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**Sixteenth Meeting of the Parties
to the Montreal Protocol on
Substances that Deplete the
Ozone Layer**

Prague, 22–26 November 2004

Item 6 (d) (i) of the provisional agenda *

**Consideration of issues related to ratification, data reporting,
compliance and illegal trade: issues arising from the
Implementation Committee**

**Comments by the Implementation Committee on information
received by the Secretariat pursuant to decision XV/3
(Obligations of Parties to the Beijing Amendment under Article 4
of the Montreal Protocol with respect to
hydrochlorofluorocarbons) of the Fifteenth Meeting of the
Parties**

Note by the Secretariat

1. Pursuant to paragraph 2 of decision XV/3 of the Fifteenth Meeting of the Parties, the Secretariat transmitted the information received under paragraph 1 (c) of the decision to the Implementation Committee and the Parties. Consistent with paragraph 3 of decision XV/3, the Parties must consider the implementation and operation of the decision at the Sixteenth Meeting of the Parties, in particular taking into account any comments that the Implementation Committee may make on the information submitted by States by 31 March 2004 under paragraph 1 (c) of the decision. The Implementation Committee considered the information submitted by some States at its 32nd meeting, which was held in Geneva on 17 and 18 July 2004, and made comments that are contained in annex I to the present note for consideration by the Parties.

2. In considering the information presented by the Secretariat, the Implementation Committee expressed uncertainty about the status of member States of the European Community that had not ratified the Beijing Amendment and suggested three scenarios that the Meeting of the Parties could consider for dealing with those States. One scenario is based on the understanding that the European Community was competent to ratify the amendments on behalf of its member States; the second on the

* UNEP/OzL.Pro.16/1.

understanding that it was not. The third scenario covers those member States that acceded to the European Community after the deadline of 31 March 2004 set for ratification of the Beijing Amendment. Annex II to the present note contains a list of all non-Article 5 Parties and their status as Parties or not to the Copenhagen and Beijing Amendments as of 31 March 2004 and the data submitted by some of them in response to paragraph 1(c) of decision XV/3.

Annex I

The Implementation Committee agreed to forward the following comments to the Sixteenth Meeting of the Parties pursuant to paragraph 3 of decision XV/3:

(a) The following Parties to the Montreal Protocol which are not party to the Copenhagen or Beijing Amendments to the Protocol have submitted the information prescribed in paragraph 1 (c) of decision XV/3 to the Secretariat before 31 March 2004, and would therefore appear to fall outside the definition of “State not party to this Protocol” until the Seventeenth Meeting of the Parties, provided that they update their submission to the Secretariat by 31 March 2005: Australia, Greece, Italy, Kazakhstan, Poland, Portugal, the Russian Federation and Ukraine;

(b) The following Parties to the Montreal Protocol which are not party to the Copenhagen or Beijing amendments to the Protocol have not submitted the information prescribed in paragraph 1 (c) of decision XV/3 to the Secretariat before 31 March 2004, and would therefore appear to fall within the definition of “State not party to this Protocol”: Austria, Azerbaijan, Belarus, Belgium, Ireland, Latvia, Tajikistan, Turkmenistan and Uzbekistan;

(c) The following Parties to the Montreal Protocol which are not party to the Copenhagen or Beijing amendments to the Protocol have not submitted the information prescribed in paragraph 1 (c) of decision XV/3 to the Secretariat before 31 March 2004; they are, however, member States of the European Community, which became a Party to the Beijing Amendment on 25 March 2004: Austria, Belgium, Ireland and Latvia;

(d) The following Party to the Montreal Protocol which is not party to the Copenhagen or Beijing amendments to the Protocol has not submitted the information prescribed in paragraph 1 (c) of decision XV/3 to the Secretariat before 31 March 2004, and was not a member State of the European Community, which ratified the Beijing Amendment on 25 March 2004, but has since become a member: Latvia;

(e) Noting that, under the provisions of Article 4, paragraph 8, of the Protocol, Parties to the Beijing Amendment are permitted to import and export HCFCs from “any State not party to this Protocol”, if that State is determined, by a Meeting of the Parties, to be in full compliance with Article 2, Articles 2A–2I and this Article, and have submitted data to that effect as specified in Article 7, those Parties that had not submitted the information prescribed in paragraph 1(c) of decision XV/3 to the Secretariat before 31 March 2004, may wish to consider submitting a request to the Sixteenth Meeting of the Parties, pursuant to Article 4, paragraph 8, of the Protocol.

Annex II

Non-Article 5 Parties to the Copenhagen and Beijing Amendments – as of 5 April 2004

Non-Article 5 Parties	Party to the Copenhagen Amendment	Party to the Beijing Amendment	Data submitted in accordance with decision XV/3, paragraph 1 (c) (iii)		
			1 (c) (i)	1 (c) (ii) Article 2, 2A-2G	1 (c)(ii)* Article 4
Australia	Yes	No	Yes	Yes	Yes
Austria	Yes	No			
Azerbaijan	Yes	No			
Belarus	No	No			
Belgium	Yes	No			
Bulgaria	Yes	Yes			
Canada	Yes	Yes			
Czech Republic	Yes	Yes			
Denmark	Yes	Yes			
Estonia	Yes	Yes			
European Community	Yes	Yes			
Finland	Yes	Yes			
France	Yes	Yes			
Germany	Yes	Yes			
Greece	Yes	No	Yes	Yes	Yes
Hungary	Yes	Yes			
Iceland	Yes	Yes			
Ireland	Yes	No			
Israel	Yes	Yes			
Italy	Yes	No	Yes	Yes	Yes
Japan	Yes	Yes			
Kazakhstan	No	No	Yes	Yes	Yes
Latvia	Yes	No			
Liechtenstein	Yes	Yes			
Luxembourg	Yes	Yes			
Monaco	Yes	Yes			
Netherlands	Yes	Yes			
New Zealand	Yes	Yes			
Norway	Yes	Yes			
Poland	Yes	No	Yes	Yes	Yes
Portugal	Yes	No	Yes	Yes	Yes
Russian Federation	No	No	Yes	Yes	Yes
Slovakia	Yes	Yes			
Slovenia	Yes	Yes			
Spain	Yes	Yes			
Sweden	Yes	Yes			
Switzerland	Yes	Yes			
Tajikistan	No	No			
Turkmenistan	No	No			
Ukraine	Yes	No	Yes	Yes	Yes
United Kingdom	Yes	Yes			
Unites States of America	Yes	Yes			
Uzbekistan	Yes	No			