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**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Forty-second meeting
Geneva, 20–21 July 2009**

**Report of the Implementation Committee under the Non-Compliance
Procedure for the Montreal Protocol on the work of its forty-second
meeting****I. Opening of the meeting**

1. The forty-second meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Geneva International Conference Centre, Switzerland, on 20 and 21 July 2009.
2. Ms. Robyn Washbourne (New Zealand), President of the Implementation Committee, opened the meeting at 10.15 a.m., welcoming the members of the Committee and representatives of the Global Environment Facility, the Multilateral Fund for the Implementation of the Montreal Protocol and the Fund's implementing agencies.
3. Mr. Marco González, Executive Secretary of the Ozone Secretariat, welcomed the new members and drew the Committee's attention to the primer document for members, which would provide them with a comprehensive understanding of the non-compliance procedure and the manner in which the Committee operated. He sought advice from members on how to celebrate the fact that, on 1 January 2010, non-exempted uses of chlorofluorocarbons (CFCs), halons and carbon tetrachloride would cease in developing countries, a landmark that he had already evoked at the twenty-ninth meeting of the Open-ended Working Group. He welcomed Parties' efforts to establish and have fully operating licensing systems. Only 12 Parties were yet to establish such systems, but it was hoped that, with the implementing agencies' assistance, their licensing systems would be established by the end of 2010.
4. He drew attention to some of the special cases that the Committee would discuss, for example that of Iraq, and the issue of quarantine and pre-shipment use reporting, which was especially important in terms of the initiatives that Parties were taking to study further and develop a new approach to reporting and how the Parties would continue to deal with quarantine and pre-shipment uses. In conclusion, he reiterated his explanation, first given at the Committee's fortieth meeting, of the change in the Secretariat's own working methods, with the introduction of a more regional approach, designed to ensure an enhanced coordination framework, whereby certain Secretariat officers had been assigned specific regions in which they would coordinate with regional Compliance Assistance Programme teams. That measure would enable the Secretariat to provide greater support and liaise with countries in a more direct and efficient manner.

A. Tribute to the memory of Ms. al Odat

5. At the invitation of the Executive Secretary, the Committee members observed a minute of silence to pay tribute to the memory of Ms. al Odat, mother of Mr. Ghazi al Odat, Vice-President of the Implementation Committee.

B. Attendance

6. Representatives of the following members of the Committee attended the meeting: Armenia, Germany, Mauritius, Mexico, New Zealand, Nicaragua, the Niger, Russian Federation, Sri Lanka. The representative of Jordan was unable to attend.

7. The meeting was also attended by representatives of the secretariat of the Multilateral Fund, the Chair and Vice-Chair of the Executive Committee of the Multilateral Fund, a representative of the Global Environment Facility and representatives of the implementing agencies of the Multilateral Fund: the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank. The full list of participants is contained in annex II to the present report.

8. At the request of the Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and subsequent invitation of the President, and with the agreement of the Committee, the representative of the Basel Convention attended the meeting as an observer.

II. Adoption of the agenda and organization of work

9. The Committee adopted the following agenda, based on the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/42/1 and orally amended:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Report by the Secretariat on data under Article 7 of the Montreal Protocol.
4. Information provided by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) to facilitate compliance by Parties.
5. Follow-up on previous decisions of the Parties and recommendations of the Implementation Committee on non-compliance-related issues:
 - (a) Data-reporting obligations:
 - (i) Decision XX/12;
 - (ii) Decision XVII/16.
 - (b) Existing plans of action to return to compliance:
 - (i) Albania (decision XV/26);
 - (ii) Armenia (decision XVIII/20);
 - (iii) Bangladesh (decision XVII/27);
 - (iv) Belize (decision XIV/33);
 - (v) Bosnia and Herzegovina (decision XV/30);
 - (vi) Botswana (decision XV/31 and recommendation 41/5);
 - (vii) Democratic Republic of the Congo (decision XVIII/21);
 - (viii) Ecuador (decision XX/16);
 - (ix) Fiji (decision XVII/33);
 - (x) Guatemala (decision XVIII/26);

- (xi) Guinea-Bissau (decision XVI/24);
 - (xii) Honduras (decision XVII/34);
 - (xiii) Islamic Republic of Iran (decision XIX/27);
 - (xiv) Kenya (decision XVIII/28);
 - (xv) Kyrgyzstan (decision XVII/36);
 - (xvi) Lesotho (decision XVI/25);
 - (xvii) Libyan Arab Jamahiriya (decision XVII/37);
 - (xviii) Maldives (decision XV/37);
 - (xix) Mexico (decision XVIII/30);
 - (xx) Namibia (decision XV/38);
 - (xxi) Nepal (decision XVI/27);
 - (xxii) Nigeria (decision XIV/30);
 - (xxiii) Paraguay (decision XIX/22);
 - (xxiv) Saint Vincent and the Grenadines (decision XVI/30);
 - (xxv) Somalia (decision XX/19);
- (c) Draft plans of action to return to compliance: Somalia (decision XX/19);
 - (d) Other recommendations and decisions on compliance:
 - (i) Bangladesh (recommendation 41/3);
 - (ii) Bosnia and Herzegovina (recommendation 41/4);
 - (iii) Botswana (recommendation 41/5);
 - (iv) Solomon Islands (decision XX/18);
 - (v) Plans of action for establishment and operation of licensing systems for ozone-depleting substances (recommendation 41/18): Barbados, Equatorial Guinea, Eritrea, Haiti and Tonga.
6. Consideration of other non-compliance issues arising out of the data report.
 7. Consideration of the report of the Secretariat on Parties that have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol).
 8. Other matters.
 9. Adoption of the report of the meeting.
 10. Closure of the meeting.

III. Report of the Secretariat on data under Article 7 of the Montreal Protocol

10. The representative of the Ozone Secretariat provided a summary of the information set out in the report on information provided by Parties in accordance with Article 7 of the Protocol (UNEP/OzL.Pro/ImpCom/42/2). He outlined the data-reporting requirements that Parties had to meet and the considerations used by the Secretariat to assess cases of possible non-compliance with the control measures to present to the Committee. He was happy to report that all Parties required to report data for the years 1986–2007 had complied with their reporting obligations, including those Parties that had been listed under decision XX/12. For 2008, for which Parties were required to submit data by 30 September 2009, 82 Parties had so far reported. All Parties that had been granted exemptions for 2008, either for essential uses of CFCs or for critical uses of methyl bromide, had submitted their accounting reports as required.

11. With regard to deviations from the control schedules, he presented the control measures applicable for 2008 and also outlined the exemptions, allowances and special cases permitted under the

Montreal Protocol, which the Secretariat took into account when assessing cases of possible non-compliance. Those included essential-use exemptions for CFCs, critical-use exemptions for methyl bromide, the global exemption for laboratory and analytical uses and allowances for production to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5. Deviations attributable to stockpiling had been deferred for consideration until the Twenty-First Meeting of the Parties under the terms of decision XVIII/17 and, for Parties operating under paragraph 1 of Article 5, deviations attributable to laboratory uses of carbon tetrachloride had been deferred for consideration until 2010 under the terms of decision XIX/17. For Parties subject to previous decisions on non-compliance, and where those decisions contained agreed annual benchmarks reflecting commitments by those Parties, benchmarks were used as the primary determinant of compliance with their commitments to reduce their production or consumption levels.

12. Taking into account the applicable control measures and all the exempted and allowed uses and deferrals, for 2008 no Party not operating under paragraph 1 of Article 5 was in non-compliance with its production or consumption requirements, based on data reported to date. For Parties operating under paragraph 1 of Article 5, he drew attention to those that were in a state of possible non-compliance with regard to consumption, based on their 2008 data. Data for 2007 that had been submitted late, subsequent to the Committee's previous meeting, by the Federated States of Micronesia, Saudi Arabia and Vanuatu, showed consumption in excess of their commitments or allowed limits under the control measures, meaning that they were in a state of potential non-compliance with regard to consumption.

13. Decision XVII/12 had requested the Secretariat to report on the level of production of CFCs in Parties not operating under paragraph 1 of Article 5 to meet the basic domestic needs of Parties so operating as compared to their allowed production. For 2008, no such reports had been submitted to date.

14. Decision XVIII/17, on deferral of cases of possible non-compliance attributable to stockpiling, was also presented. As the issue related to compliance and was due to be considered by the Parties in November 2009, the Committee was invited to consider whether it wished to make any recommendations or proposals on the issue to the Twenty-First Meeting of the Parties.

15. Lastly, decision XVII/16 had urged Parties to report exports and destinations of all controlled substances and recommendation 39/41 had requested the Secretariat to include in its report information on Parties that had not so reported. For 2007, 30 Parties had reported exports. Only 11 were producers of the substances reported as exported, hence 19 were re-exporters. Twenty-seven Parties had specified exports disaggregated by destination for some or all of their exports. Three Parties had reported all their exports without disaggregating by destination of the exports and six Parties had reported some portion of their exports that they had not disaggregated by destination. Twenty-five Parties had reported exports of hydrochlorofluorocarbons (HCFCs) and 11 had reported exports of methyl bromide.

16. He noted that in March 2009 the Secretariat had sent aggregated export information for 2007 received from exporting and re-exporting Parties to importing Parties. The discrepancies between the imports and exports ranged from zero to thousands of tonnes. Parties' responses to that information had varied. For example, some had submitted corrections and amendments to their data after receiving the export data, while several had reaffirmed their confidence in the accuracy of their data. Others had been uncertain as to what to do with the information and had sought either further guidance or further information from the Secretariat.

17. The Committee took note of the report.

IV. Information provided by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) to facilitate compliance by Parties

18. Mr. Eduardo Ganem, Senior Programme Management Officer, Secretariat of the Multilateral Fund, presented a report under the item. Dealing first with the decisions of the fifty-seventh and fifty-eighth meetings of the Executive Committee related to compliance, he said that the Executive Committee, by decision 57/5, had encouraged Parties operating under paragraph 1 of Article 5 to conduct their own compliance risk assessment, making full use of the methodology and indicators developed by the Multilateral Fund Secretariat. At its fifty-eighth meeting, the Secretariat had presented the methodology and indicators that it had developed for the use of interested Parties operating under paragraph 1 of Article 5.

19. Turning to the issue of country programme data, he said that 61 of 143 Parties operating under paragraph 1 of Article 5 had reported 2008 country programme data using the new format. According to the information provided in the country programme reports, seven had not reported the establishment of their licensing systems, and 112 reporting countries had quota systems in place. He reported on changes in the average price of ozone-depleting substances and their substitutes, noting that no consistent trend existed; while some prices had risen over the past year, others had fallen.

20. Turning next to the status of and prospects for compliance, he said that, based on its assessment of the most recent data, the Executive Committee had provided assistance to all Parties that might need it to meet their compliance targets. Phase-out plans to meet the 2010 compliance targets had recently been approved for Botswana, Equatorial Guinea, Haiti, Iraq and Sierra Leone. In conclusion, he provided updated information on countries for which there were compliance decisions and that would be considered by the Implementation Committee during the current meeting.

21. The Committee took note of the report.

V. Follow-up on previous decisions of the Parties and recommendations of the Implementation Committee on non-compliance-related issues

22. The Committee decided to consider the current item as a whole and agreed to adopt the associated recommendations by Party, in alphabetical order.

A. Data-reporting obligations

1. Decision XX/12

(a) Background

23. The representative of the Secretariat recalled that, by decision XX/12, two Parties, Solomon Islands and Tonga, had not reported their ozone-depleting-substance data for 2007 by the time of the Twentieth Meeting of the Parties and had therefore been noted to be in non-compliance with their data-reporting obligations. They had been urged, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency. The two Parties had subsequently submitted their ozone-depleting substances data for 2007 to the Secretariat, confirming their compliance with their obligations in relation to the control measures of the Montreal Protocol for that year.

(b) Recommendation

24. The Committee therefore agreed to note with appreciation Solomon Islands' and Tonga's submission of all outstanding data in accordance with their data-reporting obligations under the Protocol and decision XX/12, which indicated that they were in compliance with the Protocol's control measures in 2007.

Recommendation 42/1

2. Decision XVII/16**(a) Background**

25. The President recalled the information provided under agenda item III, "Report of the Secretariat on data under Article 7 of the Montreal Protocol", paragraphs 13 and 14, on the reporting of exports and destinations of ozone-depleting substances. The representative of the Secretariat noted that the item had been added to the agenda by a Committee member who was not present at the current meeting. In discussing the issue some Committee members felt that the requirement to report on sources and destinations of exports might interfere with trade secrets and confidentiality, while others felt that it was important to track the source and destinations of such exports for accounting purposes and cross-checking of data accuracy.

(b) Recommendation

26. The Committee therefore agreed to urge exporting Parties to respond to requests for additional information on their exports, including quantities of the ozone-depleting substances exported, and, where appropriate, details on the exporting companies and the corresponding importing companies, when such requests for information were received from importing Parties.

Recommendation 42/2

B. Parties that are the subject of previous decisions of the Meetings of the Parties and recommendations of the Implementation Committee on non-compliance-related issues**1. Albania (decision XV/26)**

27. Albania had been listed for consideration with regard to its implementation of decision XV/26.

(a) Compliance issue subject to review: CFC consumption reduction commitment

28. Albania had committed itself, as recorded in decision XV/26, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to 2.2 ODP-tonnes in 2008.

(b) Status of compliance issue

29. By the time of the current meeting, Albania had submitted its ozone-depleting substance data for 2008, reporting consumption of zero ODP-tonnes of CFCs.

(c) Recommendation

30. The Committee therefore agreed to congratulate Albania on its reported data for the consumption of CFCs in 2008, which showed that the Party was in advance of its commitment contained in decision XV/26 to reduce CFC consumption to no greater than 2.2 ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 42/3

2. Armenia (decision XVIII/20)

31. Armenia had been listed for consideration with regard to its implementation of decision XVIII/20.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment

32. Armenia had committed itself, as recorded in decision XVIII/20, to maintaining consumption of the Annex E controlled substance (methyl bromide) at no greater than zero ODP-tonnes from 2007, save for critical uses that might be authorized by the Parties after 1 January 2015.

(b) Status of compliance issue

33. By the time of the current meeting, Armenia had submitted its ozone-depleting substance data for 2008, reporting consumption of zero ODP-tonnes of methyl bromide.

(c) Recommendation

34. The Committee therefore agreed to congratulate Armenia on its reported data for the consumption of methyl bromide in 2008, which showed that the Party was in compliance with its commitment contained in decision XVIII/20 to reduce its consumption of methyl bromide to no greater than zero ODP-tonnes in that year, and its obligations under the control measures of the Montreal Protocol for that substance for that year.

Recommendation 42/4**3. Bangladesh (decision XVII/27)**

35. Bangladesh had been listed for consideration with regard to its implementation of decision XVII/27 and recommendation 40/6.

(a) Compliance issues subject to review: methyl chloroform consumption reduction commitment and non-compliance with CFC consumption obligations for the year 2007**(i) Methyl chloroform consumption reduction commitment**

36. Bangladesh had committed itself, as recorded in decision XVII/27, to maintaining its consumption of the Annex B, group III, controlled substance (methyl chloroform) at no greater than 0.550 ODP-tonnes in 2008.

(ii) Non-compliance with CFC consumption reduction obligations for 2007

37. Bangladesh had notified the Implementation Committee at its thirty-seventh meeting, in October 2006, that, notwithstanding its best bona fide efforts, it anticipated non-compliance with its phase-out schedule for the years 2007–2009 for the Annex A, group I, controlled substances (CFCs). The anticipated non-compliance was, according to the Party, attributable to three reasons. First, the Party had only become aware of CFC consumption in its pharmaceutical metered-dose inhaler manufacturing sector in 2004, which had restricted the time available to achieve the CFC phase-out required to meet the Protocol's 2007 deadline for an 85 per cent reduction in CFC consumption. Second, the Party had not received assistance in phasing out CFC consumption in its metered-dose inhaler manufacturing sector. Third, the Party expected its estimated CFC requirements for metered-dose inhaler manufacture in 2007–2009 to result in total annual CFC consumption that was greater than the maximum levels prescribed by the Protocol for Bangladesh.

38. At that meeting the Committee was also informed that, after successful efforts to limit consumption in the refrigeration and aerosol sectors, Bangladesh had been ahead of its CFC phase-out commitments from 2002 to the time of the meeting. The reporting of the CFC consumption arising from metered-dose inhaler manufacture had, however, meant a substantial rise in estimated annual consumption. The Party reported further that metered-dose inhalers were manufactured by four companies, with one accounting for 75 per cent of the sector.

39. In its subsequent meetings, the Committee made a number of recommendations aiming at illuminating the Party's situation and further assisting Bangladesh to fulfil its obligations. In recommendation 40/6, Bangladesh was requested to continue working with UNDP and UNEP to expedite the implementation of projects to phase out CFCs in the manufacture of metered-dose inhalers approved by the Executive Committee at its 52nd meeting in July 2007, including, as an immediate first step and as a matter of urgency, the signing of project document agreements with UNDP and UNEP. The Party was also requested to provide to the Committee at each of its meetings, through the Ozone Secretariat, updates on its implementation of its metered-dose inhaler transition strategy.

40. In correspondence dated 14 October 2008, Bangladesh communicated to the Secretariat its ozone-depleting substance data submission for 2007 under Article 7 of the Protocol and an update on its implementation of metered-dose inhaler projects. The data report indicated consumption of 154.9 ODP-tonnes of CFCs, an amount inconsistent with the Party's obligation to reduce its consumption of CFCs in 2007 to no greater than 85 per cent of its baseline for those substances, namely, 87.2 ODP-tonnes, and which exceeded that amount by 67.7 ODP-tonnes. Bangladesh also noted in its report that of the total imported 155.135 metric tonnes of CFCs, 71.88 metric tonnes (CFC-11, 20.76 tonnes and CFC-12, 51.12 tonnes) were destined for the manufacture of CFC-based metered-dose inhalers in its territory.

41. In the same communication the Party further reported that its Government had signed an agreement with UNDP on the implementation of the metered-dose inhaler conversion project. In correspondence dated 22 October 2008, Bangladesh reported that its Government and UNEP had signed

the project document agreement for the implementation of the metered-dose inhaler transition strategy (that had also been approved by the Executive Committee in July 2007) on the same day.

42. The Committee considered the situation of Bangladesh further at its forty-first meeting, bearing in mind decision XVIII/16, which had requested it to give special consideration to Parties facing phase-out challenges owing to CFC consumption for metered-dose inhaler manufacture. After discussing the matter with representatives of Bangladesh who had attended the meeting the Committee recommended to the Meeting of the Parties that it should defer further consideration of the Party's compliance status until 2010.

43. Upon considering it, however, the Twentieth Meeting of the Parties did not fully support the Committee's recommendation. Several Parties were of the opinion that the proposal to defer consideration of a Party's compliance status represented a departure from established practice and did not seem likely to offer a satisfactory way of assisting the Party in question or of monitoring its progress in meeting its obligations. It was also argued that the "special consideration" requested under decision XVIII/16 did not require the Committee to defer its consideration of the Party's compliance status. The Meeting of the Parties directed that the Implementation Committee should return to the issue of Bangladesh's compliance at its next meeting, in 2009.

(b) Status of compliance issues

(i) Methyl chloroform consumption reduction commitment

44. By the time of the current meeting, Bangladesh had not yet reported ozone-depleting substance data for 2008. Implementation of its commitment contained in decision XVII/27 therefore could not be confirmed.

(ii) Non-compliance with consumption reduction obligations for CFCs

45. In the absence of consumption data submission for 2008, Bangladesh's implementation of its commitments under the Protocol for that year could not be confirmed. Neither had the Party yet provided any updates on its implementation of its metered-dose inhaler transition strategy. The Party had, however, responded in July 2009 to the Ozone Secretariat's request for updated information, explaining that several initiatives had been taken to expedite CFC consumption reduction, expected to lead to the conversion of one or two products in 2009. Given that the Party was unable to supply additional information during the current meeting, it requested the Committee to reiterate its recommendation to the Meeting of the Parties that it should defer further consideration of the Party's compliance status until 2010. That information is set out in document UNEP/OzL.Pro/ImpCom/42/INF/3/Add.1.

46. In addition, Bangladesh was one of the eight Parties operating under paragraph 1 of Article 5 that had submitted essential-use nominations for CFC metered-dose inhalers for 2010. In discussing Bangladesh's essential-use nomination in its May 2009 progress report, the Medical Technical Options Committee of the Technology and Economic Assessment Panel had noted that there were three domestic companies with manufacturing plants in the country, one of which dominated with about 70 per cent of production and was currently the only manufacturer supplying hydrofluorocarbon (HFC)-based metered dose inhalers. The Committee had expressed concern that the Party's nomination for 2010 of 156.7 tonnes for domestic market use implied a growth that was much higher than the annual growth rates of around 13 per cent recorded for the period 2004–2008. The Committee had indicated in its report an increase in the 2010 CFC consumption of 60 per cent compared to the 2008 levels. That was largely a result of the quantities requested by the two companies that still did not have HFC alternatives. The Committee had found that that growth was not sufficiently justified in the Party's nomination. The Committee had also observed that CFC-free alternatives were already available in the country at costs that were only marginally higher than those of CFC metered-dose inhalers. In addition, there were projects under way, funded through the Multilateral Fund with a planned completion date of July 2011 that aimed to convert most CFC-based products with active ingredients other than salbutamol and beclomethasone to HFCs. Those CFC products corresponded to 30.9 tonnes of Bangladesh's nomination for 2010. Notwithstanding the above considerations, in the absence of adequate evidence confirming that a reduced recommendation would not adversely affect patient health, the Medical Technical Options Committee had recommended that the Party's nomination of 156.7 tonnes for domestic market use for 2010 should be granted in its entirety.

(c) Discussion at the current meeting

47. The representative of the Multilateral Fund Secretariat drew attention to decision 57/28, by which the Executive Committee had decided to apply the penalty clause in the agreement between the Government of Bangladesh and the Executive Committee. That had been calculated, on an exceptional basis, at 5 per cent of the amount for each of the second, third and fourth tranches being submitted to the Committee for approval, for reasons of non-compliance with the agreement, on the basis of the considerations that the levels of CFCs used in the refrigeration servicing sector alone had been reduced from 232.1 ODP-tonnes in 2004 to 59.9 ODP-tonnes in 2008. The status of non-compliance by Bangladesh was attributable to a large extent to the CFC consumption associated with the manufacturing of CFC metered-dose inhalers, for which a phase-out project had only been approved by the Executive Committee at its fifty-second meeting, in 2007. The Executive Committee also noted that the maximum level of CFC consumption for both the refrigeration servicing and the pharmaceutical subsectors in 2009 was 53.0 ODP-tonnes, as stipulated in the agreement, and if that amount was exceeded the Committee might consider applying paragraph 10 of the agreement on reductions in funding in full, for failure to comply.

48. The representative of UNDP said that, of the three companies manufacturing metered-dose inhalers, the first was likely to begin conversion in September 2009, the second was scheduled for the first quarter of 2010 and the third for mid-2010. Conversions by the first company alone would reduce CFC consumption by an estimated 33 per cent. In the refrigeration servicing sector, as from July 2008 Bangladesh had issued no further import licenses and was exploring the possibility of meeting its remaining needs for 2009 with reclaimed CFCs. UNDP was assisting the Party in putting a management plan for ozone-depleting substances in place and the Party had said that, from January 2010, it would no longer issue licenses for CFCs for the servicing sector. He also explained that UNDP had sent two missions to the Party in the past eight months and was hopeful that its interventions would have a successful outcome.

49. The representative of UNEP explained that UNEP was working closely with the Government, holding monthly teleconferences to follow up on the relevant projects. Joint missions with UNDP had also been undertaken. At the twenty-ninth meeting of the Open-ended Working Group, UNEP had launched an awareness package for the transition to CFC-free inhalers that had been developed jointly by the UNEP Compliance Assistance Programme, through its regional office for Asia and the Pacific, and the Australian Government, with the support of the National Asthma Council of Australia. The package would be used for Bangladesh, and other countries, as part of national awareness campaigns.

(d) Recommendation

50. The Committee noted that Bangladesh had in 2006, in accordance with paragraph 4 of the non-compliance procedure, notified the Implementation Committee of its potential future non-compliance with its consumption obligations under the Montreal Protocol in respect of CFCs; that the Party had submitted its ozone-depleting substance data for 2007 in accordance with Article 7 of the Protocol; that the Party's consumption of 154.9 ODP-tonnes of CFCs in 2007 was inconsistent with its obligation under the Protocol to reduce its consumption in that year to no greater than 87.2 ODP-tonnes, thereby placing the Party in non-compliance with its obligations under the Protocol; that the Party had reported that its consumption of CFCs in the metered-dose inhaler sector in 2007 was 71.88 ODP-tonnes and that the remaining consumption in other sectors was therefore within the Party's consumption limit under the Protocol.

51. The Committee therefore agreed:

(a) To urge Bangladesh to submit to the Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments to phase out methyl chloroform as contained in decision XVII/27;

(b) To request Bangladesh to submit to the Secretariat as soon as possible, and no later than 1 September 2009, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance with the CFC control measures;

(c) To urge Bangladesh to report to the Implementation Committee through the Secretariat, pursuant to recommendation 40/6, updates on the implementation of its metered-dose inhaler transition strategy so that the Committee could review the implementation of the Party's transition strategy for the phase-out of CFC-based metered-dose inhalers;

(d) To request Bangladesh to continue working expeditiously with the relevant implementing agencies to implement its projects approved by the Executive Committee of the Multilateral Fund to phase out consumption of CFCs in the manufacturing of metered-dose inhalers and in the refrigeration and air-conditioning sector;

(e) To request Bangladesh, when reporting its CFC data, to provide separate consumption figures for its use of ozone-depleting substances in, first, manufacturing metered-dose inhalers; and, second, the refrigeration and air-conditioning sector;

(f) To invite Bangladesh, if necessary, to send a representative to the forty-third meeting of the Implementation Committee to discuss the matter.

Recommendation 42/5

4. Belize (decision XIV/33)

52. Belize had been listed for consideration with regard to its implementation of decision XIV/33.

(a) Compliance issue subject to review: CFC consumption reduction commitment

53. Belize had committed itself, as recorded in decision XIV/33, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2008.

(b) Status of compliance issue

54. By the time at which the documentation for the current meeting was prepared, Belize had not reported its ozone-depleting substances data for 2008, and implementation of its commitment contained in decision XIV/33 therefore could not be confirmed. Subsequently, however, The Party had reported its consumption data.

(c) Recommendation

55. The Committee therefore agreed to acknowledge with appreciation the recent receipt of data for 2008 from Belize and agreed to consider it at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XIV/33.

Recommendation 42/6

5. Bosnia and Herzegovina (decision XV/30)

(a) Compliance issue subject to review: CFC consumption reduction commitment

56. Bosnia and Herzegovina had committed itself, as recorded in decision XV/30, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 3.0 ODP-tonnes in 2007 and to no greater than zero ODP-tonnes in 2008, save for essential uses that might be authorized by the Parties. The Implementation Committee had noted with concern in recommendation 41/4 that the Party's reported CFC consumption of 22.1 ODP-tonnes for 2007 was inconsistent with its commitment contained in decision XV/30 and did not demonstrate progress toward compliance with the Protocol's control measures. In the same recommendation the Committee had requested Bosnia and Herzegovina to submit to the Secretariat as a matter of urgency, and no later than 31 March 2009, an explanation for its deviation from its commitment for 2007 contained in decision XV/30.

(b) Status of compliance issue

57. By the time of the current meeting, Bosnia and Herzegovina had submitted its ozone-depleting substance data for 2008, reporting consumption of 8.8 ODP-tonnes of CFCs. Those data were inconsistent with the Party's obligations under decision XV/30 to reduce CFC consumption to no greater than zero ODP-tonnes in 2008 and they exceeded the Party's maximum allowable consumption level of 3.6 ODP-tonnes for CFCs for 2008.

58. In correspondence dated April 2009, the Party had provided to the Secretariat an explanation for its deviation from its Protocol commitment for 2007, along with additional documentation, including an action plan for returning to compliance with its CFC commitment under the Protocol and its country programme and plan for the phase-out of ozone-depleting substances. That information is set out in the annex to document UNEP/OzL.Pro/ImpCom/42/INF/3.

59. Bosnia and Herzegovina offered two explanations for its CFC consumption non-compliance in 2007. First, the Party's CFC consumption baseline was artificially low because it had been established during a war that had both pushed consumption below normal levels and led to poorer data collection procedures. Second, its CFC plan of action, which required zero CFC consumption in 2008 to align it

with the accelerated phase-out schedule of the national phase-out plan that it had agreed with UNIDO and that had been approved by the Executive Committee of the Multilateral Fund at its forty-first meeting, in 2003, was simply over-ambitious.

60. The Party also attributed its non-compliance situation to delays in the implementation of its refrigerants management plan, owing to the complex political approval processes involved. Delays in the signing of the project document on institutional strengthening had also resulted in the Party receiving no institutional strengthening support for nearly four years. Financial assistance for data collection and stakeholder consultations had been finally provided by UNEP under the Compliance Assistance Programme in 2008.

61. In addition, Bosnia and Herzegovina pointed out that, notwithstanding its complex internal political approval processes, it had managed to establish an import and export licensing system for ozone-depleting substances in 2007. The Party had also highlighted in its correspondence the fact that it had already phased out CFC consumption to a significant extent, from 243.6 ODP-tonnes in 2002 to 22.1 ODP-tonnes in 2007.

62. The Party had indicated that CFC consumption had been banned in the country since 1 January 2009 and that it therefore expected to return to compliance with its CFC consumption obligations in 2009. Plans to establish CFC recycling and reclaiming centres in 2009 were also expected to help it to return to compliance.

(i) Time-specific benchmarks for returning to compliance

63. Bosnia and Herzegovina's revised plan of action contained the following time-specific CFC consumption benchmarks, which, according to the Party, would return it to compliance with the Protocol's control measures by 2009.

<i>Year</i>	<i>Consumption in ODP-tonnes of CFCs</i>
2008	23
2009	0
2010	0

64. The time-specific benchmarks contained in the plan for CFC consumption were consistent with the Montreal Protocol's final phase-out date for CFCs (1 January 2010).

(ii) Reported completed activities that could contribute to the Party's return to compliance

65. Bosnia and Herzegovina reported implementation of the following activities:

- (a) Completion of all investment projects for conversion from CFCs to non-CFCs in industrial refrigeration and foam production, up to July 2007, with the assistance of UNIDO;
- (b) Reduction of CFC consumption from 243 ODP-tonnes in 2002 to 22 ODP-tonnes in 2007;
- (c) Implementation of two awareness-raising projects on ozone layer protection by UNEP under its Compliance Assistance Programme;
- (d) Preparation and establishment of a national legal act (decree) for the implementation of the Montreal Protocol, along with the establishment of a national licensing, quota and permit system for ozone-depleting substances and equipment containing such substances;
- (e) Preparation of programmes for awareness-raising and training of Customs officers and importers, a training programme for refrigeration service technicians and implementation of four related workshops;
- (f) Establishment of two training centres for training refrigeration service technicians.

(iii) Reported plan of activities and actions to return to compliance

66. Return to compliance with the Party's commitment relating to CFC consumption was planned through:

- (a) Implementing a train-the-trainers programme and a training programme for refrigeration service technicians through 30 workshops on good practices in refrigeration, up to December 2009;
- (b) Supplying equipment to two training centres;

- (c) Establishing recovery and recycling centres for CFCs and HCFCs;
- (d) Updating the existing national legal acts and harmonizing them with European Union regulations on ozone-depleting substances;
- (e) Organizing national consultations with key stakeholders and preparing a national strategy and action plan for the phase-out of HCFCs with the assistance of UNIDO.

(iv) Compliance assistance

67. Bosnia and Herzegovina had received assistance under the Multilateral Fund from UNIDO in the form of four individual investment projects in the foam and refrigeration sectors, along with a national ozone-depleting substance phase-out plan, covering all ozone-depleting substances including CFCs. UNIDO reported at the forty-sixth meeting of the Executive Committee that all the projects had been expected to be completed in 2005. With regard to the CFC component of the national ozone-depleting substance phase-out plan, the amount of 17.9 ODP-tonnes of CFCs had been expected to be phased out in 2005. UNIDO was also providing institutional strengthening assistance to Bosnia and Herzegovina. At the fifty-seventh meeting of the Executive Committee UNIDO indicated that, as from 1 January 2009, no import licenses had been issued by the Party.

(c) Discussions at the current meeting

68. The representative of UNIDO explained that the Party's case posed some interesting challenges, as it was one in which UNIDO faced difficulties in implementing activities. The country's governmental system entailed a need to deal with two separate entities, each of which had to communicate and sign documentation pertaining to projects, among other things. Given those circumstances, a high-level meeting had been held on the margins of the Twentieth Meeting of the Parties between the Government and the relevant agencies, in which two key problems – the signing of the document for an institutional strengthening project and the payment of Customs fees – had been adumbrated. The latter had been solved by the adoption of a licensing system under which CFC imports had been prohibited from 1 January 2009, and the Government had been informed that funds disbursed by the agencies could not be used for the payment of Customs fees. He noted that, while the outcome of the meeting had been satisfactory, a recent mission to the country had been unable to meet high-level decision makers.

69. The representative of the Multilateral Fund Secretariat explained that the Fund had entered into an agreement with the Party by which the latter had committed itself to phasing out completely ozone-depleting substances by 2008.

(d) Recommendation

70. The Committee noted that Bosnia and Herzegovina's reported CFC consumption of 22.1 ODP-tonnes for 2007 and 8.8 ODP-tonnes for 2008 was in excess of its commitments contained in decision XV/30 to reduce CFC consumption to no greater than 3.0 ODP-tonnes for 2007 and zero ODP-tonnes for 2008 and that the Party's reported CFC consumption for 2007 and 2008 was in excess of the Protocol's requirement to limit consumption of those substances to no greater than 3.6 ODP-tonnes in 2007 and 2008. It also noted with appreciation, however, that Bosnia and Herzegovina had submitted, in accordance with recommendation 41/4, an explanation for its deviation from its commitment contained in decision XV/30 and a plan of action for returning to compliance with the Protocol's control measures for CFCs in 2009.

71. The Committee therefore agreed to forward to the Twenty-First Meeting of the Parties for consideration a draft decision incorporating the plan of action as contained in annex I (section A) to the present report.

Recommendation 42/7

6. Botswana (decision XV/31 and recommendation 41/5)

72. Botswana had been listed for consideration with regard to its implementation of decision XV/31 and recommendation 41/5.

(a) Compliance issue subject to review: establishment of licensing and quota system

73. Botswana had committed itself, as recorded in decision XV/31, to establishing a system for licensing imports and exports of methyl bromide, including quotas. The Party was requested in recommendation 41/5 to complete the process of establishing and operating a licensing system and notify the Secretariat that it had done so no later than 31 March 2009 in accordance with its obligations under Article 4B of the Protocol.

(b) Status of compliance issue

74. By the time of the current meeting, Botswana had reported that the National Meteorological Services bill, which contained, among other things, legislation and licensing to ensure the sustained phase-out of ozone-depleting substances, had been passed by Parliament and awaited signature by the President, following which it would become an act and that, notwithstanding the absence of legislation, it had been able to keep consumption of ozone-depleting substances within agreed phase-out schedules and has remained in compliance with its obligations under the Montreal Protocol. The Secretariat had informed the Party that, until the legislation passed by the Parliament became fully operational, Botswana could not be treated as a Party with a fully operational licensing system as envisaged under Article 4B of the Montreal Protocol and the relevant recommendations of the Implementation Committee.

(c) Discussions at the current meeting

75. The representative of UNEP said that the full act was still to be signed by the Government, but the national ozone unit had informed the Multilateral Fund Secretariat in February 2009 that ozone-depleting substances had been included in the list of products to be controlled by the Party's bureau of standards. The representative of the Multilateral Fund Secretariat reported that, at its fifty-seventh meeting, in April 2009, the Executive Committee had approved the terminal phase-out management plan for Botswana, taking into account the fact that regulations on ozone-depleting substances had been gazetted in February 2009. The Committee noted the progress reported by Botswana towards establishing and operating a licensing system.

(d) Recommendation

76. The Committee therefore agreed to request Botswana to complete the process of establishing and operating a licensing system and to notify the Secretariat as soon as possible, and preferably no later than 1 September 2009, that it had done so in accordance with its obligations under Article 4B of the Protocol.

Recommendation 42/8

7. Democratic Republic of the Congo (decision XVIII/21)

77. The Democratic Republic of the Congo had been listed for consideration with regard to its implementation of decision XVIII/21.

(a) Compliance issue subject to review: carbon tetrachloride and methyl chloroform consumption reduction commitments

78. The Democratic Republic of the Congo had committed itself, as recorded in decision XVIII/21, to reducing consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than zero ODP-tonnes in 2008 and consumption of the Annex B, group III, controlled substance (methyl chloroform) to no greater than zero ODP-tonnes in 2008.

(b) Status of compliance issue

79. By the time at which the documentation for the current meeting had been prepared, the Democratic Republic of the Congo had not reported ozone-depleting substances data for 2008, and implementation of its commitment contained in decision XVIII/21 therefore could not be confirmed. Subsequently, however, the Party had reported its consumption data.

(c) Recommendation

80. The Committee therefore agreed to acknowledge with appreciation the recent receipt of data for 2008 from the Democratic Republic of the Congo and agreed to consider it at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XVIII/21.

Recommendation 42/9

8. Ecuador (decision XX/16)**(a) Compliance issue subject to review: methyl bromide consumption reduction commitment**

81. Ecuador had committed itself, as recorded in decision XX/16, to reducing consumption of the Annex E controlled substance (methyl bromide) to no greater than 52.8 ODP-tonnes in 2008.

(b) Status of compliance issue

82. By the time of the current meeting, Ecuador had submitted its ozone-depleting substance data for 2008, reporting consumption of 51.0 ODP-tonnes of methyl bromide.

(c) Recommendation

83. The Committee therefore agreed to congratulate Ecuador on its reported data for the consumption of methyl bromide in 2008, which showed that the Party was in advance of its commitment contained in decision XX/16 to reduce methyl bromide consumption to no greater than 52.8 ODP-tonnes in that year.

Recommendation 42/10**9. Fiji (decision XVII/33)**

84. Fiji had been listed for consideration with regard to its implementation of decision XVII/33.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment

85. Fiji had committed itself, as recorded in decision XVII/33, to reducing consumption of the Annex E controlled substance (methyl bromide) to no greater than 0.5 ODP-tonnes in 2008.

(b) Status of compliance issue

86. By the time of the current meeting, Fiji had not yet reported ozone-depleting substances data for 2008. Implementation of its commitment contained in decision XVII/33 therefore could not be confirmed.

(c) Recommendation

87. The Committee therefore agreed to urge Fiji to submit to the Ozone Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XVII/33.

Recommendation 42/11**10. Guatemala (decision XVIII/26)**

88. Guatemala had been listed for consideration with regard to its implementation of decision XVIII/26.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment

89. Guatemala had committed itself, as recorded in decision XVIII/26, to reducing consumption of the Annex E controlled substance (methyl bromide) to no greater than 320.56 ODP-tonnes in 2008.

(b) Status of compliance issue

90. By the time of the current meeting, Guatemala had submitted its ozone-depleting substance data for 2008, reporting consumption of 173 ODP-tonnes of methyl bromide.

(c) Recommendation

91. The Committee therefore agreed to congratulate Guatemala on its reported data for the consumption of methyl bromide in 2008, which showed that it was in compliance with its commitment contained in decision XVIII/26 to reduce methyl bromide consumption to no greater than 320.56 ODP-tonnes in that year.

Recommendation 42/12**11. Guinea-Bissau (decision XVI/24)**

92. Guinea-Bissau had been listed for consideration with regard to its implementation of decision XVI/24.

(a) Compliance issue subject to review: CFC consumption reduction commitment

93. Guinea-Bissau had committed itself, as recorded in decision XVI/24, to reducing consumption of the Annex A, group I, controlled substances (CFCs) to no greater than 3.941 ODP-tonnes in 2008.

(b) Status of compliance issue

94. By the time at which the documentation for the current meeting had been prepared, Guinea-Bissau had not submitted its ozone-depleting substance data for 2008, and implementation of its commitment contained in decision XVI/24 therefore could not be confirmed. Subsequently, however, the Party had reported its consumption data.

(c) Recommendation

95. The Committee therefore agreed to acknowledge with appreciation the recent receipt of data for 2008 from Guinea-Bissau and agreed to consider it at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XVI/24.

Recommendation 42/13**12. Honduras (decision XVII/34)**

96. Honduras had been listed for consideration with regard to its implementation of decision XVII/34.

(a) Compliance issue subject to review: methyl bromide consumption reduction commitment

97. Honduras had committed itself, as recorded in decision XVII/34, to reducing consumption of the Annex E controlled substance (methyl bromide) to no greater than 207.5424 ODP-tonnes in 2008.

(b) Status of compliance issue

98. By the time of the current meeting, Honduras had submitted its ozone-depleting substance data for 2008, reporting consumption of 177.0 ODP-tonnes of methyl bromide.

(c) Recommendation

99. The Committee therefore agreed to congratulate Honduras on its reported data for 2008, which showed that the Party was in advance of its commitment contained in decision XVII/34 to reduce methyl bromide consumption to no greater than 207.5424 ODP-tonnes in that year.

Recommendation 42/14**13. Islamic Republic of Iran (decision XIX/27)**

100. The Islamic Republic of Iran had been listed for consideration with regard to its implementation of decision XIX/27.

(a) Compliance issue subject to review: carbon tetrachloride consumption reduction commitment

101. The Islamic Republic of Iran had committed itself, as recorded in decision XIX/27, to reducing consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than zero ODP-tonnes in 2008, save for essential uses that might be authorized by the Parties.

(b) Status of compliance issue

102. By the time of the current meeting, the Islamic Republic of Iran had not submitted its ozone-depleting substance data for 2008. Implementation of its commitment contained in decision XIX/27 therefore could not be confirmed.

(c) Recommendation

103. The Committee therefore agreed to urge the Islamic Republic of Iran to submit to the Ozone Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XIX/27.

Recommendation 42/15**14. Kenya (decision XVIII/28)**

104. Kenya had been listed for consideration with regard to its implementation of decision XVIII/28.

(a) Compliance issue subject to review: CFC consumption reduction commitment

105. Kenya had committed itself, as recorded in decision XVIII/28, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 10.0 ODP-tonnes in 2008.

(b) Status of compliance issue

106. By the time at which the documentation for the current meeting had been prepared, Kenya had not submitted its ozone-depleting substance data for 2008, and implementation of its commitment contained in decision XVIII/28 therefore could not be confirmed. Subsequently, however, the Party had reported its consumption data.

(c) Recommendation

107. The Committee therefore agreed to acknowledge with appreciation the recent receipt of data for 2008 from Kenya and agreed to consider it at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XVIII/28.

Recommendation 42/16**15. Kyrgyzstan (decision XVII/36)**

108. Kyrgyzstan had been listed for consideration with regard to its implementation of decision XVII/36.

(a) Compliance issue subject to review: halon consumption reduction commitment

109. Kyrgyzstan had committed itself, as recorded in decision XVII/36, to reducing consumption of the Annex A, group II, controlled substances (halons) to no greater than zero ODP-tonnes by 1 January 2008, save for essential uses that might be authorized by the Parties.

(b) Status of compliance issue

110. By the time at which the documentation for the current meeting had been prepared, Kyrgyzstan had not submitted its ozone-depleting substance data for 2008, and implementation of its commitment contained in decision XVII/36 therefore could not be confirmed. Subsequently, however, the Party had reported its consumption data.

(c) Recommendation

111. The Committee therefore agreed to acknowledge with appreciation the recent receipt of data for 2008 from Kyrgyzstan and agreed to consider it at its forty-third meeting to determine the Party's compliance with its commitments contained in decision XVII/36.

Recommendation 42/17**16. Lesotho (decision XVI/25)**

112. Lesotho had been listed for consideration with regard to its implementation of decision XVI/25.

(a) Compliance issue subject to review: halon consumption reduction commitment

113. Lesotho had committed itself, as recorded in decision XVI/25, to reducing consumption of the Annex A, group II, controlled substances (halons) to no greater than zero ODP-tonnes in 2008, save for essential uses that might be authorized by the Parties after 1 January 2010.

(b) Status of compliance issue

114. By the time of the current meeting, Lesotho had not submitted its ozone-depleting substance data for 2008. Implementation of its commitment contained in decision XVI/25 therefore could not be confirmed.

(c) Recommendation

115. The Committee therefore agreed to urge Lesotho to submit to the Ozone Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XVI/25.

Recommendation 42/18**17. Libyan Arab Jamahiriya (decision XVII/37)**

116. The Libyan Arab Jamahiriya had been listed for consideration with regard to its implementation of decision XVII/37.

(a) Compliance issue subject to review: halon consumption reduction commitment

117. The Libyan Arab Jamahiriya had committed itself, as recorded in decision XVII/37 of the Seventeenth Meeting of the Parties, to reducing consumption of Annex A, group II, controlled substances (halons) to no greater than zero ODP-tonnes by 1 January 2008, save for essential uses that might be authorized by the Parties.

(b) Status of compliance issue

118. By the time of the current meeting, the Libyan Arab Jamahiriya had not submitted its ozone-depleting substance data for 2008. Implementation of its commitment contained in decision XVII/37 therefore could not be confirmed.

(c) Recommendation

119. The Committee therefore agreed to urge the Libyan Arab Jamahiriya to submit to the Ozone Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XVII/37.

Recommendation 42/19**18. Maldives (decision XV/37)**

120. Maldives had been listed for consideration with regard to its implementation of decision XV/37.

(a) Compliance issue subject to review: CFC consumption reduction commitment

121. Maldives had committed itself, as recorded in decision XV/37, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than zero ODP-tonnes in 2008.

(b) Status of compliance issue

122. By the time of the current meeting, Maldives had not submitted its ozone-depleting substance data for 2008. Implementation of its commitment contained in decision XV/37 therefore could not be confirmed.

(c) Recommendation

123. The Committee therefore agreed to urge Maldives to submit to the Ozone Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XV/37.

Recommendation 42/20**19. Mexico (decision XVIII/30)**

124. Mexico had been listed for consideration with regard to its implementation of decision XVIII/30.

(a) Compliance issue subject to review: carbon tetrachloride consumption reduction commitment

125. Mexico had committed itself, as recorded in decision XVIII/30, to reducing consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 9.376 ODP-tonnes in 2008.

(b) Status of compliance issue

126. By the time of the current meeting, Mexico had submitted its ozone-depleting substance data for 2008, reporting consumption of 88.0 ODP-tonnes of carbon tetrachloride, representing a deviation from the Party's commitment contained in decision XVIII/30.

(c) Discussions at the current meeting

127. The representative of UNIDO explained that, as from 1 January 2009, the Party had ceased chlorine production to prepare premises for new equipment; the first batch was to be installed by December 2009 and would be tested in January 2010. Issues pertaining to the procurement of the equipment had been resolved.

(d) Recommendation

128. The Committee noted with concern that Mexico had reported consumption of 88.0 ODP-tonnes of carbon tetrachloride in 2008, an amount inconsistent with its commitment contained in decision XVIII/30 to reduce carbon tetrachloride consumption to no greater than 9.376 ODP-tonnes in that year.

129. The Committee therefore agreed:

(a) To request Mexico to submit to the Secretariat as a matter of urgency, and preferably no later than 1 September 2009, an explanation for its deviation from its commitment contained in decision XVIII/30 and, if relevant, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;

(b) To invite Mexico, if necessary, to send a representative to the forty-third meeting of the Committee to discuss the matter.

Recommendation 42/21**20. Namibia (decision XV/38)**

130. Namibia had been listed for consideration with regard to its implementation of decision XV/38.

(a) Compliance issue subject to review: CFC consumption reduction commitment

131. Namibia had committed itself, as recorded in decision XV/38, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 2.0 ODP-tonnes in 2008.

(b) Status of compliance issue

132. By the time of the current meeting, Namibia had submitted its ozone-depleting substance data for 2008, reporting consumption of zero ODP-tonnes of CFCs.

(c) Recommendation

133. The Committee therefore agreed to congratulate Namibia on its reported data for 2008 that showed that the Party was in advance of its commitment contained in decision XV/38 to reduce CFC consumption to no greater than 2.0 ODP-tonnes in that year and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 42/22**21. Nepal (decision XVI/27)**

134. Nepal had been listed for consideration with regard to its implementation of decision XVI/27.

(a) Compliance issue subject to review: CFC consumption reduction commitment

135. Nepal had committed itself, as recorded in decision XVI/27, to release no more than 4.05 ODP-tonnes of seized Annex A, group I, controlled substances (CFCs) on to its domestic market in 2008.

(b) Status of compliance issue

136. By the time of the current meeting, Nepal had not submitted its ozone-depleting substance data for 2008. Implementation of its commitment contained in decision XVI/27 therefore could not be confirmed.

(c) Recommendation

137. The Committee therefore agreed to urge Nepal to submit to the Ozone Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XVI/27.

Recommendation 42/23**22. Nigeria (decision XIV/30)**

138. Nigeria had been listed for consideration with regard to its implementation of decision XIV/30.

(a) Compliance issue subject to review: CFC consumption reduction commitment

139. Nigeria had committed itself, as recorded in decision XIV/30, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 300.0 ODP-tonnes in 2008.

(b) Status of compliance issue

140. By the time of the current meeting, Nigeria had not submitted its ozone-depleting substance data for 2008. Implementation of its commitment contained in decision XIV/30 therefore could not be confirmed.

(c) Recommendation

141. The Committee therefore agreed to urge Nigeria to submit to the Ozone Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XIV/30.

Recommendation 42/24**23. Paraguay (decision XIX/22)**

142. Paraguay had been listed for consideration with regard to its implementation of decision XIX/22.

(a) Compliance issue subject to review: CFC and carbon tetrachloride consumption reduction commitment

143. Paraguay had committed itself, as recorded in decision XIX/22, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 31.6 ODP-tonnes in 2008 and consumption of the Annex B, group II, controlled substance (carbon tetrachloride) to no greater than 0.1 ODP-tonnes in 2008.

(b) Status of compliance issue

144. By the time of the current meeting, Paraguay had not submitted its ozone-depleting substance data for 2008. Implementation of its commitment contained in decision XIX/22 therefore could not be confirmed.

(c) Recommendation

145. The Committee therefore agreed to urge Paraguay to submit to the Ozone Secretariat its data for 2008 in accordance with paragraph 3 of Article 7 of the Protocol, and preferably no later than 1 September 2009, in order that, at its forty-third meeting, the Committee might assess the Party's compliance with its commitments contained in decision XIX/22.

Recommendation 42/25**24. Saint Vincent and the Grenadines (decision XVI/30)**

146. Saint Vincent and the Grenadines had been listed for consideration with regard to its implementation of decision XVI/30.

(a) Compliance issue subject to review: CFC consumption reduction commitment

147. Saint Vincent and the Grenadines committed itself, as recorded in decision XVI/30, to reducing consumption of Annex A, group I, controlled substances (CFCs) to no greater than 0.22 ODP-tonnes in 2008.

(b) Status of compliance issue

148. By the time of the current meeting, Saint Vincent and the Grenadines had submitted its ozone-depleting substance data for 2008, reporting consumption of zero ODP-tonnes of CFCs.

(c) Recommendation

149. The Committee therefore agreed to congratulate Saint Vincent and the Grenadines on its reported data for 2008, which showed that the Party was in advance of its commitment contained in decision XVI/30 to reduce CFC consumption to no greater than 0.22 ODP-tonnes and its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 42/26**25. Solomon Islands (decision XX/18)**

150. Solomon Islands had been listed for consideration with regard to its implementation of decision XX/18.

(a) Compliance issue subject to review: CFC consumption reduction commitment

151. Solomon Islands had reported consumption of the Annex A, group I, controlled substances (CFCs) of 1.4 ODP-tonnes in 2006. Those data represented a deviation from the Party's obligation under the Protocol to limit its consumption of CFCs to no greater than 50 per cent of its base level of 2.1 ODP-tonnes. The Party had been requested, as recorded in decision XX/18, to submit to the Secretariat, as a matter of urgency and no later than 31 March 2009, for consideration by the Implementation Committee at its forty-second meeting, an explanation for its excess consumption in 2006, together with a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance. Solomon Islands had also been requested to report its outstanding data for 2007 as a matter of urgency, and preferably no later than the date mentioned above.

(b) Status of compliance issue

152. In correspondence dated 10 November 2008, Solomon Islands explained that it had formally amended its Custom and Excise Act in 2007 to include a phase-out schedule for all CFC imports and restrictions on imports of HCFCs. As those regulations did not apply formally in 2007, the Party noted, it had been difficult to control imports of CFCs prior to that year. A workshop informing Customs officers and key stakeholders about the amended regulations had been organized in October 2007. Solomon Islands further said that in view of the import prohibition of CFCs from 2007 onwards it was expected that no CFCs would be imported in future years.

153. Solomon Islands submitted its ozone-depleting substance data for 2007, reporting consumption of zero ODP-tonnes of CFCs. Those data confirmed the Party's expectation mentioned above and placed it in advance of its CFC phase-out obligation under the Montreal Protocol for 2007.

(c) Recommendation

154. The Committee therefore agreed to take note of the explanation provided by Solomon Islands on the cause of its non-compliance for the year 2006 and to congratulate the Party on its reported data for the consumption of CFCs in 2007, which showed that it was in advance of its obligations under the control measures of the Montreal Protocol for those substances for that year.

Recommendation 42/27

26. Somalia

155. Somalia had been listed for consideration with regard to its implementation of decision XX/19.

(a) Compliance issue subject to review: halon consumption reduction commitment and plan of action for CFCs

156. Somalia had committed itself, as recorded in decision XX/19, to reducing its consumption of Annex A, group II, controlled substances (halons) to no greater than 9.4 ODP-tonnes in 2008, and to introducing a system for licensing the import and export of ozone-depleting substances, including import quotas, by the end of December 2009. Somalia had also been requested in decision XX/19 to submit to the Secretariat, as a matter of urgency and no later than 31 March 2009, for consideration by the Implementation Committee at its forty-second meeting, a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance with its CFC consumption obligations.

(b) Status of compliance issue

157. Somalia had submitted its ozone-depleting substances data for 2008, reporting halon consumption of zero ODP-tonnes and CFC consumption of 20.0 ODP-tonnes. Those data indicated that the Party was in advance of its commitment for halons contained in decision XX/19 and its consumption reduction obligations under the Montreal Protocol for CFCs and halons.

158. Somalia had also submitted a plan of action for returning to compliance with its CFC consumption obligations in accordance with decision XX/19. The plan is contained in the annex to document UNEP/OzL.Pro/ImpCom/42/INF/3 and is summarized below.

(i) Focus areas of plan of action

159. A survey undertaken by Somalia's national ozone unit in 2009 revealed that halon consumption had been phased out in 2008 and that CFC consumption had been reduced from 79.5 ODP-tonnes in 2007 to 20.0 ODP-tonnes in 2008. Although those findings placed Somalia in advance of its obligations with regard to those substances, the Party was concerned that its progress in phasing out CFCs might be challenged by illegal trafficking. In addition, both regulatory and non-regulatory systems were weak, there was a lack of trained staff and financial, logistical and technical assistance might not be available.

160. Somalia's plan of action contained a broad strategy, which focused on six major areas:

- (a) Controlling the supply of goods and services that used ozone-depleting substances within the country;
- (b) Conducting a detailed survey to establish the actual volume of contaminated equipment and materials that were scattered around the country;
- (c) Controlling demand for goods and services that used ozone-depleting substances, through awareness-raising;
- (d) Regulating the import, distribution, commercialization and use of ozone-depleting substances;
- (e) Promoting an alternative market in converted equipment and recovery and recycling of refrigerants;
- (f) Regularly and continuously monitoring and controlling the activities proposed under the strategy to ensure that the desired results were achieved.

(ii) Time-specific benchmarks for returning to compliance

161. The Party's plan of action contained the following time-specific CFC consumption benchmarks, which, according to the Party, would return Somalia to compliance with the Protocol's control measures by 1 January 2010.

<i>Year</i>	<i>Consumption in ODP-tonnes of CFCs</i>
2008	20
2009	10
2010	0

162. The time-specific benchmarks contained in the plan for CFC consumption were consistent with the Montreal Protocol's final phase-out date for CFCs (1 January 2010).

(iii) Measures to implement the time-specific benchmarks

163. Somalia had reported that its Government received institutional strengthening support from the Multilateral Fund through the UNEP Compliance Assistance Programme. That assistance had allowed the Government to collect accurate consumption data and begin phase-out activities such as:

- (a) Drafting a legislative, policy and enforcement legal framework;
- (b) Training Customs officers and promoting voluntary compliance;
- (c) Participating actively in related international conventions and forums;
- (d) Promoting education and public awareness programmes.

164. Future activities would include:

- (a) Banning imports of Annex A ozone-depleting substances (CFCs and halons) and equipment containing ozone-depleting substances by 1 January 2010;
- (b) Training refrigeration technician trainers;
- (c) Monitoring imports of ozone-depleting substances and equipment containing ozone-depleting substances and recording data;
- (d) Introducing a levy on imports of ozone-depleting substances;
- (e) Strengthening the licensing system for other ozone-depleting substances.

165. Somalia had also reported that the success of the above-mentioned activities would depend on the approval of additional support and funds to its national ozone unit through its country programme by the Executive Committee of the Multilateral Fund and the commitment of bilateral and implementing agencies. Those activities would continue after CFC phase-out had been completed to ensure that Somalia remained in compliance with the phase-out schedules for other ozone-depleting substances.

(iv) Implementation mechanism

166. Implementation of the plan of action was to be placed under the Ministry of Environment and Disaster Management, which would be responsible for overseeing and monitoring ozone-depleting substances in close collaboration with all relevant stakeholders. A national ozone unit under the Ministry of Environment and Disaster Management would work closely with relevant line ministries responsible for developing a country programme and outlining strategies, policies and regulations to be taken into account and overseeing implementation of the phase-out plan. A joint programme would be hosted by the Ministry of Environment and Disaster Management in liaison with ports and airports and would provide relevant staff with technology and equipment. According to the Party, however, funding to implement the plan of action would be a significant challenge if additional budgetary allocation for the Montreal Protocol process were not made available to the focal point and licensing officer. Partners and implementing agencies would therefore play a major role in the success of the national action plan.

(v) Monitoring and evaluation

167. The monitoring and evaluation system would be carried out by the Ministry of Environment and its agencies with the assistance of ozone implementing agencies and other international implementing agencies. A top-down and bottom-up communication system would be established. Progress reports and relevant information would be circulated in due time to all concerned agencies, including the Ozone Secretariat and government institutions.

(vi) Compliance assistance

168. UNEP was providing institutional strengthening assistance to Somalia under the auspices of the Multilateral Fund. In its 2007–2009 business plan, submitted to the Executive Committee of the Multilateral Fund at its fifty-first meeting, in March 2007, UNEP had indicated that, when circumstances permitted in 2007, it would provide the Somali national ozone unit with guidance on awareness-raising and training and technical support for the development of an ozone-depleting substances licensing system under the UNEP Compliance Assistance Programme. The business plan also indicated that UNEP had planned a mission to Somalia in 2007. Unrest in the country had resulted in compliance assistance delays. Communication had resumed with the Somali national ozone unit and the first disbursement of funds had been made in December 2008. Completion of that phase was expected in July 2009.

(vii) Issues brought to the attention of Somalia by the Secretariat

169. Somalia's plan of action had been reviewed by the Secretariat and further revised by the Party accordingly. The revised plan, however, did not provide adequate information on progress made by the Party regarding its commitment to introduce a system for licensing the import and export of ozone-depleting substances, including import quotas, by the end of December 2009. Following the Secretariat's request to Somalia for further clarification on that point, the Party's representative had explained in an oral communication on 16 June 2009 that the drafting of legislation on licensing systems had begun in May 2009 and relevant information would be submitted to the Secretariat as soon as possible. .

(c) Discussions at the current meeting

170. The representative of UNEP said that significant progress was being made with the Party, which had an active ozone unit. A small consultative meeting was planned to take place in Kenya for key decision makers to devise draft regulations that could be adopted by the Government. Enforcement of those regulations would, however, be more difficult. A draft country programme and various action plans were also available, enabling the Party to begin taking action. There could be no investment activities owing to the internal strife gripping the country, but capacity-building activities were under way.

(d) Recommendation

171. The Committee therefore agreed:

(a) To note with appreciation the progress made by Somalia in implementing the Montreal Protocol and the assistance provided by UNEP to the Party for capacity-building;

(b) To congratulate Somalia on its reported data for the consumption of halons in 2008, which showed that it was in advance of its commitment contained in decision XX/19 to reduce halon consumption to no greater than 9.4 ODP-tonnes in that year and its obligations for CFCs and halons under the Montreal Protocol for that year;

(c) To note with appreciation Somalia's submission, as requested in decision XX/19, of a plan of action for returning to compliance with the Protocol's CFC control measures;

(d) To forward to the Twenty-First Meeting of the Parties for its consideration the draft decision contained in annex I (section B) to the present report, incorporating the Party's plan of action, amended as necessary in the light of any clarifications provided by Somalia at the forty-third meeting of the Committee.

Recommendation 42/28

C. Plans of action for establishment and operation of licensing systems for ozone-depleting substances (recommendation 41/18): Barbados, Equatorial Guinea, Eritrea, Haiti and Tonga)

(a) Compliance issue subject to review: Plan of action for establishment and operation of licensing system

172. In accordance with recommendation 41/18, Equatorial Guinea and Tonga had been urged to submit to the Secretariat as a matter of priority and no later than 31 March 2009 a plan of action to ensure the prompt establishment and operation of import licensing systems for ozone-depleting substances, in time for consideration by the Committee at its forty-second meeting. In the same recommendation the Committee had requested Barbados, Eritrea and Haiti to complete the process of establishing and operating licensing systems and to notify the Secretariat immediately after their respective licensing systems became operational in accordance with their obligations under Article 4B of the Protocol.

(b) Status of compliance issue

1. Barbados

173. Barbados had informed the Secretariat in April 2009 that it had established a system for licensing the import and export of controlled ozone-depleting substances and that it was fully operational.

2. Equatorial Guinea

174. Equatorial Guinea had informed the Secretariat in February 2009 that it had established a system for licensing the import and export of controlled ozone-depleting substances and that it was fully operational under the Common Regulation on Control of Consumption of Ozone-Depleting Substances in the Economic and Monetary Community of Central Africa.

3. Eritrea

175. Eritrea had not yet established a licensing system as required under Article 4B of the Protocol and had not yet responded to recommendation 40/39, although it had reported in April 2008 that the final draft of its licensing system had been submitted to the Ministry of Justice for harmonization with other legal notices and approval. The Party had also reported that related activities were being carried out, including public awareness-raising and education for the protection of the ozone layer.

4. Haiti

176. Haiti had informed the Secretariat in April 2009 that it had established a system for licensing the import and export of controlled ozone-depleting substances and that it had been fully operational from April 2009.

5. Tonga

177. Tonga had informed the Secretariat in April 2009 that it had established a system for licensing the import and export of controlled ozone-depleting substances and that it had been fully operational since 2004.

(c) Compliance assistance

178. Financial assistance had been extended to all Parties listed under recommendation 41/18 to fund the establishment and implementation of licensing systems.

(d) Discussions at the current meeting

179. During discussions at the current meeting, the representative of UNEP noted that Eritrea's situation was akin to that of Botswana, in that it had not yet completed the establishment and operation of its licensing system. In June 2009, the Minister of Environment had agreed that methyl bromide would remain within the purview of the Ministry of Agriculture. The draft act was therefore awaiting signature by the relevant parties, but UNEP had been assured that, by September or the time of the Twenty-First Meeting of the Parties, it would have been promulgated. He added that relevant regional regulations under the Common Market for Eastern and Southern Africa would also be enforced.

180. The representative of the Multilateral Fund Secretariat said that the Executive Committee was unable to approve any phase-out plan if no licensing system was in place. Given that Eritrea was a member of the Common Market and therefore a Party to the Common Regulation on Control of Consumption of Ozone-Depleting Substances in the Economic and Monetary Community of Central Africa, the Committee had decided that legislation on ozone-depleting substances was in fact in place.

181. The representative of UNIDO noted that it had been unable to disburse funds for Eritrea as no licensing system was in place, meaning that the Party would be in non-compliance with its agreements with UNIDO to phase out ozone-depleting substances.

(e) Recommendation

182. The Committee therefore agreed:

(a) To note with appreciation that Barbados, Equatorial Guinea, Haiti and Tonga had complied with their obligations under Article 4B of the Montreal Protocol to establish and operate licensing systems;

(b) To note the progress reported by Eritrea toward establishing and operating a licensing system;

(c) To request Eritrea to complete the process of establishing and operating a licensing system and to notify the Secretariat as soon as possible, and preferably no later than 1 September 2009, when its licensing system would become operational in accordance with its obligations under Article 4B of the Protocol.

Recommendation 42/29

VI. Consideration of other non-compliance issues arising out of the data report

A. Compliance issues involving the Federated States of Micronesia, Saudi Arabia and Vanuatu

183. While preparing the report by the Secretariat on data reported under Article 7 of the Montreal Protocol, the Secretariat had identified the following deviations in the data reported by the Federated States of Micronesia, Saudi Arabia and Vanuatu.

1. Federated States of Micronesia

(a) Compliance issue

184. The Federated States of Micronesia had reported consumption of the Annex A, group I, controlled substances (CFCs) of 0.5 ODP-tonnes in 2007. The Party had earlier committed itself, however, as recorded in decision XVII/32, to phasing out CFC consumption by 1 January 2006. The reported data for CFC consumption therefore represented a deviation from the Party's obligations under the Protocol and from its commitment under decision XVII/32. In correspondence dated 5 January 2009 the Secretariat had requested the Federated States of Micronesia to submit an explanation for that deviation. The Secretariat had not yet received any response.

(b) Recommendation

185. The Committee therefore agreed to request the Federated States of Micronesia to submit to the Secretariat as a matter of urgency, and preferably no later than 1 September 2009, an explanation for its deviations from its obligations under the Montreal Protocol control measures, together with, if appropriate, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance.

Recommendation 42/30**2. Saudi Arabia****(a) Compliance issue**

186. Saudi Arabia had reported consumption of the Annex A, group I, controlled substances (CFCs) of 657.8 ODP-tonnes in 2007. That represented a deviation from the Party's obligation under the Protocol to limit its consumption of CFCs to no greater than 15 per cent of its consumption baseline for that substance, namely, 269.8 ODP-tonnes. In correspondence dated 6 January 2009, the Secretariat had requested Saudi Arabia to submit an explanation for that deviation. The Secretariat had not yet received any response.

(b) Recommendation

187. The Committee therefore agreed to request Saudi Arabia to submit to the Secretariat as a matter of urgency, and preferably no later than 1 September 2009, an explanation for its deviations from its obligations under the Montreal Protocol control measures, together with, if appropriate, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance.

Recommendation 42/31**3. Vanuatu****(a) Compliance issue**

188. Vanuatu's data submission for 2007 had indicated that the Party was possibly in non-compliance with its obligations under the Protocol with regard to its consumption of the controlled substances in Annex A, group I (CFCs), Annex A, group II (halons) and Annex E (methyl bromide). In particular, Vanuatu had reported consumption of 0.3 ODP-tonnes of CFCs, 15.9 ODP-tonnes of halons and 0.4 ODP-tonnes of methyl bromide for 2007. Those data represented a deviation from the Party's obligation under the Protocol to limit its consumption of CFCs and halons to zero ODP-tonnes and methyl bromide to no greater than 0.2 ODP-tonnes.

189. Furthermore, Vanuatu had reported consumption of 2.3 ODP-tonnes of CFCs and 0.3 ODP-tonnes of methyl bromide for 2006. Those data represented a deviation from the Party's obligations under the Protocol to limit its consumption of CFCs in that year to no greater than zero-ODP-tonnes and that of methyl bromide to no greater than 0.2 ODP-tonnes.

190. In correspondence dated 6 January 2009, the Secretariat had requested Vanuatu to submit an explanation for the deviations identified for 2006 and 2007. The Secretariat had not yet received any response.

(b) Recommendation

191. The Committee therefore agreed to request Vanuatu to submit to the Secretariat as a matter of urgency, and preferably no later than 1 September 2009, an explanation for its deviations from its obligations under the Montreal Protocol control measures, together with, if appropriate, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance.

Recommendation 42/32**B. Situation of Iraq****1. Compliance issue**

192. The submission by Iraq of data for 2008 had indicated that the Party was in non-compliance with its obligations under the Protocol with regard to its consumption of the controlled substances in Annex A, group I (CFCs), Annex A, group II (halons) and Annex E (methyl bromide).

193. Recognizing the difficulties faced by Iraq, the Twentieth Meeting of the Parties, in decision XX/15, had urged all Parties to assist Iraq in controlling the export of ozone-depleting substances and ozone-depleting substance-based technologies into Iraq through the control of trade; requested the Executive Committee of the Multilateral Fund to take into account the special situation of Iraq when considering project proposals for Iraq; requested the implementing agencies to provide appropriate assistance to Iraq in developing its country programme and national phase-out plans; and requested the Implementation Committee to report on the compliance situation of Iraq to the meeting of the Open-ended Working Group preceding the Twenty-Third Meeting of the Parties, to be held in 2011, during which decision XX/15 would be reconsidered.

194. Iraq had submitted nominations for consideration under the essential-use exemption process, but the Technology and Economic Assessment Panel had indicated that those nominations could not be recommended as they did not meet the criteria.

195. The representative of the Multilateral Fund Secretariat reported that the Executive Committee, at its fifty-eighth meeting, had noted with appreciation the assistance that had been provided by UNEP and UNIDO, which had enabled Iraq to submit a plan for the phase-out of ozone-depleting substances by 1 January 2010. The Executive Committee had subsequently allocated funding for its implementation and expected the Party to be in compliance with all its obligations under the Montreal Protocol by 2010.

2. Recommendation

196. The Committee recalled the request of the Twentieth Meeting of the Parties, in decision XX/15, to all Parties to assist Iraq, as a new Party, in controlling the export of ozone-depleting substances and ozone-depleting substance-based technologies into Iraq; the request to the Executive Committee, in that same decision, when considering project proposals for Iraq to phase out ozone-depleting substances, to take into account the special situation of that new Party, and to be flexible in considering the proposals; and the request to the implementing agencies, also in that decision, to provide appropriate assistance to Iraq in developing its country programme and national phase-out plans.

197. The Committee therefore agreed:

(a) To note with appreciation that the Executive Committee had approved the country programme and national phase-out plan and that their implementation was currently being undertaken by UNEP and UNIDO;

(b) To monitor and keep the situation of Iraq under continuous review, and to report on its compliance situation to the Twenty-Third Meeting of the Parties, as requested under paragraph 4 of decision XX/15.

Recommendation 42/33

C. Information on quarantine and pre-shipment uses of methyl bromide

1. Background

198. By decision XX/6 the Committee had been requested to consider the reporting of methyl bromide used for quarantine and pre-shipment applications under paragraph 3 of Article 7, in accordance with the non-compliance procedure of the Montreal Protocol. The reported non-zero consumption of methyl bromide for such uses was presented for the years for which data reporting was required and was duly reported under Article 7 (UNEP/OzL.Pro/ImpCom/42/2/Add.1).

199. The Secretariat wished to highlight that monitoring non-compliance with the reporting requirement for methyl bromide used for quarantine and pre-shipment applications was difficult, since such reporting was not done separately but rather as part of the regular reporting of other data under Article 7. When Parties submitted their completed data reporting forms on production, imports or exports under Article 7, unless they specified otherwise, the absence in the completed forms of amounts for a particular substance or under a particular column in a given year was presumed to imply a lack of production, imports or exports for that substance or for that column. That meant that the figure “zero” would be recorded. Only the reporting Party could specify if the data for a particular substance were to be treated as “not reported”. The Secretariat treated the absence of any amount under the quarantine and pre-shipment uses of methyl bromide as implying zero consumption. It was therefore extremely difficult to determine non-compliance with the reporting requirement for such uses of methyl bromide under those circumstances.

200. One member of the Committee observed that, of the 91 countries that had submitted data on quarantine and pre-shipment uses of methyl bromide, only about 25 had submitted data consistently for all the years. He suggested that the Secretariat should require those Parties that had not submitted such data in full to do so.

2. Recommendation

201. The Committee therefore agreed:

- (a) To note that quarantine and pre-shipment applications of methyl bromide were currently not controlled under the Montreal Protocol;
- (b) To note also that some Parties might not be reporting data fully on those applications;
- (c) To note further the difficulty of assessing non-compliance with the reporting obligations for quarantine and pre-shipment applications of methyl bromide due to the current procedure of processing data reported under Article 7 of the Montreal Protocol;
- (d) To urge Parties that had not reported data on quarantine and pre-shipment applications for previous years to do so expeditiously, and to urge all Parties to report such data annually, as required under paragraph 3 of Article 7 of the Montreal Protocol;
- (e) To forward to the Twenty-First Meeting of the Parties for consideration the draft decision set out in annex I (section C) to the present report.

Recommendation 42/34

VII. Consideration of the report of the Secretariat on Parties that have established licensing systems (Article 4B, paragraph 4, of the Montreal Protocol)

A. Introduction

202. The representative of the Secretariat introduced the report on the item (UNEP/OzL.Pro/ImpCom/42/4). Article 4B of the Protocol, which had been introduced by the Montreal Amendment, required each Party to establish a system for licensing the import and export of new, used, recycled and reclaimed controlled substances by 1 January 2000 or by three months after the date of entry into force of Article 4B for the Party.

203. The total number of Parties to the Montreal Amendment was 175, 174 of which were included in the report. Of those, 168 had reported on whether they had established a licensing system. Six Parties had not yet reported to the Ozone Secretariat on the status of their licensing systems at the time of compilation of the report. A further 14 Parties had not yet ratified the Montreal Amendment but had nevertheless established licensing systems. Of the 195 Parties to the Montreal Protocol, only 12 had yet to report to the Secretariat on the establishment of licensing systems. The representative of the Secretariat said that the report would be revised prior to the Twenty-First Meeting of the Parties and encouraged Parties that had not yet reported on their licensing systems to do so at as early a date as possible.

B. Discussion

204. The representative of the Multilateral Fund Secretariat, commenting on the figure given by the Ozone Secretariat of six Parties that had not yet reported to the Ozone Secretariat on the status of their licensing systems at the time of compilation of the report, said that the Fund had recorded, based on country programme reports submitted to the Fund, that seven Parties had not yet established licensing systems. The President of the Implementation Committee explained that discrepancies could occur owing to data being derived from varying sources, but the data used for compilation of the reports of the Committee were those submitted to the Ozone Secretariat.

VIII. Other matters

205. No other matters were discussed.

IX. Adoption of the report of the meeting

206. The Committee considered and approved the text of the draft recommendations and agreed to entrust the preparation of the report of the meeting to the Secretariat, working in consultation with the President, serving also as Rapporteur for the current meeting.

X. Closure of the meeting

207. Following the customary exchange of courtesies, the President declared the meeting closed at 11 a.m. on Tuesday, 21 July 2009.

Annex I

Draft decisions

A. Draft decision XXI/-: Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

Noting that Bosnia and Herzegovina ratified the Montreal Protocol on 30 November 1993 and its London, Copenhagen and Montreal Amendments on 11 August 2003 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 [\$xxx] from the Multilateral Fund in accordance with Article 10 of the Protocol, [and had its country programme approved by the Executive Committee in [date]],

Noting further that Bosnia and Herzegovina reported annual consumption for the controlled substances in Annex A, group I (CFCs) of 22.1 ODP-tonnes for 2007 and 8.8 ODP-tonnes for 2008, which exceeds the Party's commitments contained in decision XV/30,

Noting that this consumption exceeds the Party's maximum allowable consumption of 3.6 ODP-tonnes for CFCs for those years and that Bosnia and Herzegovina was therefore in non-compliance with the control measures for CFCs under the Protocol,

1. To note with appreciation Bosnia and Herzegovina's submission of a plan of action to ensure its prompt return to compliance with the Protocol's CFC control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Bosnia and Herzegovina specifically commits itself:

(a) To reducing CFC consumption to no greater than:

(i) Zero ODP-tonnes in 2009;

(ii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;

(b) To monitoring its import licensing, and licensing system for ozone-depleting substances;

2. To urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement its plan of action to phase out consumption of CFCs;

3. 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. 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, 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;

4. To caution Bosnia and Herzegovina 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, 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.

B. Draft decision XXI/-: Non-compliance with the Montreal Protocol by Somalia

Noting that Somalia ratified the Montreal Protocol and its London, Copenhagen, Montreal and Beijing Amendments on 1 August 2001 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that Somalia has no country programme that has been approved by the Executive Committee of the Multilateral Fund,

Noting further that Somalia reported annual consumption for the controlled substances in Annex A, group I (CFCs) for 2007 of 79.5 ODP-tonnes, which exceeds the Party's maximum allowable consumption of 36.2 ODP-tonnes for those controlled substances for that year and that Somalia was therefore in non-compliance with the control measures for CFCs under the Protocol,

Noting, however, that Somalia's reported CFC consumption for 2008 was in compliance with its obligations under the CFC control measures of the Montreal Protocol for that year,

Recalling that Somalia committed itself, as recorded in decision XX/19, to introducing a system for licensing the imports and exports of ozone-depleting substances, including import quotas, by the end of December 2009,

1. To note with appreciation Somalia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's CFC control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Somalia specifically commits itself:

(a) To reducing CFC consumption to no greater than zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;

(b) [To introducing a system for licensing the import and export of ozone-depleting substances, including import quotas, by 1 January 2010];

2. To urge Somalia to work with the relevant implementing agencies to implement its plan of action to phase out consumption of CFCs;

3. To monitor closely the progress of Somalia with regard to the implementation of its plan of action and the phase-out of 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. In that regard, Somalia 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;

4. To caution Somalia 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, 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.

C. Draft decision XXI/-: Reporting of methyl bromide for quarantine and pre-shipment use

Noting that quarantine and pre-shipment applications are currently not controlled under the Montreal Protocol,

Noting also that some Parties may not be reporting data fully on these applications,

Noting further the difficulty of assessing non-compliance with the reporting obligations for quarantine and pre-shipment applications of methyl bromide due to the current procedure of processing data reported under Article 7 of the Montreal Protocol,

To urge Parties that have not reported data on quarantine and pre-shipment applications for previous years to do so expeditiously, and to urge all Parties to report such data annually, as required under paragraph 3 of Article 7 of the Montreal Protocol.

Annex II

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