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United Nations Environment Programme

**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Fifty-first meeting**
Bangkok, 18 and 19 October 2013

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

I. Opening of the meeting

A. Opening statements

1. The fifty-first 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 18 and 19 October 2013.
2. The President of the Committee, Janusz Kozakiewicz (Poland), opened the meeting at 10.10 a.m. on 18 October 2013.
3. In his opening remarks, the Executive Secretary of the Ozone Secretariat, Marco González, welcomed the Committee members and other participants. He noted that the meeting was being held during one of the most successful periods in the history of the Montreal Protocol, with compliance rates at a historic high and reports being submitted earlier than required under the Protocol. The Protocol and its institutions had been in operation for 25 years and the overall compliance rate stood at 98 per cent for all countries and all measures over all those years. In 2010 alone, compliance had been 99.96 per cent, with only one party not in compliance. Noting that 2013 was the year for parties operating under paragraph 1 of Article 5 to comply with the hydrochlorofluorocarbon (HCFC) freeze, he said that he counted on the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol and the implementing agencies to assist in that important task. In just two years, the Committee would be assessing compliance with the 10 per cent HCFC reduction target. He observed that the number of requests for changes of baseline had fallen over the years, suggesting that that reduction was a reflection of the efforts and commitment of the parties and the reporting of reliable data. The Secretariat was continuing to work towards universal ratification of all the amendments to the Protocol, with only five parties remaining.
4. Acknowledging that the current meeting was his last as Executive Secretary, he reflected on the development of the Committee since the first meeting that he had attended, in Rome in 2002. There had been a steady evolution; interaction between the Committee and the Secretariat had been extremely valuable for the work of the Committee; and mechanisms developed by the Committee, such as action plans, and linking those plans to the funding mechanisms, had proved particularly effective. That link constituted the basis of the compliance of all parties with their obligations under the Protocol. He concluded by expressing gratitude for the opportunity of working for the parties to the Protocol, which he said had been not only a learning and growing experience, but also a life experience in terms of personal and professional development.

B. Attendance

5. Representatives of the following Committee members attended the meeting: Bangladesh, Bosnia and Herzegovina, Cuba, Italy, Lebanon, Morocco, Poland, Saint Lucia, United States of America and Zambia.
6. The meeting was also attended by representatives of the secretariat of the Multilateral Fund 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 agenda on the basis of the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/51/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: Israel (recommendation 50/10);
 - (b) Existing plans of action to return to compliance: Ecuador (decision XX/16 and recommendation 50/1);
 - (c) Other recommendations and decisions on compliance:
 - (i) Azerbaijan (recommendation 50/8);
 - (ii) Kazakhstan (recommendation 50/11).
 6. Requests for change in baseline data (decisions XIII/15 and XV/19 and recommendation 48/8):
 - (a) Review of information on requests for change in baseline data:
 - (i) Congo (recommendation 50/4);
 - (ii) Guinea-Bissau (recommendation 50/5);
 - (iii) Mozambique (recommendation 50/6);
 - (b) Possible deadline for requests for change in baseline data (recommendation 50/7).
 7. Consideration of other possible non-compliance issues arising out of the data report.
 8. Status of establishment of licensing systems under Article 4B of the Montreal Protocol (recommendation 50/12).
 9. Consideration of additional information on compliance-related submissions by parties participating in the meeting at the invitation of the Implementation Committee.
 10. Other matters.

11. Adoption of the recommendations and report of the meeting.
12. 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. The representative of the Secretariat gave a presentation summarizing the report of the Secretariat on the data provided by parties in accordance with Article 7 of the Protocol, as set out in document UNEP/OzL.Pro/25/7-UNEP/OzL.Pro/ImpCom/51/2 and its addendum.

11. Regarding the status of ratification, he said that only five parties had yet to ratify the Beijing Amendment: Kazakhstan, Libya, Mauritania, Papua New Guinea and Saudi Arabia. On the status of annual data reporting under Article 7, he said that 181 parties had reported to date for 2012, with 16 parties yet to do so. Turning to compliance with control measures applicable to parties not operating under paragraph 1 of Article 5, he said that 45 of 49 parties were in compliance for 2011. Of the four parties with non-compliance issues, France and Ukraine had been dealt with previously, and the issues of Azerbaijan (excess HCFC consumption) and Kazakhstan (excess HCFC and methyl bromide consumption) would be dealt with at the current meeting. For 2012, all the parties that had reported to date were either in compliance or already had decisions with benchmarks and plans of action for return to compliance. For parties operating under paragraph 1 of Article 5, no cases of possible non-compliance with the control measures had been identified by the Secretariat for those parties that had reported to date for 2012.

12. Turning next to exemptions for essential uses of chlorofluorocarbons (CFCs) and critical uses of methyl bromide, he stated that the issues had been covered at the Committee's previous meeting, confirming that all parties that had exemptions for either essential or critical uses for 2012 had submitted their accounting reports for those exemptions. On the matter of the reporting of exports and destination countries in accordance with decision XVII/16, that issue had also been presented to the Committee at its previous meeting, the only update being that 33 parties had to date reported exports for 2012. There had been no reports to date of exports to non-parties for 2012. It had not been possible to compile aggregated statistics because a number of data reports remained incomplete, but they would be provided to the Committee at its fifty-second meeting. With regard to the reporting of stockpiled excess production or consumption of ozone-depleting substances in accordance with decision XXII/20, France had reported unintentional by-production of 1,940 metric tonnes of carbon tetrachloride stocked for destruction and had further confirmed the existence of measures to ensure that it would not be used for unauthorized purposes. With regard to the reporting of process-agent uses in accordance with decisions X/14 and XXI/3, the four parties with defined limits for process-agent uses under decision XXIII/7 – China, the European Union, Israel and the United States of America – had submitted their reports for 2012. Israel had also reported its process-agent uses for previously outstanding years, namely 2010 and 2011. Concerning requests for the revision of HCFC baseline data (decisions XIII/15 and XV/19), the cases of the Congo, Guinea-Bissau and Mozambique would be considered at the current meeting.

13. Analysis of production of phased-out ozone-depleting substances showed that more than 95 per cent was for feedstock uses and that the feedstock component of all production for all ozone-depleting substances exceeded 60 per cent in 2010 and 2011. The feedstock component had been increasing gradually since 2006. The feedstock component of all imports had ranged between 12 and 14 per cent in 2010 and 2011. Analysis of methyl bromide production for the period 2006–2012 showed that production for quarantine and pre-shipment purposes had varied little over that time, but had become a much larger proportion of the total as production for other uses had decreased, standing at some 50 per cent of the total production for 2011. Destruction of ozone-depleting substances had peaked at more than 30,000 metric tonnes in 2007 and stood at some 12,000 metric tonnes reported to date for 2012. Lastly, with regard to reporting under Article 9, only Lithuania had submitted relevant information to the Secretariat in 2012.

14. The representative of the Secretariat responded to issues raised following the presentation. Regarding the implementation of decision XXIV/12, on differences between data reported on imports and data reported on exports, he said that some parties had submitted relevant information, but the level of reporting of data for 2012 was not considered sufficient to present a complete analysis of the

impact of the decision. On the reporting of zero in Article 7 data reporting forms, pursuant to decision XXIV/14, he said that, in instances in which parties had left cells blank, the Secretariat had contacted the parties concerned and sought clarification. On the matter of non-parties to the Beijing Amendment, he said that no parties had to date submitted requests for exemptions under paragraph 8 of Article 4, pursuant to decision XXIV/2.

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

15. The representative of the secretariat of the Multilateral Fund reported on the status of funding for methyl bromide and HCFC phase-out. On production, he noted that methyl bromide had been produced only in China in 2012, at a level below the 20 per cent baseline and that allowed for 2012 under the agreement with the Executive Committee. On consumption, investment projects in 18 countries remained under implementation. Additional activities in Algeria, Egypt and Tunisia were related to alternatives for the treatment of high moisture-content dates, while those in China were related to alternatives for ginseng. Methyl bromide projects had been included in the 2014–2016 business plan of UNIDO for Algeria, the Sudan and Tunisia.

16. On HCFC production, he noted that seven parties operating under paragraph 1 of Article 5 (Argentina, China, the Democratic People's Republic of Korea, India, Mexico, the Republic of Korea and Venezuela (Bolivarian Republic of)) had HCFC production sector baselines. In addition, at its seventy-first meeting the Executive Committee would consider a draft agreement for the implementation of its decision to fund the total phase-out of HCFC production in China at a value of up to \$385 million. All other parties operating under paragraph 1 of article 5, except the Democratic People's Republic of Korea, had CFC agreements with the Executive Committee that precluded additional funding for HCFC production phase-out. The Democratic People's Republic of Korea had received no assistance from the Multilateral Fund with regard to phasing out any ozone-depleting substances. Guidelines for HCFC production sector phase-out were under consideration by the Committee.

17. On HCFC consumption, he said that all eligible parties operating under paragraph 1 of Article 5 had received HCFC phase-out management plan preparation funding. No new plans had been approved by the Executive Committee at its seventieth meeting and none had been submitted to the Committee at its seventy-first meeting. In total, seven countries (Botswana, the Democratic People's Republic of Korea, Libya, Mauritania, South Sudan, the Syrian Arab Republic and Tunisia) had not received plan preparation funding. Botswana had not established a system for licensing ozone-depleting substances; implementation in the Democratic People's Republic of Korea was being impeded by sanctions imposed by the United Nations on that country; civil unrest had affected Libya and the Syrian Arab Republic; and project preparation in Mauritania had been delayed by an administrative audit that was under way.

18. Turning to the implications of requests for changes in baseline data, he said that there would be no changes to the approved stage I HCFC phase-out management plan in the case of the Congo, while for Guinea-Bissau and Mozambique the new baselines would allow up to \$280,000 and \$332,000 respectively. The three parties had received assistance from the UNEP Compliance Assistance Programme to respond to the relevant decisions and recommendations of the Implementation Committee.

19. On efforts to establish licensing systems, he noted that the UNEP Compliance Assistance Programme was in constant communication with Botswana to review the draft regulations on ozone-depleting substances, which included a licensing and quota system. The national ozone unit expected the system to be approved by the end of 2013. As for South Sudan, the country was establishing licensing and quota systems as part of one of the activities implemented under the HCFC phase-out management plan preparation process. The Government had established a national ozone unit and appointed an ozone officer who had actively participated in the most recent meeting of ozone officers for English-speaking Africa.

20. He then gave an outline of some significant decisions taken by the Executive Committee at its seventieth meeting. In its decision 70/3, the Committee had noted that 26 parties operating under paragraph 1 of article 5 had not submitted or had withdrawn their HCFC phase-out management plan tranche requests that had been due at the seventieth meeting. In its decision 70/4, the Committee had noted some deviations from the methyl bromide consumption levels committed to by Governments in their agreed conditions for the phase-out of methyl bromide, noting that Argentina and Morocco had committed themselves to phasing out their remaining eligibility in the sector without assistance from the Fund; adjusted the phase-out schedule for Egypt to the end of 2014; and noted with appreciation that Kenya had reported zero consumption of methyl bromide in 2012.

21. In its decision 70/7, the Executive Committee had requested the implementing agencies not to incur any new commitments by the end of 2013 for CFC, halon and carbon tetrachloride activities approved before 2009. In its decision 70/15, the Committee had requested verification reports of HCFC phase-out management plan projects in 17 countries to serve as a sample. In its decision 70/21, the Committee had agreed to continue its discussions on the guidelines for the preparation of HCFC phase-out management plans and on the paper on the servicing sector at its seventy-first meeting. It had also requested agencies to submit information on incremental capital and operating costs incurred under stage I of HCFC phase-out management plans and decided to allow the submission of stage II plans on the basis of the existing guidelines.

22. In its decision 70/22, the Executive Committee had requested the secretariat of the Multilateral Fund to continue using the interim guidelines for the remaining demonstration projects for the disposal of unwanted ozone-depleting substances due for submission no later than the seventy-second meeting. Lastly, in its decision 70/23, the Committee had decided to convene two meetings of the Committee in 2014 on a trial basis and to review that arrangement at the last meeting of 2014. It had modified the tranche submission schedule to two meetings per year, while maintaining the submission schedule for the annual progress and financial reports, authorizing the secretariat to request additional status reports. It had noted that, if required, there could be an intersessional meeting of the Committee to address policy and compliance issues.

23. The Committee took note of the report.

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

A. Data-reporting obligations: Israel (recommendation 50/10)

24. The representative of the Secretariat said that, by its recommendation 50/10, the Committee had requested Israel to submit as a matter of urgency and not later than 15 September 2013 the outstanding information on its process-agent uses for 2010 and 2011 as required by decision X/14. Israel had submitted the data required.

25. The Committee therefore noted with appreciation the submission by Israel of all outstanding process-agent data for 2010 and 2011, in compliance with decisions X/14 and XXI/3 and recommendation 50/10, as well as submitting process-agent data for 2012.

B. Existing plans of action to return to compliance: Ecuador (decision XX/16 and recommendation 50/1)

26. The representative of the Secretariat said that, by its recommendation 50/1, the Committee had requested Ecuador to report to the Secretariat its data for 2012 in accordance with paragraph 3 of Article 7 of the Protocol, 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. Ecuador had submitted the data required.

27. The Committee therefore agreed to note with appreciation that Ecuador had reported its data on consumption of ozone-depleting substances for 2012, 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 51/1

C. Other recommendations and decisions on compliance

1. Azerbaijan (recommendation 50/8)

28. The representative of the Secretariat said that the issue for Azerbaijan was related to excess consumption of 3.93 ODP-tonnes of HCFCs in 2011, which the party had attributed primarily to the rapid economic growth of the country. She recalled that, by its recommendation 50/8, the Committee had requested Azerbaijan, by 15 September 2013, to submit a plan of action for ensuring the party's prompt return to compliance; invited the party to send a representative to the current meeting to discuss the matter; and developed a draft decision to forward to the Twenty-Fifth Meeting of the Parties for its consideration should a plan of action not be submitted. In response, the party had submitted its Article 7 data for 2012, which showed the party to be in compliance, and a plan of action within the framework of a Global Environment Facility project, with UNIDO as the implementing agency. Elements of the plan included a number of activities to be implemented in 2014, such as adoption of strengthened legislation; a new monitoring and reporting system; assistance to customs authorities; an accreditation and training scheme for service technicians; best practice guidelines and training for the refrigeration and air-conditioning sectors; and the promotion of recovery and recycling. The plan also included conversion of manufacturing processes involving HCFC-22 and HCFC-141b and relevant assistance to be completed by the end of 2015.

29. The representative of UNIDO confirmed that, while a project on initiation of HCFC phase-out in Azerbaijan had been planned for submission to the Global Environment Facility during 2013, the required co-financing had not been fully mobilized and the submission of the project had therefore been rescheduled for 2014.

30. The representative of Azerbaijan, responding to a question on the licensing system in his country, said that quotas were based on the baseline for the country, with licences issued by the Ministry of Environment and Natural Resources. Members of the Committee also raised queries or concerns about import and export licensing in accordance with Article 4 of the Protocol; whether reporting by importers and exporters was mandatory; and the plans to strengthen legislation relating to the control of ozone-depleting substances, including HCFCs. Regarding the proposed project for HCFC phase-out, the representative of Azerbaijan said that the co-financing obligations should shortly be satisfied, allowing submission of the project to the Global Environment Facility. He added that the delay in the project was not expected to affect the plan of action that had been submitted in response to recommendation 50/8, and that preliminary calculations indicated that the party was in compliance for 2013.

31. The Committee therefore agreed:

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

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

Noting also Azerbaijan's submission of a plan of action for returning to compliance with the Protocol's control measures for hydrochlorofluorocarbons,

Noting with appreciation the party's intention to implement regulatory, administrative and technical measures to ensure compliance with the Protocol's hydrochlorofluorocarbon consumption control measures,

(a) To confirm that Azerbaijan's submission of ozone-depleting-substance data for 2012 showed that the party was in compliance with its hydrochlorofluorocarbon consumption obligations under the control measures of the Protocol;

(b) To monitor closely the party's progress with regard to the implementation of its obligations under the Protocol;

(c) To forward for consideration by the Twenty-Fifth Meeting of the Parties the draft decision contained in section A of annex I to the present report.

Recommendation 51/2

2. **Kazakhstan (recommendation 50/11)**

32. The representative of the Secretariat said that the issue of Kazakhstan pertained to excess consumption of HCFCs (80.85 ODP-tonnes) and methyl bromide (6.0 ODP-tonnes) in 2011. The party had not responded to recommendation 50/11, by which it had been requested to submit an explanation for its excess consumption, details of the management system in place that had failed to prevent the excess consumption, and, if appropriate, a plan of action for ensuring the party's prompt return to compliance. In addition, the party had recently informed the Secretariat that it would not be sending a representative to the current meeting of the Committee to discuss the matter, as had been requested in recommendation 50/11.

33. The representative of UNIDO, the implementing agency for a project in Kazakhstan funded by the Global Environment Facility, said that, similar to the situation in Azerbaijan, approval of the project was awaiting generation of the necessary co-financing, with the project expected to begin in 2014. The issue was further complicated by the fact that the party had yet to ratify the Beijing Amendment.

34. In response to a query, the representative of the Secretariat said that Kazakhstan had not yet submitted its consumption data for HCFCs and methyl bromide for 2012. Another representative of the Secretariat said that every effort had been made, through various channels, to open dialogue on the matter with Kazakhstan, but no response had been forthcoming. Noting that Kazakhstan was the only party not operating under paragraph 1 of Article 5 that had not yet ratified the Beijing Amendment, he said that parties engaged in trade of ozone-depleting substances with Kazakhstan risked placing themselves in non-compliance. An opportunity to engage with a representative of the party might arise at the Twenty-Fifth Meeting of the Parties.

35. The Committee therefore agreed, in the absence of any submission by Kazakhstan of a plan of action, as requested in recommendation 50/11, to forward the draft decision adopted at the Committee's fiftieth meeting for consideration by the Twenty-Fifth Meeting of the Parties.

VI. **Requests for change in baseline data (decisions XIII/15 and XV/19 and recommendation 48/8)**

A. **Review of information on requests for change in baseline data**

36. The representative of the Secretariat said that the Committee would consider requests by three parties operating under paragraph 1 of Article 5 for the revision of their existing HCFC consumption data for one or more years, including the baseline year of 2009: Congo, Guinea-Bissau and Mozambique. Correspondence received by the Secretariat pertaining to those requests had been reproduced, as necessary, in the addenda to document UNEP/OzL.Pro/ImpCom/51/INF/R.3 to facilitate the Committee's consideration of the issue.

37. She further explained that 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 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.

38. In accordance with the usual practice, the Secretariat had amended the HCFC consumption figures for all the years requested except for 2009, which was one of 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.

39. The parties' requests for the revision of 2009 baseline data considered by the Committee at the current meeting, as they stood at the beginning of the meeting, are summarized in the following table.

Parties' requests for revision of 2009 HCFC baseline data

<i>Party (all parties operating under paragraph 1 of Article 5, with HCFC baseline being the average of 2009 and 2010 consumption)</i>	<i>Substance</i>	<i>Existing data</i> <i>(in metric tonnes)</i>	<i>Proposed new data</i> <i>(in metric tonnes)</i>
		2009	2009
Congo	HCFC-22	128.5	176.0
Guinea-Bissau	HCFC-22	0	50
Mozambique	HCFC-22	78.6	143.6 ^a

^a Original figure proposed, altered subsequently to 157.75 metric tonnes and then reinstated in the party's most recent submission.

40. In order to avoid reconsidering requests of parties that had 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 thereon. No requesting parties under consideration at the Committee's current meeting fell in that category.

1. Congo (recommendation 50/4)

41. The representative of the Secretariat explained that the Congo had first requested the change in its 2009 baseline data in 2011 from 7.1 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 had been attributed to errors in copying and transcribing the data from the HCFC phase-out management plan 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 HCFC phase-out management plan report.

42. 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. The Committee had concluded that the submitted information was insufficient to grant approval to the party's request for change of its baseline data. In recommendation 50/4, the party had therefore been requested to provide by 15 September 2013, for consideration by the Committee at its fifty-first meeting, copies of servicing records that properly substantiated the leakage rates in the HCFC phase-out management plan report.

43. The Congo had responded to that recommendation by elaborating on the explanation that it had provided previously for the high leakage rates, providing copies of a number of completed survey forms containing basic data collected during the preparation of the HCFC phase-out management plan. Specifically, the party had explained that, since the 1980s, the beginning of the great oil exploration, the atmosphere in the country, especially in the coastal cities, had been charged with hydrogen sulfide gas emitted from oil rig flaring. The gas, combined with the salinity of the marine air, had been

causing the corrosion of refrigeration systems. In addition to those unfortunate circumstances, other factors contributing to high leakage rates were aging refrigeration equipment and a lack of adequate equipment. The poor quality of electricity and high humidity were also causes of the rapid deterioration of refrigeration facilities.

44. Regarding the information contained in the submitted survey forms, the Congo clarified that only one sample of refrigeration equipment had been taken into account. Annual data for each type of equipment on capacity, leakage rates and frequency of recharge had then been derived by multiplying the data for each equipment type by the number of units of that equipment listed in the party's HCFC phase-out management plan.

45. The representative of UNEP noted that the Congo had been devastated by war and was thus in a special situation. He had visited the party several times to assess the situation on the ground, noting that air-conditioning units could be repaired as many as seven times, with each repair consisting of removing all the gas within the unit, repairing the unit and then replacing the gas with new gas. Such a way of working, which did not reflect international best practice, meant that the figures for the Congo could in fact be considerably higher than those provided.

46. One member expressed concern at the information provided by the Congo, but agreed with the other members that the party's request should be approved.

2. Guinea-Bissau (recommendation 50/5)

47. The representative of the Secretariat noted that, among other revisions, Guinea-Bissau was requesting a revision of its 2009 HCFC consumption data from zero to 2.75 ODP-tonnes. She recalled that the matter had been discussed at four previous meetings of the Committee, and recommendations 47/12, 48/7, 49/7 and 50/5 had been adopted. By recommendation 50/5, the party had been requested to clarify the inconsistency between the information contained in the recently submitted survey report and that contained in the party's HCFC phase-out management plan report, including, in particular, the number of equipment units per region and the volume of HCFC charge in units employed in the domestic air-conditioning sector and their associated leakage rates.

48. In correspondence dated 4 September 2013, Guinea-Bissau had explained that the information provided on 15 November 2012 had been erroneous because it had been based on an incomplete survey. It had therefore requested the Secretariat to ignore that submission and consider as correct only the information contained in the party's HCFC phase-out management plan report. Guinea-Bissau had also acknowledged the existence of a problem in the way that decimals appeared in that report regarding the refrigerant charges in domestic air-conditioning equipment and noted that on average a nominal charge of 900 grams of HCFC-22 per equipment unit had been employed. In addition, the party had attributed the inconsistency in the charge amounts and leakage rates of equipment of the same type, such as ice machines, to the varying capacity of such equipment.

49. Along with the above clarifications, Guinea-Bissau had submitted a table listing activities under three projects included in its HCFC phase-out management plan (training of refrigeration technicians, training of customs officers, and monitoring and evaluation). The activities were divided into those completed by the end of 2012 and those to be implemented by the end of 2013.

50. The representative of UNEP said that the efforts of Guinea-Bissau might have been hindered by communication problems, given that it was a Portuguese-speaking country that communicated with UNEP in either English or French. He noted that the party's survey was extremely detailed, providing information on a city-by-city basis. Some inconsistencies with the information had been noted, however, with the same figures being used even when referring to equipment with higher or lower capacity.

51. One Committee member noted that the problem of erroneous data was not unique to Guinea-Bissau and that the problems found with the submission of data from African countries might be merely the tip of the iceberg, suggesting that countries needing to justify the differences between their new and old figures should receive assistance.

3. Mozambique (recommendation 50/6)

52. The representative of the Secretariat noted that, among other revisions, Mozambique was requesting a revision of its 2009 HCFC consumption data from 4.32 to 7.90 ODP-tonnes. She recalled that the matter had been discussed by the Committee at its forty-eighth meeting and that, by its recommendation 48/9, the Committee had requested the party to submit further information to support its request. The party had subsequently explained that previous figures were incorrect, owing to the use of inappropriate methodology during a national survey, and that the proposed figures, based on a new survey funded by the Multilateral Fund and conducted by a national consultant, more accurately

reflected the party's actual consumption. In its early submissions, the party had altered its new proposed figure from 143.6 to 157.75 metric tonnes owing to a transcription error. The party had also submitted information on the methodology used during the more recent survey, together with supporting documentation extracted from its HCFC phase-out management plan, although it reported that difficulties had been faced in disaggregating data on ozone-depleting substances from other customs data on chemicals.

53. 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 metric tonnes) and that indicated in the party's HCFC phase-out management plan (78.18 metric tonnes); and documentation on how the regional inventory information had been consolidated to derive the new proposed HCFC figure for 2009. In the absence of any response from the party, the Committee had adopted recommendation 50/6, by which it had requested Mozambique to clarify the detected inconsistency. The party had also been requested to provide documentation on how the regional inventory information had been consolidated to derive the new proposed HCFC figure for 2009.

54. Mozambique had subsequently clarified that the correct HCFC figure for 2009 was that reported originally (143.6 metric tonnes); that its data for 2005–2009 in the HCFC phase-out management plan report were all based on estimates and did not include all users; and that the HCFC-22 consumption figures for the years 2005–2009 had been extrapolated from the 2010 survey figure on the basis of socioeconomic parameters such as gross domestic product and infrastructure development. It had also provided a translated copy of the survey report for 2010 and a sample of the data collection form used in the survey.

55. The representative of UNEP noted that importers often feared being penalized, such as through taxation, and therefore were not keen to supply the information required, leading to erroneous data.

56. Several Committee members expressed concern at the information provided by Mozambique, wishing to know what methodology had been used in deriving the estimates and extrapolations. They also wished to see original documentation. One member said that the problem of the fear of taxation was one that needed to be resolved, given that it had been mentioned by other parties. The data needed to be more reliable, lest the real consumption figures turned out to be far higher than previously thought.

57. In response to a question from a Committee member as to why the party had said that it had no disaggregated customs data, the representative of the Secretariat indicated that that was a common problem. The representative of UNEP endorsed that statement, noting that African countries would often use the same customs codes for groups of chemicals. Nevertheless, his organization would support Mozambique in providing as detailed a response to the Committee as possible.

4. Recommendations

(a) Recommendation regarding parties that submitted information according to the methodology set out in decision XV/19 and that satisfied the Committee that their requests had merit: the Congo and Guinea-Bissau

58. The Committee therefore agreed:

Noting with appreciation the information submitted by the Congo and Guinea-Bissau in support of their requests for the revision of their baseline consumption data for the Annex C, group I, controlled substances (hydrochlorofluorocarbons) for the year 2009,

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 A of annex I to the report of the fiftieth meeting of the Committee,¹ 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 51/3

(b) **Recommendation regarding parties that had been the subject of previous recommendations and had submitted information that was insufficient according to the methodology set out in decision XV/19: Mozambique**

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 recommendation 50/6, by which Mozambique had been requested to clarify some of its submitted information and provide additional documentation 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 the clarification and additional documentation provided by Mozambique between April 2013 and September 2013,

Noting, however, that the Committee considered that additional documentation to be insufficient to allow it to approve the changes requested by the party,

(a) To request Mozambique to provide data that clarify how the figure of 143.6 metric tonnes of hydrochlorofluorocarbons for the year 2009 was calculated from the 2010 survey data and to include the methodology and any associated documentation to support that calculation;

(b) To urge Mozambique to work closely with relevant implementing agencies to provide the requested information as soon as possible, and preferably no later than 31 March 2014, for consideration by the Committee at its fifty-second meeting.

Recommendation 51/4

B. Possible deadline for requests for change in baseline data (recommendation 50/7)

60. The representative of the Secretariat said that, at the fiftieth meeting of the Committee, one member had suggested that the Committee could consider setting a time limit for the submission of requests for change of baseline data. By its recommendation 50/7, the Committee had agreed to prepare a draft decision that would set such a time limit for consideration at the fifty-first meeting of the Committee and subsequently by the Twenty-Fifth Meeting of the Parties. No such draft decision had been submitted by Committee members, however. She noted that, to date, the requests of parties for revision of baseline data had not been subject to any deadline; parties might revise their Article 7 data at any time, even many years after their initial submission; requests might be triggered by a variety of factors, such as improved data knowledge, improved methodologies, correction of mistakes and territorial or political changes; and parties might request revision of baseline data many years after those data were established. Another representative of the Secretariat contended that it would be illogical to impose a deadline for data requirements falling in the future. Moreover, when changes to baseline data were in the interests of accuracy, not permitting those changes might run counter to the interests of the Protocol.

61. One member questioned the history underlying the issue and suggested that, while there could be value in having a decision on the matter in the future, the fact that the Committee currently had no specific text to consider made reaching a decision difficult and that it might therefore be wise to let the matter lie until the fifty-second meeting of the Committee.

62. The Committee agreed that it would suspend its consideration of the item until such time as a draft decision on the matter was before it.

¹ UNEP/OzL.Pro/ImpCom/50/4.

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

63. The representative of the Secretariat, alluding to the presentation made under item 3 of the agenda, informed the Committee that, subsequently, another party had reported its annual data for 2012 in accordance with the requirement under paragraphs 3 and 3 bis of Article 7 of the Protocol. However, the Central African Republic, Eritrea, Gabon, Israel, Jordan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Saint Kitts and Nevis, South Sudan, Switzerland, the Syrian Arab Republic, Uzbekistan and Yemen were still in non-compliance with the requirement.

64. The Committee therefore agreed:

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, which would, among other things, record and note with appreciation the number of parties that had reported ozone-depleting-substance data for the year 2012 and list the parties that were in non-compliance with their data-reporting obligations under the Montreal Protocol.

Recommendation 51/5

VIII. Status of establishment of licensing systems under Article 4B of the Montreal Protocol (recommendation 50/12)

65. The representative of the Secretariat presented information on parties' compliance with Article 4B of the Protocol, on licensing systems. By its recommendation 50/12, the Committee had urged Botswana and South Sudan to establish licensing systems in accordance with Article 4B and report to the Secretariat by 15 September 2013. Neither country had yet reported.

66. The representative of UNEP said that her organization had been following up with both countries to assist them with the regulation of ozone-depleting substances and to meet their other obligations under the Protocol. Botswana had sought to amend its existing legislation on ozone-depleting substances, but had been advised by its Attorney General that entirely new legislation should be drafted. It was anticipated that the country would shortly be in a position to approve the bill and adopt a licensing system. South Sudan, as a new country, had only a nascent legislative system and was receiving assistance from the international community. Work towards establishing a licensing system was under way, but would not be completed in the near future.

67. The Committee therefore agreed:

(a) 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, which would, among other things, request Botswana and South Sudan to establish a licensing system and to submit to the Secretariat, no later than 31 March 2014, information on the status of that system, for consideration by the Committee and the Meeting of the Parties in 2014;

(b) To review the status of licensing systems at its fifty-second meeting.

Recommendation 51/6

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

68. The Committee considered information provided by the representative of Azerbaijan, who was present at the invitation of the Committee. The Committee's consideration of the situation of Azerbaijan is set out in section V of the present report.

X. Other matters

69. The representative of the Secretariat brought to the attention of the Committee the consequences of non-ratification of all amendments to the Protocol by the five remaining parties (Kazakhstan, Libya, Mauritania, Papua New Guinea and Saudi Arabia) in terms of trade in HCFCs with the other parties to the Protocol. He pointed out that, under Article 4 of the Protocol, the parties to the Protocol that had ratified the Beijing Amendment were restricted from trading in ozone-depleting substances with those five parties with outstanding amendments to be ratified. The five parties could,

however, apply to the Meeting of the Parties, if they so wished, for an exception under paragraph 8 of Article 4 of the Protocol to be allowed to continue trading in HCFCs for a limited period while they completed procedures to become parties to the Beijing Amendment. He indicated that such a process could involve parties adopting a decision similar to decision XXIV/2, under which some parties were allowed to continue trading in HCFCs for one year. He advised the Committee to consider adopting a template decision that, should there be a request by any party submitted to the Twenty-Fifth Meeting of the Parties, could be used to recommend such an exception under paragraph 8 of Article 4 of the Protocol to allow concerned parties to continue trading in HCFCs until the Twenty-Sixth Meeting of the Parties. In providing further clarification, the Secretariat confirmed that only four of the Parties, namely, Libya, Mauritania, Papua New Guinea and Saudi Arabia, had submitted data for 2012 that confirmed that the Parties were in full compliance with all the control measures applicable to parties operating under paragraph 1 of Article 5, which was one of the prerequisites for exceptions under paragraph 8 of Article 4.

70. The Committee approved a template draft decision, similar to decision XXIV/2, which allowed the insertion of the names of any parties submitting such a request for exemption before the end of the Twenty-Fifth Meeting of the Parties, subject to approval of that request by the Committee. The draft decision is set out in section E of annex I to the present report.

XI. Adoption of the recommendations and report of the meeting

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

XII. Closure of the meeting

72. Having paid tribute to the outgoing Executive Secretary for the continuous support that he had provided to the Committee, the President declared the meeting closed at 12.40 p.m. on Saturday, 19 October 2013.

Annex I

Draft decisions

The Twenty-Fifth Meeting of the Parties decides:

A. 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 \$9,706,515 to enable Azerbaijan to achieve compliance with the Protocol,

Noting further that Azerbaijan had 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,

Noting Azerbaijan's submission of a plan of action for returning to compliance with the Protocol's control measures for hydrochlorofluorocarbons,

Noting also that the party's submission of ozone-depleting-substance data for 2012 showed that Azerbaijan was in compliance with its hydrochlorofluorocarbon consumption obligations under the control measures of the Protocol,

1. That no further action is necessary in view of the party's return to compliance with the hydrochlorofluorocarbon phase-out in 2012 and its implementation of regulatory, administrative and technical measures to ensure compliance with the Protocol's control measures for hydrochlorofluorocarbons;
2. To urge Azerbaijan to work with the relevant implementing agencies to implement its plan of action for the consumption of hydrochlorofluorocarbons;
3. To monitor closely the party's progress with regard to the implementation of its obligations under the Protocol;

B. Draft decision XXV/-: Requests for the revision of baseline data by the Congo, the Democratic Republic of the Congo, Guinea-Bissau 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 Congo, the Democratic Republic of the Congo, Guinea-Bissau 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 hydrochlorofluorocarbon data (ODP-tonnes)		New hydrochlorofluorocarbon data (ODP-tonnes)	
	2009	2010	2009	2010
1. Congo	7.1	–	9.68	–
2. Democratic Republic of the Congo	85.7	–	55.82	–
3. Guinea-Bissau	0	–	2.75	–
4. Saint Lucia	0.4	0	1.37	0.81

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

Noting with appreciation that [182] parties of the 197 that should have reported data for 2012 have done so and that 114 of those parties reported their data by 30 June 2013 in accordance with decision XV/15,

Noting that 164 of those parties reported their data by 30 September 2013 as required under Article 7 of the Montreal Protocol,

Noting with concern, however, that the following parties have not reported their data for 2012: [the Central African Republic, Eritrea, Gabon, Israel, Jordan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Saint Kitts and Nevis, South Sudan, Switzerland, the Syrian Arab Republic, Uzbekistan and Yemen],

Noting that failure to report their data for 2012 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 fifty-second 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;

D. Draft decision XXV/-: 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 to the Protocol, to report to the Secretariat on the establishment and operation of that system,

Noting with appreciation that [192] of the 194 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 they have provided disaggregated information on their licensing systems detailing which annexes and groups of substances under the Montreal Protocol are subject to those systems,

Noting, however, that Botswana and South Sudan, which became parties to the Montreal Amendment in 2013, have not yet established such 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 request Botswana and South Sudan 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 31 March 2014 on the establishment of that system;
2. 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;

[E. Placeholder decision on the application of paragraph 8 of Article 4 of the Montreal Protocol with regard to the Beijing Amendment to the Montreal Protocol

Considering paragraph 8 of Article 4 of the Montreal Protocol, which reads:

“Notwithstanding the provisions of this Article, imports and exports referred to in paragraphs 1 to 4 ter of this Article may be permitted from, or to, any State not party to this Protocol, if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2, Articles 2A to 2I and this Article, and have submitted data to that effect as specified in Article 7”,

Acknowledging that [country names] [have] [has] notified the Secretariat that [their] [its] ratification processes of the Beijing Amendment are under way and that [they] [it] will do [their] [its] utmost to complete the procedures as expeditiously as possible,

Expressing regret that, [their] [its] best efforts notwithstanding, [country names] will not be able to ratify the Beijing Amendment before the last day of the Twenty-Fifth Meeting of the Parties,

Noting that, although the Implementation Committee has not specifically considered the situation of [country names] in the context of paragraph 8 of Article 4 of the Montreal Protocol, the report of the Committee to the Twenty-Fifth Meeting of the Parties indicates that [all those parties are][it is] in full compliance with Articles 2, 2A to 2I and 4 of the Protocol, including its Beijing Amendment, and [have][has] submitted data to that effect as specified in Article 7,

1. That, on the basis of the data submitted under Article 7 of the Protocol, [country names] [are][is] in full compliance with Articles 2, 2A to 2I and 4 of the Protocol, including its Beijing Amendment;
2. That the exceptions provided for in paragraph 8 of Article 4 of the Protocol shall apply to [country names] from [26 October 2013];
3. That the determination in paragraph 1 of the present decision and the exceptions referred to in paragraph 2 of the present decision shall expire at the end of the Twenty-Sixth Meeting of the Parties;
4. That the term “State not party to this Protocol” in paragraph 9 of Article 4 applies to those States operating under paragraph 1 of Article 5 of the Protocol that have not agreed to be bound by the Beijing Amendment and that are not listed in paragraph 2 of the present decision, unless such a State has by 31 March 2014:
 - (a) Notified the Secretariat that it intends to ratify, accede to or accept the Beijing Amendment as soon as possible;
 - (b) Certified that it is in full compliance with Articles 2, 2A to 2I and 4 of the Protocol, as amended by the Copenhagen Amendment;
 - (c) Submitted data under subparagraphs (a) and (b) above to the Secretariat, in which case that State shall fall outside the definition of a “State not party to this Protocol” until the conclusion of the Twenty-Sixth Meeting of the Parties and the information so submitted will be posted by the Secretariat on its website within a week of receipt;
5. That the term “State not party to this Protocol” includes all other States and regional economic integration organizations that have not agreed to be bound by the Beijing Amendment;
6. That any State that has not agreed to be bound by the Beijing Amendment and that seeks an exception as provided for in paragraph 8 of Article 4 of the Protocol beyond the Twenty-Sixth Meeting of the Parties may do so by submitting a request to the Secretariat before the beginning of the

meeting of the Implementation Committee that immediately precedes the Meeting of the Parties, that the Secretariat will notify the Committee of any such request, that the Committee will review relevant data submitted in accordance with Article 7 and develop a recommendation for consideration by the parties and that such requests seeking the exception provided for in paragraph 8 of Article 4 will be considered annually.]

Annex II

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