



**United Nations
Environment
Programme**

**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Fifty-third meeting**
Paris, 14 and 15 November 2014

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

I. Opening of the meeting

A. Opening statements

1. The fifty-third meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the headquarters of the United Nations Educational, Scientific and Cultural Organization, Paris, on 14 and 15 November 2014.
2. The President of the Committee, Ms. Azra Rogović-Grubić (Bosnia and Herzegovina), opened the meeting at 10 a.m. on 14 November 2014.
3. Ms. Tina Birmpili, Executive Secretary, Ozone Secretariat, welcomed the representatives of the members of the Committee. After outlining the items on the agenda, she noted that the number of parties in non-compliance with the Protocol was steadily declining and that no party had ever been persistently in non-compliance. That, she said, was testament to the benefits of the Committee's close monitoring of compliance and proactive approach, and it would not have been possible without the technical and financial assistance provided by the Multilateral Fund for the Implementation of the Montreal Protocol and the close involvement of the implementing agencies. Thanking those members of the Committee for whom the current meeting would be their last, she pledged the Secretariat's readiness to do all that was necessary to assist the Committee in its deliberations.

B. Attendance

4. Representatives of the following Committee members attended the meeting: Bangladesh, Bosnia and Herzegovina, Canada, Cuba, Dominican Republic, Ghana, Italy, Lebanon and Poland. Morocco was not represented at the meeting.
5. Representatives of the Democratic People's Republic of Korea and South Sudan attended the meeting at the Committee's invitation to provide information on their countries' non-compliance situations.
6. The meeting was also attended by representatives of the secretariat of the Multilateral Fund and representatives of the implementing agencies of the Multilateral Fund – the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank. The Global Environment Facility (GEF), which provides appropriate funding to eligible countries with economies in transition, was also represented at the meeting.

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 (UNEP/OzL.Pro/ImpCom/53/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 Article 7 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) Ukraine (decision XXIV/18)
 - (ii) South Sudan (decision XXV/14 and recommendation 52/1);
 - (b) Other recommendations and decisions on compliance: Israel (recommendation 52/4).
6. Non-compliance with hydrochlorofluorocarbon phase-out by the Democratic People's Republic of Korea and request for assistance.
7. Consideration of other possible non-compliance issues arising out of the data report.
8. Requests for change in baseline data (decisions XIII/15 and XV/19): review of information on requests for change in baseline data.
9. Status of establishment of licensing systems under Article 4B of the Montreal Protocol (decision XXV/15 and recommendation 52/5).
10. Consideration of additional information on compliance-related submissions by parties participating in the meeting at the invitation of the Implementation Committee.
11. Other matters.
12. Adoption of the recommendations and report of the meeting.
13. Closure of the meeting.

B. Organization of work

9. The Committee agreed to follow its 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 Article 7 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 Articles 7 and 9 of the Montreal Protocol (UNEP/OzL.Pro/ImpCom/53/2/Rev.1 and Add.1/Rev.1).

11. Regarding the status of ratification, he said that only Mauritania had yet to ratify the Beijing Amendment; otherwise, universal ratification of all amendments to the Montreal Protocol had been achieved. On reporting information pursuant to Article 9, only Lithuania had submitted information for 2013, while for 2012 Lithuania and Sweden had submitted relevant information, which had all been posted in the "data reporting" section of the secretariat website. With regard to annual data

reporting under Article 7 for 2013, 195 of 197 parties had thus far reported, with only the Central African Republic and Liechtenstein yet to report their data. For the period 1986–2012, all 197 parties had complied with their annual data reporting requirements under Article 7. South Sudan, which had not reported its data for 2012 by the fifty-second meeting of the Committee (recommendation 52/1), had since done so.

12. Turning to compliance with the control measures of the Protocol for 2013, he recalled that the matter of non-compliance by Kazakhstan had been considered by the Committee at its fifty-second meeting, and a draft decision had been forwarded to the Twenty-Sixth Meeting of the Parties for its consideration under recommendation 52/2. Two other parties not operating under paragraph 1 of Article 5 of the Protocol (non-Article 5 parties) had yet to respond to requests by the Secretariat for clarification of the status of their compliance with the control measures. For countries operating under paragraph 1 of Article 5 of the Protocol (Article 5 parties), cases of non-compliance with the control measures for HCFCs had been raised at and since the fifty-second meeting of the Committee with regard to the Democratic People's Republic of Korea and Guatemala; those cases would be considered at the current meeting of the Committee. Five other Article 5 parties had yet to clarify their compliance status and, in line with the non-compliance procedure, the Secretariat had been in communication with those parties to clarify their status. Any unresolved cases would be brought before the Committee at its fifty-fourth meeting.

13. Turning next to exemptions for essential uses of chlorofluorocarbons (CFCs) and critical uses of methyl bromide, he recalled that the matter had been reported on at the fifty-second meeting and that all parties with exemptions had submitted their reports accounting for their use of CFCs or methyl bromide in accordance with those exemptions. On the matter of reporting on exports and imports for 2012 and 2013, he said that statistics for 2012 had been presented to the Committee at its fifty-second meeting, while statistics for 2013 would be presented in 2015 once all the data had been processed.

14. With regard to the reporting of stockpiled excess production or consumption of ozone-depleting substances, information for 2012 had again been presented to the Committee at its fifty-second meeting. Israel, which by that meeting, had not confirmed that it had in place measures to ensure that the substances were not used for purposes other than those specified in paragraph 1 of decision XVIII/17, had since confirmed that it had such measures in place, thereby complying with the Committee's recommendation 52/4. For 2013, three parties – the European Union, France and the United States of America – had confirmed the existence of measures to prevent the diversion of stockpiles to other uses, while Israel had provided partial information on some of its stockpiles but had yet to provide full information. With regard to reporting on process-agent uses of ozone-depleting substances, the four parties still allowed such uses – China, the European Union, Israel and the United States of America – had submitted their reports for 2012, but Israel had yet to submit its report for 2013. Matters on which information had been provided at the previous meeting, and for which there were no updates to be considered at the current meeting, included the production of CFCs, halons, carbon tetrachloride and other phased-out substances; feedstock uses of ozone-depleting substances; destruction of ozone-depleting substances; and the calculation of production and consumption.

15. Regarding requests for the revision of HCFC baseline data, he recalled that requests by Libya and Mozambique had been recommended for approval by the Committee at its fifty-second meeting (recommendation 52/3). A new request by the Republic of Moldova would be considered at the current meeting.

16. Finally he presented, as requested by the Committee, an analysis of the responses by parties to decision XXIV/14 of the Meeting of the Parties, which requested parties to affirmatively specify zero quantities – rather than simply leaving blank cells – in their Article 7 data reporting forms. He said that for 2012, 72 of 197 parties (37 per cent) had submitted forms with some blank cells; of those, 15 (21 per cent) had responded to a Secretariat request for clarification, with all indicating that the blank cells had in fact represented zeroes. An analysis of the matter with regard to the 2013 data would be presented to the Committee at its next meeting.

17. In the ensuing discussion, one representative expressed concern that many parties were still submitting reporting forms with blank cells and that few of those parties were responding to requests from the Secretariat for clarification. He also expressed concern that the number of parties using ozone-depleting substances as feedstock had remained relatively stable while the amounts used as feedstock had increased significantly. In addition, he queried the lack of information in the Secretariat's report on the use of methyl bromide for quarantine and pre-shipment applications, given that reporting on that matter was obligatory under paragraph 3 of Article 7 of the Protocol. He also asked if any information had been obtained from Kazakhstan on the sources of bromochloromethane imported into that country. Responding, the representative of the Secretariat said that data on

quarantine and pre-shipment applications were available on the secretariat website, broken down by country. In response to the request of the party, however, the Secretariat would also include such data in its future reports on data reporting under articles 7. On the sources of bromochloromethane imported into Kazakhstan, he said that the Secretariat had sought information from the Party but had not received a response.

18. The Committee took note of the information presented.

19. The Committee therefore agreed to urge all parties, when reporting data on production, imports, exports or destruction of ozone-depleting substances, to enter a number in each cell in their submitted data reporting forms, including zero, rather than leaving any cell blank, in accordance with decision XXIV/14, and to provide clarification to the Ozone Secretariat regarding any blank cells when requested to do so.

Recommendation 53/1

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

20. The representative of the Multilateral Fund secretariat reported on relevant decisions of the Executive Committee of the Fund and on activities carried out by the 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. With regard to the phase-out of methyl bromide, only China, still produced it, and the amount produced in 2013 (100 ODP-tonnes) fell below both the compliance target of 20 per cent of baseline and the level allowed under the party's agreement with the Executive Committee to phase out that substance. A request for the last tranche of the approved funding had been agreed at the seventy-third meeting of the Fund's Executive Committee.

22. With regard to consumption of methyl bromide, investment projects in 16 countries were still under way, but all 16 were in compliance with the 2005 control measures. Additional phase-out projects for Tunisia and Sudan had been approved at the seventy-third meeting of the Executive Committee.

23. With regard to the phase-out of HCFCs, seven Article 5 parties had HCFC production sector baselines approved by the Executive Committee: Argentina, China, the Democratic People's Republic of Korea, India, Mexico, the Republic of Korea and Venezuela. An HCFC production sector phase-out plan for China had been approved at the sixty-ninth meeting of the Executive Committee, for a value of up to \$385 million. At its seventy-second meeting the Committee had approved the second tranche of funding, and five producers had been awarded contracts for the permanent closure and dismantling of 43,000 tonnes of HCFC-22 and 45,000 tonnes of HCFC-141b production capacity. All other Article 5 parties, except for the Democratic People's Republic of Korea, had CFC agreements with the Executive Committee that precluded any additional funding for HCFC production phase-out. The Democratic People's Republic of Korea appeared to be in non-compliance with the control measures, given that its 2013 production level of 31.8 ODP-tonnes was higher than its baseline level of 27.6 ODP-tonnes. The country had not yet, however, submitted the required preliminary data for the preparation and submission of a request to the Executive Committee for funding.

24. With regard to the consumption of HCFCs, all eligible Article 5 parties had received funding for the preparation of HCFC phase-out management plans. Only five (Botswana, Libya, Mauritania, South Sudan and the Syrian Arab Republic) did not yet have approved plans, Botswana and South Sudan because they did not yet have operational licensing systems, and Libya because UNIDO could not confirm the status of its licensing system. Civil unrest in the Syrian Arab Republic had affected the re-submission of its plan, and an administrative audit under way in Mauritania had delayed the preparation and submission of its plan.

25. In terms of total global HCFC consumption, more than 95 per cent was accounted for by HCFC-141b and HCFC-22. Almost 25 per cent of the total baseline level of consumption was covered by projects approved by the Executive Committee.
26. Of five parties in potential situations of non-compliance with regard to HCFC consumption, Bosnia and Herzegovina had enforceable licensing and quota systems in place and had adopted plans for returning to compliance through the use of import quotas. Stage I of the HCFC phase-out management plan of the Democratic People's Republic of Korea, which had been approved at the seventy-third meeting of the Executive Committee, included a 15 per cent reduction of baseline consumption and the introduction of a ban on imports of HCFC-141b. Guatemala was suspending the issuance of HCFC import licenses for the remainder of 2014. Mozambique had submitted a request for a change in its baseline data, which had been recommended by the Implementation Committee for approval by the Twenty-Sixth Meeting of the Parties, and South Sudan had not yet submitted its HCFC phase-out management plan.
27. A number of parties required assistance in establishing operational licensing systems. In Botswana, the approval of the licensing and quota system by the Ministry of Environment was expected in December 2014 and the necessary legislation had been approved in April 2014. In Libya however, UNIDO had been unable to verify the establishment of the licensing system or offer effective assistance due to the political and security situation in the country. In South Sudan, the political and security situation had prevented the adoption of regulations on ozone-depleting substances, although the national ozone unit had been established and a national ozone officer appointed. The Executive Committee at its seventy-third meeting had requested implementing agencies to report to its seventy-fourth meeting on the licensing systems in Botswana, South Sudan and Libya and on the actions taken by Dominica and Mauritania to update their licensing and quota systems to include the accelerated HCFC control measures agreed in 2007.
28. In response to questions from members of the Committee about a number of differences between the reports of the Multilateral Fund Secretariat and the Ozone Secretariat, it was clarified that the Implementation Committee was the only Protocol subsidiary body authorized to adopt recommendations on parties' compliance with their obligations under the Protocol. Accordingly, the views provided by the Executive Committee on the state of implementation of projects were only for information of the parties to the Montreal Protocol.
29. It was also clarified by the Ozone Secretariat that under Article 4B of the Montreal Protocol the Ozone Secretariat was only able to request information on the status of the establishment of licensing systems but not on their viability or the status of their enforcement. In 2011, when the Secretariat had conducted a thorough review of licensing systems, both Libya and Mauritania had reported that licensing systems had been established. More recently, however, contact with the ozone office in Libya had broken down due to the security situation and as a result no further information about the country's licensing system could be obtained.
30. With regard to excess consumption of HCFCs, the Secretariat was seeking an explanation of the situation in Bosnia and Herzegovina, and the issue would be discussed at the next meeting of the Implementation Committee. In the case of Mozambique, if its request for a change in its baseline data was approved at the forthcoming Meeting of the Parties the country would be in compliance. The case of South Sudan's establishment of a licensing system would be discussed at the current meeting of the Implementation Committee.
31. The representative of the Multilateral Fund Secretariat clarified that while it was the responsibility of the Implementation Committee to determine cases of non-compliance the Executive Committee had decided several years earlier that financial assistance to a party would be conditional on the existence of an operational licensing system. The Fund secretariat therefore examined the issue in some detail in the context of the implementation of each party's country programme. A review of Libya's HCFC phase-out management plan had raised a number of questions, and partly due to the security situation, it had not been possible to confirm that the licensing system was fully operational. In the case of Mozambique, the HCFC phase-out management plan had been approved only on the condition that the meeting of the parties approve its request for a change in baseline data. In the case of Dominica, the Multilateral Fund secretariat would contact the party to confirm the current state of its licensing and quota system.
32. The representative of UNDP added that the problem in Mauritania had arisen because of an audit examining possible cases of financial irregularities, which was preventing any further disbursement of financial assistance from the Multilateral Fund. UNDP and UNEP, which had been working in the country for several years, had tried to resolve the situation, but thus far without success.

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

A. Data- and information-reporting obligations: Ukraine, (decision XXIV/18) and South Sudan (decision XXV/14 and recommendation 52/1)

1. Ukraine

33. The representative of the Secretariat introduced the sub-item, recalling that under paragraphs 2 (b), (c) and (d) of decision XXIV/18 Ukraine had committed itself to implementing a quota system for HCFCs, to banning imports of equipment containing ozone-depleting substances, and to monitoring the implementation of that ban once introduced. Ukraine had since provided information on the measures taken to comply with those paragraphs of decision XXIV/18, including the development of a draft law with provisions for the operation of a national quota system for ozone-depleting substances, the monitoring of ozone-depleting substances and products containing them, and the gradual imposition of a ban on imports of equipment containing or depending on ozone-depleting substances. In addition, a list had been compiled of goods containing or relying on ozone-depleting substances that would be subject to an import/export quota system from 2015.

34. The representative of UNDP provided additional information, saying that Ukraine was one of the countries participating in a regional project funded by GEF to accelerate the phase-out of HCFCs. UNDP would continue to support the party in its efforts to maintain compliance with the Montreal Protocol. The country was suffering considerable political unrest, but recent parliamentary elections should help the legislative process move forward. The manufacturing sector had been adversely affected by the unsettled situation; producers of extruded polystyrene had had to turn to suppliers outside of the Russian Federation at a higher cost, and some had halted production. It was possible that the focus of the GEF project in Ukraine would consequently be shifted to the servicing sector. Work was continuing on a new comprehensive HCFC phase-out strategy for all sectors in the country, to commence in 2015, with the intention of aligning the country with European Union legislation. In addition, the political situation had slowed the economy, dampening demand for ozone-depleting substances, and the party was likely to achieve compliance with the consumption targets in decision XXIV/18.

35. In the ensuing discussion, two members of the Committee congratulated Ukraine for its efforts to comply with the Protocol and for having provided the requested information despite its difficult political situation.

36. The Committee therefore agreed to take note, with appreciation, of the information provided by Ukraine with regard to its implementation of the provisions of paragraphs 2 (b), (c) and (d) of decision XXIV/18.

2. South Sudan

37. The representative of the Secretariat recalled that South Sudan had not reported its data for 2012 under Article 7 of the Protocol and that decision XXV/14 had urged the party to do so. The party had not reported the data by the time of the fifty-second meeting of the Implementation Committee, and the Committee had accordingly adopted recommendation 52/1, calling for the party to report its data by 15 September 2014. The party had since then submitted the outstanding data, which showed that it was in compliance with the Protocol's control measures for 2012.

38. In the ensuing discussion, one representative expressed appreciation that the party had submitted outstanding data for 2012, given the political difficulties that it faced. The representative of UNEP said that South Sudan was a relatively new party to the Protocol, having ratified in 2012, and that UNEP was trying to assist the country in setting up its national ozone unit. Progress, however, had been slow in that and other matters, including preparation of the party's HCFC phase-out management plan.

39. The Committee therefore noted with appreciation that South Sudan had submitted all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XXV/14 and that the data confirmed that the party was in compliance with the Protocol's control measures for 2012.

B. Other recommendations and decisions on compliance: Israel (recommendation 52/4)

40. The representative of the Secretariat recalled that for 2012 Israel had reported excess production of 1,082.6 ODP-tonnes of methyl bromide. The party had indicated that the excess amount would be sold to Article 5 parties in 2013 to meet their basic domestic needs, and the excess production was thus justified under decision XVIII/17, on the treatment of stockpiled ozone-depleting substances relative to compliance. Decision XXII/20 had clarified that no follow-up action was required with regard to stockpiled substances if they were stockpiled for any of the reasons specified in paragraph 1 of that decision and if the reporting party specified that it had in place measures to prohibit the use of the stockpiled substances for any other purpose. Accordingly, at its fifty-second meeting the Implementation Committee had adopted recommendation 52/4, requesting Israel to report by 15 September 2014 on whether it had such measures in place. Israel had confirmed before that date that it had such measures in place.

41. The Committee therefore agreed to take note of the information provided by Israel in accordance with decision XXII/20.

VI. Non-compliance with hydrochlorofluorocarbon phase-out by the Democratic People's Republic of Korea and request for assistance

42. The representative of the Secretariat recalled that in late 2013 the Democratic People's Republic of Korea had informed the Secretariat of its possible non-compliance with the control measures for consumption and production of HCFCs for 2013, 2014 and 2015. The party had attributed its anticipated non-compliance to delays in the disbursement of funds for the institutional strengthening renewal project approved by the Executive Committee in December 2012 and the lack of approval for its HCFC phase-out management plan originally submitted for consideration at the same meeting.

43. The party's 2013 data confirmed that it was in non-compliance, with excess consumption of 12.56 ODP-tonnes and excess production of 4.24 ODP-tonnes in 2013. The Committee at its fifty-second meeting had agreed to revisit the matter at the current meeting in the light of any additional information received, and it had also agreed that reconsideration of the party's HCFC phase-out management plan should be undertaken as a matter of urgency, without prejudice to the operations of the Executive Committee. The Secretariat had therefore requested the party to provide any additional information and a plan of action to return to compliance.

44. The Democratic People's Republic of Korea had since submitted a proposed plan of action for returning to compliance with the HCFC consumption control measures in 2015 and the production control measures in 2016, subject to the approval of its HCFC phase-out management plan at the seventy-third meeting of the Executive Committee. The plan included a quota system, to be implemented in 2015; accelerated conversion of two of its three foam factories (the third would convert from HCFCs using its own resources); strengthened recovery and recycling procedures for HCFC-22; bans on the installation of new HCFC-based equipment from 2016, imports of HCFC-based equipment from 2018, and the production of HCFC-22 and HCFC-based equipment; and licensing, certification and training of refrigeration service technicians and workshops. A project management team would report data and monitor implementation, and an advisory group, comprising the national ozone unit, UNEP and UNIDO, would be established.

45. UNEP had been assisting the party in the disbursement of funds for institutional strengthening in ways that addressed the Executive Committee's concerns about the need for transparency and alternative methods of disbursement, organizational structures and monitoring procedures. Regarding the HCFC phase-out management plan, UNIDO and UNEP had been jointly helping the party to address the Executive Committee's concerns about compliance with the relevant United Nations Security Council resolutions and sanctions. The Executive Committee had approved the HCFC phase-out management plan at its seventy-third meeting, and representatives of the party would attend the current meeting to provide the Implementation Committee with further information and clarifications on the party's situation.

46. Members of the Committee said that the proposed plan of action was comprehensive and well structured and that, given the Executive Committee's approval of the HCFC phase-out management plan, the party should be able to return to compliance.

47. In response to questions, the representative of UNEP added that his agency, together with UNIDO, had been working closely with the Democratic People's Republic of Korea for twenty years. The party had been fully involved in regional network meetings and had expressed genuine concern about its anticipated non-compliance for some time. He said that its main problem was the lack of financial assistance and that its proposed plan of action should work well. Security Council sanctions meant that funding, including assistance for institutional strengthening, could not be provided directly to the Government. In accordance with a request from the Executive Committee, UNEP had therefore explored various options, including using the local UNDP office to fund projects directly, implementing projects outside the country (including, for example, training for refrigeration technicians at an event in China) and using the Government's own resources. Implementation of projects had proved challenging, but with the cooperation of the Government acceptable solutions were being found, and plans for institutional strengthening activities for 2015 had recently been agreed.

48. The representative of the Multilateral Fund Secretariat added that full details of the HCFC phase-out management plan were available in a document prepared for the seventy-third session of the Executive Committee (UNEP/OzL.Pro/ExCom/73/37). The main reason for the delay in the plan's approval had been the need to obtain clearance from the United Nations Security Council for the procurement of the necessary equipment. The representative of UNIDO concurred, observing that although preliminary clearance had been obtained, every item of equipment needed to be double-checked to ensure that it did not appear on the list of banned imports. In addition, things had been made more difficult by the recent decision of the Government to impose a 21-day quarantine on all foreigners entering the country, which had made it impossible for United Nations staff to travel there.

49. Subsequently, representatives of the Democratic People's Republic of Korea attended the meeting to update the Committee on the current situation. They said that their country was fully committed to implementing the provisions of the Vienna Convention and the Montreal Protocol. The Government had introduced an appropriate legal framework, established a national ozone unit and, together with UNEP and UNIDO, implemented 20 projects with support from the Multilateral Fund, including for institutional strengthening, which had enabled the total phase-out of several categories of ozone-depleting substances, including CFCs and carbon tetrachloride. The HCFC phase-out management plan that had just been approved by the Executive Committee would enable the party to return to compliance with the control measures and achieve the necessary reduction of 10 per cent in consumption of HCFCs by the end of 2015.

50. Responding to a question from a member of the Committee on data collection and reporting, the representative of the Democratic People's Republic of Korea explained that every end user of HCFCs was required to report monthly and annual data to the national ozone unit, which passed it on to the national environmental coordinating committee. Responding to a question on capacity-building, he confirmed that the HCFC phase-out management plan included a range of capacity-building activities, including training for refrigeration technicians and customs officers, among others. He expressed confidence that when the plan was fully implemented his country would be able to meet its phase-out obligations.

51. Members of the Committee complimented the party on its preparation of a thorough plan of action for returning to compliance. Drawing on experience in their own countries, some members suggested that progress could be made in controlling imports even before the introduction of a full licensing system, through reaching voluntary agreements with stakeholders.

52. The Committee therefore agreed:

Recalling that the Democratic People's Republic of Korea had notified the Secretariat in 2013, in accordance with paragraph 4 of the Non-Compliance Procedure of the Protocol, of its anticipated future non-compliance with its consumption and production obligations under the Montreal Protocol in respect of hydrochlorofluorocarbons (HCFCs),

Recalling also the information provided by the Democratic People's Republic of Korea in relation to the circumstances that the party believed to be the cause of its anticipated non-compliance,

Noting the difficulties involved in the disbursement of approved funds to the party for its institutional strengthening renewal project,

Noting also the difficulties in the submission of an HCFC phase-out management plan that was in compliance with specific United Nations Security Council resolutions, which could have had adverse consequences for the party's compliance with its obligations under the Protocol,

Noting that the Democratic People's Republic of Korea had submitted its ozone-depleting substance data for 2013 in accordance with Article 7 of the Protocol,

Noting with concern, however, that the party's HCFC consumption of 90.6 ODP tonnes in 2013 was inconsistent with its obligation under the Protocol to reduce its consumption in that year to no greater than 78.0 ODP-tonnes, thereby placing the party in non-compliance with its HCFC consumption obligations under the Protocol,

Noting also with concern that the party's HCFC production of 31.8 ODP-tonnes in 2013 was inconsistent with its obligation under the Protocol to reduce its production in those years to no greater than 27.6 ODP-tonnes, thereby placing the party in non-compliance with its HCFC production obligations under the Protocol,

Noting with appreciation, however, the party's submission of a plan of action for returning to compliance with the Protocol's HCFC consumption control measures in 2015 and the HCFC production control measures in 2016,

Noting also with appreciation that at its seventy-third meeting the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol had approved stage I of the HCFC phase-out management plan for the Democratic People's Republic of Korea for 2014–2018 to reduce HCFC consumption by 15 per cent of its baseline,

To forward to the Twenty-Sixth Meeting of the Parties for its consideration the draft decision incorporating the party's plan of action set out in section A of annex I to the present report.

Recommendation 53/2

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

A. Non-compliance with data reporting obligations

53. The representative of the Secretariat recalled that under paragraph 3 of Article 7 of the Protocol, parties were required to submit annual data on production and consumption of ozone-depleting substances no later than nine months after the end of the year to which the data related. Two parties, the Central African Republic and Liechtenstein, had failed to comply with that requirement for 2013.

54. The Committee therefore agreed to forward for consideration by the Twenty-Sixth Meeting of the Parties the draft decision contained in section B 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 2013 and list the parties that were in non-compliance with their data-reporting obligations under the Montreal Protocol.

Recommendation 53/3

B. Non-reporting of 2013 process agent uses by Israel

55. The representative of the Secretariat recalled that in paragraph 4 (a) of decision X/14 the Meeting of the Parties requested parties to report annually by 30 September on their use of controlled substances as process agents, levels of emissions and containment technologies used and in paragraph 4 of decision XXI/3 requested the Secretariat to bring cases of non-reporting to the attention of the Implementation Committee for its consideration. Israel, one of four parties still permitted process agent uses under decision XXIII/7, had not reported on its process agent uses for 2013.

56. In the ensuing discussion, one representative expressed concern that a non-Article 5 party was not in compliance with its reporting obligations, saying it should be expected to have the technical capacity to ensure compliance. That concern, he said, should be reflected in any recommendation by the Committee on the matter.

57. The Committee therefore agreed:

Recalling paragraph 4 (a) of decision X/14, by which the Meeting of the Parties decided that all parties should report by 30 September of each year on their use of controlled substances as process agents, the levels of emissions from those uses and the containment technologies used by them to minimize emissions of controlled substances,

Recalling also paragraph 4 of decision XXI/3, by which the Meeting of the Parties requested the Ozone Secretariat to bring cases of non-reporting of process agent uses to the attention of the Implementation Committee,

Recalling further that Israel was permitted to use controlled substances as process agents in accordance with decision XXIII/7,

1. To note with concern that Israel had not by the time of the current meeting reported on its use of controlled substances as process agents in 2013 as required by paragraph 4 (a) of decision X/14;
2. To request the party to submit the outstanding information to the Secretariat as a matter of urgency, preferably by 31 March 2015;
3. To review the situation of Israel at its fifty-fourth meeting.

Recommendation 53/4

C. Non-compliance with control measures under the Protocol: Guatemala

58. The representative of the Secretariat explained that Guatemala had in 2013 consumed 3.0 ODP-tonnes of HCFCs in excess of its permitted consumption of 8.3 ODP-tonnes. The party had submitted an explanation for the excess consumption and a plan of action, including time-specific benchmarks indicating return to compliance in 2014, and a ministerial resolution stipulating that HCFC consumption in 2014 would be reduced by the amount of the excess consumption in 2013. The proposed consumption for 2014 was therefore 4.35 ODP-tonnes. The party also intended to promote the import and marketing of alternatives to ozone-depleting substances with high energy efficiency and low global-warming potential and to strengthen the role of customs authorities in preventing the illicit trafficking of HCFCs.

59. In the ensuing discussion, several representatives expressed appreciation for the explanation provided by Guatemala and the detailed action plan, in particular the proposed reduction in consumption for 2014. One representative said that while the party had a national quota for imports of HCFCs, it was not clear whether it had allocated quotas to individual importers. The representative of UNEP said that his organization had been working with Guatemala since 1992 and had helped the party to introduce institutional strengthening projects and other measures to reduce emissions of ozone-depleting substances. The problem with non-compliance had arisen as a consequence of high-level changes in the governance structure and a resulting disconnect with the national ozone unit, but a renewed governmental commitment to comply with HCFC phase-out requirements had resulted in the ministerial resolution putting in place the HCFC import quota system.

60. Several representatives said that the language of the draft decision on Guatemala should be more supportive, recognizing the efforts the party had made to return to compliance and to collaborate with the implementing agency. The representative of the Secretariat said that the language was standard, adopted by the Committee for such instances of non-compliance, and included an indicative list of measures, adopted by the Fourth Meeting of the Parties in 1992, that might be taken in respect of non-compliance. Minor changes to the text of the draft decision were made to accommodate the concerns of Committee members.

61. The Committee therefore agreed:

Noting with concern that Guatemala had reported consumption of the controlled substances in Annex C, group I (hydrochlorofluorocarbons (HCFCs)), of 11.3 ODP-tonnes for 2013, an amount that represented a deviation from the Protocol's requirement that the party limit consumption of those substances to no greater than 8.3 ODP-tonnes in that year,

Noting with appreciation, however, the party's submission of a plan of action for returning to compliance with the Protocol's consumption control measures for HCFCs in 2014,

Noting also with appreciation the party's decision to reduce its HCFC consumption in 2014 below its allowable consumption in that year by the excess amount consumed in 2013,

To forward to the Twenty-Sixth Meeting of the Parties for its consideration the draft decision incorporating the party's plan of action set out in section C of annex I to the present report.

Recommendation 53/5

VIII. Request for change in baseline data (decisions XIII/15 and XV/19) by the Republic of Moldova

62. The representative of the Secretariat introduced a request by the Republic of Moldova for a change in its baseline data for the consumption of HCFCs, recalling the methodology for the submission of such requests mandated by decision XV/19, which included an explanation of why existing data were incorrect, an explanation of why requested changes should be considered to be correct, and supporting documentation substantiating the data collection and verification procedures and their findings.

63. The Republic of Moldova had requested an increase in its HCFC consumption figure for 2010 from 0.7 ODP-tonnes to 2.67 ODP-tonnes, which would increase its baseline figure (the average of its 2009 and 2010 consumption) from 1.0 to 1.92 ODP-tonnes. It had not, however, indicated that its original 2010 figure was wrong or that it was currently in a state of non-compliance; rather, the party had requested a change in the baseline figure on the grounds that the original figure was based on a period of relatively low economic activity and to allow for higher consumption in the future, which it believed was necessary to meet the demands of its currently rapid economic growth. It had submitted supporting documentation, including a letter from its refrigeration industry association indicating the volumes of HCFCs necessary to satisfy annual servicing needs and a 2013 economic update report on the country by the World Bank. As a result, the methodology prescribed by decision XV/19 did not appear to be applicable to Moldova's request, since the party was not seeking a correction of erroneous data. The Implementation Committee had not previously considered such a situation.

64. The representative of UNDP observed that when the Republic of Moldova's HCFC phase-out management plan had been approved consumption data for 2010 had not been available; an estimated figure of 3.4 ODP-tonnes had therefore been used, based on anticipated growth from 2009, giving a baseline figure of 2.28 ODP-tonnes. In fact, consumption had been much lower in 2010 than expected, due partly to a sharp increase in energy costs and inflation and a fall in economic growth. The representative of the Multilateral Fund indicated that the proposed change in baseline data would reduce the financial assistance to the party from the approved amount of \$88,000 to \$66,000, since the HCFC phase-out management plan had been based on a higher figure, and in any case 90 per cent of it had been disbursed already.

65. In the ensuing discussion there was agreement that there was no case for approving the requested change in baseline data because the methodology set out in decision XV/19 allowed for changes only when data was shown to have been incorrect.

66. The Committee therefore agreed not to approve the request of the Republic of Moldova for the revision of its HCFC consumption data for the baseline year 2010. The committee expressed appreciation for the efforts of the Party to remain in compliance with the provisions of the Protocol despite significant economic growth that had resulted in increased demand for HCFCs and advised that the party collaborate with the Multilateral Fund implementing agencies, if possible in the context of stage II of its HCFC phase-out management plan, to promote HCFC recovery and improve its existing HCFC recovery, recycling and reclamation scheme by, as appropriate, establishing reclamation facilities and equipping service technicians with portable recycling machines.

IX. Status of establishment of licensing systems under Article 4B of the Montreal Protocol by Botswana and South Sudan (decision XXV/15 and recommendation 52/5)

67. The representative of the Secretariat recalled that the Implementation Committee, in recommendation 52/5, had urged Botswana and South Sudan to establish licensing systems in response to decision XXV/15 of the Meeting of the Parties and to report to the Secretariat on the matter before 30 September 2014. To date, neither party had established a licensing system. Botswana had, however, completed a draft licensing system, which was awaiting the signature of the Environment Minister to become operational. South Sudan had not responded to recommendation 52/5 but had sent a representative to the current meeting to provide information to the Committee.

68. The representative of UNEP said that South Sudan had been developing a licensing system in parallel with the preparation of its HCFC phase-out management plan and had engaged a consultant to assist with the process. In the case of Botswana, final approval of the licensing system had been delayed by elections, but the same minister had been reappointed and the process should be completed soon. The representative of the Multilateral Fund secretariat said that the Executive Committee was

following those issues on a meeting-by-meeting basis and received regular updates from the implementing agencies.

69. One member said that the case of Botswana was clear and required no further action other than waiting for the party to confirm the establishment of its licensing system in the coming weeks; the case of South Sudan, however, was more complex and involved consideration of the related issues of compliance with its reporting requirements under Article 7 and the establishment of a licensing system under Article 4B.

70. Subsequently, a representative of South Sudan attended the meeting to update the Committee on the situation. He recalled that the party's compliance issues with regard to data reporting under Article 7 had been the subject of decision XXV/14 of the Meeting of the Parties and recommendation 52/1 of the Implementation Committee. With the help of the UNEP Compliance Assistance Programme, the party had submitted its reporting data for 2012 and 2013 to the Secretariat, but the figures for 2009 and 2010 were estimates. Regarding the establishment of a licensing system under Article 4B, that was in progress, and South Sudan had identified a consultant to assist with its development. The draft Environment Act, which contained a provision controlling the import of ozone-depleting substances, was at an advanced stage of preparation. To expedite the implementation of control measures, the Ministry of Environment was considering the option of the Minister issuing a provisional order to control import of ozone-depleting substances. In addition, funding had been obtained from the Multilateral Fund to prepare the country's HCFC phase-out management plan, and a national ozone unit had been established. The unit was in the process of consulting with all stakeholders, especially importers dealing with ozone-depleting substances, to assist in setting up a registration system and establishing import quotas. All initiatives were subject to delays, however, given the unstable political situation prevailing in the country and the challenge of building capacity for a new country that was a new party to the Protocol.

71. The representative of South Sudan then responded to questions by members of the Committee. On the matter of the source of the data on imports provided by the party, he said that they were based on information from customs officials and importers. Regarding whether a system of mandatory reporting of ozone-depleting substances by importers had been or would be established, he said that that was one object of registering importers, with the aim of monitoring and controlling their activities. On the timeline for the ministerial order to control imports of ozone-depleting substances, he said that the process was not complicated and should not take long, given the powers vested in the Minister by the Constitution to issue such orders. On the draft Environment Act, he said that it was currently undergoing its last review; it still had to go through a number of stages, however, and it was difficult to say when it would become law; that was why the issuance of a ministerial order was proposed. On the matter of illegal imports of ozone-depleting substances, he said that a number of organizations in South Sudan, including the national Bureau of Standards, were collaborating to ensure that unacceptable controlled substances did not enter the country,

72. The Committee therefore agreed:

Noting that Botswana and South Sudan, which had become parties to the Montreal Amendment to the Montreal Protocol in 2013, had not by the time of the current meeting established licensing systems to control the import and export of ozone-depleting substances,

To urge Botswana and South Sudan to establish licensing systems and to submit to the Secretariat, no later than 31 March 2015, information on the status of those systems, for consideration by the Implementation Committee at its fifty-fourth meeting and by the Twenty-Seventh Meeting of the Parties in 2015.

Recommendation 53/6

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

73. The Committee considered information provided by the representatives of the Democratic People's Republic of Korea and South Sudan, who were present at the invitation of the Committee. The Committee's consideration of the situation of those parties is described in sections VI and IX of the present report.

XI. Other matters

74. The Committee took up no other matters.

XII. Adoption of the recommendations and report of the meeting

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

XIII. Closure of the meeting

76. Following the customary exchange of courtesies, the President declared the meeting closed at 12.45 p.m. on Saturday, 15 November 2014.

Annex I

Draft decisions approved by the Implementation Committee at its fifty-third meeting for consideration by the Meeting of the Parties

The Twenty-Sixth Meeting of the Parties decides:

A. Draft decision XXVI/-: Non-compliance with the Montreal Protocol by the Democratic People's Republic of Korea

Noting that the Democratic People's Republic of Korea ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 24 January 1995, the London and Copenhagen Amendments to the Montreal Protocol on 17 June 1999, and the Montreal and Beijing Amendments on 13 December 2001 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved \$22,905.529 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable the Democratic People's Republic of Korea to achieve compliance with the Protocol,

1. That annual consumption by the Democratic People's Republic of Korea of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 90.6 ODP-tonnes for 2013 exceeds the party's maximum allowable consumption of 78.0 ODP-tonnes for those controlled substances for that year and that the party was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;

2. That the annual production by the Democratic People's Republic of Korea of hydrochlorofluorocarbons of 31.8 ODP-tonnes in 2013 exceeds the party's maximum allowable production of 27.6 ODP-tonnes for those controlled substances for that year and that the party was therefore in non-compliance with the production control measures under the Protocol for hydrochlorofluorocarbons;

3. To note with appreciation the submission by the Democratic People's Republic of Korea of a plan of action to ensure its return to compliance with the Protocol's hydrochlorofluorocarbon consumption control measures in 2015 and production control measures in 2016;

4. To note that under that plan of action, without prejudice to the operation of the financial mechanism of the Protocol, the Democratic People's Republic of Korea specifically commits itself:

(a) To reducing its consumption of hydrochlorofluorocarbons from 90.6 ODP-tonnes in 2013 to no greater than:

- (i) 80.0 ODP-tonnes in 2014;
- (ii) 70.16 ODP-tonnes in 2015, 2016 and 2017;
- (iii) Levels allowed under the Montreal Protocol in 2018 and subsequent years;

(b) To reducing its production of hydrochlorofluorocarbons from 31.8 ODP-tonnes in 2013 to no greater than:

- (i) 29.0 ODP-tonnes in 2014;
- (ii) 27.6 ODP-tonnes in 2015;
- (iii) 24.84 ODP-tonnes in 2016 and 2017;
- (iv) Levels allowed under the Montreal Protocol in 2018 and subsequent years;

(c) To monitoring its system for licensing imports and exports of ozone-depleting substances;

5. To urge the Democratic People's Republic of Korea to work with the relevant implementing agencies to implement its plan of action to phase out consumption and production of hydrochlorofluorocarbons;

6. To closely monitor the progress of the Democratic People's Republic of Korea with regard to the implementation of its plan of action and 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. In that regard, the Democratic People's Republic of Korea should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance;

7. To caution the Democratic People's Republic of Korea, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that the Democratic People's Republic of Korea fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of hydrochlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance;

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

Noting with appreciation that [195] parties of the 197 that should have reported data for 2013 have done so and that 72 of those parties reported their data by 30 June 2014 in accordance with decision XV/15,

Noting that [] of those parties reported their data by 30 September 2014 as required under paragraph 3 of Article 7 of the Montreal Protocol,

Noting with concern, however, that [the Central African Republic and Liechtenstein have] not reported 2013 data,

Noting that their failure to report their 2013 data in accordance with Article 7 places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data,

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

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

1. To urge [the Central African Republic and Liechtenstein], 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-fourth 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;

C. Draft decision XXVI/-: Non-compliance with the Montreal Protocol by Guatemala

Noting that Guatemala ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 7 November 1989 and the London, Copenhagen, Montreal and Beijing Amendments to the Montreal Protocol on 21 January 2002 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved \$9,608.694 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable Guatemala to achieve compliance with the Protocol,

1. That Guatemala's annual consumption of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 11.3 ODP-tonnes for 2013 exceeds the party's maximum allowable consumption of 8.3 ODP-tonnes for those controlled substances for that year and that the party was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;

2. To note with appreciation the submission by Guatemala of a plan of action to ensure its return to compliance with the Protocol's hydrochlorofluorocarbon control measures and its decision to reduce its HCFC consumption in 2014 below its allowable consumption by the excess amount consumed in 2013;

3. To note that under that plan of action, without prejudice to the operation of the financial mechanism of the Protocol, Guatemala specifically commits itself:

(a) To reducing its consumption of hydrochlorofluorocarbons from 11.3 ODP-tonnes in 2013 to no greater than:

(i) 4.35 ODP-tonnes in 2014;

(ii) Levels allowed under the Montreal Protocol in 2015 and subsequent years;

(b) To monitoring its system for licensing imports and exports of ozone-depleting substances;

4. To urge Guatemala to continue to work with the relevant implementing agencies to implement its plan of action to phase out consumption of hydrochlorofluorocarbons;

5. To monitor closely the progress of Guatemala with regard to the implementation of its plan of action and 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. In that regard, Guatemala should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance;

6. To caution Guatemala, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that Guatemala fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of hydrochlorofluorocarbons that are the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance.

Annex II

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