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IMPLEMENTATION COMMITTEE UNDER THE
NON-COMPLIANCE PROCEDURE FOR
THE MONTREAL PROTOCOL
Fifteenth meeting
San José, 18 November 1996

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

I. INTRODUCTION

1. The fifteenth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Herradura International Conference Centre on 18 November 1996.

II. ORGANIZATIONAL MATTERS

A. Opening of the meeting

2. The meeting was opened at 10 a.m. on Monday, 18 November 1996, by Mr. Antonio Garcia-Revilla (Peru), President of the Committee.

B. Officers

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

C. Attendance

4. The meeting was attended by Committee members from Austria, Bulgaria, Canada, Philippines, Peru, Sri Lanka, Ukraine, United Republic of Tanzania, Uruguay and Zambia. In addition, the meeting was attended by the Chair and Co-Chair of the Ad Hoc Working Group on CEIT Aspects of the Technology and Economic Assessment Panel (TEAP). Representatives of the implementing agencies for the financial mechanism under the Montreal Protocol the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank and of the secretariat of the Multilateral Fund were also present. The full list of participants is contained in Annex I to the present report.

D. Adoption of the agenda and organization of work

5. The Committee adopted the following agenda, based on the provisional agenda circulated as document UNEP/OzL.Pro/ImpCom/15/1:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. (a) Information from Belarus, Bulgaria, Latvia, Lithuania, Poland, the Russian Federation and Ukraine on the issues raised by the Implementation Committee at its fourteenth meeting;
- (b) Comments by the implementing agencies, the Multilateral Fund and the Global Environment Facility (GEF) secretariats on information provided by the Parties referred to in paragraph (a) and by the TEAP Ad Hoc Committee on CEIT aspects;
- (c) Non-compliance by Czech Republic with the halons reduction schedule for 1994.
4. Other matters.
5. Closure of the meeting.

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III. SUBSTANTIVE MATTERS

A. Information from Belarus, Bulgaria, Latvia, Lithuania, Poland, the Russian Federation and Ukraine on the issues raised by the Implementation Committee at its fourteenth meeting

6. Regarding item 3 (a), the Secretariat informed the Committee that only Belarus and Bulgaria had provided the requested information to the Secretariat in time for inclusion in document UNEP/OzL.Pro/ImpCom/15/2.

Belarus

7. Drawing attention to annex II of the document, the Secretariat noted that Belarus had submitted the required data on production and/or consumption of ozone-depleting substances up to and including 1995, that the data indicated continuing declines in the use of ozone-depleting substances, and that Belarus had completed its ratification of the London Amendment and received assistance from GEF.

8. The Implementation Committee:

(a) Recalled that, according to the information provided at its thirteenth meeting, Belarus was in a situation of non-compliance with the Protocol in 1996;

(b) Noted the information provided by Belarus and the efforts made to implement fully the Montreal Protocol;

(c) Welcomed Belarus' ratification of the London Amendment.

Bulgaria

9. Drawing attention to annex I of document UNEP/OzL.Pro/ImpCom/15/2, the Secretariat noted that Bulgaria had submitted the information requested by the Implementation Committee at its fourteenth meeting and by decision VII/16 of the Seventh Meeting of the Parties. In addition to providing the requested data on consumption of ozone-depleting substances up to and including 1995, the communication informed the Secretariat that Bulgaria did not produce ozone-depleting substances, did not re-export ozone-depleting substances, and planned to phase out ODS consumption by 2001.

10. In response to a question, the representative of Bulgaria clarified that his country had not ratified the London Amendment but that it had contributed to the Multilateral Fund up to 1995.

11. The Committee took note of the information provided by the Government of Bulgaria and its efforts to implement the Protocol fully.

Poland

12. The Secretariat informed the Committee that Poland had not provided the requested information but had informed the Secretariat that Poland had

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ratified both the London and Copenhagen Amendments to the Montreal Protocol on 2 October 1996.

13. The Implementation Committee:

(a) Welcomed Poland's ratification of both the London and Copenhagen Amendments to the Montreal Protocol;

(b) Requested that Poland submit in time for its next meeting an update of the situation with regard to compliance with the Montreal Protocol for the year 1996.

Ukraine

14. The Secretariat noted that Ukraine was in the process of ratifying the London Amendment, had established a final phase-out for ODS in 1999, had drafted provisions to license the import and export of ODS, had submitted data on consumption and production of ODS up to 1995 which showed continued downward trends, and had phased out the production of carbon tetrachloride, the only ODS produced in Ukraine, by 1994.

15. The Committee took note of that information.

Latvia and Lithuania

16. The Secretariat drew attention, for the information of the Committee, to draft decisions VIII/19 and VIII/20 in document UNEP/OzL.Pro/8/7 regarding non-compliance with the Montreal Protocol by Latvia and Lithuania, respectively.

Russian Federation

17. The Secretariat drew attention to draft decision VIII/21 in document UNEP/OzL.Pro/8/7 regarding non-compliance with the Montreal Protocol by the Russian Federation. The Secretariat informed the Committee that the Russian Federation had submitted a report the previous week in response to the requests by the Implementation Committee at its previous meeting.

18. Several representatives noted the importance of Russia's submission and expressed support for reserving an opinion until the information had been reviewed further. They also expressed the view that it was very important, and the Committee had clearly requested, that the Russian Federation provide details on the quantity and destination of all ODS exports, something the Secretariat indicated was not in the report. The Russian Federation had to supply the information requested by the Seventh Meeting of the Parties in decision VII/18, paragraph 9 (c) and paragraphs 21 and 28 (d) of the report of the Implementation Committee at its fourteenth meeting.

19. The representative of the World Bank noted that her organization had worked closely with representatives of the Russian Federation in the area and believed they had intended to comply fully with the Committee's request.

20. After a discussion, the Committee took note of the report submitted by the Russian Federation and decided to request that a representative of the

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Russian Federation meet the Committee to elaborate on its report and, in particular, provide information on the destination of ODS exports.

B. Comments by the implementing agencies, the Multilateral Fund and the Global Environment Facility (GEF) Secretariats on information provided by the Parties referred to in section A

21. The representative of UNEP reported on the Intergovernmental Consultative Meeting for CEITs on the Montreal Protocol in Riga, Latvia on 4-5 November 1996, which was organized by UNEP/IE and GEF with funding from GEF and bilateral government assistance.

22. Government representatives from Albania, Armenia, Estonia, Georgia, Latvia, Lithuania, and Moldova had attended the meeting, which was designed to bring together and inform various ministries within the concerned Governments of the challenges faced by the environmental ministries in implementing the Montreal Protocol and in the ratification of the London Amendment to the Protocol.

23. Those countries continued to be committed to the protection of the stratospheric ozone layer and the provisions of the Montreal Protocol and its Amendments.

24. The Co-Chair of the TEAP Ad Hoc Working Group on CEIT Aspects, having reminded the Committee that the Working Group's draft report had been distributed some months previously, said that the final report showed few substantive changes - some new and expanded tables and minor changes in the conclusions and outlook. The only significant modification reflected the results of the Riga meeting. As the representative of UNEP had pointed out, a number of critical comments had been made at that meeting and various future options considered with respect to ratification of the London Amendment. The first option was to delay ratification until the resources were available to contribute to the Multilateral Fund; the second was to apply for Article 5 status; the third was to request GEF to assist them even before they ratified the London Amendment; and the fourth was to apply for a special status pending the availability of resources to contribute to the Fund; the TEAP Ad Hoc Working Group preferred the last option, since it would enable the countries concerned to ratify the London Amendment without delay.

25. Several members of the Committee expressed doubts as to whether the Meeting of the Parties would be willing to establish a new category of Parties, which would require an amendment to the Montreal Protocol. One member stated that applications for reclassification as Parties operating under Article 5 could be considered on a case-by-case basis but not en bloc.

26. The representative of the Multilateral Fund said that, if the Parties which had not ratified the London Amendment were released from their obligation to contribute to the Fund, he presumed that any of those Parties that were classified as having Article 5 status would not be eligible to receive assistance from the Fund.

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27. The representative of UNDP said that his organization referred to the CIS group as "recipient countries". Since no action had yet been taken by the General Assembly, the CIS countries were still officially considered as industrialized.

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

28. Introducing item 3 (c), the Secretariat reviewed the information provided by the Czech Republic, as outlined in paragraph 3 of document UNEP/OzL.Pro/ImpCom/15/2, which indicated that halon production had been phased out completely during 1995. Production of halons in 1994, which was in violation of the control measures established in the amended Montreal Protocol, should have been addressed through application for an essential use exemption.

29. The Committee took note of the Czech Republic's situation and considered that no further action was necessary regarding non-compliance in 1994, in view of the total phase-out in 1995.

IV. OTHER MATTERS

30. The Secretariat informed the Committee that the Government of Kuwait had disputed the population figure used by the Secretariat in calculating its per capita consumption for 1994. The Secretariat had used United Nations figures and, in response to the dispute, had written to the United Nations Population Division to seek further clarification on the discrepancies between the population data supplied by Kuwait and that contained in the United Nations Population Statistics for 1994.

31. One representative noted that, if Kuwait could point to more recent census data, then decision VII/20 of the Meeting of the Parties and associated discussions should guide the Secretariat. If such new and firm information was absent, however, then the Secretariat should continue seeking clarification.

32. It was agreed that the next meeting of the Implementation Committee would be held on Wednesday, 20 November 1996, at 2 p.m.

VI. ADOPTION OF THE REPORT

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

VII. CLOSURE OF THE MEETING

34. The President declared the fifteenth meeting of the Implementation Committee closed at 11.30 a.m. on Monday, 18 November 1996.

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Annex

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