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United Nations Environment Programme

**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Fiftieth meeting**
Bangkok, 21 and 22 June 2013

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

I. Opening of the meeting

A. Opening statements

1. The fiftieth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the United Nations Conference Centre in Bangkok on 21 and 22 June 2013.
2. In the absence of the President, who had been unable to attend the meeting, Ms. Azra Rogović-Grubić (Bosnia and Herzegovina), Vice-President of the Committee, opened the meeting at 10.15 a.m. on 21 June 2013.
3. In his opening remarks, the Executive Secretary noted the substantial drop in cases of non-compliance and corresponding reduction in the Committee's workload, a clear indication of progress in implementation of the Protocol, and expressed the hope that that trend would be maintained, particularly as the developing countries proceeded with the implementation of their hydrochlorofluorocarbon (HCFC) commitments, which had entered into effect in January 2013. Recalling that, since the United Nations Conference on Sustainable Development (Rio+20) in 2012, global attention had been focused on sustainable development goals, targets and indicators, he observed that the Montreal Protocol had long pursued such goals and targets and had easily measurable indicators: the consumption and production of ozone-depleting substances. While the specific goal of the Montreal Protocol was protection of the ozone layer, its overarching objective was to ensure a healthy atmosphere and, in that light and the light of the outcome of Rio+20, the theme for the 2013 International Day for the Preservation of the Ozone Layer was "A healthy atmosphere is the future we want".
4. Noting that 93 parties had already submitted their data reports, he pointed out that the link between compliance and funding, forged through interaction between the Ozone Secretariat and the Multilateral Fund Secretariat, had been key to the success of the Protocol and expressed the hope that 100 per cent data reporting would be achieved by the time of the Meeting of the Parties in October 2013. In addition, he observed with gratification that, at its current meeting, the Committee would only be considering five requests for change in baseline data, of which only one was completely new. Lastly, he noted that, since the Protocol itself had achieved universal ratification, the focus of the Secretariat's work had shifted to achieving universal ratification of the amendments and, in that context, noted that only nine countries still had to ratify one or another amendment. Following appropriate discussions and visits to the countries concerned, it was hoped to bring that number down

to four by the time of the Meeting of the Parties. In closing, he wished the Committee fruitful discussions and a healthy atmosphere for its work.

B. Attendance

5. Representatives of the following Committee members attended the meeting: Bosnia and Herzegovina, Cuba, Italy, Lebanon, Morocco, Poland, Saint Lucia, United States of America and Zambia. Bangladesh was unable to attend.

6. The meeting was also attended by representatives of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol and the Chair of the Executive Committee.

Representatives of the implementing agencies of the Multilateral Fund: the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank, also attended.

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/50/R.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) Mali (decision XXIV/13);
 - (ii) Sao Tome and Principe (decision XXIV/13);
 - (b) Existing plans of action to return to compliance:
 - (i) Ecuador (decision XX/16);
 - (ii) Uruguay (decision XVII/39);
6. Review of information on requests for change of baseline data (decisions XIII/15 and XV/19):
 - (a) Democratic Republic of the Congo (recommendation 49/6);
 - (b) Congo (recommendation 49/5);
 - (c) Guinea-Bissau (recommendation 49/7);
 - (d) Mozambique;
 - (e) Saint Lucia.
7. Consideration of other possible non-compliance issues arising out of the data report.
8. 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 (decision XXIV/17).
9. Other matters.
10. Adoption of the recommendations and report of the meeting.

11. 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, pursuant to the request by the Committee at its forty-ninth meeting, the report on the data provided by parties in accordance with Article 7 of the Protocol (UNEP/OzL.Pro/ImpCom/50/R.2) was limited to issues specific to non-compliance or of other relevance to the work of the Committee.

11. Regarding the status of ratification, he said that only nine parties had still to ratify the Beijing Amendment. Of those nine parties, six had taken advantage of the provisions under paragraph 8 of Article 4 of the Protocol to request permission to continue to trade in HCFCs, pending their ratifications. Regarding annual data reporting under paragraph 3 of Article 7, 93 parties had thus far reported data for 2012. For the period 1986–2011, all the 196 parties required to report, including Mali and Sao Tome and Principe, had complied fully with their annual data reporting obligations under Article 7.

12. Turning to compliance with control measures applicable to parties not operating under paragraph 1 of Article 5, he noted that three parties had non-compliance issues that would be considered under the relevant agenda items at the present meeting: Azerbaijan (excess HCFC consumption), France (excess HCFC production) and Kazakhstan (excess HCFC and methyl bromide consumption). The case of a fourth party, Ukraine, had been considered at the previous meeting. For parties operating under paragraph 1 of Article 5, no cases of non-compliance with the control measures had been identified by the Secretariat for the 147 parties that reported for 2011, or for the parties that had reported thus far for 2012.

13. With regard to accounting for exemptions for essential uses of chlorofluorocarbons (CFCs), all five parties with exemptions for 2012 had either submitted accounting data or did not need to submit any. In addition, all four parties granted exemptions for critical uses of methyl bromide had submitted the required reports for 2012, and all previously pending accounting reports for previous years had been submitted. On the matter of reporting of exports and destination countries in accordance with decision XVII/16, there had been no reports of exports to non-parties for 2011, or for 2012 thus far. For 2011, 35 parties had reported exports; of those, 22 had specified destinations for all exports, 4 had not provided any destinations, and 9 had specified destinations for some exports. Destinations had been specified for 97 per cent of exports by weight.

14. With regard to the reporting of stockpiled excess production or consumption of ozone-depleting substances in accordance with decision XXII/20, three parties – Germany, Israel and the United States of America – had reported excess production and all three had confirmed the existence of measures to ensure that the substances were not used for different purposes, as required in paragraph 3 of the decision, or confirmed that the substances had actually been used for the originally intended purpose.

15. With regard to the reporting of process-agent uses in accordance with decision XXI/3, 166 parties had reported that they did not use ozone-depleting substances for such uses. Of the parties with defined limits for process-agent uses, one party, Israel, had not reported its process-agent uses for 2010 and 2011 as required by decision X/14, and that non-compliance issue would be considered at the current meeting. The other parties with defined limits for process-agent uses – China, the European Union, on behalf of its 27 member States, and the United States of America – had submitted the required reports for 2011.

16. Finally, with regard to reporting under Article 9, all relevant information received was placed on the Montreal Protocol website at http://ozone.unep.org/new_site/en/ozone_data_tools_research_public_awareness.php. In 2012 one party, Lithuania, had submitted its report under Article 9.

17. In the ensuing discussion, several members praised the outstanding record of the Montreal Protocol in achieving full reporting under Article 7 by all parties over a period of 25 years.

18. One member asked whether the Secretariat intended to communicate with those parties which had not ratified the Beijing Amendment, reminding them of the provisions of decision XXIV/2, which stipulated that the exceptions provided for in paragraph 8 of Article 4, as they applied to the parties identified in that decision, would expire at the end of the Twenty-Fifth Meeting of the Parties. The Secretariat's Executive Secretary said that the Secretariat had been interacting with those parties, several of which had difficult internal situations, in a number of ways, including through regional network meetings, in bilateral negotiations with the support of the implementing agencies, and in other forums, and was also undertaking missions to engage directly with the parties to move them towards ratification of the Beijing Amendment. Of particular concern was Kazakhstan, which was the only party not operating under paragraph 1 of Article 5 that had not ratified the amendment, and whose borders with neighbouring countries were difficult to secure. The Secretariat was organizing a mission to Kazakhstan before the Twenty-Fifth Meeting of the Parties, and was engaging with the Government of Kazakhstan at the highest level.

19. Responding to a query about the specific cases of Haiti and the Plurinational State of Bolivia, the Executive Secretary said that the Secretariat had been working closely with the Government of Haiti for a number of years, and the country had received several rounds of assistance, including from the Multilateral Fund, although internal difficulties had delayed ratification of various amendments to the Protocol, including the Beijing Amendment. There were recent encouraging signs, however, that ratification of the Beijing Amendment would be achieved in the coming months. The Plurinational State of Bolivia was also on course towards completing the ratification of the Beijing Amendment following the Secretariat's recent engagement with that party.

20. Responding to a query about the lack of information in the report about destruction, quarantine and pre-shipment applications of methyl bromide, and feedstock uses, the representative of the Secretariat recalled that those issues had been reported on at the forty-ninth meeting of the Committee, following a request from the Committee at its forty-eighth meeting for such information. At its forty-ninth meeting, however, the Committee had requested that the present report should be limited to those non-compliance issues requiring its consideration. The end-of-year report, however, would include a broader range of issues for the information of the Meeting of the Parties.

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 reported on the consumption and production of ozone-depleting substances in parties operating under paragraph 1 of Article 5 and on the status of phase-out projects financed by the Fund. The information was derived from data reported under Article 7 (for which the deadline was 30 September each year) and data reported under country programmes (for which the deadline was 1 May each year). Based on that, as of 10 May 2013, no party was in non-compliance with its control measures. In all, 82 parties had indicated that they had quota systems in place for HCFC control measures. Forty of the 46 parties that had reported 2012 data had operational licensing systems, and five had not provided information.

22. For methyl chloroform, of the 146 parties that had reported baseline data, 103 had reported a zero figure for both baseline and consumption data. The Republic of Korea, the only party whose consumption data exceeded its next control measure, had agreed not to request funding for phase-out from the Multilateral Fund. To date there had been no reported production of methyl chloroform in 2011 or 2012.

23. For methyl bromide, only one party, China, had reported production in 2011, and that was below its phase-out target of 20 per cent of baseline. Of the 22 parties reporting consumption, nine (Algeria, Argentina, China, Congo, Democratic Republic of the Congo, Nigeria, Sudan, Swaziland and Turkey) had partial phase-out projects already approved by the Executive Committee, and five of those (Congo, Democratic Republic of the Congo, Nigeria, Swaziland and Turkey) had reported zero consumption for more than one year. One party (Tunisia) had received funding only for a demonstration project, and investment projects in 18 countries were still under way. Phase-out projects

for the methyl bromide used in the treatment of high-moisture-content dates (a permitted use under decision XV/12) in Algeria and Tunisia would start to be prepared when alternatives became available.

24. Four parties had reported consumption of methyl bromide above the targets set out in their agreements with the Executive Committee. Argentina had agreed to phase out its excess consumption from its own resources. Egypt, where political unrest and the change in government had led to a suspension of project implementation and a failure to fully control imports, had submitted a revised phase-out schedule to the Executive Committee for consideration at its next meeting; it anticipated a complete phase-out by 2014, excluding 6.0 ozone-depleting potential (ODP) tonnes to be used for the fumigation of dates. Kenya's excess consumption had been identified as deriving from incorrect allocations of volumes between controlled uses and use for quarantine and pre-shipment applications; revised data indicated that its consumption level had been below its agreement level in 2011, and had been zero in 2012. Morocco had identified uses of methyl bromide for soil fumigation that were not included in any of its approved projects; the Government would phase out that use without assistance from the Multilateral Fund. All the country's investment projects for methyl bromide used as a soil fumigant for the production of green beans, banana, cut flowers and tomatoes had been successfully completed, and imports for controlled uses had been banned from 1 January 2013.

25. Seven parties operating under paragraph 1 of Article 5 – Argentina, China, Democratic People's Republic of Korea, India, Mexico, Republic of Korea and Venezuela (Bolivarian Republic of) – produced HCFCs, for a total of 34,692 ODP-tonnes. The Democratic People's Republic of Korea, India, Mexico and the Republic of Korea had all reduced production below their baseline. A decision for total HCFC production phase-out in China, which accounted for the bulk of global production (32,106 ODP-tonnes), had been taken by the Executive Committee at its last meeting, at a value of up to \$385 million. China had indicated that the phase-out would represent a reduction of 8 billion tonnes of carbon dioxide equivalent by 2030.

26. In the 52 parties reporting 2011 and 2012 data, HCFC consumption had increased by 16 per cent from the baseline, although in 2012 30 countries had reduced consumption below their baseline level. Parties had reported that HCFC-22 and HCFC-142b could still be obtained for prices lower than those of alternatives, whereas HCFC-141b prices were higher than those of the alternatives HCFC-245fa, cyclopentane and pentane.

27. All eligible parties had received funding for the preparation of HCFC phase-out management plans; a request for funding from South Sudan would be considered by the Executive Committee at its next meeting. Seven parties (Botswana, Democratic People's Republic of Korea, Libya, Mauritania, South Sudan, Syrian Arab Republic and Tunisia) had not thus far received funding for phase-out management plans. Project preparation in Mauritania had been delayed by an administrative audit.

28. HCFC phase-out management plans had been approved for 138 parties, for a total value of \$556.5 million, of which \$308.9 million had been released. Twenty-seven of them included commitments for meeting the 2015 phase-out target, and a further 102 included commitments for meeting the 2020 phase-out target. Nine low-volume-consuming parties (Bhutan, Cambodia, Croatia, Maldives, Mauritius, Namibia, Papua New Guinea, Saint Vincent and the Grenadines and Seychelles) should achieve total phase-out well in advance of the 2040 deadline: Croatia by 2014 and the others by 2020 or 2025.

29. If the Implementation Committee approved the requests for changes in baseline data that it was due to discuss at the current meeting, that would have implications for those parties' need for support from the Multilateral Fund. Guinea-Bissau would need an additional \$70,000, Mozambique \$17,000 and Saint Lucia \$45,500; Congo and the Democratic Republic of the Congo would not need additional support.

30. Responding to a question from a member of the Committee, the representative of the Multilateral Fund secretariat agreed that some parties had experienced difficulties in distinguishing between methyl bromide imported for controlled uses and for quarantine and pre-shipment applications. The representative of UNEP added that her organization was working with several parties to assist them in developing appropriate systems; a number of African parties were preparing a project.

31. Another member of the Committee queried how parties collected and validated the data that they needed for establishing their baseline figures, and for requesting changes in their baselines, given that data collection systems were often inadequate, particularly in low-volume-consuming countries. Another member of the Committee agreed that data collection could pose serious challenges; her own Government had experienced difficulty in acquiring accurate information on substances and volumes from its customs agency.

32. The representatives of the Multilateral Fund secretariat and UNEP confirmed that the same problem was encountered in several countries; they worked closely with the Governments concerned in collecting and validating the data needed to establish baseline figures and in the preparation of phase-out management plans. The representative of the Ozone Secretariat observed that the problem was not new; in previous years several countries, including some parties not operating under paragraph 1 of Article 5, had requested changes in baseline data for CFCs and halons. Other members of the Committee agreed, but observed that their own countries had extended their collection of data beyond customs to include other government ministries, importers and end-users, and even those countries that exported to them, with positive results. The UNEP Compliance Assistance Programme had proved extremely helpful in that respect, and was of particular help to 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. Mali (decision XXIV/13)

33. The Committee noted the submission by Mali of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XXIV/13, which indicated that the party was in compliance with the Protocol's control measures for 2011.

2. Sao Tome and Principe (decision XXIV/13)

34. The Committee noted the submission by Sao Tome and Principe of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XXIV/13, which indicated that the party was in compliance with the Protocol's control measures for 2011.

B. Existing plans of action to return to compliance

1. Ecuador (decision XX/16)

35. The Committee agreed to request Ecuador to report to the Secretariat its data for 2012 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 15 September 2013, in order that the Committee might assess at its fifty-first meeting the status of compliance by that party with its commitment set out in decision XX/16, where Ecuador specifically committed itself to reducing its methyl bromide consumption to no greater than 52.8 ODP-tonnes in 2012.

Recommendation 50/1

2. Uruguay (decision XVII/39)

36. Under this agenda item the Committee was to consider the case of Uruguay, which had reported its 2012 data, thereby confirming that it had met its commitment contained in decision XVII/39. During the ensuing discussion a Committee member expressed the opinion that all other parties with similar commitments, as recorded in table 9 of document UNEP/OzL.Pro/ImpCom/50/R.2, should also be considered under this agenda item. On the basis of that suggestion, the Committee agreed to commend the following parties on their reported consumption of ozone-depleting substances, which showed that they were in compliance with their commitments contained in the decisions applicable to them.

Table 1
Parties whose reported data for 2012 met their commitments

Party	Decision on compliance	Substance	Action plan target for 2012 (ODP-tonnes)	Submitted Article 7 data for 2012
1. Armenia	XVIII/20	Methyl bromide	0.0	0
2. Bosnia and Herzegovina	XVII/28	Methyl Chloroform	0.0	0
	XV/30	Methyl bromide	0.0	0
3. Fiji	XVII/33	Methyl bromide	0.5	0
4. Guatemala	XVIII/26	Methyl bromide	320.6	139.8
5. Honduras	XVII/34	Methyl bromide	207.5	56.8
6. Uruguay	XVII/39	Methyl bromide	6.0	6.0

Abbreviation: ODP – ozone-depleting potential.

Recommendation 50/2

VI. Review of information on requests for change of baseline data (decisions XIII/15 and XV/19)

37. Introducing the sub-item, the representative of the Secretariat said that the Committee would consider requests by five parties operating under paragraph 1 of Article 5 for the revision of their existing HCFC consumption data for one or more years, including 2009 and 2010: Congo, Democratic Republic of the Congo, Guinea-Bissau, Mozambique and Saint Lucia. Correspondence received by the Secretariat pertaining to those requests had been reproduced, as necessary, in the addenda to document UNEP/OzL.Pro/ImpCom/50/INF/R.2 to facilitate the Committee's consideration of the issue.

38. She further explained that, of the five parties, the first four listed had all submitted such requests at previous meetings; only Saint Lucia was submitting its request for the first time. All the requesting parties under consideration had based the revision of their baseline data on surveys conducted in connection with the preparation of their HCFC phase-out management plan reports. All those plans had been approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol at its past meetings on the understanding that the funding for their implementation would be adjusted according to any changes in the HCFC baseline data approved by the Implementation Committee.

39. In accordance with the usual practice, the Secretariat had amended the HCFC consumption figures for all the years requested except for 2009 and 2010, which were the two years used for determining the HCFC production and consumption baselines for parties operating under paragraph 1 of Article 5. In its response to all parties requesting revision of their baseline data for those years, the Secretariat had informed them that the review of their requests would be guided by decisions XIII/15 and XV/19. Decision XIII/15 provided that requests for revision of baseline data must be submitted to the Implementation Committee for its consideration, while decision XV/19 set out the methodology for the submission of such requests and provided that the required information should include:

- (a) Identification of which of the baseline year's or years' data were considered to be incorrect and proposed new figures for that year or those years;
- (b) Explanation as to why the existing baseline data were incorrect, including information on the methodology used to collect and verify that data, along with supporting documentation where available;
- (c) 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;
- (d) Documentation substantiating data collection and verification procedures and the findings from the application of those procedures, which could include:
 - (i) 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);
 - (ii) Copies of surveys and survey reports;

- (iii) 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.

40. The parties' requests for the revision of 2009 and 2010 baseline data considered by the Committee at the current meeting, as they stood at the start of the meeting, are summarized in table 2 below.

Table 2

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)	
			2009	2010	2009	2010
(a)	Congo ^a	HCFC-22	128.5	–	176.0	–
(b)	Democratic Republic of the Congo ^a	HCFC-22	890.0	–	1014.984	–
		HCFC-141b	245.0	–	0	–
		HCFC-142b	150.0	–	0	–
(c)	Guinea-Bissau ^a	HCFC-22	0	–	50	–
(d)	Mozambique ^a	HCFC-22	78.6	–	157.75 ^b	–
(e)	Saint Lucia	HCFC-22	7.55	0.369 ^c	24.32	14.66
		HCFC-142b	0	–	0.11	–
		HCFC-121	0	–	0.72	–

^a Request considered by the Committee at previous meetings.

^b Figure revised from that proposed earlier (143.6 metric tonnes) owing to better survey coverage.

^c Figure recorded in the Secretariat's database following Saint Lucia's data submission on 26 October 2011; differs from the old 2010 HCFC consumption figure of 0.16 metric tonnes indicated in the party's request.

41. In order to avoid reconsidering requests of parties that failed repeatedly to provide the required information, at its forty-eighth meeting the Committee had adopted recommendation 48/8, informing 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 HCFC baseline data to have expired and would take no further action on them. No requesting parties under consideration at the Committee's current meeting fell in that category.

A. Discussion at the current meeting

1. Democratic Republic of the Congo (recommendation 49/6) and Saint Lucia

42. In view of the similarities between their cases, the Committee decided to take up the issues of the Democratic Republic of the Congo and Saint Lucia together under this section.

(a) Democratic Republic of the Congo

43. Introducing the request by the Democratic Republic of the Congo for a revision of its HCFC consumption data for the years 2006–2009, the representative of the Secretariat noted that the party was requesting a revision of its 2009 data from 85.65 ODP-tonnes to 55.82 ODP-tonnes. She recalled that the matter had been discussed at four previous meetings of the Committee, and recommendations 46/3, 47/11, 48/7 and 49/6 had been made. By recommendation 49/6, the party had been requested to specify whether the charge amounts of HCFCs listed in its reports represented the total capacity of equipment or the amounts used to service and refill it, and to clarify how the regional inventory information on HCFC-based equipment was consolidated to derive the new proposed national consumption. In response, the Democratic Republic of the Congo had specified that the HCFC amounts listed in its reports represented the amounts used for servicing, and had provided the number of HCFC-based equipment types installed in each region and the country as a whole.

44. One member of the Committee said that the scanned data sheets provided by the party constituted primary evidence of how the figures supplied to the Secretariat had been derived, although doubts remained about the methodology used to calculate some of the final data, for example with regard to the percentage of leakage from various types of equipment. In summary, however, the

supplied information formed a sufficient basis to accept the party's request for a revision of its baseline.

(b) Saint Lucia

45. Introducing the request by Saint Lucia for a revision of its HCFC consumption data for 2009 and 2010, the representative of the Secretariat said that the request had not been previously considered by the Committee. The party was requesting a revision of its 2009 data from 0.42 ODP-tonnes to 1.37 ODP-tonnes, and of its 2010 data from 0.02 ODP-tonnes to 0.81 ODP-tonnes. The party had explained that the existing figures were based on customs data with incorrect classification of HCFCs and did not capture all the HCFC importers in the country, while the proposed figures were based on comprehensive verification surveys. The party had submitted full information on the methodology used to arrive at the new figures, including distribution of questionnaires, examination of customs records and research into trade statistics, and had also submitted a wide range of supporting documentation.

46. One member of the Committee expressed appreciation of the efforts made by Saint Lucia to undertake the necessary research to establish the actual figure for HCFC consumption, and to support its request for a baseline change with the required documentation.

(c) Recommendation

47. The Committee therefore agreed,

Noting with appreciation the information submitted by the Democratic Republic of the Congo and Saint Lucia 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 or 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 forward for consideration by the Twenty-Fifth Meeting of the Parties the draft decision contained in section A of annex I to the report of the fiftieth meeting of the Committee, which would approve their requests for the revision of their baseline consumption data for hydrochlorofluorocarbons.

Recommendation 50/3

2. Congo (recommendation 49/5)

48. The representative of the Secretariat explained that the Congo had first requested the change in its 2009 baseline data in 2011 from 7.07 ODP-tonnes to 9.68 ODP-tonnes. In response to the Committee's recommendations 46/3, 47/10, 48/6 and 49/5, there had been numerous exchanges with the party on the matter. The inaccuracies in its original submission were attributed to errors in copying and transcribing the data from the HCFC phase-out management plan (HPMP) survey reports. In addition, the party had cited very high leakage rates, and, in recommendation 49/5, the Committee had requested the party to provide detailed information clarifying how it had derived those leakage rates for the different types of equipment listed in its HPMP report.

49. The Congo had responded, explaining that the high rates were due to weather conditions: a combination of high temperatures and high humidity, which often led to corrosion of piping and equipment parts. Further contributory factors were the age of the equipment and the instability of the electricity supply in the Congo.

50. In the ensuing discussion, members reiterated their concern about the very high leakage rates cited by the party, one member voicing his reluctance to accept the request at all, given that rates that high were simply not realistic, with another regretting that the party had provided no primary sources in support of its application, which comprised estimates based on estimates. That said, he conceded that, in terms of ODP tonne increase, the requested baseline revision was insignificant and would not trigger any additional funding from the Multilateral Fund. Thus, given also the difficult conditions in the party, he suggested that the Committee could take a sympathetic view of the request and accede to it, provided that was not construed as setting a precedent for future such requests. Indeed, to preclude

such an eventuality, he suggested that a deadline should be set for the submission of any further requests: the Committee could stipulate that no requests would be entertained beyond its fifty-second or fifty-third meeting.

51. Another member countered that, while the figures were worrying, the party had furnished some scientific evidence for their high levels, citing the adverse physical conditions under which the equipment was forced to operate. He suggested that, given the persistence of the problem of obtaining reliable data from the party, further expert assistance should be provided to enable it to meet its data requirements. That suggestion was supported by several other members.

52. A number of members urged that favourable consideration should be given to the party's request, given the difficult political conditions in the country, which had recently emerged from years of conflict. One member cautioned that, in acceding to such requests in the light of previous conflict, which might have affected the accuracy of reported figures, the Secretariat should verify that the period of the cited conflict matched the years for which data revisions were sought.

53. The representative of the Secretariat commented that, given the extensive exchanges that had already transpired between the Secretariat and the party on the issue, requests for further data might be fruitless: it was possible that the party had exhausted its resources in that area. He also recommended that, if a deadline for such requests was to be set, exceptions should be allowed, to take account of unforeseeable cases of political turmoil and to enable parties to request revisions in the genuine interests of accuracy. He also pointed out that the provision of data was primarily a national obligation; to assist countries in that regard, extensive capacity-building efforts had been carried out over the years and, with support from the Multilateral Fund, excellent data reporting had been achieved by almost all parties. Where there were political complications, however, there was a limit where even the parties themselves might be unable to produce data of an acceptable quality.

54. The representative of UNEP clarified that, as the implementing agency for the institutional strengthening project in the Congo, it had been assisting the party and would continue to do so: to that end, a consultant had been recruited to work with the national ozone officer and the compliance assistance programme team. He also pointed out, in defence of the figures cited by the Congo, that the leakage had occurred over the course of a year, and that, following a complete recharge, the equipment in question would be functional again, at least for some time.

55. The Committee noted that UNEP could further assist the Congo in an endeavour to verify the reported leakage rates.

56. 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 46/3, 47/10, 48/6 and 49/5, 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 March 2013,

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 copies of servicing records that properly substantiated the leakage rates in the hydrochlorofluorocarbon phase-out management plan report included in its previous submission;

(b) To urge the Congo to submit to the Secretariat the requested information as soon as possible, and preferably no later than 15 September 2013, for consideration by the Committee at its fifty-first meeting.

Recommendation 50/4

3. Guinea-Bissau (recommendation 49/7)

57. Introducing the request by Guinea-Bissau for a revision of its HCFC consumption data for the years 2003–2009, the representative of the Secretariat noted that the party was requesting a revision of its 2009 data from zero ODP-tonnes to 2.75 ODP-tonnes. She recalled that the matter had been discussed at three previous meetings of the Committee, and recommendations 47/12, 48/7 and 49/7 had been made. By recommendation 49/7, the party had been requested to provide sample survey documents supporting the regional inventory information summarized in its HCFC phase-out

management plan. In response, Guinea-Bissau had provided samples of completed survey forms from provinces in three regions of the country, and a 2009 survey report including information on the geographical and sectoral distribution of HCFC equipment and related consumption, recharge amounts of domestic air-conditioning units and associated leakage rates. A review of the supplied information, however, had revealed inconsistencies between the data contained in the HCFC phase-out management plan and those contained in the 2009 report regarding the number of equipment units per region, the amount of HCFC charge in the domestic air-conditioning sector, and the associated leakage rates. The Secretariat had not yet received a response to its request for clarification of those matters.

58. One member of the Committee agreed that the data submitted were confusing, and noted that even the most recently submitted data contained internal inconsistencies in the areas of concern.

59. 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 47/11, 48/7 and 49/7, 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 November 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 clarify the inconsistency between the information contained in the recently submitted survey report and that contained in the party's hydrochlorofluorocarbon phase-out management plan report, including in particular:

- (i) The number of equipment units per region;
- (ii) The volume of the hydrochlorofluorocarbon charge in units employed in the domestic air-conditioning sector and their associated leakage rates;

(b) To urge Guinea-Bissau to submit to the Secretariat the requested information as soon as possible, and preferably no later than 15 September 2013, for consideration by the Committee at its fifty-first meeting.

Recommendation 50/5

4. Mozambique

60. Introducing the request by Mozambique for a revision of its HCFC consumption data for the years 2005–2009, the representative of the Secretariat noted that the party was requesting a revision of its 2009 data from 4.32 ODP-tonnes to 8.68 ODP-tonnes. She recalled that the matter had been discussed by the Committee at its forty-eighth meeting and that, by recommendation 48/9, the Committee had requested the party to submit further information to support its request. That information had arrived too late for consideration by the Committee at its forty-ninth meeting, and was therefore presented for consideration at the current meeting. The party had explained that previous figures were incorrect owing to the use of inappropriate methodology during a national survey, and the proposed figures, which were based on a new survey funded by the Multilateral Fund and conducted by one national consultant, more accurately reflected the party's actual consumption. The party had also submitted information on the methodology used during the more recent survey, and supporting documentation extracted from its HCFC phase-out management plan, although it reported that difficulties had been faced disaggregating data on ozone-depleting substances from other customs data on chemicals.

61. The Secretariat had then requested further information from the party, including an explanation of the apparent inconsistency between the new proposed HCFC consumption figure for 2009 (157.75 tonnes) and that indicated in the party's HCFC phase-out management plan (78.18 tonnes); and documentation on how the regional inventory information had been consolidated to derive the new proposed HCFC figure for 2009. No response had yet been received from the party.

62. One member of the Committee suggested that the Secretariat should follow up on its request for further information from the party.

63. 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 recommendation 48/9, by which Mozambique 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 Mozambique between November 2012 and April 2013,

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 Mozambique:
 - (i) To clarify the inconsistency between the new proposed hydrochlorofluorocarbon consumption figure for 2009 and that indicated in the party's hydrochlorofluorocarbon phase-out management plan report;
 - (ii) To provide documentation on how the regional inventory information was consolidated to derive the new proposed hydrochlorofluorocarbon figure for 2009;
- (b) To urge Mozambique to submit to the Secretariat the requested information as soon as possible, and preferably no later than 15 September 2013, for consideration by the Committee at its fifty-first meeting.

Recommendation 50/6

B. Deadline for revision of requests for baseline data

64. The Committee agreed to prepare a draft decision that would set a time limit for the submission of requests for changes in baseline data and that the draft decision should be considered at its fifty-first meeting and then forwarded to the Twenty-Fifth Meeting of the Parties.

Recommendation 50/7

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

65. Introducing the item, the representative of the Secretariat presented information on deviations from the control measures in the data reported by four parties not operating under paragraph 1 of Article 5 of the Protocol: Azerbaijan, France, Israel and Kazakhstan.

A. Azerbaijan

1. Compliance issue subject to review: HCFC consumption reduction commitment

66. Azerbaijan had reported consumption of the Annex C, group I, controlled substances (hydrochlorofluorocarbons, or HCFCs) of 7.63 ODP-tonnes in 2011. That consumption represented a deviation of 3.93 ODP-tonnes from the party's obligation under the Protocol to limit its consumption of HCFCs to no greater than 25 per cent of its consumption baseline (14.9 ODP-tonnes) for that substance in 2011, namely, 3.7 ODP-tonnes. In correspondence dated 24 September 2012, the Secretariat had requested Azerbaijan to submit an explanation for that deviation and, if appropriate, a plan of action with time-specific benchmarks that would ensure its prompt return to compliance.

2. Status of compliance issue

67. In correspondence dated 2 October 2012, Azerbaijan had attributed the detected over-consumption of HCFCs in 2011 primarily to the rapid pace of economic development in the country. It had also noted that, jointly with the United Nations Industrial Development Organization (UNIDO), it was embarking on an HCFC phase-out project.

68. In the absence of any further information, the Secretariat had requested Azerbaijan in subsequent communications to provide a plan of action, including any policy and regulatory measures established or implemented to ensure prompt return to compliance, and had encouraged it to work closely with UNIDO in so doing.

69. Azerbaijan had informed the Secretariat, in correspondence dated 7 March 2013, that agreement had been reached with the Global Environment Facility (GEF) on the project proposal on HCFC phase-out and that, in anticipation of the funding, the Government was ready to develop the plan of action together with UNIDO experts and commence its implementation. Subsequently, the Secretariat had advised Azerbaijan to provide the requested plan of action in time for its presentation to the Committee at its fiftieth meeting, but no response had been forthcoming.

3. Discussion

70. The representative of UNIDO, reporting on his discussions with the representatives of Azerbaijan, explained that the problem had only arisen in 2011, and the country had already returned to compliance with its obligations in 2012. The Government was now working to identify the co-funding necessary to accompany the financial assistance available from GEF. It expected to submit its plan of action before 15 September 2013.

4. Recommendation

71. The Committee therefore agreed,

Noting with concern that Azerbaijan reported consumption of 7.63 ODP-tonnes of the Annex C, group I, controlled substances (hydrochlorofluorocarbons) in 2011, in excess of the Protocol's requirement to limit consumption of those substances to no greater than 3.7 ODP-tonnes in that year,

Noting Azerbaijan's explanation for its reported excess hydrochlorofluorocarbon consumption in 2011,

(a) To request Azerbaijan to submit to the Secretariat, as a matter of urgency, and no later than 15 September 2013, a plan of action with time-specific benchmarks for ensuring the party's prompt return to compliance;

(b) To invite Azerbaijan to send a representative to the fifty-first meeting of the Committee to discuss the matter;

(c) In the absence of the submission of a plan of action, to forward for consideration by the Twenty-Fifth Meeting of the Parties the draft decision contained in section B of the Annex to the present report.

Recommendation 50/8

B. France

1. Compliance issue subject to review: HCFC production reduction commitment

72. France had reported production of the Annex C, group I, controlled substances (HCFCs) of 598.9 ODP-tonnes in 2011. That production represented a deviation of 14.50 ODP-tonnes from the party's obligation under the Protocol to limit its production of HCFCs to no greater than 25 per cent of its production baseline (2337.5 ODP-tonnes) for those substances in 2011, namely, 584.4 ODP-tonnes. In correspondence dated 27 August 2012, the Secretariat had requested France to submit an explanation for that deviation and, if appropriate, a plan of action with time-specific benchmarks that would ensure its prompt return to compliance.

2. Status of compliance issue

73. France had provided the requested information in correspondence dated 3 April 2013 and subsequent communication, reproduced in document UNEP/OzL.Pro/ImpCom/50/INF/R.2. The party had explained that the maximum allowable level of production of HCFCs in 2011 had been exceeded because of overproduction of HCFC-141b for use as a foam-blowing agent intended for export. The calculated excess production was in turn attributed to the following factors:

(a) The increase in production between 2010 and 2011 was not noticed early enough to allow the Government to take early corrective measures;

(b) The overproduction could not be offset by the amount of HCFCs destroyed that year.

74. France had also highlighted that the entire production was intended for export to parties operating under paragraph 1 of Article 5 and that none of it was used within the European Union. It had further noted that the equivalent reduction in the HCFC production in the whole of the European Union in 2011, based on the sum of the calculated levels of production of each member State and the sum of their baselines, was actually more than 95 per cent and thus substantially higher than the 75 per cent reduction required for each party under the Protocol. That meant that, if France had been able to identify its deviation from its reduction target in time, it could have opted to transfer a

portion of its calculated level of production to another member State of the European Union, as provided for by the relevant European Union regulation (Article 14 of regulation (EC) No 1005/2009) and by Article 2 of the Montreal Protocol. Such a transfer would have ensured a reduction in France's HCFC production even greater than 75 per cent.

75. In addressing its plan of action to ensure future compliance, France had pointed out that, once the authorities became aware of the issue, they engaged immediately in discussions with the companies concerned and elaborated an action plan focused on the following undertakings:

(a) Improved monitoring of production: France reported its annual production of ozone-depleting substances in accordance with the relevant European Union regulation. As of 2013, French companies should report by mid-year their HCFC production and consumption for the first half of the year and estimate the amount of HCFC they will produce by the end of the year. The French authorities had already contacted the national companies producing HCFCs in order to get a first estimate for the coming years. On that basis France stated that it was in compliance with its reduction target of 75 per cent in 2012 and that, according to the estimates provided for 2013 and 2014, compliance should be guaranteed for those years as well;

(b) Industrial rationalization: According to the half-year estimates provided by the companies, the French authorities were to assess the need for a transfer of production. As several member States of the European Union no longer produced HCFCs for non-feedstock uses, that transfer could easily be implemented. The variability of HCFCs destroyed annually could not guarantee the compensation of any excess of production;

(c) Improved characterization of HCFC destroyed: Destruction facilities had been found to experience difficulties sometimes in characterizing controlled substances contained in a mixture, resulting in likely underreporting of data on destruction. A letter had been sent to those facilities in late 2012 to underline the importance of a detailed characterization of the destroyed substances per type of substance and not per group of substances.

3. Recommendation

76. The Committee therefore agreed,

Noting with concern that France reported production of 598.9 ODP-tonnes of the Annex C, group I, controlled substances (hydrochlorofluorocarbons) in 2011, in excess of the Protocol's requirement to limit production of those substances to no greater than 584.4 ODP-tonnes in that year,

Noting the party's submission of an explanation and a plan of action, including implementation of regulatory and administrative measures for returning to compliance with the Protocol's control measures for hydrochlorofluorocarbons in 2012 and subsequent years,

1. To monitor closely the party's progress with regard to the implementation of its obligations under the Protocol;

2. To forward for consideration by the Twenty-Fifth Meeting of the Parties the draft decision contained in section C of annex I to the present report.

Recommendation 50/9

C. Israel

1. Compliance issue subject to review: reporting of process agent uses

77. Reporting of process agent uses was regulated by three decisions of meetings of the parties: decision X/14 had defined process agent uses and permitted applications, decision XVII/6 had specified that annual reporting of process agent uses was obligatory, and decision XXI/3 had requested the Ozone Secretariat to bring cases of non-reporting to the attention of the Implementation Committee for its consideration.

78. Israel had failed to report any data on its process agent uses for 2010 and 2011. The Secretariat had written to the party to request an explanation, but as yet no response had been received.

2. Recommendation

79. The Committee therefore agreed,

Recalling decision X/14, which defined the conditions under which parties could treat certain uses of ozone-depleting substances as process agents,

Recalling also decision XVII/6, which provided that Parties with process agent applications should report annually, in accordance with decisions X/14 and XV/7,

Recalling further decision XXI/3, which requested the Secretariat to bring cases of non-reporting of process agent use to the attention of the Committee for its consideration,

Noting with concern that, notwithstanding repeated reminders, Israel has not yet provided information on its process agent uses for 2010 and 2011, as required by decision X/14,

To request Israel to submit as a matter of urgency, before 15 September 2013, the required outstanding information on process agent uses for 2010 and 2011.

Recommendation 50/10

D. Kazakhstan

1. Compliance issue subject to review: HCFC and methyl bromide consumption reduction commitments

80. Kazakhstan had reported consumption of the Annex C, group I, controlled substances (HCFCs) of 90.75 ODP-tonnes in 2011. That consumption represented a deviation of 80.85 ODP-tonnes from the party's obligation under the Protocol to limit its consumption of HCFCs to no greater than 25 per cent of its consumption baseline (39.5 ODP-tonnes) for that substance in 2011, namely, 9.9 ODP-tonnes.

81. In addition, Kazakhstan had reported consumption of the Annex E controlled substance (methyl bromide) of 6.0 ODP-tonnes in 2011. That consumption represented a deviation from the party's obligation under the Protocol to limit its consumption of methyl bromide to no greater than zero ODP-tonnes in that year.

82. In correspondence dated 8 August 2012 and 14 February 2013, the Secretariat had requested Kazakhstan to submit an explanation for the detected deviations and, if appropriate, a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance with its HCFC and methyl bromide obligations under the Protocol.

2. Status of compliance issue

83. No response from Kazakhstan had yet been received.

3. Discussion

84. In response to questions from members of the Committee, the representative of the Secretariat clarified that, although Kazakhstan had not yet ratified the Beijing Amendment, it had ratified the Copenhagen Amendment, which controlled consumption of HCFCs and methyl bromide. She observed further that, since Kazakhstan had formed a free trade area with the Russian Federation and Belarus, the country might be having difficulty controlling imports and exports of controlled substances and could usefully be asked to explain how it regulated trade. Members of the Committee also suggested that the party could be asked to explain what management systems it had had in place that had allowed such a large volume of over-consumption.

3. Recommendation

85. The Committee therefore agreed,

Noting with concern that Kazakhstan reported consumption of 90.75 ODP-tonnes of the Annex C, group I, controlled substances (hydrochlorofluorocarbons) in 2011, in excess of the Protocol's requirement to limit consumption of those substances to no greater than 9.9 ODP-tonnes in that year,

Noting also with concern that the party reported consumption of 6.0 ODP-tonnes of the Annex E controlled substance (methyl bromide) in 2011, in excess of the Protocol's requirement to limit consumption of that substance to no greater than zero ODP-tonnes in that year,

Noting further with concern that Kazakhstan has not yet provided any explanation for its excess consumption of hydrochlorofluorocarbons or methyl bromide in spite of the request to do so,

(a) To request Kazakhstan to submit to the Secretariat as a matter of urgency, and no later than 15 September 2013, an explanation for its excess consumption, details of the management systems in place which had failed to prevent this excess consumption and, if appropriate, a plan of action with time-specific benchmarks for ensuring the party's prompt return to compliance;

(b) To invite Kazakhstan to send a representative to the fifty-first meeting of the Committee to discuss the matter;

(c) In the absence of an explanation for the excess consumption, to forward for consideration by the Twenty-Fifth Meeting of the Parties the draft decision contained in section D of annex I to the present report.

Recommendation 50/11

VIII. 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 (decision XXIV/17)

86. Introducing the item, the representative of the Secretariat presented information on parties' compliance with Article 4B of the Protocol, on licensing systems.

A. Compliance issue subject to review: establishment of licensing systems

87. As reported to the Twenty-Fourth Meeting of the Parties in November 2012 and subsequently acknowledged by parties in decision XXIV/17, as of November 2012, all parties to the Montreal Amendment to the Montreal Protocol, except for the Gambia, had reported to the Secretariat that they had established import and export licensing systems for ozone-depleting substances.

88. In decision XXIV/17, the Gambia, which had already established a licensing system but which controlled only the imports of ozone-depleting substances, had been urged to restructure its system to include export controls for those substances. In the same decision, South Sudan, which had just ratified the Montreal Amendment to the Protocol and required time to establish a licensing system, had accordingly been requested to report to the Secretariat on the status of its licensing system by 30 September 2013. Another party, Botswana, which had not yet become a party to the Montreal Amendment to the Protocol and had not yet established a licensing system, had been encouraged to ratify the amendment and to establish a licensing system.

B. Status of compliance

89. Since the adoption of decision XXIV/17, the Gambia had reported to the Secretariat that it had structured its licensing system to enable licensing of both imports and exports of ozone-depleting substances, thus fulfilling the requirements of Article 4B of the Protocol. Botswana had ratified the Montreal Amendment to the Protocol in February 2013, and this had entered into force in May 2013. The party had not yet, however, established its licensing system. South Sudan, whose ratification of the Montreal Amendment had entered into force in January 2013, had not yet reported on the status of its establishment and implementation of a licensing system.

C. Discussion

90. The representative of UNEP reported that Botswana had drafted a new regulation on ozone-depleting substances that included a licensing system; the draft regulation would shortly be submitted to the Parliament and it was expected that it would be approved very soon. For the time being, Botswana was regulating imports and exports of controlled substances under its existing legislation. South Sudan had only just established its national ozone unit. The UNEP Compliance Assistance Programme was planning a mission to the country in August 2013 to conduct training and assist in the preparation of appropriate regulations. Botswana's HCFC phase-out management plan would be submitted to the Executive Committee at its next meeting. He expected that a licensing system would be established by December 2013.

D. Recommendation

91. The Committee therefore agreed,

Noting with appreciation the efforts that the parties to the Montreal Protocol have made in the establishment and operation of systems for licensing the import and export of controlled ozone-depleting substances under Article 4B of the Protocol,

(a) To congratulate the Gambia on the establishment and operation of a system for licensing both the import and export of controlled ozone-depleting substances in accordance with its obligations under Article 4B of the Protocol;

(b) To urge Botswana and South Sudan to establish a licensing system in accordance with Article 4B of the Protocol and to report thereon to the Secretariat by 15 September 2013;

(c) To review the status of the licensing systems of the remaining Parties at its fifty-first meeting.

Recommendation 50/12

IX. Other matters

92. The Committee considered no other matters.

X. Adoption of the recommendations and report of the meeting

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

XI. Closure of the meeting

94. Following the customary exchange of courtesies, the President declared the meeting closed at 11.30 a.m. on Saturday, 22 June 2013.

Annex I

Draft decisions

The Twenty-Fifth Meeting of the Parties decides:

A. Draft decision XXV/-: Requests for the revision of baseline data by the Democratic Republic of the Congo and Saint Lucia

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 the Democratic Republic of the Congo and Saint Lucia 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 (ODP-tonnes)		New HCFC data (ODP-tonnes)	
	2009	2010	2009	2010
1. Democratic Republic of the Congo	85.7	–	55.82	–
2. Saint Lucia	0.4	0	1.37	0.81

B. Draft decision XXV/-: Non-compliance with the Montreal Protocol by Azerbaijan

Noting that Azerbaijan ratified the Montreal Protocol on Substances that Deplete the Ozone Layer, the London Amendment and the Copenhagen Amendment on 12 June 1996, the Montreal Amendment on 28 September 2000 and the Beijing Amendment on 31 August 2012, and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility approved [\$xxx] to enable Azerbaijan to achieve compliance with the Protocol,

Noting further that Azerbaijan has reported annual consumption for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), for 2011 of 7.63 ODP-tonnes, which exceeds the party's maximum allowable consumption of 3.7 ODP-tonnes for those controlled substances for that year, and was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons,

1. To request Azerbaijan to submit to the Secretariat, as a matter of urgency and no later than 31 March 2014, for consideration by the Implementation Committee at its fifty-second meeting, a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance with its hydrochlorofluorocarbon consumption obligations under the Protocol;

2. To monitor closely Azerbaijan's progress with regard to the phase-out of hydrochlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing and, in that regard, Azerbaijan should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance;

3. To caution Azerbaijan, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures, which may include the possibility of actions available under Article 4, such as ensuring that the supply of hydrochlorofluorocarbons that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance;

C. Draft decision XXV/-: Non-compliance with the Montreal Protocol by France

Noting that France ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 28 December 1988, the London Amendment on 12 February 1992, the Copenhagen Amendment on 3 January 1996, and the Montreal and Beijing Amendments on 25 July 2003, and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that France has reported annual production for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), for 2011 of 598.9 ODP-tonnes, which exceeds the party's maximum allowable production of 584.4 ODP-tonnes for those controlled substances for that year, and was therefore in non-compliance with the production control measures under the Protocol for hydrochlorofluorocarbons,

Noting further the submission by France of an action plan that confirms compliance with the Protocol's hydrochlorofluorocarbon production control measures for 2012 and subsequent years;

1. That no further action is necessary in view of the party's implementation of regulatory and administrative measures to ensure its compliance with the provisions of the Protocol governing production of hydrochlorofluorocarbons for subsequent years;

2. To monitor closely France's progress with regard to the phase-out of hydrochlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing;

3. To caution France, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures, which may include the possibility of actions available under Article 4;

D. Draft decision XXV/-: Non-compliance with the Montreal Protocol by Kazakhstan

Noting that Kazakhstan ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 26 August 1998, the London Amendment on 26 July 2001 and the Copenhagen and Montreal Amendments on 28 June 2011, and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility approved [\$xxx] to enable Kazakhstan to achieve compliance with the Protocol,

Noting further that Kazakhstan has reported annual consumption for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), for 2011 of 90.75 ODP-tonnes, which exceeds the party's maximum allowable consumption of 9.9 ODP-tonnes for those controlled substances for that year, and was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons,

Noting that Kazakhstan has reported annual consumption for the controlled substance in Annex E (methyl bromide), for 2011 of 6.0 ODP-tonnes, which exceeds the party's maximum allowable consumption of zero ODP-tonnes for that controlled substance for that year, and was therefore in non-compliance with the consumption control measures under the Protocol for methyl bromide,

1. To request Kazakhstan to submit to the Secretariat, as a matter of urgency and no later than 31 March 2014, for consideration by the Implementation Committee at its fifty-second meeting, an explanation for its excess consumption and details of the management systems in place that had failed to prevent this excess consumption, together with a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance with its hydrochlorofluorocarbon and methyl bromide obligations under the Protocol;

2. To monitor closely Kazakhstan's progress with regard to the phase-out of hydrochlorofluorocarbons and methyl bromide. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing and, in that regard, Kazakhstan should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance;

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

Annex II

List of participants

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