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**United Nations
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**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Forty-ninth meeting**
Geneva, 8 and 9 November 2012

**Report of the Implementation Committee under the
Non-Compliance Procedure for the Montreal Protocol on the
work of its forty-ninth meeting**

I. Opening of the meeting

1. The forty-ninth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Geneva International Conference Centre in Geneva on 8 and 9 November 2012.
2. Mr. W.L. Sumathipala (Sri Lanka), President of the Committee, opened the meeting at 10 a.m. on 8 November. Expressing pleasure at presiding over the Committee during the twenty-fifth anniversary year of the Montreal Protocol, he said that the Committee had become a smooth-running and efficient tool for helping parties to deal with difficulties in implementation and had contributed importantly to the success of the Montreal Protocol.
3. In his opening remarks the Executive Secretary noted that the members present included two former presidents of the Committee and collectively represented a vast store of knowledge and experience in respect of ozone layer protection. The parties and the Committee had over the years created the most extensive database in existence on the production and use of ozone-depleting substance and, through a facilitative rather than punitive approach to non-compliance, had developed an efficient compliance mechanism with a wealth of standard operating procedures that had contributed to compliance by the parties to the Protocol and the elimination of 98 per cent of consumption and production of ozone-depleting substances. Noting that the current meeting was taking place on the eve of the first control measures for hydrochlorofluorocarbons (HCFCs) for parties operating under paragraph 1 of Article 5 of the Protocol, he outlined the matters on the agenda for the current meeting, including requests by some parties for the revision of their HCFC baselines, various issues pertaining to party data reporting, the status of party systems for licensing imports and exports of ozone-depleting substances and the implementation of previous recommendations of the Committee and decisions of the Meeting of the Parties. In closing, he wished the Committee fruitful discussions, expressing confidence that the meeting would come to a good conclusion.

Attendance

4. Representatives of the following Committee members attended the meeting: Armenia, Germany, Guinea, Lebanon, Nicaragua, Poland, Sri Lanka, the United States of America and Zambia. The representative of Saint Lucia was unable to attend.
5. The representative of Ukraine made a presentation and responded to questions at the Committee's invitation.

6. The meeting was also attended by representatives of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, by the Chair and the Vice-Chair of the Executive Committee of the Multilateral Fund and by representatives of the implementing agencies of the Multilateral Fund: the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank.
7. A list of participants is set out in annex II to the present report.

II. Adoption of the agenda and organization of work

A. Adoption of the agenda

8. The Committee adopted the following amended agenda on the basis of the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/48/1:
 1. Opening of the meeting.
 2. Adoption of the agenda and organization of work.
 3. Presentation by the Secretariat on data and information under Articles 7 and 9 of the Montreal Protocol and on related issues.
 4. Presentation 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) Dominican Republic (recommendation 48/11);
 - (ii) Israel (recommendation 48/12);
 - (iii) Mexico (recommendation 48/11);
 - (iv) Mozambique (recommendation 48/10);
 - (v) Russian Federation (recommendation 48/11);
 - (b) Existing plans of action to return to compliance:
 - (i) Ecuador (decision XX/16 and recommendation 48/3);
 - (ii) Libya (decisions XV/36 and XVII/37 and recommendation 48/4);
 6. Review of information on requests for change of baseline data (decisions XIII/15 and XV/19 and recommendation 48/8):
 - (a) Congo (recommendation 48/6);
 - (b) Democratic Republic of the Congo (recommendation 48/7);
 - (c) Ecuador;
 - (d) Guinea-Bissau (recommendation 48/7);
 - (e) Mozambique (recommendation 48/9);
 - (f) The former Yugoslav Republic of Macedonia;
 - (g) Turkey;
 - (h) United Republic of Tanzania.
 7. Possible non-compliance with hydrochlorofluorocarbon phase-out by Ukraine and request for assistance.
 8. Consideration of other possible non-compliance issues arising out of the data report.

9. Reporting of data under Article 7 of the Protocol:
 - (a) Methyl bromide used for quarantine and pre-shipment applications;
 - (b) Destruction of ozone-depleting substances;
 - (c) Feedstock uses of ozone-depleting substances.
10. Consideration of the report of the Secretariat on the establishment of licensing systems: status of establishment of licensing systems under Article 4 B of the Montreal Protocol (recommendation 48/14).
11. Consideration of additional information on compliance-related submissions by parties participating in the meeting at the invitation of the Implementation Committee.
12. Other matters.
13. Adoption of the recommendations and report of the meeting.
14. Closure of the meeting.

B. Organization of work

9. The Committee agreed to follow its usual procedures and to meet according to its usual schedule of two 3-hour sessions per day, subject to adjustment as appropriate.

III. Presentation by the Secretariat on data and information under Articles 7 and 9 of the Montreal Protocol and on related issues

10. Introducing the item, the representative of the Secretariat said that the report of the Secretariat on the data provided by parties in accordance with Article 7 of the Protocol was set out in document UNEP/OzL.Pro.24/3-UNEP/OzL.Pro/ImpCom/49/2.

11. Prior to the presentation by the Secretariat summarizing that report, one member said that the report and the presentation by the Secretariat under this agenda item for each meeting of the Committee were somewhat confusing, in that the information presented cut across the items on the agenda. It might be better, he suggested, to present the information under the various items of the agenda to which it related rather than all at once under the current item. The representative of the Secretariat said that the presentation was intended as an overview of all data and information gathered in accordance with Article 7, both on non-compliance and on other issues; where issues mentioned in the presentation were taken up under other items on the agenda, the Secretariat tried to present only the key information necessary to decision-making under those items and to avoid repeating all of the information presented under the current item. The Secretariat had, however, noted the member's concerns, and would accordingly attempt to make some adjustments to the way information was presented to the Committee at its next meeting.

12. The representative of the Secretariat then gave a presentation summarizing the data presented in the Secretariat's report. Regarding the status of ratification, he said that all but five parties had ratified the Montreal Amendment to the Protocol and that 15 parties had yet to ratify the Beijing Amendment. On the status of annual data reporting under Article 7, he said that 190 of the 196 parties required to report had done so for 2011, and all parties, including Libya and Mozambique, had done so for the years 1986 to 2010. Turning to compliance with control measures applicable to parties not operating under paragraph 1 of Article 5, he said that Ukraine's revised 2010 and 2011 HCFC consumption data placed it in non-compliance and that three other parties had yet to clarify their deviations from the control measures. The Secretariat had been in communication with those parties to seek clarification of their situations and would update the committee at its next meeting. For parties operating under paragraph 1 of Article 5, no cases of possible non-compliance with the control measures for 2011 had been identified by the Secretariat.

13. With regard to accounting for exemptions for essential uses of chlorofluorocarbons (CFCs), only Mexico had yet to submit its accounting report for 2011.¹ Owing to an error involving different language versions of its accounting report submitted to the Secretariat, the Russian Federation had mistakenly been identified at the forty-eighth meeting of the Committee as being in non-compliance with its obligation to report on the use of CFC-113 in its aerospace industry; the party had in fact reported the required information and had been in compliance. Of the parties granted exemptions for

¹ As noted in section V of the present report, Mexico submitted its accounting framework during the current meeting.

critical uses of methyl bromide, only Israel had yet to submit its accounting report for 2011. On the matter of reporting of exports and destination countries in accordance with decision XVII/16, 37 parties had reported exports for the year 2011, of which 26 had specified destinations for all exports. Destinations had been specified for 99.8 per cent of exports by weight, but one large exporter had still not reported 2011 data. There had been no reports of exports to non-parties.

14. Eight parties had submitted requests for the revision of their HCFC consumption baselines in accordance with decision XIII/15. At its forty-eighth meeting the Committee had approved a draft decision for consideration by the Meeting of the Parties that would approve the requests of Algeria, Equatorial Guinea, Eritrea, Haiti and the Niger.

15. With regard to the reporting of stockpiled excess production or consumption of ozone-depleting substances in accordance with decision XXII/20, three new cases had been reported, including one from Germany (unintentional by-production of carbon tetrachloride stocked for destruction) and two from the United States of America (methyl bromide produced in 2011 and stockpiled for critical uses and for the basic domestic needs of parties operating under paragraph 1 of Article 5 in future years). On the production in 2011 of CFCs, halons and carbon tetrachloride, the production of which had been phased out in 2010, three parties with essential-use exemptions had reported production of CFCs, including for feedstock use, two parties had reported production of halons, all for feedstock use, and 11 parties had reported production of carbon tetrachloride, primarily for domestic feedstock use. With regard to the reporting of process-agent uses in accordance with decisions XXI/3 and X/14, 190 parties had reported. Those parties yet to submit their information were Bhutan, the Democratic People's Republic of Korea, Ecuador, the Marshall Islands, Qatar, South Africa, the United Arab Emirates and Yemen.

16. In the ensuing discussion, one member thanked the Secretariat for including data on feedstock uses in its report (UNEP/OzL.Pro.24/3-UNEP/OzL.Pro/ImpCom/49/2) as requested by the Committee at its forty-eighth meeting. He also said that it would be useful for all data presented in the annexes to the report to be updated when addenda were produced in the light of more recent information received by the Secretariat, along with the update of production and consumption figures contained in the annex to document UNEP/OzL.Pro.24/3/Add.1-UNEP/OzL.Pro/ImpCom/49/2/Add.1.

17. He also asked whether there would be any discussion at the current meeting of the fact, as noted in the Secretariat's report, that parties that had not ratified the Beijing Amendment could face problems in trading HCFCs from 1 January 2013. The representative of the Secretariat said that issues concerning non-parties to any particular amendment were not subject to the compliance procedures under the Protocol, and had therefore never featured in the deliberations of the Committee. Individual non-parties to amendments could take advantage of the provisions of paragraph 8 of Article 4 to the Protocol to seek relief from the Protocol's trade provisions, but such matters were not within the Committee's mandate.

18. Another member said that the Meeting of the Parties was the appropriate forum to consider the issue of those 15 parties that had yet to ratify the Beijing Amendment, in line with previous decisions it had taken urging parties to ratify amendments to the Protocol. The Executive Secretary said that the Secretariat had been actively engaging with those in an effort to encourage them to ratify and that several were in fact in the last stages of ratification. He expected that the issue would be raised by parties during the upcoming Twenty-Fourth Meeting of the Parties to the Protocol and suggested that the President of the Implementation Committee, in his report to the parties on the work of the Committee, express the concerns raised by members of the Committee.

19. One member expressed concern regarding the extent to which the Secretariat reported to the Committee data that was not related to compliance issues before the Committee. There was no need, for example, to present data on production of CFCs, halons and carbon tetrachloride unless they were relevant to deviations from compliance. Also, reporting on destination of exports had been intended, by paragraph 4 of decision XVII/16, to provide to the Secretariat aggregated information from exporting countries on controlled substances that could be passed to importing countries to assist them with cross-checking. Such information was not compliance related and was therefore not of value to the work of the Committee, and reporting on it gave rise to the danger that proprietary information could be placed in the public domain. In addition, he continued, where a party's reported import data for a given substance were inconsistent with the data of the parties exporting that substance, the Committee had neither the mandate nor the competence to determine which data were correct.

20. In response, the representative of the Secretariat said that, in addition to providing information to assist the Committee in its deliberations on matters related to non-compliance, the report of the Secretariat was intended to satisfy the Secretariat's obligation, under Article 12 of the Protocol, to prepare and distribute regularly to the parties reports based on information received pursuant to

Articles 7 and 9. That is why the report contained information beyond that relating strictly to non-compliance matters. It was also noted that the report by the Secretariat was also presented to the Meeting of the Parties and was used by the Meeting of the Parties and the Multilateral Fund for the Implementation of the Montreal Protocol for various purposes not related to specific cases of non-compliance, including the assessment of progress being made in phasing out ozone-depleting substances. The Secretariat had noted the comments, however, and would explore options for achieving a clearer separation compliance-related and other data. On the matter of proprietary data, he said that the Secretariat made every effort to present data in a manner that protected confidentiality and proprietary data and would welcome information on any instances where it might have failed in that regard.

IV. Presentation 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

21. The representative of the Multilateral Fund secretariat introduced the item, noting that the Executive Committee of the Multilateral Fund had not met since the forty-eighth meeting of the Implementation Committee. According to the data reported by parties and the reports of the Fund's implementing agencies, as at 4 October 2012 no parties operating under paragraph 1 of Article 5 appeared to be in non-compliance and just one of the 10 compliance-related issues reported for 2012 remained to be resolved.

22. Turning to country programme data, he said that 67 parties had reported having quota systems in place and that 109 of the 116 parties submitting 2011 data had reported operational licensing systems, with five having indicated that they were functioning "not so well"; the secretariat had requested further information from them, but some had yet to respond. Overall, HCFC consumption had increased by 3 per cent for the 137 parties reporting on 2010 and 2011. The Executive Committee had addressed all consumption of ozone-depleting substances except 830.3 ODP-tonnes of remaining consumption for methyl bromide.

23. As for prices of ozone-depleting substances, they had been lower for HCFC-22 and HCFC-142b than for alternative substances, but HCFC-141b prices, despite being lower than the alternatives HCFC-245fa and HFC-356mfc, were higher than those of cyclopentane and pentane. Most countries calculated the prices of ozone-depleting substances as an average of what retailers and suppliers had been seen to charge over the course of a year. Some of those approached since the previous meeting of the Implementation Committee, however, had reported using a combination of different methodologies.

24. With regard to the production of ozone-depleting substances, China had been the only party operating under paragraph 1 of Article 5 to produce CFCs or carbon tetrachloride for emissive uses in 2011, the former under essential-use exemptions and the latter for process-agent and laboratory uses. China had also been the only such party producing methyl bromide, although production levels had remained below the 20 per cent baseline. Seven parties had produced 37,744 ODP-tonnes of HCFCs and four had produced less than their baseline, with the bulk of the production taking place in China.

25. On the phase-out of methyl-bromide consumption, he said that 25 parties operating under paragraph 1 of Article 5 had reported some consumption and that nine had had partial phase-out projects approved by the Executive Committee, with five of the latter having reported zero consumption for over one year. Investment projects were being implemented in 18 countries. Tunisia, which had received funding for a demonstration project, remained eligible to reapply for further phase-out projects. Algeria and Tunisia would become eligible for project development support once alternatives had become available for the treatment of high-moisture-content dates, for which they currently enjoyed exemptions in accordance with decision XV/12.

26. Funding for the preparation of HCFC phase-out management plans had been disbursed to all eligible parties except South Sudan, for which a project had been submitted at the sixty-eighth meeting of the Executive Committee. HCFC phase-out management plans had been approved for 126 parties operating under paragraph 1 of Article 5, with \$231.3 million of the total \$498.9 million having been released to date and seventy-three parties having already reported a drop in consumption below their

baselines. Nineteen countries had not yet received any funding, but 13 HCFC phase-out management plans had been submitted at the sixty-eighth meeting, leaving six countries that were expected to submit plans in 2013 (Barbados, Botswana, Libya, Mauritania, South Sudan and Tunisia). In all, 24 of the plans covered the period 2011–2015; 81 covered the period 2011–2020; and 9 aimed to achieve complete phase-out well in advance of the 2040 deadline.

27. On the subject of parties requesting changes in their HCFC baseline data, he said that the Executive Committee's agreements with those parties allowed for changes in baselines that would have an impact on funding eligibility and consequently funding levels. He indicated how each proposed change might impact funding levels, especially for low volume consuming countries.

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

A. Data-reporting obligations

1. Reporting of Article 7 data for 2012 (Mozambique)

28. The representative of the Secretariat recalled that by the time of the forty-eighth meeting of the Implementation Committee, held in July 2012, two parties operating under paragraph 1 of Article 5 of the Protocol, Libya and Mozambique, had not reported their 2010 data within the 30 September 2010 deadline imposed by paragraph 3 of Article 7 of the Montreal Protocol.

29. As Libya was the subject of additional compliance issues considered under agenda item 5 (b) (ii), its situation is discussed separately in paragraphs 45 to 54 below.

30. As for Mozambique, the representative of the Secretariat recalled that by October 2011 it had reported all of its ozone-depleting substance data for 2010 except those pertaining to methyl bromide. The party had accordingly been requested, as stated in recommendation 48/10, to submit the missing data as soon as possible, and no later than 15 September 2012, for consideration by the Committee at the current meeting or, if unable to do so, to submit an explanation in that regard by that time.

31. In correspondence dated 12 September 2012, Mozambique had submitted to the Secretariat its methyl bromide data for 2010, reporting consumption of 0.9 ODP-tonnes in that year. Those data placed the party in compliance with its obligation under its plan of action to consume no more than 2.7 ODP-tonnes of methyl bromide in 2010.

32. The Committee therefore agreed to note with appreciation the submission by Mozambique of its outstanding methyl bromide data for 2010 in accordance with its data-reporting obligations under the Protocol, which indicated that it was in compliance with the Protocol's control measures for that year.

Recommendation 49/1

2. Accounting for exemptions granted for 2011 for essential uses (Dominican Republic, Mexico and Russian Federation)

33. The representative of the Secretariat recalled that in accordance with decision VIII/9, each party granted essential-use exemptions was required to submit by 31 January of each year an accounting framework report on the quantities and uses of the ozone-depleting substances it consumed and produced for essential uses in the previous year. At its forty-eighth meeting, the Committee had considered the situations of two parties operating under paragraph 1 of Article 5 of the Protocol whose accounting framework reports for exempt essential uses of chlorofluorocarbons (CFCs) were at that time outstanding: the Dominican Republic and Mexico. The Committee also considered the situation of the Russian Federation, a party not operating under paragraph 1 of Article 5, where it was recorded that its accounting did not cover the full exemption. As noted in paragraph 13 above and also described below, that party had in fact earlier submitted its complete accounting framework but part of it had been overlooked by the Secretariat due to an incomplete English translation of the Russian version.

34. The exempted amounts of CFCs for the above-mentioned parties are set out in table 1 below.

Table 1
Essential-use exemptions granted for CFCs for 2011

<i>Party</i>	<i>Decision</i>	<i>Substance</i>	<i>Exempted amount (in metric tonnes)</i>
Dominican Republic	XXII/4	CFC-113	0.892 ^a
Mexico	XXIII/2 (9)	CFC-12	6 ^b
Russian Federation	XXII/4	CFC-11	212
	XXII/5	CFC-113	100

^a By decision XXII/4, adopted in 2010, the Dominican Republic had been granted 1.832 MT of CFC-113 for 2010–2011. In 2010, its reported use was 0.94 MT; hence, the balance for use in 2011 is 0.892 MT, which requires an accounting report.

^b Emergency essential-use approved for 2011–2012.

35. On the basis of the information presented by the Secretariat at the forty-eighth meeting, the Committee had adopted recommendation 48/11, by which the Dominican Republic, Mexico and the Russian Federation had been requested to submit their accounting reports as soon as possible, and no later than 15 September 2012, for consideration by the Committee at the current meeting or, if unable to do so, to submit an explanation in that regard by that time.

(a) Dominican Republic

36. In correspondence dated 18 September 2012, the Dominican Republic had submitted its accounting framework report for essential uses for 2011. The Committee therefore noted with appreciation the party's submission of its accounting framework.

(b) Mexico

37. Mexico submitted its accounting framework report for essential uses for 2011 during the current meeting. The Committee therefore noted with appreciation the party's submission of its accounting framework.

(c) Russian Federation

38. In a communication to the Secretariat dated 23 August 2012, the Russian Federation had pointed out that it had in fact submitted its complete 2011 essential-use exemption accounting framework on 2 February 2012. Upon recognizing that that part of the submission had been inadvertently overlooked owing to an incomplete English translation of the Russian version, the Secretariat had concluded that the issue should not have been raised at the forty-eighth Committee meeting and that the party should not have been the subject of recommendation 48/11. The Secretariat had accordingly expressed regret for the error in a communication to the Russian Federation and had undertaken to bring the error to the attention of the Implementation Committee. Concluding that the matter should not have been on the agenda of its forty-eighth meeting and that the party should not have been the subject of recommendation 48/11, the Committee decided that it would consider the matter no further.

3. Accounting for exemptions granted for 2011 for critical uses (Israel)

39. The representative of the Secretariat recalled that in accordance with decision XVI/6, each party granted a critical-use exemption for methyl bromide was required to submit information on the quantities of the substance that it produced, imported or exported in accordance with that exemption. By the time of the forty-eighth meeting of the Committee, one party, Israel, had not submitted its accounting framework report for critical uses of methyl bromide for 2011. Israel had consequently been urged in recommendation 48/12 to submit its accounting framework for 2011 as a matter of urgency, and no later than 15 September 2012, in time for consideration by the Committee at the current meeting.

40. By the time of the current meeting Israel had not yet submitted its accounting framework report for 2011.

Recommendation

41. The Committee therefore agreed:

Noting with concern that Israel had not submitted its accounting framework report providing information on quantities of methyl bromide produced, imported or exported in 2011 in accordance with exemptions granted to it for critical uses of that substance for that year,

To urge Israel to submit its accounting framework report as a matter of urgency, and no later than 31 March 2013, for consideration by the Committee at its fiftieth meeting or, if unable to do so, to submit an explanation in that regard by that time.

Recommendation 49/2

B. Existing plans of action to return to compliance

1. Ecuador (decision XX/16 and recommendation 48/3)

(a) Status of compliance issue subject to review: methyl bromide consumption reduction

42. The representative of the Secretariat recalled that Ecuador had committed itself, as recorded in decision XX/16, to reducing its consumption of the Annex E controlled substance (methyl bromide) to no greater than 52.8 ODP-tonnes in 2011. The party had been urged, as stated in recommendation 48/3, to submit to the Secretariat its ozone-depleting substance data for 2011 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 15 September 2012, in order that the Committee might assess at its forty-ninth meeting the status of the party's compliance with its commitment as recorded in decision XX/16.

43. Ecuador had subsequently submitted its ozone-depleting substance data for 2011 in correspondence dated 18 September 2012, reporting consumption of zero ODP-tonnes of methyl bromide. Those data placed the party in compliance with its commitment recorded in decision XX/16.

(b) Recommendation

44. The Committee therefore agreed to note with appreciation that Ecuador had reported its data on consumption of ozone-depleting substances for 2011, which showed that the party was in compliance with its commitment recorded in decision XX/16 to limit its consumption of methyl bromide to no greater than 52.8 ODP-tonnes in that year.

Recommendation 49/3

2. Libya (decisions XV/36 and XVII/37 and recommendation 48/4)

45. Introducing the sub-item, the representative of the Secretariat explained that there were issues with regard to the party's compliance with its data reporting obligations for 2010, its halon consumption reduction commitment for 2009 and its CFC and methyl bromide consumption reduction commitments for 2010. Libya's compliance issues as at the end of the forty-eighth meeting of the Committee (30 July 2012) are summarized in table 2 below.

Table 2

Libya: compliance issues subject to review

<i>Substance</i>	<i>Decision on compliance</i>	<i>Year</i>	<i>Action plan target (ODP-tonnes)</i>	<i>Reported data for target year (ODP-tonnes)</i>
CFCs	XV/36, XXIII/22	2010	0	-
Halons	XVII/37, XXIII/23	2009	0	1.8
	XXIII/22	2010	0	-
Methyl bromide	XVII/37, XXIII/22	2010	0	-

Note: ODP stands for ozone-depletion potential.

(a) CFC, halon and methyl bromide consumption reduction commitments and data reporting obligations for 2010

46. Libya had committed itself, as recorded in decisions XV/36 and XVII/37, to reducing its consumption of CFCs and methyl bromide, respectively, to no greater than zero ODP-tonnes by 1 January 2010, save for essential and critical uses that might be authorized by the parties. The party had also committed itself, as recorded in decision XVII/37, to phasing out its consumption of halons by 1 January 2008, save for essential uses that might be authorized by the parties. As a consequence, Libya had not been expected to consume any CFCs, halons or methyl bromide in 2010.

47. In decision XXIII/22, Libya had been urged to work closely with the implementing agencies to report its 2010 data to the Secretariat as a matter of urgency. By the time of the Committee's forty-eighth meeting, however, the party had not reported any data for 2010 and had been requested accordingly, as stated in recommendation 48/4, to submit those data to the Secretariat as a matter of urgency and no later than 15 September 2012.

(b) Halon consumption reduction commitment for 2009

48. Libya had reported consumption of the Annex A, group II, controlled substances (halons) of 1.8 ODP-tonnes in 2009. The party had specified that that amount, corresponding to 0.6 metric tonnes, was virgin halon 1211 for use in the aviation industry, an application defined as critical in its submission. That consumption had been inconsistent with the party's commitment contained in decision XVII/37 to phase out consumption of halons by 1 January 2008.

49. In initial correspondence dated 13 January 2011, the Secretariat had requested the party to submit an explanation for that deviation. In the absence of any response from the party, in November 2011 the Meeting of the Parties had adopted decision XXIII/23, in which it requested Libya to submit to the Secretariat as a matter of urgency, and no later than 31 March 2012, for consideration by the Implementation Committee at its forty-eighth meeting, an explanation for its excess consumption of halons, together with a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance.

50. By the time of the forty-eighth meeting of the Committee, Libya had not responded to decision XXIII/23. The Committee had therefore adopted recommendation 48/4, in which it requested Libya to submit to the Secretariat as a matter of urgency, and no later than 15 September 2012, a status report on its data reporting for 2010, as stated in decision XXIII/22, to allow assessment of the party's commitments recorded in decisions XV/36 and XVII/37, and its implementation of the provisions of decision XXIII/23 regarding its excess halon consumption in 2009.

(c) Status of compliance issues

51. In correspondence dated 14 September 2012, Libya had explained that the halon 1211 consumption data reported previously for 2009 were incorrect, as the imported substances, imported for "oil field aviation use", were recycled rather than virgin. That information showed the party to be in compliance with its halon consumption commitment for 2009 as recorded in decision XXII/37.

52. In a subsequent communication, dated 24 September 2012, Libya had submitted to the Secretariat its ozone-depleting substance data for 2010 and 2011, reporting zero consumption of CFCs and methyl bromide in those years. Those data placed the party in compliance with its CFC and methyl bromide commitments recorded in decisions XV/36 and XVII/37, respectively.

(d) Discussion at the current meeting

53. Responding to questions from Committee members, the representative of the Secretariat confirmed that Libya had corrected its previously reported data, clarifying that the halons used in 2010 and 2011 had been recycled and, hence, did not count as consumption.

(e) Recommendation

54. The Committee therefore agreed to note with appreciation the explanation provided by Libya relating to its halon consumption in 2009 and the submission of its ozone-depleting substance data for 2010 and 2011, which showed that the party was in compliance with its commitments recorded in decisions XV/36 and XVII/37 to phase out its chlorofluorocarbon and methyl bromide consumption, respectively, by 1 January 2010.

Recommendation 49/4

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

55. The Committee considered no other non-compliance issues arising out of the data report.

VI. Review of information on requests for change of baseline data (decisions XIII/15 and XV/19 and recommendations 47/10, 47/11, 47/12, 48/7 and 48/8)

56. Introducing the sub-item, the representative of the Secretariat said that the Committee would consider requests by six parties, all operating under paragraph 1 of Article 5, for the revision of their existing HCFC consumption data for 2009 and/or 2010, which were the two years used for determining the HCFC production and consumption baselines for such parties. Three other such requests, submitted by Ethiopia (not included on the agenda for the meeting owing to its late submission) and Mozambique and the United Republic of Tanzania (which had been submitted earlier and were on the agenda), would not be considered at the current meeting because the requesting parties had not presented sufficient information to support their requests in accordance with decision XV/19 and had not responded in a timely manner to requests by the secretariat for further such information. Ethiopia and the United Republic of Tanzania had not responded at all, while Mozambique had responded on the first day of the current meeting, providing information in support of its request. Given that there was no time for the Secretariat to assess and present the information submitted by Mozambique, the Committee would consider it at its fiftieth meeting. All six parties with requests to be considered by the Committee had had their HCFC phase-out management plans approved by the Executive Committee of the Multilateral Fund. Documents pertaining to the submitted requests were reproduced in the annexes to documents UNEP/OzL.Pro/ImpCom/49/INF/R.3 and Add.1, 3 and 4.

57. In its responses to the parties requesting the revision of their baseline data the Secretariat had advised that the review of their requests would be guided by decision XIII/15, which provided that requests for the revision of baseline data must be submitted to the Implementation Committee for its consideration, and decision XV/19, which set out the methodology for the submission and review of the information that should be submitted to the Committee in support of such requests. Paragraph 2 (a) of decision XV/19 required the submission of the following information:

- “(i) Identification of which of the baseline year’s or years’ data are considered to be incorrect and proposed new figures for that year or those years;
- (ii) Explanation as to why the existing baseline data are incorrect, including information on the methodology used to collect and verify that data, along with supporting documentation where available;
- (iii) Explanation as to why the requested changes should be considered to be correct, including information on the methodology used to collect the relevant data and to verify the accuracy of the proposed changes;
- (iv) Documentation substantiating data collection and verification procedures and the findings from the application of those procedures, which could include:
 - a. Copies of invoices (including ozone-depleting-substance production invoices), shipping and customs documentation from either the requesting party or its trading partners (or aggregation of those with copies available upon request);
 - b. Copies of surveys and survey reports;
 - c. Information on the requesting party’s gross domestic product, ozone-depleting-substance consumption and production trends, and business activity in the ozone-depleting-substance sectors concerned.”

58. Of the six requests, three (those of the Congo, the Democratic Republic of the Congo and Guinea-Bissau) had been considered by the Committee at previous meetings and had been the subject of Committee recommendations requesting the parties to provide further information in accordance with decision XV/19. While all three parties had responded to those requests by the time of the current meeting, two of those parties had made an effort to address the issues raised, while one had not.

59. In addition to providing the information summarized in table 3 below, the representative of the Secretariat outlined in some detail the explanation and information submitted by each party pertaining to the collection and verification of the data underlying its request for the revision of its baseline data, as outlined in document UNEP/OzL.Pro/ImpCom/49/INF/R.3 and its addenda and in some cases based on later submitted information, as well as the Secretariat’s assessment of whether the party had provided information addressing the requirements of decision XV/19. In the Secretariat’s view Ecuador, Guinea-Bissau, the former Yugoslav Republic of Macedonia and Turkey had done so. In the cases of the Congo and the Democratic Republic of the Congo, the representative of the Secretariat

asked the Committee to consider whether the latest information provided by those parties addressed satisfactorily the concerns of the Committee on the specific issues it had raised at its previous meeting.

60. She also recalled that at its forty-eighth meeting the Committee had adopted recommendation 48/8, in which the Committee had agreed to advise parties requesting the revision of their baseline data but failing to provide information required under decision XV/19, despite repeated requests by the Committee that they do so, that in the event that they did not provide such information to the Committee after two such requests the Committee would consider their requests for the revision of their hydrochlorofluorocarbon baseline data to have expired and would take no further action on them.

61. The requests for the revision of the 2009 and 2010 HCFC baseline data considered by the Committee at the current meeting, as they stood at the start of the meeting, are summarized in table 3 below.

Table 3
Parties' requests for revision of 2009 and 2010 HCFC baseline data

Agenda item 6	Party (all parties operating under paragraph 1 of Article 5, with HCFC baseline being the average of 2009 and 2010 consumption)	Substance	Existing data (in metric tonnes)		Proposed new data (in metric tonnes)		Party subject to previous Committee recommendation requesting information in accordance with decision XV/19	Party responded to latest recommendation requesting information in accordance with decision XV/19
			2009	2010	2009	2010		
(a)	Congo ^a	HCFC-22	128.5	-	176.0	-	Yes (recommendations. 46/3, 47/10 and 48/6)	Yes
(b)	Democratic Republic of the Congo ^a	HCFC-22	890.0	-	1 014.984	-	Yes (recommendations. 46/3, 47/11 and 48/7)	Yes
		HCFC-141b	245.0	-	0	-		
		HCFC-142b	150.0	-	0	-		
(c)	Ecuador ^b	HCFC-22	362.12	238.16	431.0	333.54	No	N/A
		HCFC-123	13.57	13.89	8.75	9.62		
		HCFC-124	0	0	7.47	12.50		
		HCFC-141b	4.2	6.99	6.28	9.40		
		HCFC-142b	0 ^c	2.76	15.51	21.39		
(d)	Guinea-Bissau ^a	HCFC-22	0	-	50	-	Yes (recommendations. 47/12 and 48/7)	Yes
(e)	The former Yugoslav Republic of Macedonia	HCFC-141b	15.7	-	0	-	No	N/A
(f)	Turkey ^b	HCFC-22	-	5 389.270	-	4 230.9	No	N/A
		HCFC-123	-	1.230	-	0.9		
		HCFC-124	-	0	-	0.3		
		HCFC-141b	-	1 792.080	-	1 719.5		
		HCFC-142b	-	1 791.378	-	1 123.4		

"-" Consumption data not requested for revision.

"NS" Not specified in party's submission.

^a Request considered by the Committee at previous meetings.

^b Request received after the issuance of the provisional agenda for the current meeting.

^c Figure reported on 26 August 2010, which differs from the figure of 0.66 metric tonnes reported on 28 September 2012.

A. Discussion at the current meeting

62. During the ensuing discussion several members of the Committee articulated concerns about the quality of the information submitted by some parties in support of their requests. Reiterating views expressed at the Committee's forty-eighth meeting, they said that parties requesting baseline revisions should to the greatest practicable extent supply the documentation specified in decision XV/19, in particular customs records and invoices. Where such documentation was not available, as might be expected in countries that had undergone long periods of political instability or faced other extremely difficult circumstances, alternative evidence could be presented, such as information gathered through surveys conducted in the context of developing HCFC phase-out management plans. In such cases, however, requesting parties should provide as much information as possible about how the information was gathered and how it was used to calculate the revised baseline figures being requested.

1. Congo

63. In introducing the request by the Congo, the representative of the Secretariat recalled that at the forty-eighth meeting of the Committee several members had expressed doubts about the equipment leakage rates used by the party to calculate its revised baseline. The Committee had accordingly adopted recommendation 48/6, requesting the party to provide further information and clarification pertaining to the calculation of its revised baseline data. The party had submitted a response reiterating its request but had not included any additional information or explanation.

64. In the ensuing discussion one member of the Committee suggested that while problems remained African countries had made considerable efforts to improve their data collection capabilities and to satisfy the Committee regarding the validity of their requests for the revision of their baselines. She suggested that with that in mind the Committee should recommend the approval of the request by the Congo.

65. Several other members, however, reiterated the concerns expressed at the Committee's previous meeting about the leakage rates used by the party and said that in the absence of a clear explanation on that point the Committee should not recommend approval of the party's request. It was suggested that the party be explicitly requested to provide information specifically on the subject of how it had calculated the leakage rates on which it based its request for the revision of its baseline data.

66. *The Committee therefore agreed:*

Recalling decision XV/19, which set out the methodology to be used to review requests for the revision of baseline data,

Recalling also recommendations 48/6, 47/10 and 46/3, by which the Congo had been requested to submit information in accordance with decision XV/19 in support of its request to revise its consumption data for the baseline year 2009 for the Annex C, group I, controlled substances (hydrochlorofluorocarbons),

Noting with appreciation the supporting information submitted by the Congo in September 2012,

Noting, however, that the submitted information was considered by the Committee to be insufficient to allow it to approve the changes requested by the party,

(a) To request the Congo to provide detailed information that made clear how it derived the leakage rates for the different types of equipment listed in its hydrochlorofluorocarbon phase-out management plan report;

(b) To urge the Congo to submit to the Secretariat the requested information as soon as possible, and preferably no later than 31 March 2013, for consideration by the Committee at its fiftieth meeting.

Recommendation 49/5

2. Democratic Republic of the Congo

67. In introducing the request by the Democratic Republic of the Congo the representative of the Secretariat noted that the party's request was based on the results of a survey of refrigeration technicians and building and facility managers conducted, in 8 of its 11 provinces, in connection with the development of its HCFC phase-out management plan. Based on the materials submitted the Secretariat had calculated the party's consumption of HCFC-22 to be around 5 metric tonnes, while the party was requesting that its baseline be revised to more than 1,000 metric tonnes. Given that

discrepancy the Committee had adopted recommendation 48/7, requesting the party to provide additional information. After some delay the party had responded that the documents provided were a sample and that it was not possible to provide them for the whole country. It had also stated that its proposed revised consumption figures were based on estimates of consumption prepared by a consulting company that was well trusted by the Government on the basis of the quality of its work and its experience.

68. Two representatives expressed concern about the documents submitted, saying that it was not possible to determine from them how the party had calculated its proposed revised HCFC consumption figure.

69. *The Committee therefore agreed:*

Recalling decision XV/19, which set out the methodology to be used to review requests for the revision of baseline data,

Recalling also recommendations 48/7 and 47/11, by which the Democratic Republic of the Congo had been requested to submit information in accordance with decision XV/19 in support of its request to revise its consumption data for the baseline year 2009 for the Annex C, group I, controlled substances (hydrochlorofluorocarbons),

Noting with appreciation the supporting information submitted by the Democratic Republic of the Congo in September 2012,

Noting, however, that the submitted information was considered by the Committee to be insufficient to allow it to approve the changes requested by the party,

(a) To request the Democratic Republic of the Congo to specify whether the charge amounts of hydrochlorofluorocarbons listed in the reports provided represent the total capacity of the equipment or the amounts used to service or refill the equipment;

(b) To request the party to provide further clarification on how the regional inventory information on hydrochlorofluorocarbon-based equipment was consolidated to derive its new proposed national consumption;

(c) To urge the party to submit to the Secretariat the requested information as soon as possible, and preferably no later than 31 March 2013, for consideration by the Committee at its fiftieth meeting.

Recommendation 49/6

3. Guinea-Bissau

70. The representative of the Secretariat explained that the revised baseline proposed by Guinea-Bissau was based on a survey conducted during the development of its HCFC phase-out management plan. In response to the Committee's request for more information in recommendation 48/7 the party had submitted its phase-out management plan, which included a description of the geographical and sectoral distribution of equipment and servicing needs in the various regions of the country and a forecast of HCFC demand for 2009–2020.

71. One member of the Committee expressed concern that the plan gave no indication of how figures affecting the calculation of HCFC consumption, such as equipment charge, had been derived. Given that the revision of a party's baseline data had long-term implications, he said, requests for such revisions should be fully documented. In the case of Guinea-Bissau the documentation submitted should include information on the HCFC-22 charges for equipment that factored into calculation of the proposed revised baseline figure, along with documents pertaining to the survey and interviews that had been conducted in developing the HCFC phase-out management plan.

72. *The Committee therefore agreed:*

Recalling decision XV/19, which set out the methodology to be used to review requests for the revision of baseline data,

Recalling also recommendations 48/7 and 47/11, by which Guinea-Bissau had been requested to submit information in accordance with decision XV/19 in support of its request to revise its consumption data for the baseline year 2009 for the Annex C, group I, controlled substances (hydrochlorofluorocarbons),

Noting with appreciation the supporting information submitted by Guinea-Bissau in October 2012,

Noting, however, that the submitted information was considered by the Committee to be insufficient to allow it to approve the changes requested by the party,

(a) To request Guinea-Bissau to provide sample survey documents supporting the regional inventory information summarized in its hydrochlorofluorocarbon phase-out management plan report;

(b) To urge Guinea-Bissau to submit to the Secretariat the requested information as soon as possible, and preferably no later than 31 March 2013, for consideration by the Committee at its fiftieth meeting.

Recommendation 49/7

4. Ecuador, the former Yugoslav Republic of Macedonia and Turkey

(a) Ecuador

73. Introducing the request of Ecuador, the representative of the Secretariat noted that it was based on a UNEP-led survey of HFC and HCFC consumption and that the documentation submitted by the party included, among other things, an explanation of why its original consumption figure was erroneous, invoices for HCFC imports and customs documentation. There was agreement that Ecuador had satisfied the requirements of decision XV/16 and one member suggested that Ecuador's documentation of its request could serve as a model for other parties seeking the revision of their baselines.

(b) The former Yugoslav Republic of Macedonia

74. The representative of the Secretariat explained that in calculating its original baseline the former Yugoslav Republic of Macedonia had erroneously included HCFC-141b contained in pre-blended polyols. Subtracting those substances had resulted in a proposed revised baseline of zero.

75. One member of the Committee said that as it was a simple case of correcting an error the Committee should recommend approval of the party's request.

(c) Turkey

76. The representative of the Secretariat explained that Turkey had reported undertaking a review of historical HCFC consumption in connection with the preparation of its HCFC phase-out management plan, which had revealed the existence of errors in the recording of HCFC consumption. The party had then engaged an independent consultant to conduct an in-depth audit of import records, which had revealed that errors had been made in transcribing the data from the original records to the consolidated spreadsheet on which the party had based its reporting under Article 7 of the Montreal Protocol. The audit had revealed that the party had understated its consumption in the refrigeration service sector but had overstated it in the manufacturing sector. The net result of the errors was an overstatement of consumption and the party was requesting that its 2010 baseline be adjusted downward.

77. Following the presentation one member said that Turkey had thoroughly justified its request. He noted too his appreciation of Turkey and all parties that requested downward revisions of their baselines.

(d) Recommendation: Ecuador, the former Yugoslav Republic of Macedonia and Turkey

78. *The Committee therefore agreed:*

Noting with appreciation the information submitted by Ecuador, the former Yugoslav Republic of Macedonia and Turkey in support of their requests for the revision of their baseline consumption data for the Annex C, group I, controlled substances (hydrochlorofluorocarbons) for the years 2009, 2010 or both,

Recalling decision XV/19, which set out the methodology to be used to review requests for the revision of baseline data,

Noting with appreciation the efforts made by the above parties to satisfy the information requirements of decision XV/19, in particular their efforts to verify the accuracy of their proposed new baseline data through national surveys of hydrochlorofluorocarbon use carried out with the assistance of the implementing agencies and funding from the Multilateral Fund for the Implementation of the Montreal Protocol,

To include the parties in the draft decision contained in section B of annex I to the report of the forty-ninth meeting of the Committee,² which would approve their requests for the revision of their baseline consumption data for hydrochlorofluorocarbons, and to set out the draft decision as so revised in section B of annex I to the present report.

Recommendation 49/8

VII. Possible non-compliance with hydrochlorofluorocarbon phase-out by Ukraine and request for assistance

79. Ukraine, a party not operating under paragraph 1 of Article 5 of the Protocol, was considered under agenda items 7 and 11.

A. Compliance issue subject to review

80. The representative of the Secretariat introduced the items, explaining that, in correspondence dated 30 March 2012 (see UNEP/OzL.Pro/ImpCom/49/INF/R.3/Add.2), Ukraine had requested the adjustment of its HCFC consumption data for 2010 from 40.7 to 86.9 ODP-tonnes. The adjustment concerned a year that was not a baseline year for parties not operating under paragraph 1 of Article 5 of the Protocol.

81. Ukraine had noted that its request was based on the results of analytical work and field studies carried out under a regional project funded by the Global Environment Facility (GEF) in 2008. Recognizing that the requested adjustment involved substantially higher consumption figures that would leave the country in possible non-compliance with its HCFC phase out obligations for 2010, Ukraine had expressed the wish to submit a plan of action for returning to compliance with the Protocol, indicating that it would need technical and financial assistance from GEF in order to phase out HCFC consumption.

82. In the same communication, the party had explained that in recent years a number of structural changes in the Government and personnel changes in the national authority overseeing the implementation of the Montreal Protocol had strengthened both the control of ozone-depleting substance use in the country and the country's import and export licensing system. HCFCs were used in the manufacturing and servicing sector, in the maintenance of enterprises and strategic institutions such as military complexes and nuclear plants and in a number of social institutions such as hospitals and child care facilities.

83. In response to the request by Ukraine, and given that 2010 had not been a baseline year for the party, the Secretariat had made the requested adjustments to Ukraine's HCFC consumption data. Ukraine's new reported HCFC figures, along with its consumption baseline and its consumption limit for 2010 (based on the obligation to reduce 2010 consumption by 75 per cent of the baseline), are shown in table 4 below.

Table 4
Revisions of 2010 HCFC consumption data for Ukraine
(Metric tonnes)

	<i>New reported data (MT)</i>	<i>New reported data (ODP-tonnes)</i>	<i>Consumption limit for 2010 (ODP-tonnes)</i>	<i>Baseline (ODP-tonnes)</i>
HCFC-22	951	86.9	41.1	164.2
HCFC-141b	229			
HCFC-142b	145			

84. The new reported consumption for 2010 exceeded the party's allowable consumption for that year under the Protocol by 45.8 ODP-tonnes and consequently placed it in a state of possible non-compliance. The Secretariat had accordingly requested the party, to facilitate the Committee's consideration of its situation, to provide:

(a) Detailed background information on the reasons for the change in the party's HCFC consumption data for 2010 and the survey reports that led to the changes in its HCFC data for that year;

² UNEP/OzL.Pro/ImpCom/49/5.

- (b) A detailed plan of action that might enable Ukraine, in case of non-compliance, to return to compliance with the Montreal Protocol;
- (c) Detailed information on the implementation of the party's licensing system for regulating the import and export of ozone-depleting substances, including quotas;
- (d) Any other relevant information that might assist the Implementation Committee to review the matter and make appropriate recommendations.

B. Status of compliance issue

85. In correspondence dated 27 July 2012, Ukraine had submitted its response to the Secretariat's request, including a background note addressing the party's non-compliance prospects and plan of action for its HCFC phase-out, as well as documentation on two GEF projects prepared with the assistance of the United Nations Development Programme (UNDP). The communication, reproduced in full in document UNEP/OzL.Pro/ImpCom/49/INF/R.3/Add.2, is summarized in the following paragraphs.

86. In its submission, the Government of Ukraine had reiterated its concern that it faced the prospect of non-compliance with its HCFC phase-out obligations under the Protocol and stressed that it would require assistance to maintain compliance for the period up to 2015, when the HCFC consumption of parties not operating under paragraph 1 of Article 5 was not to exceed than 10 per cent of their baseline consumption.

1. Observations by Ukraine on its reported HCFC consumption

87. In discussing its HCFC consumption trends in its submission, Ukraine had noted that the officially reported figures for 2008 and 2009 were 45.5 per cent and 38 per cent of its baseline, respectively, which meant that it would have to achieve substantial reductions to meet its 2010 consumption target of 25 per cent of its baseline. The party had also noted that its 2010 consumption was 40.7 ODP-tonnes, almost exactly 25 per cent of its baseline.

2. Financial assistance from GEF and outcome

88. As a country with an economy in transition, Ukraine had received technical and financial support from GEF. With regard to HCFCs, financial assistance provided through UNDP had targeted the development and implementation of a plan of action to meet Ukraine's obligations under the Montreal Protocol. GEF had originally funded a regional medium-sized project in five parties not operating under paragraph 1 of Article 5 from the Commonwealth of Independent States, including Ukraine, with the aim of undertaking surveys on HCFC consumption and developing relevant phase-out strategies. The project had been initiated in Ukraine in the second quarter of 2008 but, contrary to the situation in the four other participating States, limited progress had been achieved by late 2010.

89. In June 2010, GEF had approved the preparation of a regional follow-up full-scale project in four countries of the Commonwealth of Independent States (Belarus, Tajikistan, Ukraine and Uzbekistan), with Ukraine initially being allocated the largest portion (\$2.9 million) of GEF assistance. The primary focus of the new project, the closing date of which appeared to be 30 July 2015, was co-financing for enterprise investment in conversion to non-ozone-depleting alternatives, specifically in the foam, commercial or industrial refrigeration, solvent and refrigeration sectors. In addition, the project had sought to provide technical assistance in the form of regional capacity-building and exchange of experiences among participating countries and developing countries in Eastern Europe and Central Asia supported by the Multilateral Fund under the UNEP-led Compliance Assistance Programme, providing specialized training and technical support related to licensing systems, import and export controls, refrigeration servicing and alternative technologies.

90. With support from a project preparation grant, approved in 2010, Ukraine had been able to further clarify its HCFC consumption patterns. Data from the licensing system had been limited, however, due to the very delayed and incomplete transfer of information between the State's environmental institutions. That limitation notwithstanding, the data had revealed the following:

- (a) The State Environment Inspectorate had made available only a limited amount of data and information related to the licensing of HCFC imports for the period 2005–2008. Those data had been confined to the annual "quota" licences granted to importers and therefore represented a maximum limit on imports rather than actual imports. Actual imports were controlled through separate licences formally administered by the State Environment Inspectorate and customs authorities at the point of entry. The HCFC consumption that had historically been reported to the Ozone Secretariat had been based on the annual quota licences and therefore had probably overstated actual

consumption; the licences for actual import transactions or end user reporting would better reflect actual national consumption;

(b) The above-mentioned information had been partially confirmed by initial surveys of importers who had reported importing lower volumes of ozone-depleting substance than their annual licences permitted and also, in some cases, that they had been granted licences despite not importing HCFCs at all. At the same time, Ukraine had stated that imports might be taking place without licences having been granted;

(c) By the time of the current meeting no information was currently available on the licensing of HCFC-containing equipment and products that were supposed to be covered by the licensing system, which the party acknowledged was important for estimating the volume of banked HCFCs in existing operating refrigeration and air-conditioning equipment and the use of HCFCs in imported foam components.

91. The party had further explained that, given the very limited and perhaps questionable data derived from its licensing system and its unsuccessful attempts to establish its HCFC consumption profile through officially identified importers, Ukraine's Ministry for Environmental Protection had led a "bottom-up" approach involving direct contact with potential HCFC consumers. The survey had revealed that some 75 per cent of HCFC consumption in the country was associated with the manufacture of refrigeration equipment and foam products, the blending of fully formulated polyols and the use of HCFCs as solvents. The remaining 25 per cent related mainly to the servicing of existing equipment and some local equipment assembly. According to the survey, the total HCFC consumption for 2010 was 82.9 ODP-tonnes. That amount, however, did not match exactly the new proposed figure of 86.9 ODP-tonnes.

3. Proposed plan of action

92. In discussing in its submission the need for an immediate action plan, Ukraine had noted that the work undertaken to estimate its actual HCFC consumption had been imperfect. It had also underscored the deterioration of the country's capacity to manage its HCFC phase-out process comprehensively as a result of several institutional changes.

93. Outlining its plan, the party had provided a list of urgent actions required to enable it to return to compliance with the Protocol, suggesting that the implementation of those actions, to be supported by financing from GEF alongside national co-funding, would take place in the immediate future together with the submission of a new full-scale project proposal to GEF. The proposed actions had included:

(a) Finalization of the party's HCFC phase-out strategy (including the determination of accurate figures for HCFC consumption and the amount of HCFC-based equipment imported and installed in the country), which would require a combination of upgraded regulatory measures and strict enforcement of the quota system, technical and institutional capacity strengthening and direct investment;

(b) Facilitation of approval or endorsement of the HCFC phase-out strategy as early as possible in 2012 or early 2013;

(c) Introduction of overall quotas for the maximum annual HCFC imports allowed in 2012 and implementation of a mechanism for distributing quotas to importers;

(d) Strict monitoring of HCFC consumption through licensing of actual imports;

(e) Initiation of regulatory action approved in the phase-out strategy, in particular controls on the import of HCFC-based equipment and products;

(f) Continuation of awareness-raising activities on HCFC phase-out priorities with stakeholders (importers, distributors, end users and the general public);

(g) Effective implementation of the current stage of HCFC phase-out (stage I);

(h) Initiation of the development of a capacity-building subproject for the servicing sector under GEF, the approval of which would be dependent on the adoption of the HCFC phase-out strategy by Ukraine.

94. Ukraine had indicated in its submission that 25.64 ODP-tonnes per year of HCFC consumption would be phased out under the proposed new GEF-funded project through the provision of direct assistance to selected eligible enterprises. The project had been further expected to facilitate the indirect phase-out of an additional 33.55 ODP-tonnes annually in ineligible enterprises.

95. In addressing its licensing system, Ukraine had noted that several institutional changes during 2010 and 2011 had resulted in the exclusion of the national ozone unit from the decision-making process and the weakening of import and export procedures for ozone-depleting substances. The party had added, however, that a resolution adopted by the Cabinet of Ministers on 26 December 2011 on the regulation of the import and export of goods had enabled more effective control of the import and export of ozone-depleting substances. The party summarized the key elements of the new resolution.

96. Upon reviewing Ukraine's submission, the Secretariat had requested the party to clarify a number of points. In particular, the party had been requested to include in its plan of action time-specific benchmarks for reducing its HCFC consumption in future years to ensure its return to compliance with the Protocol. Clarification had also been sought on a number of consumption figures contained in the background note, including on the discrepancy between the new HCFC consumption figure proposed by Ukraine (86.9 ODP-tonnes) and the consumption figure obtained as a result of the survey it had carried out, as indicated in the background note (82.9 ODP-tonnes). The party had also been asked to explain why it had not managed to meet the goals of the 2008 GEF project and to confirm whether implementation of the subsequent full-scale GEF project had begun.

97. On the first day of the current meeting Ukraine had submitted further information, including a proposed schedule showing benchmarks for phasing out its consumption of HCFCs. The party proposed to freeze its HCFC consumption at the level reported for 2011 as the basis for a step-by-step reduction of consumption. The party anticipated being in non-compliance until 2014, and by 2015 aimed to attain the level of consumption allowable under the Protocol. The party would subsequently be in compliance, with total phase-out anticipated by 2020. The party had also informed the Secretariat that a draft law on protection of the ozone layer had been formulated and would be forwarded to the Ukraine Parliament for consideration as soon as agreement had been reached with the Implementation Committee and that a quota system was to be introduced following the enactment of that law.

C. Additional background information

1. Requested changes of reported 2010 data to date

98. Ukraine had originally reported its 2010 ozone-depleting substance consumption on 29 September 2011, at which time its HCFC consumption amounted to 43.9 ODP-tonnes, exceeding the party's consumption control measure for that year by 2.8 ODP-tonnes.

99. In a subsequent communication, on 7 October 2011, Ukraine had revised its HCFC consumption data for 2010 from a total of 43.9 ODP-tonnes to a total 40.7 ODP-tonnes, explaining that the data previously submitted had been incorrect due to an error in calculating the percentage of HCFCs in refrigerant mixtures and polyols. The revised data had placed the party in compliance with the consumption control measures for 2010.

100. Finally, on 30 March 2012 Ukraine had submitted a second proposed revision of its 2010 consumption to 86.9 ODP-tonnes, a quantity that had again placed the party in non-compliance with the consumption control measures for 2010. The 2010 data revisions made to date are shown in table 5 below.

Table 5

Reported HCFC consumption data for 2010 by Ukraine

(Metric tonnes)

	<i>Data reported on 29 September 2011</i>		<i>Data reported on 7 October 2011</i>		<i>Data reported on 30 March 2012</i>		<i>Consumption limit for 2010</i>	<i>Baseline</i>
	<i>MT</i>	<i>ODP-tonnes</i>	<i>MT</i>	<i>ODP-tonnes</i>	<i>MT</i>	<i>ODP-tonnes</i>		
HCFC-22	583.2	43.9	518.127	40.7	951	86.9	41.1	164.2
HCFC-141b	38.4		48.9		229			
HCFC-142b	116.5		104.854		145			

2. Possible non-compliance with HCFC control measures in 2011

101. The Article 7 data reported by Ukraine for the year 2011 had shown that the party's consumption of HCFCs in that year was 93.3 ODP-tonnes. That amount had exceeded the party's allowable 2011 consumption under the Protocol by 52.19 ODP-tonnes.

D. Discussion at the current meeting

102. In a brief discussion following the presentation by the representative of the Secretariat, several representatives said that Ukraine faced a significant challenge in seeking to return to compliance and praised the party for the transparency of its dealings with the Committee. The plan of action was

viewed as viable, although several members expressed concern that certain factors, including possible delays in the enactment of legislation, could derail it.

103. Two representatives of Ukraine attended the current meeting at the invitation of the Committee. One outlined the historical background and factors that had led to the party being in non-compliance, including political change and instability, a shortage of human resources as personnel were laid off owing to economic difficulties and changes in the Government ministry responsible for ozone-depleting substances, a rapid rise in HCFC use owing to a boom in the construction sector caused by preparation for the Euro 2012 football tournament. In addition, reducing consumption of HCFCs had proved difficult as demand remained high in several sectors that were important both economically and socially, including metallurgy, defense and atomic energy. Accounting methods in the licensing system had also been at fault, as reporting to the Secretariat had typically been based on the amounts for which import licences had been issued rather than amounts actually imported, leading to the overestimation of HCFC imports. The party was striving to resolve the situation, however, and a number of corrective measures were planned or already in place. Imports of HCFCs for 2012 would be frozen at 2011 levels, and the draft law on ozone-depleting substances would enable improved control and quota setting for HCFC imports at the national level. The law, he added, would also be important in Ukraine's efforts to bring its legislation in line with European Union requirements. All would depend, he said, on the success of the GEF project being implemented by UNDP in the industrial sector, noting that the service sector project had already reached stage II. In closing, he said that Ukraine was committed to implementing the Montreal Protocol and thanked the Committee for the opportunity to explain the party's situation.

104. Following the presentation by the representative of Ukraine, members of the Committee posed questions to seek clarification on certain issues. In response to a question about the failure of the 2008 GEF project to achieve its goals, he cited the aforementioned factors of the complex political situation, lack of capacity and human resources and changes in ministerial responsibility for dealing with ozone-depleting substances. Regarding the discrepancy in the HCFC consumption figures for 2010 noted by the representative of the Secretariat, he said that administrative reforms were the main reason, as different bodies responsible for ozone-depleting substances, including HCFCs, had applied different methods of calculation. The most recent figures had been based on a more thorough analysis of the situation, including a survey of importing enterprises and customs authorities.

105. Responding to a question about the operation of the party's licensing system, he said that a cabinet decree was issued at the start of each year listing those ozone-depleting substances for which licences were required for import and export. All those seeking licences had to provide specified documentation and upon approval of their applications the Ministry of Economy issued them licenses stipulating the amount they were permitted to trade. To enable a truer picture of actual trade in ozone-depleting substances, the Customs Department was now required to report to the Ministry of Environment and Natural Resources on amounts actually imported and exported rather than merely on amounts authorized under issued licenses. That data would allow a clearer picture to emerge on the necessity of trading certain substances.

106. In answer to a question about the proposed quota system, he said that it was intended to assist the party in achieving its phase-out targets supported by technological change under the GEF project and enactment of the proposed legislation on ozone-depleting substances. He acknowledged concerns that introduction of the quota system might be delayed while the requisite legislation was being approved, but he stressed the priority being accorded to the draft law by the Government and said that in the meantime, quotas could be allocated under the executive decree. A study had been undertaken to identify those sectors and enterprises where HCFCs were most needed, and they would be prioritized in quota setting in order to minimize disruption to the economy. The market for the substances, he said, was relatively settled; it was unlikely that new enterprises would be allocated import quotas, and the GEF project was assisting existing enterprises in changing their equipment. On the matter of importation of equipment relying on HCFCs, he said that that was covered under the proposed law. For the service sector phase of the GEF project the current stock of equipment using those substances and its servicing requirements were being assessed and import of HCFC-containing equipment would soon be prohibited as the party moved towards a total ban in 2020.

107. Responding to a question on whether the activities under the GEF project were sufficient to enable the party to comply with the 2015 reduction step to 10 per cent of the baseline for HCFCs, the other representative of Ukraine said that the first stage of the project for the production sector was under way and that equipment would be replaced in the target enterprises by the end of 2014. Plans for the service sector were still being prepared. The representative of the implementing agency, UNDP, added that the project would result in the estimated phase-out of an estimated 59 ODP-tonnes and that the assistance to Ukraine included help in finalizing its national phase-out strategy, which was

currently in draft form. Implementation of the service sector phase was expected to commence in 2014.

108. Following the question and answer session and the withdrawal of the Ukraine representatives, members of the Committee expressed support for the efforts being made by the party to attain compliance, along with doubts about certain aspects of implementation of the plan of action, such as whether the appropriate legislation could be enacted in a timely manner. One member expressed disquiet that certain elements of the plan, such as establishment of a licensing system, seemed dependent on a positive reaction from the Committee. Nevertheless, there was broad agreement that the party was committed to returning to compliance.

E. Recommendation

109. *The Committee therefore agreed:*

Noting with concern that Ukraine was in non-compliance with the consumption control measures under the Montreal Protocol for hydrochlorofluorocarbons in 2010 and 2011,

Noting with appreciation the Party's submission of a plan of action for returning to compliance with the Protocol's control measures for hydrochlorofluorocarbons in 2015,

Noting with appreciation also the explanations provided by Ukraine to the Committee during its forty-ninth meeting,

Acknowledging with appreciation the significant efforts of Ukraine to return to compliance with the Montreal Protocol,

To forward to the Twenty-Fourth Meeting of the Parties for consideration the draft decision incorporating the plan of action contained in section F of annex I to the present report.

Recommendation 49/9

VIII. Consideration of other possible non-compliance issues arising out of the data

110. On the issue of data reporting under Article 7 of the Protocol, the representative of the Secretariat, alluding to the presentation made under item 3 of the agenda, informed the Committee that Israel, Mali, the Niger, Sao Tome and Principe, South Africa and Tajikistan were currently in non-compliance with the requirement under paragraphs 3 and 3 bis of Article 7 of the Montreal Protocol to report annual data for 2011.

111. The representative of the Secretariat then proposed that the committee forward for consideration by the Twenty-Fourth Meeting of the Parties a draft decision that would among other things record and note with appreciation the number of parties that had reported on time the data on ozone-depleting substances for the year 2011 and note the parties that were in non-compliance with their data-reporting obligations under the Montreal Protocol, urging the latter to report the required data as a matter of urgency for consideration at the Committee's next meeting.

112. The committee agreed with the proposed elements of the decision and subsequently agreed to forward for consideration by the Twenty-Fourth Meeting of the Parties the draft decision contained in section A of annex I to the present report.

113. The representative of the Secretariat also informed the Committee that Bhutan, the Democratic People's Republic of Korea, the Marshall Islands, Qatar, South Africa and Yemen had not fulfilled their commitments to report on their use of ozone-depleting substances as process agents in accordance with decision XXI/3.

114. The Committee therefore agreed to forward for consideration by the Twenty-Fourth Meeting of the Parties the draft decision contained in section D of annex I to the present report, which would, among other things, record the number of parties that had reported information on their use of controlled substances for process agent applications, in accordance with decisions X/14 and XXI/3, and to request the remaining parties that had not yet done so to report such information in time for consideration by the Committee at its next meeting.

Recommendation 49/10

IX. Reporting of data under Article 7 of the Protocol

A. Methyl bromide used for quarantine and pre-shipment applications

B. Destruction of ozone-depleting substances

115. Introducing the sub-items, the representative of the Secretariat gave a presentation on the current status of reporting on methyl bromide use for quarantine and pre-shipment applications (UNEP/OzL.Pro.24/3-UNEP/OzL.Pro/ImpCom/49/2). He recalled that the issue had been discussed at length at the forty-eighth meeting of the Committee and that the Committee had recommended the adoption of a decision by the Meeting of the Parties requesting all parties to enter an appropriate number in each cell of their data reporting forms, entering zero in cases in which no production or consumption had occurred, and requesting the Secretariat to clarify the intention of any party submitting a reporting form containing blank cells. The Committee had also agreed to discuss the matter further at the current meeting. In conclusion, he summarized the data reported on quarantine and pre-shipment uses of methyl bromide in 2011, including the fact that two parties that had never before reported such uses had done so for 2011.

116. In the ensuing discussion, one member said that the draft decision recommended by the Committee at its forty-eighth meeting on the use of zeros in parties' data reporting forms would greatly assist reporting on quarantine and pre-shipment uses of methyl bromide. No further action was required by the Committee, however, as such uses were allowable under the Protocol and were indeed often required in bilateral agreements between countries to enable safe trade in commodities.

117. Another member said that similar considerations also applied to feedstock and process agent uses, and he queried why destruction was not included alongside production and consumption in the draft decision on the reporting of zeros. The lack of clear data on destruction had been discussed at the previous meeting of the Committee, and specifying how numbers, including zeroes, were to be reported could be useful in improving knowledge on destruction as well as on production and consumption. Another member expressed agreement, adding that other sections of that draft decision would benefit from some revision of the text. The representative of the Secretariat observed that parties did not report on consumption as such, but rather on production, imports, exports and destruction, from which consumption was derived, and that those components could be specifically mentioned in any revision of the draft decision.

118. The Committee therefore agreed to replace the draft decision contained in section B of annex I to the report of its forty-eighth meeting with the decision set out in section C of annex I to the present report, which explicitly addressed the requirement that parties report complete data on imports, exports, production and destruction of ozone-depleting substances.

Recommendation 49/11

C. Feedstock uses of ozone-depleting substances

119. Introducing the sub-item, the representative of the Secretariat gave a presentation on the current status of reporting on feedstock uses of ozone-depleting substances (UNEP/OzL.Pro.24/3-UNEP/OzL.Pro/ImpCom/49/2). He recalled that the matter had been discussed at the forty-eighth meeting of the Committee, at which some members had expressed concern at the lack of data on the extent of feedstock uses and requested the Secretariat to include the matter in its report to the current meeting. During discussions at the forty-eighth meeting, one member had suggested asking parties that had never reported feedstock uses to confirm, on a one-time basis, that they did not have such uses, consistent with the approach adopted for process agents. Another member, however, had questioned the usefulness of doing so, saying that feedstock uses could be undertaken in small facilities on an irregular basis and that, as a result, the fact that a party had never had feedstock uses was not a reliable indicator that it would not have such uses in the future. The Committee had agreed, at its forty-eighth meeting, to revisit the discussion on feedstock uses at the current meeting. Finally, he presented data on feedstock uses of CFCs, HCFCs, carbon tetrachloride, methyl chloroform and other substances.

120. In the ensuing discussion, one member said that reporting on feedstock uses was still inadequate to enable the Committee to assess party compliance with their obligation to report on feedstock uses of ozone-depleting substances; it would therefore be useful for the Secretariat to include in the data report that it prepared for each meeting a list of parties reporting feedstock uses, without specifying the processes involved. Presentation of the data in an aggregated form would not breach confidentiality.

121. Another member expressed concern, however, saying that data on feedstock uses, even in the aggregate, were not relevant to the Committee's mandate to consider issues of non-compliance. He also reiterated the view articulated at the Committee's forty-eighth meeting that one-time reporting on feedstock use was not advisable. In addition to the reasons for that position outlined above, he asked whether a decision requiring one-time reporting might inadvertently encourage parties to relax their monitoring of feedstock activities.

122. The member who had previously commented expressed agreement, clarifying his position. Inasmuch as reporting feedstock uses was obligatory under the Protocol, and given that the failure to report such uses was tantamount to an assertion that no such uses existed, the Secretariat's data report should include information on feedstock uses to the same extent that it included information on production and consumption. That said, the draft decision on recording zeros in party reporting forms that the Committee had agreed to recommend should deal adequately with the issue.

X. Consideration of the report of the Secretariat on the establishment of licensing systems: status of establishment of licensing systems under Article 4B of the Montreal Protocol (recommendation 48/14)

123. The representative of the Secretariat introduced the item, drawing attention to the content of documents UNEP/OzL.Pro/ImpCom/49/R.4 and UNEP/OzL.Pro.24/INF/1-UNEP/OzL.Pro/ImpCom/49/INF/1. He recalled that article 4B of the Protocol required each party to establish a licensing system for the import and export of ozone-depleting substances, and that the Committee, in recommendation 48/14, had requested a number of parties to provide the Secretariat with disaggregated information on the status of their systems as a matter of urgency and by 15 September 2012 at the latest. Most had complied with that request, and the fact that nearly every party now had a licensing system in place was a tribute to the efforts of the Committee and the parties themselves.

124. Party reporting in response to recommendation 48/14 showed that Gambia's licensing system covered only imports of ozone-depleting substances, although the party had indicated that it neither produced nor exported such substances; that Botswana, which was not yet a party to the Montreal Amendment, did not have a licensing system in place; that Honduras' licensing system covered exports; and that South Sudan had ratified all amendments to the Protocol on 16 October 2012 and was about to introduce a licensing system. Tajikistan had yet to submit any disaggregated information.

125. Responding to the Committee's request for an update on Tajikistan, the representative of UNDP reported that preliminary activities had been initiated for a project to be launched in the coming two months that would include the development of legislative and policy options for HCFC phase-out and assistance and advice to improve licensing and quota system regulations. UNDP had been liaising with the party for the previous two years to tackle issues related to, among other things, the baseline changes discussed by the Committee at its previous meeting. The party did have a licensing system in place, and its quota system might need adjustment to adapt to those changes within the framework of the project recently approved by the Global Environment Facility.

126. The representative of the Secretariat said that it had been aware of the existence of Tajikistan's licensing system for some time but that, in spite of repeated requests over the previous two years, it had received no information as to whether it covered imports and exports. He requested UNDP to facilitate the party's reporting in that regard.

127. *The Committee therefore agreed:*

Noting with appreciation the tremendous efforts that the parties to the Montreal Protocol had made in the establishment and operation of licensing systems under Article 4B of the Protocol,

To forward for consideration by the Twenty-Fourth Meeting of the Parties the draft decision contained in section E of annex I to the present report, which would, among other things, record the number of parties to the Montreal Amendment that had reported to the Secretariat on the establishment and operation of systems for licensing the import and export of ozone-depleting substances, in accordance with Article 4B of the Montreal Protocol, and request the one remaining party to the Montreal Amendment that had not yet established a licensing system to do so and to submit to the Secretariat, no later than 30 September 2013, information on the status of that system, for consideration by the Implementation Committee and the Meeting of the Parties in 2013.

Recommendation 49/12

XI. Consideration of additional information on compliance-related submissions by parties participating in the meeting at the invitation of the Implementation Committee

128. The Committee considered information provided by the representative Ukraine, who was present at the Committee's invitation. The Committee's consideration of the situation of Ukraine is described in section VII of the present report.

XII. Other matters

129. The Committee considered no other matters.

XIII. Adoption of the recommendations and report of the meeting

130. The Committee approved the recommendations set out in the present report and agreed to entrust the preparation of the report to the President and to the Vice-President, who also served as Rapporteur for the meeting, working in consultation with the Secretariat.

XIV. Closure of the meeting

131. Following the customary exchange of courtesies, the President declared the meeting closed at 3.50 p.m. on Friday, 9 November 2012.

Annex I

Draft decisions approved by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its forty-ninth meeting for consideration by the Twenty-Fourth Meeting of the Parties to the Montreal Protocol

The Twenty-Fourth Meeting of the Parties decides:

A. Draft decision XXIV/-: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

Noting with appreciation that [190] parties of the 196 that should have reported data for 2011 have done so, and that 99 of those parties reported their data by 30 June 2012 in accordance with decision XV/15,

Noting that 173 of those parties reported their data by 30 September 2012 as required under Article 7 of the Montreal Protocol,

Noting with concern, however, that the following parties have not reported 2011 data: [Israel], [Mali], [Niger], [Sao Tome and Principe], [South Africa] and [Tajikistan],

Noting that their failure to report their 2011 data in accordance with Article 7 places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data,

Noting also that a lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol,

Noting further that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures,

1. To urge the parties listed in the present decision, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;
2. To request the Implementation Committee to review the situation of those parties at its fiftieth meeting;
3. To encourage parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15;

B. Draft decision XXIV/-: Requests for the revision of baseline data by Algeria, Ecuador, Equatorial Guinea, Eritrea, Haiti, the Niger, the former Yugoslav Republic of Macedonia and Turkey

Noting that, in accordance with decision XIII/15, by which the Thirteenth Meeting of the Parties decided that parties requesting the revision of reported baseline data should present such requests to the Implementation Committee, which in turn would work with the Secretariat and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

1. That Algeria, Ecuador, Equatorial Guinea, Eritrea, Haiti, the Niger, the former Yugoslav Republic of Macedonia and Turkey have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for hydrochlorofluorocarbons for 2009, 2010 or both, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the respective years as indicated in the following table:

Party	Previous HCFC data				New HCFC data			
	(metric tonnes)		(ODP-tonnes)		(metric tonnes)		(ODP-tonnes)	
	2009	2010	2009	2010	2009	2010	2009	2010
1. Algeria	497.75	497.75	30.2	30.2	1 061.6	1 122.5	60.35	63.88
2. Ecuador	379.89	261.8	20.7	14.3	261.8	469.01	25.74	21.24
3. Equatorial Guinea	253	-	13.9	-	113	-	6.22	-
4. Eritrea	1.8	1.9	0.1	0.1	19.1	20.31	1.05	1.12
5. Haiti	35.308	33.41	1.9	1.8	70	62	3.85	3.41
6. Niger	660	-	36.3	-	290	-	15.95	-
7. The former Yugoslav Republic of Macedonia	57.332	-	4	-	41.632	-	2.29	-
8. Turkey	-	8 900.721	-	606.0	-	7 041.25	-	493.03

^a The request for a revision of baseline data from the former Yugoslav Republic of Macedonia only relates to excluding the HCFCs contained in imported pre-blended polyols from its HCFC consumption.

C. Draft decision XXIV/-: Reporting of zero in Article 7 data reporting forms

Recalling the need for consistent reporting of production, imports, exports and destruction of ozone-depleting substances in accordance with article 7 of the Montreal Protocol,

Noting that the forms for reporting in accordance with article 7 submitted by parties sometimes contain blank cells, in which no numbers indicating quantities of ozone-depleting substances are entered,

Noting also that such blank cells could be intended by a party in a given case to indicate zero controlled substances or, alternatively, could represent non-reporting by that party in respect of those substances,

1. To request parties, when reporting production, imports, exports or destruction, to enter a number in each cell in the data reporting forms that they submit, including zero, where appropriate, rather than leaving the cell blank;
2. To ask the Secretariat to request clarification from any party that submits a reporting form containing a blank cell;

D. Draft decision XXIV/-: Reporting of information on the use of process agents

Noting with appreciation that [191] of the 197 parties to the Montreal Protocol have reported information on process-agent uses in accordance with decisions X/14 and XXI/3,

Noting with concern, however, that the following six parties have not submitted information in accordance with decision XXI/3: [Bhutan], [Democratic People's Republic of Korea], [Marshall Islands], [Qatar], [South Africa] and [Yemen],

1. To urge the parties listed in the present decision to submit the information on process-agent uses in accordance with decision XXI/3 as a matter of urgency;
2. To request the Implementation Committee to review the situation of those parties at its fiftieth meeting;

E. Draft decision XXIV/-: Status of the establishment of licensing systems under Article 4B of the Montreal Protocol

Noting that paragraph 3 of Article 4B of the Montreal Protocol requires each party, within three months of the date of introducing its system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E of the Protocol, to report to the Secretariat on the establishment and operation of that system,

Noting with appreciation that [191] of the 192 parties to the Montreal Amendment to the Protocol have established import and export licensing systems for ozone-depleting substances as required by the Amendment and that [190] of those parties have provided disaggregated information

on their licensing systems detailing which annexes and groups of substances under the Montreal Protocol are subject to those systems,

Recognizing that licensing systems provide for the monitoring of imports and exports of ozone-depleting substances, prevent illegal trade and enable data collection,

Recognizing also that the successful phase-out of most ozone-depleting substances by parties is largely attributable to the establishment and implementation of licensing systems to control the import and export of ozone-depleting substances,

1. To congratulate South Sudan for having recently ratified all Amendments to the Montreal Protocol and to request the party to establish an import and export licensing system for ozone-depleting substances consistent with Article 4B of the Protocol and to report to the Secretariat by 30 September 2013 on the establishment of that system;
2. To request Tajikistan, which has not yet provided disaggregated information on its licensing system, to submit such information to the Secretariat as a matter of urgency, and no later than 31 March 2013, for consideration by the Committee at its fiftieth meeting;
3. To urge the Gambia, which operates a licensing system for ozone-depleting substances that does not include export controls, to ensure that that system is structured in accordance with Article 4B of the Protocol and that it provides for the licensing of exports and to report thereon to the Secretariat;
4. To encourage Botswana, which is non-party to the Montreal Amendment to the Protocol and has not yet established a licensing system to control imports and exports of ozone-depleting substances, to ratify the Amendment and to establish such a licensing system;
5. To review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all parties to the Protocol as called for in Article 4B of the Protocol;

F. Decision XXIV/-: Non-compliance with the Montreal Protocol by Ukraine

Noting that Ukraine ratified the Montreal Protocol on 20 September 1988, the London Amendment on 6 February 1997, the Copenhagen Amendment on 4 April 2002 and the Montreal and Beijing amendments on 4 May 2007 and is classified as a Party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility has approved funding in the amount of \$26,777,501 to facilitate Ukraine's compliance with its Montreal Protocol obligations,

Taking note of the consultations between the Implementation Committee and representatives of Ukraine regarding that party's non-compliance with its Protocol obligations,

Acknowledging with appreciation the significant efforts of Ukraine to return to compliance with the Montreal Protocol,

1. That Ukraine's reported annual consumption for the controlled substances in Annex C, group I, (hydrochlorofluorocarbons, or HCFCs) of 86.9 ODP-tonnes for 2010 and 93.3 for 2011 exceeds the Party's maximum allowable consumption of 41.1 ODP-tonnes for those controlled substances for those years and that the party was therefore in non-compliance with the consumption control measures under the Montreal Protocol for HCFCs in 2010 and 2011;
2. To record with appreciation the submission by Ukraine of a plan of action to ensure its prompt return to compliance with the Protocol's HCFC control measures, under which, without prejudice to the operation of the Global Environment Facility, Ukraine specifically commits itself:
 - (a) To reducing its HCFC consumption to no greater than:
 - (i) 86.90 ODP-tonnes in 2013;
 - (ii) 51.30 ODP-tonnes in 2014;
 - (iii) 16.42 ODP-tonnes in 2015, 2016, 2017, 2018 and 2019;
 - (iv) Zero by 1 January 2020, save for consumption restricted to the servicing of refrigeration and air-conditioning equipment between the period 2020 and 2030 as prescribed in the Protocol;
 - (b) To implementing its system for licensing imports and exports of ozone-depleting substances and its quota system for such imports and exports;

(c) To introducing as soon as possible a gradual ban on imports of equipment containing or relying on ozone-depleting substances and to monitoring its operation once introduced;

(d) To pursuing the passage of new legislation to more closely control ozone-depleting substances;

3. To note that the measures listed in paragraph 2 above should enable Ukraine to return to compliance with the Protocol's HCFC control measures in 2015 and to urge the party to work with the relevant implementing agencies to implement its plan of action to phase out its consumption of HCFCs;

4. To monitor closely the progress of Ukraine with regard to the implementation of each of the parts of its plan of action to phase-out HCFCs as outlined in paragraph 2 above. 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, Ukraine should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;

5. To caution Ukraine 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 and remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the HCFCs that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

Annex II

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