 0.69 ODP-tonnes in 2007;
    - (iv) To 0 ODP-tonnes in 2008 and 2009;
    - (v) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) To monitoring its existing system for licensing imports of ODS, including quotas, introduced in 2002;
  - (c) To banning, by 2004, imports of ODS-using equipment;

3. To note that the measures listed in paragraph 2 above have already enabled Maldives to return to compliance, to congratulate Maldives on that progress and to urge Maldives to work with the relevant implementing agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
4. To monitor closely the progress of Maldives with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Maldives is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Maldives should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Maldives, 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/30: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substance in Annex B, group II, (carbon tetrachloride) by Mexico**

The *Eighteenth Meeting of the Parties* decided in *Dec. XVIII/30*:

1. To note that Mexico ratified the Montreal Protocol on 31 March 1988, the London Amendment on 11 October 1991 and the Copenhagen Amendment on 16 September 1994, 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved \$83,209,107 from the Multilateral Fund to enable Mexico's compliance in accordance with Article 10 of the Protocol;
2. To note further that Mexico has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 89.540 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 9.376 ODP-tonnes for that controlled substance for that year, and that Mexico is therefore in non-compliance with the carbon tetrachloride control measures under the Protocol;
3. To note with appreciation Mexico's submission of a plan of action to ensure a prompt return to compliance with the Protocol's carbon tetrachloride control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Mexico specifically commits itself:
  - (a) To reduce carbon tetrachloride consumption from 89.540 ODP-tonnes in 2005 as follows:
    - (i) To 9.376 ODP-tonnes in 2008;
    - (ii) To zero ODP-tonnes in 2009;
  - (b) To monitor its system for licensing the import and export of ozone-depleting substances, which includes import quotas;
4. To note that the measures listed in paragraph 3 above should enable Mexico to return to compliance with the Protocol in 2008 and to urge Mexico to work with the relevant implementing agencies to implement the plan of action to phase out consumption of carbon tetrachloride;
5. To monitor closely the progress of Mexico with regard to the phase-out of carbon tetrachloride. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Mexico should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by

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

**Decision XV/23. Potential non-compliance with consumption of the Annex C, group II, ozone-depleting substance (hydrobromofluorocarbons) by Morocco in 2002, and request for a plan of action**

*The Fifteenth Meeting of the Parties decided in Dec. XV/23:*

1. To note that Morocco has reported annual data for Annex C, group II, for 2002 which are above its requirement for a 100 per cent phase-out. In the absence of further clarification, Morocco is presumed to be in non-compliance with the control measures under the Protocol;
2. To request Morocco to submit to the Implementation Committee, for consideration at its next meeting, an explanation for its excess consumption, and a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
3. To monitor closely the progress of Morocco with regard to the phase-out of hydrobromofluorocarbons. To the degree that Morocco is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Morocco should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Morocco, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures.

**Decision XIV/22. Non-compliance with the Montreal Protocol by Namibia**

*The Fourteenth Meeting of the Parties decided in Dec. XIV/22:*

1. To note that Namibia ratified the Montreal Protocol on 20 September 1993 and the London Amendment on 6 November 1997. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved \$406,147 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Namibia's baseline for Annex A, Group I substances is 22 ODP-tonnes. It reported consumption of 22 and 24 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 23 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Namibia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Namibia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Namibia may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To closely monitor the progress of Namibia with regard to the phase-out of ozone-depleting substances. To the degree that Namibia is working towards and meeting the specific Protocol control measures, Namibia should continue to be treated in the same manner as a Party in good standing. In this regard, Namibia should continue to receive international assistance to enable it

to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Namibia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

**Decision XV/38. Non-compliance with the Montreal Protocol by Namibia**

*The Fifteenth Meeting of the Parties decided in Dec. XV/38:*

1. To note that, in accordance with decision XIV/22 of the Fourteenth Meeting of the Parties, Namibia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note with appreciation Namibia's submission of its plan of action, and to note also that, under the plan, Namibia specifically commits itself:
  - (a) To reducing CFC consumption from 20 ODP-tonnes in 2002 as follows:
    - (i) To 19.0 ODP-tonnes in 2003;
    - (ii) To 14.0 ODP-tonnes in 2004;
    - (iii) To 10.0 ODP-tonnes in 2005;
    - (iv) To 9.0 ODP-tonnes in 2006;
    - (v) To 3.2 ODP-tonnes in 2007;
    - (vi) To 2.0 ODP-tonnes in 2008;
    - (vii) To 1.0 ODP-tonnes in 2009;
    - (viii) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (c) To banning, by 2004, imports of ODS-using equipment;
3. To note that the measures listed in paragraph 2 above have already enabled Namibia to return to compliance, to congratulate Namibia on that progress and to urge Namibia to work with the relevant implementing agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
4. To monitor closely the progress of Namibia with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Namibia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Namibia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Namibia, 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

### **Decision XIV/23. Non-compliance with the Montreal Protocol by Nepal**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/23*:

1. To note that Nepal ratified the Montreal Protocol and the London Amendment on 6 July 1994. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1998. Since approval of the country programme, the Executive Committee has approved \$432,137 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Nepal's baseline for Annex A, Group I substances is 27 ODP-tonnes. It reported consumption of 94 ODP-tonnes of Annex A, Group I substances in 2000, and consumption of 94 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Nepal was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Nepal submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Nepal may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To closely monitor the progress of Nepal with regard to the phase-out of ozone-depleting substances. To the degree that Nepal is working towards and meeting the specific Protocol control measures, Nepal should continue to be treated in the same manner as a Party in good standing. In this regard, Nepal should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Nepal, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

### **Decision XV/39. Non-compliance with the Montreal Protocol by Nepal**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/39*:

1. To recall that in its decision XIV/23 the Fourteenth Meeting of the Parties noted that Nepal's baseline for Annex A, group I substances is 27 ODP-tonnes. Nepal reported consumption of 94 ODP-tonnes of Annex A, group I substances in 2000 and consumption of 94 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000-June 2001 control period Nepal was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
2. To note that Nepal has subsequently reported that 74 ODP-tonnes of imports of CFCs have been detained by its customs authorities as the shipment lacked an import license, and that Nepal therefore wished to report the quantity as illegal trade under the terms of decision XIV/7;
3. To congratulate Nepal on its actions in seizing the shipment and in reporting the fact to the Secretariat;
4. To note also, however, that paragraph 7 of decision XIV/7 provides that "the illegally traded quantities should not be counted against a Party's consumption provided the Party does not place the said quantities on its own market";
5. To conclude, therefore, that if Nepal decides to release any of the seized quantity of CFCs into its domestic market, it would be considered to be in non-compliance with its obligations under Article 2A of the Montreal Protocol and would therefore be required to fulfil the terms of decision XIV/23, including submitting to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

6. To request the Implementation Committee to review the situation of Nepal at its next meeting;

**Decision XVI/27. Compliance with the Montreal Protocol by Nepal**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/27*:

1. To note that Nepal ratified the Montreal Protocol and the London Amendment on 6 July 1994. Nepal 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 1998. The Executive Committee has approved \$453,636 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To recall that in its decision XV/39, the Fifteenth Meeting of the Parties had congratulated Nepal on seizing 74 ODP tonnes of imports of CFCs that had been imported in 2000 without an import license, and on reporting the quantity as illegal trade under the terms of decision XIV/7;
3. To recall that, in paragraph 5 of decision XV/39, the Parties had stated that, if Nepal decided to release any of the seized quantity of CFCs on to its domestic market, it would be considered to be in non-compliance with its obligations under Article 2A of the Montreal Protocol and would therefore be required to fulfil the terms of decision XIV/23, including submitting to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
4. To clarify the meaning of paragraph 5 of decision XV/39 to mean that Nepal would only be considered to be in non-compliance if the amount of CFCs released on to the market in any one year exceeded its permitted consumption level under the Protocol for that year;
5. To note further that Nepal's baseline for CFCs is 27 ODP tonnes;
6. To note with appreciation Nepal's submission of its plan of action to manage the release of the seized CFCs, and to note further that, under the plan, Nepal specifically commits itself:
  - (a) To release no more than the following amount of CFCs in each year as follows:
    - (i) 27.0 ODP tonnes in 2004;
    - (ii) 13.5 ODP tonnes in 2005;
    - (iii) 13.5 ODP tonnes in 2006;
    - (iv) 4.05 ODP tonnes in 2007;
    - (v) 4.05 ODP tonnes in 2008;
    - (vi) 4.00 ODP tonnes in 2009;
    - (vii) Zero in 2010, save for essential uses that may be authorized by the Parties;
  - (b) To monitor its existing system for licensing imports of ozone-depleting substances, including quotas, introduced in 2001, which includes a commitment not to issue import licenses for CFCs, in order to remain in compliance with its plan of action;
  - (c) To report annually on the quantity of CFCs released pursuant to paragraph 6 (a) above;
  - (d) To ensure that any quantities of CFCs remaining after 2010 are not released on to its market except in compliance with Nepal's obligations under the Montreal Protocol;
7. To note that the measures listed in paragraph 6 above will enable Nepal to remain in compliance;
8. To monitor closely the progress of Nepal with regard to the implementation of its plan of action and the phase-out of CFCs;

### **Decision XIV/30. Non-compliance with the Montreal Protocol by Nigeria**

The *Fourteenth Meeting of the Parties* decided in *Dec. XIV/30*:

1. To note that, in accordance with Decision XIII/16 of the Thirteenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to Nigeria since it had reported data on CFC consumption for either the year 1999 and/or 2000 that was above its baseline, and was therefore in a state of potential non-compliance;
2. Nigeria's baseline for Annex A, Group I substances is 3,650 ODP-tonnes. It reported consumption of 4,095 ODP-tonnes in 2000 and 3,666 ODP-tonnes in 2001, placing Nigeria clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To express concern about Nigeria's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the Parties note, after reviewing the plan of action submitted by Nigeria, that Nigeria specifically commits itself:
  - (a) To reduce Annex A consumption from the current level of 3,666 ODP tonnes in 2001 as follows:
    - (i) To 3,400 ODP tonnes in 2003;
    - (ii) To 3,200 ODP tonnes in 2004;
    - (iii) To 1,800 ODP tonnes in 2005;
    - (iv) To 1,100 ODP tonnes for 2006;
    - (v) To 510 ODP tonnes in 2007;
    - (vi) To 300 ODP tonnes in 2008;
    - (vii) To 100 ODP tonnes in 2009; and
    - (viii) To phase out CFC consumption by 1 January 2010 as provided under the Montreal Protocol save for essential uses that might be authorized by the Parties;
  - (b) To report periodically on the operation of the system for licensing imports and exports of ODS as required for all Parties under Article 4 B paragraph 4 of the Montreal Protocol;
  - (c) To ban, by 1 January 2008, imports of ODS-using equipment;
4. To note that the measures listed in paragraph 3 above should enable Nigeria to return to compliance by 2003. In this regard, the Parties urge Nigeria to work with relevant implementing agencies to phase out consumption of ozone-depleting substances in Annex A Group I;
5. To closely monitor the progress of Nigeria with regard to the phase-out of ozone-depleting substances. To the degree that Nigeria is working towards and meeting the specific commitments noted above in paragraph 3, Nigeria should continue to be treated in the same manner as a Party in good standing. In this regard, Nigeria should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Nigeria, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

### **Decision XVI/28. Non-compliance with the Montreal Protocol by Oman**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/28*:

1. To note that Oman has reported annual data for the controlled substance in Annex B, group III (methyl chloroform), for 2003 which are above its requirements for that substance. As a consequence, for 2003, Oman was in non-compliance with its obligations under Article 2E of the Montreal Protocol;
2. To note that, in response to a request from the Implementation Committee for an explanation for its excess consumption and a plan of action to return it to compliance, Oman has introduced a ban on the import of methyl chloroform;
3. That no action is required on this incident of non-compliance, but that Oman should ensure that a similar case does not occur again;

### **Decision XVI/29. Non-compliance with the Montreal Protocol by Pakistan**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/29*:

1. To note that Pakistan ratified the Montreal Protocol and the London Amendment on 18 December 1992 and the Copenhagen Amendment on 17 February 1995. Pakistan 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 1996. The Executive Committee has approved \$18,492,150 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note that, in accordance with decision XV/22 of the Fifteenth Meeting of the Parties, Pakistan was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
3. To note with appreciation Pakistan's submission of its plan of action, and to note also that, under the plan, Pakistan specifically commits itself:
  - (a) To reducing halon consumption from 15.0 ODP tonnes in 2003 as follows:
    - (i) To 14.2 ODP tonnes in 2004;
    - (ii) To 7.1 ODP tonnes in 2005;
    - (iii) To phasing out halon consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) To monitor its enhanced system for licensing imports and exports of ozone-depleting substances, including quotas, introduced in 2004;
4. To note that the measures listed in paragraph 3 above should enable Pakistan to return to compliance by 2004, and to urge Pakistan to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group II (halons);
5. To monitor closely the progress of Pakistan with regard to the implementation of its plan of action and the phase-out of halons. To the degree that Pakistan is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Pakistan should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Pakistan, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, 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 halon (that is, the subject of non-

compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/31: Non-compliance with the Montreal Protocol by Pakistan**

*The Eighteenth Meeting of the Parties decided in Dec. XVIII/31:*

1. To note that Pakistan ratified the Montreal Protocol and the London Amendment on 18 December 1992, the Copenhagen Amendment on 17 February 1995 and the Montreal and Beijing Amendments on 2 September 2005, 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in 1996. The Executive Committee has approved \$20,827,626 from the Multilateral Fund to enable Pakistan's compliance in accordance with Article 10 of the Protocol;
2. To note further that Pakistan has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 148.500 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 61.930 ODP-tonnes for that controlled substance for that year, and that Pakistan is therefore in non-compliance with the control measures for carbon tetrachloride under the Protocol;
3. To note with appreciation Pakistan's submission of a plan of action to ensure a prompt return to compliance with the Protocol's carbon tetrachloride control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Pakistan specifically commits itself:
  - (a) To reduce carbon tetrachloride consumption from 148.500 ODP-tonnes in 2005 to 41.800 ODP-tonnes in 2006;
  - (b) To monitor its system for licensing the import and export of ozone-depleting substances, which includes import quotas;
4. To note that the measures listed in paragraph 3 above should enable Pakistan to return to compliance with the Protocol in 2006 and to urge Pakistan to work with the relevant implementing agencies to implement its plan of action to phase out consumption of carbon tetrachloride;
5. To monitor closely the progress of Pakistan 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 towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Pakistan should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Pakistan, 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 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;

**Decision XV/40. Non-compliance with the Montreal Protocol by Papua New Guinea**

*The Fifteenth Meeting of the Parties decided in Dec. XV/40:*

1. To note that Papua New Guinea ratified the Montreal Protocol on 27 October 1992, the London Amendment on 4 May 1993 and the Copenhagen Amendment on 7 October 2003. Papua New Guinea is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$704,454 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. To note also that Papua New Guinea's baseline for Annex A, group I substances is 36.3 ODP-tonnes. It reported consumption of 44.3 ODP-tonnes of Annex A, group I substances for the control period 1 July 2000-30 June 2001. As a consequence, for the July 2000-June 2001 control period Papua New Guinea was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To note with appreciation Papua New Guinea's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group I substances and to note further that, under the plan, Papua New Guinea specifically commits itself:
  - (a) To reducing CFC consumption from 35 ODP-tonnes in 2002 as follows:
    - (i) To 35 ODP-tonnes in 2003;
    - (ii) To 26 ODP-tonnes in 2004;
    - (iii) To 17 ODP-tonnes in 2005;
    - (iv) To 8 ODP-tonnes in 2006;
    - (v) To 4.5 ODP-tonnes in 2007;
    - (vi) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) To establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (c) To banning, on or before 31 December 2004, imports of ODS-using equipment;
4. To note that the measures listed above in paragraph 3 should enable Papua New Guinea to return to compliance by 1 January 2004, and to urge Papua New Guinea to work with the relevant implementing agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
5. To monitor closely the progress of Papua New Guinea with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Papua New Guinea is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Papua New Guinea should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Papua New Guinea, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVIII/32: Non-compliance in 2005 with the control measures of the Montreal Protocol governing consumption of the controlled substances in Annex A, group I, (CFCs) and Annex B, group II, (carbon tetrachloride) by Paraguay and request for a plan of action**

The Eighteenth Meeting of the Parties decided in Dec.XVIII/32:

1. To note 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1997. The Executive Committee has approved \$1,768,840 from the Multilateral Fund to enable Paraguay's compliance in accordance with Article 10 of the Protocol;

2. To note further that Paraguay has reported annual consumption for the controlled substance in Annex A, group I, (CFCs) for 2005 of 250.748 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 105.280 ODP-tonnes for that controlled substance for that year, and that Paraguay is therefore in non-compliance with the CFC control measures under the Protocol;
3. To note also that Paraguay has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 6.842 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 0.090 ODP-tonnes for that controlled substance for that year, and that Paraguay is therefore in non-compliance with the carbon tetrachloride control measures under the Protocol;
4. To request Paraguay to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Paraguay may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule included in its plan of action and policy and regulatory instruments that will ensure progress in achieving phase-out;
5. To monitor closely the progress of Paraguay with regard to the phase-out of carbon tetrachloride and CFCs. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Paraguay should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Paraguay, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride and CFCs that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XIX/22: Non-compliance with the Montreal Protocol by Paraguay**

*The Nineteenth Meeting of the Parties decided in Dec.XIX/22:*

*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, (chlorofluorocarbons or 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 or 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;

#### **Decision XIII/25. Compliance with the Montreal Protocol by Peru**

The *Thirteenth Meeting of the Parties* decided in *Dec.XIII/25*:

1. To note that Peru ratified the Montreal Protocol and the London Amendment on 31 March 1993 and the Copenhagen Amendment on 7 June 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved \$4,670,309 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Peru's baseline for Annex A, Group I substances is 289.5 ODP tonnes. Peru reported consumption of 296 ODP tonnes of Annex A, Group I substances in 1999. Peru responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Peru reported consumption of 297.6 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Peru was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. To request that Peru submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Peru may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. To closely monitor the progress of Peru with regard to the phase-out of ozone-depleting substances. To the degree that Peru is working towards and meeting the specific Protocol control measures, Peru should continue to be treated in the same manner as a Party in good standing. In this regard, Peru should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Peru, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

#### **Decision VII/15: Compliance with the Montreal Protocol by Poland**

The *Seventh Meeting of the Parties* decided in *Dec.VII/15*:

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine at the eleventh meeting of the Open-ended Working Group of the Parties to the Montreal Protocol regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol;
2. To note the consultations of the Implementation Committee with the representatives of Poland regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;
3. To accept the assurance given by the representatives of Poland that their country is in compliance with its obligations under the Montreal Protocol for the year 1995 and is likely to be in compliance with its obligations under the Montreal Protocol in 1996, even though there are still some doubts concerning the availability of substitutes;
4. To note that, should Poland have doubts about its compliance with its obligations under the Montreal Protocol in the year 1996, it should submit the information to the Secretariat as soon as possible so that the necessary action can be initiated.

#### **Decision XV/41. Non-compliance with the Montreal Protocol by Qatar**

The *Fifteenth Meeting of the Parties* decided in *Dec.XV/41*:

1. To note that Qatar ratified the Montreal Protocol and the London and Copenhagen amendments on 22 January 1996. Qatar is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$698,849 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Qatar has failed to report data for consumption of Annex A, group I substances for the control period from 1 July 2001 to 31 December 2002 and has reported annual data for 2002 which is above its requirement for a freeze in consumption. In the absence of further clarification, Qatar is presumed to be in non-compliance with the control measures under the Protocol;
3. To urge Qatar, accordingly, to report data for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency;

4. To note further that Qatar's baseline for Annex A, group II substances is 10.65 ODP-tonnes. It reported consumption of 13.6 ODP-tonnes of Annex A, group II substances in 2002. As a consequence, for 2002 Qatar was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
5. To request Qatar to submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Qatar may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
6. To monitor closely the progress of Qatar with regard to the phase-out of CFCs and halons. To the degree that Qatar is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Qatar should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Qatar, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the 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 CFCs and halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision VII/18: Compliance with the Montreal Protocol by the Russian Federation**

*The Seventh Meeting of the Parties decided in Dec.VII/18:*

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation and Ukraine regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol, and the statement made by the Russian Federation on its behalf and on behalf of Belarus, Bulgaria and Ukraine at the twelfth meeting of the Open-ended Working Group, as well as the official message of the Chairman of the Government of the Russian Federation dated 26 May 1995;
2. To note the consultations of the Implementation Committee with the representatives of the Russian Federation regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;
3. To note that the Russian Federation was in compliance with its obligations under the Montreal Protocol in 1995 and that it is expected that there will be a situation of non-compliance in the Russian Federation in 1996 so that the Implementation Committee will have to revert to that question that year;
4. To acknowledge the major efforts of the Russian Federation to provide data in response to the request by the Implementation Committee;
5. To underline the urgency of further action to phase out ozone-depleting substances in production and consumption;
6. To note that the Russian Federation has promised to provide additional information on:
  - (a) The political commitment on the phase-out plan for ozone-depleting substances by the Russian Federation;
  - (b) The necessary linkages between the sectoral approach outlined by the Russian Federation in its submission and the specific requirements for the financial, institutional and administrative arrangements towards the implementation of such measures;
  - (c) The gradual achievement of the proposed phase-out plan;

- (d) The proposed measures for the enforcement of the measures – in particular the enforcement of the trade regulations;
7. To note that the Russian Federation will submit more detailed information to the Ozone Secretariat by the end of January 1996 for consideration of the Implementation Committee at an inter-sessional meeting in the first quarter of 1996;
  8. To allow, in order to take into account the economic and social problems in countries with economies in transition, the Russian Federation to export substances controlled under the Montreal Protocol to Parties operating under Article 2 of the Protocol that are members of the Commonwealth of Independent States, including Belarus and Ukraine. In doing so, the Russian Federation will undertake the necessary action to secure that no re-exports will be made from the Commonwealth of Independent States, including Belarus and Ukraine, to any Party to the Montreal Protocol;
  9. To recommend that international assistance to enable compliance of the Russian Federation with the Montreal Protocol in line with the following provisions should be considered:
    - (a) Such support should be provided in consultation with the relevant Montreal Protocol Secretariats and the Implementation Committee to ensure consistency of ODS phase-out measures with relevant decisions of the Parties to the Montreal Protocol and subsequent recommendations of the Implementation Committee. The Secretariat of the Multilateral Fund will periodically inform the Executive Committee on any progress made in relation to such international assistance to enable compliance given to the Russian Federation;
    - (b) The Russian Federation shall submit annual reports on progress in phasing out ODS in line with the schedule included in the submission of the Russian Federation to the Parties;
    - (c) The reports should include – in addition to the data to be reported under Articles 7 and 4 of the Montreal Protocol and on recovering and recycling facilities – updated information on the elements mentioned in paragraph 6 of the present decision, including information on trade in substances controlled under the Montreal Protocol with Parties members of the Commonwealth of Independent States and Parties operating under paragraph 1 of Article 5, to monitor whether the levels of production allowed under the Montreal Protocol to satisfy the basic domestic needs of Parties operating under paragraph 1 of Article 5 are not exceeded;
    - (d) The reports should be submitted in due time to enable the Ozone Secretariat – together with the Implementation Committee – to review them;
    - (e) In case of any questions related to the reporting requirements and the actions of the Russian Federation, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee.

**Decision VIII/25: Compliance with the Montreal Protocol by the Russian Federation**

The *Eighth Meeting of the Parties* decided in *Dec. VIII/25*:

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 note also the considerable progress made by the Russian Federation in addressing 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.

### **Decision IX/31: Compliance with the Montreal Protocol by the Russian Federation**

The *Ninth Meeting of the Parties* decided in *Dec. IX/31*:

1. To note the detailed information reported by the Russian Federation in response to decision VIII/25 of the Eighth Meeting of the Parties on quantities of imports and exports of ODS and products containing such substances; data on the type of ODS (new, recovered, recycled, reclaimed, reused, used as feedstock); details of suppliers, recipient countries and conditions of delivery of the substances for 1996;
2. To note with appreciation the clarifications on details of imports and/or exports of ODS from the Russian Federation in 1996, provided by some Parties mentioned in the Russian Federation's submission to the Implementation Committee;
3. To note the information reported by the Russian Federation in response to the Implementation Committee's request at its seventeenth meeting regarding information on ways in which the Russian Federation was maximizing the use of its recycling facilities to meet internal needs and to diminish production of new CFCs;
4. That the Russian Federation was in a situation of non-compliance with the Protocol in 1996 as noted in decision VIII/25 and there is an expectation of non-compliance in 1997 so that the Implementation Committee might have to revert to this question at the appropriate time;
5. To note also that the Russian Federation had exported both new and reclaimed substances to some Parties operating under Article 5 and those Parties not operating under that Article and those Parties had imported small quantities of ODS from the Russian Federation in 1996;
6. To note further that the Russian Federation had started implementation of its exports control of ozone-depleting substances from July 1996 by not exporting any ODS including used, new, recycled or reclaimed substances, to any Party with the exception of Parties operating under Article 5 and of Parties that are members of the Commonwealth of Independent States, including Belarus and Ukraine, as per decision VII/18;
7. In the light of the information on the recovery and recycling in the Russian Federation provided by the representative of that country, international assistance, particularly by the Global Environment Facility, should continue to be considered favourably in order to provide funding for the Russian Federation for projects to implement the programme for the phase-out of the production and consumption of ozone-depleting substances in the country;
8. To keep under review the situation regarding the phase-out of ozone-depleting substances in the Russian Federation.

## **Decision X/26: Compliance with the Montreal Protocol by the Russian Federation**

The *Tenth Meeting of the Parties* decided in *Dec. X/26*:

1. To note that the Russian Federation ratified the London Amendment on 13 January 1992. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 13,955 ODP tonnes, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, the Russian Federation was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. The Russian Federation also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as the Russian Federation comes into compliance;
2. To note with appreciation that the Russian Federation is making significant progress in coming into compliance with the Montreal Protocol. Data reported for 1996 indicates that the Russian Federation reduced consumption of CFCs from 20,990 ODP tonnes in 1995, to a level of 12,345 ODP tonnes. The Russian Federation submitted a country programme in October 1995 (revised in November 1995) that contains specific benchmarks and a phase-out schedule. In 1996, production of Annex A, Group I, substances was 16,770 ODP tonnes, well below the benchmark of 28,000 ODP tonnes contained in the country programme. Further steps were taken to bring the Russian Federation into compliance with its obligations under Articles 2A through 2E of the Montreal Protocol when, in October 1998, the "Special Initiative for ODS Production Closure in the Russian Federation" (Special Initiative) was signed. The Parties note that, in the country programme and the Special Initiative, the Russian Federation commits:
  - To reduce consumption of Annex A, Group I, substances to no more than 6,280 ODP tonnes in 1999;
  - To reduce consumption of Annex A, Group II, substances to no more than 960 ODP tonnes in 1999;
  - To reduce consumption of Annex B, Group I, substances to no more than 18 ODP tonnes in 1999;
  - To phase out the production of Annex A substances by 1 June 2000; and
  - To phase out the consumption of Annex A and B substances by 1 June 2000;
3. To closely monitor the progress of the Russian Federation with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments in the 1995 country programme and the Special Initiative noted above. In this regard, the Parties request that the Russian Federation submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that the Russian Federation is working towards and meeting the specific time-based commitments in the country programme and the Special Initiative and continues to report data annually demonstrating a decrease in imports and consumption, the Russian Federation should continue to be treated in the same manner as a Party in good standing. In this regard, the Russian Federation should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution the Russian Federation, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted in prior decisions as well as in the above documents in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

### **Decision XIII/17. Compliance with the Montreal Protocol by the Russian Federation**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/17*:

Having considered the report of the Secretariat on data compliance issues in documents UNEP/OzL.Pro.13/3 and UNEP/OzL.Pro.13/3/Add.1, including Analysis of Data on Production and Consumption by Groups of Substances, and having followed up on the recommendations of the previous meetings of the Implementation Committee,

1. To note that the Russian Federation is operating under an agreed phase-out plan “List of urgent measures to the phase-out of production and consumption of ozone-depleting substances in the Russian Federation over the period 1999-2000” of 30 December 1999;
2. To note that the Russian Federation was in non-compliance with the phase-out benchmarks for 1999 and 2000 for the production and consumption of the ozone-depleting substances covered by Annex A;
3. To note the contribution of the “Special initiative for the phase-out of ozone-depleting production in the Russian Federation” to assist in the phase-out of production of ozone-depleting substances in Annex A and Annex B in the Russian Federation;
4. To note with appreciation the fact that the Russian Federation closed CFC production as from 20 December 2000 and stopped Annex A and B ODS import and export operations as from 1 March 2000, as was confirmed in the letter of the Prime Minister of the Russian Federation of 9 December 2000 and of the First Deputy Minister of Natural Resources of the Russian Federation of 9 October 2000;
5. To recommend that the Russian Federation should, with the assistance of international funding agencies, proceed with the agreed phase-out benchmarks of production and consumption of the Annex A and B ODS to be in full compliance with its obligations under the Montreal Protocol and the London Amendment;
6. To welcome the action taken by the Russian Federation to examine the possibility of ratifying the Copenhagen, Montreal and Beijing Amendments to the Montreal protocol, as was stated by the Prime Minister in his letter of 9 December 2000.

### **Decision XIV/35. Compliance with the Montreal Protocol by the Russian Federation**

The *Fourteenth Meeting of the Parties* decided in *Dec. XVI/35*:

1. To note that the Russian Federation was in non-compliance with the phase-out benchmarks for 1999 and 2000 for the production and consumption of ozone-depleting substances in Annex A to the Montreal Protocol;
2. To note with appreciation that the data reported by the Russian Federation for 2001 confirms the complete phase-out of production and consumption of ozone-depleting substances in Annexes A and B, as noted by the Thirteenth Meeting of the Parties in Decision XIII/17;
3. To commend the efforts made by the Russian Federation to comply with the control measures of the Montreal Protocol;
4. To recognise the support and assistance rendered by the Parties to the Montreal Protocol to enable compliance by the Russian Federation.

**Decision XIV/24. Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines**

*The Fourteenth Meeting of the Parties decided in Dec. XVI/24:*

1. To note that Saint Vincent and the Grenadines ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 2 December 1996. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1998. Since approval of the country programme, the Executive Committee has approved \$152,889 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Saint Vincent and the Grenadines' baseline for Annex A, Group I substances is 2 ODP-tonnes. It reported consumption of 6 and 7 ODP-tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 9 ODP-tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Saint Vincent and the Grenadines was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Saint Vincent and the Grenadines submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Saint Vincent and the Grenadines may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To closely monitor the progress of Saint Vincent and the Grenadines with regard to the phase-out of ozone-depleting substances. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, Saint Vincent and the Grenadines should continue to be treated in the same manner as a Party in good standing. In this regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

**Decision XV/42. Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines**

*The Fifteenth Meeting of the Parties decided in Dec. XV/42:*

1. To note that, in accordance with decision XIV/24 of the Fourteenth Meeting of the Parties, Saint Vincent and the Grenadines was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. To note also that the baseline of Saint Vincent and the Grenadines for Annex A, group I substances is 1.77 ODP-tonnes. It reported consumption of 6.04, 6.86 and 6.02 ODP-tonnes of Annex A, group I substances in 2000, 2001 and 2002 respectively, and consumption of 9 ODP-tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. It has failed to report data for CFC consumption for the control period of 1 July 2001 to 31 December 2002. As a consequence, for the period 2000-2002, Saint Vincent and the Grenadines was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To note with regret that Saint Vincent and the Grenadines has not fulfilled the requirements of decision XIV/24 and to request that it should submit to the Implementation Committee, as a

matter of urgency, for consideration at its next meeting, a plan of action with time-specific benchmarks in order for the Committee to monitor its progress towards compliance;

4. To stress to the Government of Saint Vincent and the Grenadines its obligations under the Montreal Protocol to phase out the consumption of ozone-depleting substances, and the accompanying need for it to establish and maintain an effective governmental policy and institutional framework for the purposes of implementing and monitoring the national phase-out strategy;
5. To monitor closely the progress of Saint Vincent and the Grenadines with regard to the phase-out of CFCs. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, Saint Vincent and the Grenadines should continue to be treated in the same manner as a Party in good standing. In that regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision XVI/30. Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/30*:

1. To note that Saint Vincent and the Grenadines ratified the Montreal Protocol and the London and Copenhagen amendments on 2 December 1996. Saint Vincent and the Grenadines 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 1998. The Executive Committee has approved \$166,019 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note that, in accordance with decision XV/42 of the Fifteenth Meeting of the Parties, Saint Vincent and the Grenadines was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
3. To note with appreciation the submission by Saint Vincent and the Grenadines of its plan of action, and to note also that, under the plan, Saint Vincent and the Grenadines specifically commits itself:
  - (a) To reducing CFC consumption from 3.07 ODP tonnes in 2003 as follows:
    - (i) To 2.15 ODP tonnes in 2004;
    - (ii) To 1.39 ODP tonnes in 2005;
    - (iii) To 0.83 ODP tonnes in 2006;
    - (iv) To 0.45 ODP tonnes in 2007;
    - (v) To 0.22 ODP tonnes in 2008;
    - (vi) To 0.1 ODP tonnes in 2009;
    - (vii) To phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) To monitoring its existing system for licensing imports of ozone-depleting substances and its ban on imports of ozone-depleting-substances-using equipment, introduced in 2003;

- (c) To introducing an ozone-depleting substances quota system by the last quarter of 2004, which will become effective from 1 January 2005;
4. To note that the measures listed in paragraph 3 above should enable Saint Vincent and the Grenadines to return to compliance by 2008, and to urge Saint Vincent and the Grenadines to work with the relevant implementing agencies to implement the plan of action and phase-out of consumption of ozone-depleting substances in Annex A, group I (CFCs);
5. To monitor closely the progress of Saint Vincent and the Grenadines with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, 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 CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XIX/23: 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**

*The Nineteenth Meeting of the Parties decided in Dec. XIX/23:*

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

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;

**Decision XVII/38. Non-compliance with the Montreal Protocol by Sierra Leone, and request for a plan of action**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/38*:

1. To note that Sierra Leone ratified the Montreal Protocol and all its amendments on 29 August 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in December 2003. The Executive Committee has approved \$660,021 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note further that Sierra Leone has reported annual consumption of the controlled substances in Annex A, group II (halons), for 2004 of 18.45 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 16.00 ODP-tonnes for those controlled substances for that year, and that Sierra Leone is therefore in non-compliance with the control measures under the Protocol;
3. To request Sierra Leone, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Sierra Leone may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of equipment using ozone-depleting substances, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To monitor closely the progress of Sierra Leone with regard to the phase-out of the controlled substances in Annex A, group II (halons). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Sierra Leone should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Sierra Leone, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substances in Annex A, group II (halons), that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVI/19. Potential non-compliance with consumption of Annex A, group II, ozone-depleting substances (halons) by Somalia in 2002 and 2003, and request for a plan of action**

The *Sixteenth Meeting of the Parties* decided in *Dec. XVI/19*:

1. To note that Somalia has reported annual data for Annex A, group II, ozone-depleting substances (halons) for both 2002 and 2003 which are above its requirement for a freeze in consumption;
2. To note further that, in the absence of further clarification, Somalia is presumed to be in non-compliance with the control measures under the Protocol;
3. To request Somalia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting an explanations for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Somalia may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ozone-

depleting-substances-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

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

### **Decision XIII/20. Compliance with the Montreal Protocol by Tajikistan**

The *Thirteenth Meeting of the Parties* decided in *Dec. XIII/20*:

1. To note that Tajikistan ratified the Montreal Protocol and the London Amendment on 7 January 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1999, reported positive consumption of 50.8 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1999 Tajikistan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Tajikistan also expresses a belief that this situation will continue through at least the year 2004, necessitating annual review by the Implementation Committee and the Parties until such time as Tajikistan comes into compliance;
2. To express great concern about Tajikistan's non-compliance and to note that Tajikistan only very recently assumed the obligations of the Montreal Protocol, having ratified the Montreal Protocol and the London Amendment in 1998. It is with that understanding that the Parties note, after reviewing the country programme and submissions of Tajikistan, that Tajikistan specifically commits itself:
  - (a) To reduce CFC consumption to 14.08 ODP tonnes for the calendar year 2002, to 4.69 ODP tonnes for 2003 and to phase out CFC consumption by 1 January 2004 (save for essential uses authorized by the Parties);
  - (b) To phase out consumption of all other Annex A and B controlled substances by 1 January 2002;
  - (c) To establish, in 2002, a system for licensing imports and exports of ODS;
  - (d) To reduce methyl bromide consumption to 0.56 ODP tonnes for calendar year 2002, to 0.28 ODP tonnes for calendar year 2003, and to phase out methyl bromide consumption by 1 January 2005;
3. That the measures listed in paragraph 2 above should enable Tajikistan to achieve the near total phase-out of all Annex B substances by 1 January 2002, all Annex A substances by 1 January 2004 and the Annex E substance by 1 January 2005. In this regard, the Parties urge Tajikistan to work with relevant implementing agencies to shift current consumption to non-ozone-depleting alternatives;
4. To closely monitor the progress of Tajikistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Tajikistan submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Tajikistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Tajikistan should continue to be treated in the same manner as a Party in good standing. In this regard, Tajikistan should continue to receive international assistance to enable it to meet these commitments in

accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Tajikistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of Annex A and B controlled substances that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XI/25: Compliance with the Montreal Protocol by Turkmenistan**

The *Eleventh Meeting of the Parties* decided in *Dec. XI/25*:

1. To note that Turkmenistan acceded to the Vienna Convention and the Montreal Protocol on 18 November 1993 and acceded to the London Amendment on 15 March 1994. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 29.6 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996 Turkmenistan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;
2. To note with appreciation the work done by Turkmenistan in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan to bring Turkmenistan into compliance with the Montreal Protocol in 2003;
3. To note that Turkmenistan, in cooperation with the Global Environment Facility, had delineated the following draft benchmarks that could serve to measure progress in the phase-out process until 2003:
  - (a) 1999: Import of CFCs should not exceed 22 ODP tonnes;
  - (b) 1 January 2000: Import/export licensing system in place; bans on import of equipment using and containing ODS; import quota for CFCs in 2000 not exceeding 15 ODP tonnes (roughly 50 per cent compared to 1996)
  - (c) 1 January 2000: Ban on the import of all Annex A and B substances except CFCs listed in Annex A (1);
  - (d) 1 January 2000: Import quota for CFCs in 2001 not exceeding 10 ODP tonnes (-66 per cent compared to 1996); effective system for monitoring and controlling ODS trade in place and working;
  - (e) 1 July 2001: recovery and recycling and training projects completed;
  - (f) 1 January 2002: Import quota for CFCs in 2002 not to exceed 6 ODP tonnes (-80 per cent compared to 1996);
  - (g) 1 January 2003: Total prohibition of imports of Annex A and B substances/zero quota; completion of Global Environment Facility project.
4. To monitor closely the progress of Turkmenistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above and, in this regard, to request that Turkmenistan submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Turkmenistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Turkmenistan should continue to be treated in the same manner as a Party in good standing. In this regard, Turkmenistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Turkmenistan, in accordance with item B of the indicative list of measures,

that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XV/43. Non-compliance with the Montreal Protocol by Uganda**

The *Fifteenth Meeting of the Parties* decided in *Dec.XV/43*:

1. To note that Uganda ratified the Montreal Protocol on 15 September 1988, the London Amendment on 20 January 1994, the Copenhagen Amendment on 22 November 1999 and the Montreal Amendment on 23 November 1999. Uganda is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved \$547,896 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Uganda's baseline for Annex A, group I substances is 12.8 ODP-tonnes. It has failed to report data for either of the control periods 1 July 2000-30 June 2001 and 1 July 2001-31 December 2002, and has reported annual data for 2001 which is above its baseline. In the absence of further clarification, Uganda is presumed to be in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To urge Uganda, accordingly, to report data for the control periods from 1 July 2000 to 30 June 2001 and 1 July 2001 to 31 December 2002, as a matter of urgency;
4. To note further that Uganda has presented sufficient information to justify its request for a change in its baseline consumption of the controlled substance in Annex E from 1.9 ODP-tonnes to 6.3 ODP-tonnes, and that that change is therefore approved;
5. To note that Uganda presented its request for a baseline change before the Implementation Committee had been able to recommend a standard methodology for the presentation of requests for such changes, and that all future requests should follow the methodology described in decision XV/19;
6. To note, however, that Uganda reported consumption of 30 ODP-tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002, even after the revision in its baseline, Uganda was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
7. To note with appreciation Uganda's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Uganda specifically commits itself:
  - (a) To reducing methyl bromide consumption from 30 ODP-tonnes in 2002 as follows:
    - (i) To 24 ODP-tonnes in 2003 and in 2004;
    - (ii) To 6 ODP-tonnes in 2005;
    - (iii) To 4.8 ODP-tonnes in 2006;
    - (iv) To phasing out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;
  - (b) To monitoring its system for licensing imports and exports of ODS introduced in 1998, which will be modified by the inclusion of quotas in the first quarter of 2004;
  - (c) To introducing a ban on imports of ODS-using equipment in the first quarter of 2004;

8. To note that the measures listed in paragraph 7 above should enable Uganda to return to compliance by 2007, and to urge Uganda to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;
9. To monitor closely the progress of Uganda with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Uganda is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Uganda should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Uganda, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the 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 CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

#### **Decision VII/19: Compliance with the Montreal Protocol by Ukraine**

The *Seventh Meeting of the Parties* decided in *Dec. VII/19*:

1. To note that the Implementation Committee took cognizance of the joint statement made by Belarus, Bulgaria, Poland, the Russian Federation, and Ukraine regarding possible non-fulfilment of their obligations under the Montreal Protocol, as a submission under paragraph 4 of the non-compliance procedure of Article 8 of the Protocol, and the statement made by the Russian Federation on its behalf and on behalf of Belarus, Bulgaria and Ukraine at the twelfth meeting of the Open-ended Working Group;
2. To note the consultations of the Implementation Committee with the representatives of Ukraine regarding possible non-fulfilment of that Party's obligations under the Montreal Protocol;
3. To note that Ukraine was in compliance with its obligations under the Montreal Protocol in 1995 and that there is a possibility of non-compliance in 1996 so that the Implementation Committee might have to revert to that question that year;
4. To note that Ukraine submitted its draft country programme for the phase-out of ozone-depleting substances in Ukraine to the Implementation Committee;
5. To note that Ukraine promised to provide additional information on the political commitment on the phase-out programme for ozone-depleting substances by Ukraine and that the Implementation Committee after evaluation of the information provided might wish to request additional information on certain elements, such as:
  - (a) The political commitment on the phase-out plan for ozone-depleting substances by Ukraine;
  - (b) The necessary linkages between the sectoral approach outlined by Ukraine in its submission and the specific requirements for the financial, institutional and administrative arrangements towards the implementation of such measures;
  - (c) The gradual achievement of the proposed phase-out plan;
  - (d) The proposed measures for the enforcement of the measures – in particular the enforcement of the trade regulations;
6. To note that Ukraine has agreed not to export any virgin, recycled or recovered substance controlled under the Montreal Protocol to any Party operating under Article 2 of the Protocol not member of the Commonwealth of Independent States and that such Parties shall not import such controlled substances from Ukraine;

7. To recommend international assistance to enable compliance of Ukraine with the Montreal Protocol in line with the following provisions:
  - (a) Such support should be provided in consultation with the relevant Montreal Protocol Secretariats and the Implementation Committee to ensure consistency of ODS phase-out measures with relevant decisions of the Parties to the Montreal Protocol and subsequent recommendations of the Implementation Committee;
  - (b) Ukraine shall submit annual reports on ODS phase-out progress in line with the schedule included in the country programme for the phase-out of ozone-depleting substances in Ukraine;
  - (c) The reports shall be submitted in due time to enable the Ozone Secretariat – together with the Implementation Committee – to review them;
  - (d) In case of any questions related to the reporting requirements and the actions of Ukraine, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee.

#### **Decision X/27: Compliance with the Montreal Protocol by Ukraine**

The *Tenth Meeting of the Parties* decided in *Dec. X/27*:

1. To note that Ukraine ratified the London Amendment on 6 February 1997. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 1,470 ODP tonnes of Annex A and B controlled substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Ukraine was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Ukraine also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Ukraine comes into compliance;
2. To express great concern about the non-compliance of Ukraine, as well as the significant increase in consumption of ozone-depleting substances in Ukraine from 1995 to 1996, when total consumption doubled from 767 to 1,470 ODP tonnes. The Parties note the commendable actions taken by Ukraine in working with customs and industry to monitor imports and improve the accuracy of the data reported to the Ozone Secretariat. After reviewing Ukraine's submission to the Implementation Committee, the Parties note that the Ukraine, through its acceptance of this decision, specifically commits:
  - To a phase-out of the consumption of Annex A and B substances by 1 January 2002 (save for essential uses authorized by the Parties);Ukraine notes, however, that there may be difficulty in phasing out consumption in the domestic refrigeration sector;
3. To urge Ukraine to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a plan for managing existing supplies of CFCs as well as training in the refrigeration sector to encourage recovery and recycling. The Parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources. Noting Ukraine's obvious commitment to the Montreal Protocol, it is hopeful that the country will be able to achieve a total phase-out of Annex A and B substances by 1 January 2002. In so stating, the Parties noted but specifically rejected a request by Ukraine to allow for continuous imports until 2010 for servicing existing refrigeration equipment. The Parties, in so doing, note that achieving a phase-out by 1 January 2002 may necessitate that Ukraine increase the recovery of existing ozone-depleting substances or the import of recycled material, and urge Ukraine to plan carefully for its future refrigerant servicing needs and invite the Technology and Economic Assessment Panel to help in this endeavour;

4. To closely monitor the progress of Ukraine with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Ukraine submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Ukraine is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Ukraine should continue to be treated in the same manner as a Party in good standing. In this regard, Ukraine should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Ukraine, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XV/44. Non-compliance with the Montreal Protocol by Uruguay**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/44*:

1. To note that Uruguay ratified the Montreal Protocol on 8 January 1991, the London Amendment on 16 November 1993, the Copenhagen Amendment on 3 July 1997, the Montreal Amendment on 16 February 2000 and the Beijing Amendment on 9 September 2003. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$4,856,042 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Uruguay's baseline for the controlled substance in Annex E is 11.2 ODP-tonnes. It reported consumption of 17.7 ODP-tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002 Uruguay was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. To note with appreciation Uruguay's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Uruguay specifically commits itself:
  - (a) To reducing methyl bromide consumption from 17.7 ODP-tonnes in 2002 as follows:
    - (i) To 12 ODP-tonnes in 2003;
    - (ii) To 4 ODP-tonnes in 2004;
    - (iii) To phasing out methyl bromide consumption by 1 January 2005, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;
  - (b) To monitoring its system for licensing imports and exports of ODS, including quotas;
4. To note that the measures listed in paragraph 3 above should enable Uruguay to return to compliance by 2004, and to urge Uruguay to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;
5. To monitor closely the progress of Uruguay with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Uruguay is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Uruguay should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Uruguay, in

accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

**Decision XVII/39. Revised plan of action for the early phase-out of methyl bromide in Uruguay**

The *Seventeenth Meeting of the Parties* decided in *Dec. XVII/39*:

1. To note that Uruguay ratified the Montreal Protocol on 8 January 1991, the London Amendment on 16 November 1993, the Copenhagen Amendment on 3 July 1997, the Montreal Amendment on 16 February 2000 and the Beijing Amendment on 9 September 2003. The country 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 of the Multilateral Fund for the Implementation of the Montreal Protocol in 1993. Since approval of the country programme, the Executive Committee has approved \$5,457,124 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To recall that Uruguay's baseline for the controlled substance in Annex E (methyl bromide) is 11.2 ODP-tonnes. It reported consumption of 17.7 ODP-tonnes of methyl bromide in 2002. As a consequence, for 2002 Uruguay was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. To recall further that Uruguay had submitted a plan of action to ensure a prompt return to compliance with the Protocol's methyl bromide control measures, which was contained in decision XV/44 of the Fifteenth Meeting of the Parties;
4. To note that Uruguay reported consumption of 11.1 ODP-tonnes of methyl bromide in 2004. This level of consumption, while consistent with the requirement that Parties operating under Article 5 of the Protocol freeze their methyl bromide consumption in 2004 at their baseline level, was inconsistent with the Party's commitment contained in decision XV/44 to reduce its methyl bromide consumption to a level no greater than 4 ODP-tonnes in 2004;
5. To note with appreciation, however, that Uruguay submitted a revised plan of action for methyl bromide early phase-out in controlled uses, and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Uruguay specifically commits itself:
  - (a) To reduce methyl bromide consumption from 11.1 ODP-tonnes in 2004 as follows:
    - (i) To 8.9 ODP-tonnes in 2005;
    - (ii) To 8.9 ODP-tonnes in 2006;
    - (iii) To 8.9 ODP-tonnes in 2009;
    - (iv) To 6.0 ODP-tonnes in 2010;
    - (v) To 6.0 ODP-tonnes in 2011;
    - (vi) To 6.0 ODP-tonnes in 2012;
    - (vii) To phase out methyl bromide consumption by 1 January 2013, save for critical uses that may be authorized by the Parties;
  - (b) To monitor its system for licensing imports and exports of ozone-depleting substances, including quotas;
6. To note that the measures listed in paragraph 5 above should enable Uruguay to maintain compliance and to urge Uruguay to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E (methyl bromide);

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

#### **Decision X/28: Compliance with the Montreal Protocol by Uzbekistan**

The Tenth Meeting of the Parties decided in Dec. X/28:

1. To note that Uzbekistan ratified the Montreal Protocol on 18 May 1993, and ratified the London and Copenhagen Amendments on 10 June 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 272 ODP tonnes of Annex A and Annex B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Uzbekistan was in non-compliance with its obligations under Articles 2A through 2E of the Montreal Protocol. Uzbekistan also expresses a belief that this situation may continue through at least the year 2001, necessitating annual review by the Implementation Committee and the Parties until such time as Uzbekistan comes into compliance;
2. To note with appreciation the fact that Uzbekistan has made significant strides in coming into compliance with the Montreal Protocol, decreasing consumption steadily from an estimated 1,300 tonnes in 1992 to 275 tonnes in 1996. Its country programme shows its determination and commitment to phase out of Annex A and B substances by 2002. Specifically, the Parties note that the Uzbekistan country programme includes a commitment:
  - To reduce consumption of CFCs by 40% by 2000, by 80% by 2001, and completely by 2002;
  - To reduce consumption of carbon tetrachloride by 35% by 2000, by 67% by 2001, and completely by 2002;
  - To reduce consumption of methyl chloroform by 40% in 2000, by 82% in 2001, and completely in 2002;
  - To put in place in 1999, import quotas in order to freeze the imports at the current level and to support the phase-out schedule noted above;
  - To put in place by 1999, bans on imports of ODS and equipment using and containing ODS;
  - To put in place policy instruments and regulatory requirements to ensure progress in achieving the phase-out;
3. To note that, given the fact that virtually all of its remaining use is in the refrigeration-servicing sector, Uzbekistan will have to work very hard in the coming years to ensure that it maintains a downward momentum in consumption in order to ensure that it meets its commitment for a phase-out in Annex A and B substances by the year 2002. In this regard, the Tenth Meeting of the Parties is happy to see that Uzbekistan intends to focus its efforts towards training in the refrigeration sector, and refrigerant recovery and recycling. The Parties also note that it is critical that Uzbekistan put in place its licensing and quota system to control the import of ozone-depleting substances no later than September 1999 to meet its reduction commitment;

4. To closely monitor the progress of Uzbekistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Uzbekistan submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Uzbekistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Uzbekistan should continue to be treated in the same manner as a Party in good standing. In this regard, Uzbekistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Uzbekistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

#### **Decision XV/45. Non-compliance with the Montreal Protocol by Viet Nam**

The *Fifteenth Meeting of the Parties* decided in *Dec. XV/45*:

1. To note that Viet Nam ratified the Montreal Protocol and the London and Copenhagen Amendments on 26 January 1994. Viet Nam is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$3,150,436 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. To note also that Viet Nam's baseline for Annex A, group II substances is 37.07 ODP-tonnes. It reported consumption of 97.60 ODP-tonnes for Annex A, group II substances in 2002. As a consequence, for 2002 Viet Nam was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
3. To request Viet Nam to submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Viet Nam may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. To note that Viet Nam may also wish to draw upon the ongoing assistance provided by the United Nations Environment Programme Compliance Assistance Programme and the halon phase-out assistance previously provided by the United Nations Industrial Development Organization, and to consult with the Halons Technical Options Committee of the Technology and Economic Assessment Panel, to identify and introduce alternatives to the use of halon-2402 on oil vessels and platforms;
5. To monitor closely the progress of Viet Nam with regard to the phase-out of halons. To the degree that Viet Nam is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Viet Nam should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Viet Nam, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the 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 halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance;

## Non-Compliance Procedure of the Montreal Protocol

The following procedure has been formulated pursuant to Article 8 of the Montreal Protocol. It shall apply without prejudice to the operation of the settlement of disputes procedure laid down in Article 11 of the Vienna Convention.

1. If one or more Parties have reservations regarding another Party's implementation of its obligations under the Protocol, those concerns may be addressed in writing to the Secretariat. Such a submission shall be supported by corroborating information.
2. The Secretariat shall, within two weeks of its receiving a submission, send a copy of that submission to the Party whose implementation of a particular provision of the Protocol is at issue. Any reply and information in support thereof are to be submitted to the Secretariat and to the Parties involved within three months of the date of the dispatch or such longer period as the circumstances of any particular case may require. If the Secretariat has not received a reply from the Party three months after sending it the original submission, the Secretariat shall send a reminder to the Party that it has yet to provide its reply. The Secretariat shall, as soon as the reply and information from the Party are available, but not later than six months after receiving the submission, transmit the submission, the reply and the information, if any, provided by the Parties to the Implementation Committee referred to in paragraph 5, which shall consider the matter as soon as practicable.
3. Where the Secretariat, during the course of preparing its report, becomes aware of possible non-compliance by any Party with its obligations under the Protocol, it may request the Party concerned to furnish necessary information about the matter. If there is no response from the Party concerned within three months or such longer period as the circumstances of the matter may require or the matter is not resolved through administrative action or through diplomatic contacts, the Secretariat shall include the matter in its report to the Meeting of the Parties pursuant to Article 12 (c) of the Protocol and inform the Implementation Committee, which shall consider the matter as soon as practicable.
4. Where a Party concludes that, despite having made its best, bona fide efforts, it is unable to comply fully with its obligations under the Protocol, it may address to the Secretariat a submission in writing, explaining, in particular, the specific circumstances that it considers to be the cause of its non-compliance. The Secretariat shall transmit such submission to the Implementation Committee which shall consider it as soon as practicable.
5. An Implementation Committee is hereby established. It shall consist of 10 Parties elected by the Meeting of the Parties for two years, based on equitable geographical distribution. Each Party so elected to the Committee shall be requested to notify the Secretariat, within two months of its election, of who is to represent it and shall endeavour to ensure that such representation remains throughout the entire term of office. Outgoing Parties may be re-elected for one immediate consecutive term. A Party that has completed a second consecutive two-year term as a Committee member shall be eligible for election again only after an absence of one year from the Committee. The Committee shall elect its own President and Vice-President. Each shall serve for one year at a time. The Vice-President shall, in addition, serve as the rapporteur of the Committee.
6. The Implementation Committee shall, unless it decides otherwise, meet twice a year. The Secretariat shall arrange for and service its meetings.
7. The functions of the Implementation Committee shall be:
  - (a) To receive, consider and report on any submission in accordance with paragraphs 1, 2 and 4;
  - (b) To receive, consider and report on any information or observations forwarded by the Secretariat in connection with the preparation of the reports referred to in Article 12 (c) of the Protocol and on any other information received and forwarded by the Secretariat concerning compliance with the provisions of the Protocol;

- (c) To request, where it considers necessary, through the Secretariat, further information on matters under its consideration;
  - (d) To identify the facts and possible causes relating to individual cases of non-compliance referred to the Committee, as best it can, and make appropriate recommendations to the Meeting of the Parties;
  - (e) To undertake, upon the invitation of the Party concerned, information-gathering in the territory of that Party for fulfilling the functions of the Committee;
  - (f) To maintain, in particular for the purposes of drawing up its recommendations, an exchange of information with the Executive Committee of the Multilateral Fund related to the provision of financial and technical co-operation, including the transfer of technologies to Parties operating under Article 5, paragraph 1, of the Protocol.
8. The Implementation Committee shall consider the submissions, information and observations referred to in paragraph 7 with a view to securing an amicable solution of the matter on the basis of respect for the provisions of the Protocol.
  9. The Implementation Committee shall report to the Meeting of the Parties, including any recommendations it considers appropriate. The report shall be made available to the Parties not later than six weeks before their meeting. After receiving a report by the Committee the Parties may, taking into consideration the circumstances of the matter, decide upon and call for steps to bring about full compliance with the Protocol, including measures to assist the Parties' compliance with the Protocol, and to further the Protocol's objectives.
  10. Where a Party that is not a member of the Implementation Committee is identified in a submission under paragraph 1, or itself makes such a submission, it shall be entitled to participate in the consideration by the Committee of that submission.
  11. No Party, whether or not a member of the Implementation Committee, involved in a matter under consideration by the Implementation Committee, shall take part in the elaboration and adoption of recommendations on that matter to be included in the report of the Committee.
  12. The Parties involved in a matter referred to in paragraphs 1, 3 or 4 shall inform, through the Secretariat, the Meeting of the Parties of the results of proceedings taken under Article 11 of the Convention regarding possible non-compliance, about implementation of those results and about implementation of any decision of the Parties pursuant to paragraph 9.
  13. The Meeting of the Parties may, pending completion of proceedings initiated under Article 11 of the Convention, issue an interim call and/or recommendations.
  14. The Meeting of the Parties may request the Implementation Committee to make recommendations to assist the Meeting's consideration of matters of possible non-compliance.
  15. The members of the Implementation Committee and any Party involved in its deliberations shall protect the confidentiality of information they receive in confidence.
  16. The report, which shall not contain any information received in confidence, shall be made available to any person upon request. All information exchanged by or with the Committee that is related to any recommendation by the Committee to the Meeting of the Parties shall be made available by the Secretariat to any Party upon its request; that Party shall ensure the confidentiality of the information it has received in confidence.

*[Source: Annex II of the report of the Tenth Meeting of the Parties, document UNEP/OzL.Pro.10/9 (1998)]*

**Indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance with the Protocol**

- A. Appropriate assistance, including assistance for the collection and reporting of data, technical assistance, technology transfer and financial assistance, information transfer and training.
- B. Issuing cautions.
- C. Suspension, in accordance with the applicable rules of international law concerning the suspension of the operation of a treaty, of specific rights and privileges under the Protocol, whether or not subject to time limits, including those concerned with industrial rationalization, production, consumption, trade, transfer of technology, financial mechanism and institutional arrangements.

*[Source: Annex V of the report of the Fourth Meeting of the Parties, document UNEP/OzL.Pro.4/15 (1992)]*