



Distr.: General
11 August 2016

Original: English



United Nations Environment Programme

Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Fifty-sixth meeting
Vienna, 24 July 2016

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

I. Opening of the meeting

1. The fifty-sixth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Vienna International Centre, Vienna, on 24 July 2016. The President of the Committee, Mr. Iftikhar Ul-Hassan Shah Gilani (Pakistan), opened the meeting at 10 a.m.
2. Ms. Tina Birmpili, Executive Secretary, Ozone Secretariat, welcomed the members of the Committee. She observed that while the agenda of the meeting appeared to be long, action by the Committee was required in only a few cases. Three parties that had previously failed to report their data for 2014 had since reported data that showed them to be in compliance with their phase-out obligations under the Protocol. Another four parties in situations of possible non-compliance had not yet submitted the information needed to enable the Committee to assess their situations. She concluded by drawing attention to the documents for the meeting that had been prepared by the Secretariat and expressed her appreciation for the presence of the implementing agencies along with the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, whose role was to assist the Committee, whenever necessary, with any additional information on the parties whose compliance status was being reviewed.

II. Adoption of the agenda and organization of work

A. Attendance

3. Representatives of the following Committee members attended the meeting: Bangladesh, Bosnia and Herzegovina, Canada, Cuba, Haiti, Kenya, Pakistan and the United Kingdom of Great Britain and Northern Ireland. The representatives of Mali and Romania were not present.
4. 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.
5. A list of participants is set out in annex II to the present report.

B. Adoption of the agenda

6. The Committee adopted the following agenda on the basis of the provisional agenda (UNEP/OzL.Pro/ImpCom/56/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 (decision XXVII/9):
 - (i) Democratic Republic of Congo;
 - (ii) Dominica;
 - (iii) Somalia;
 - (iv) Yemen;
 - (b) Existing plans of action to return to compliance:
 - (i) Democratic People's Republic of Korea (decision XXVI/15);
 - (ii) Kazakhstan (decision XXVI/13);
 - (iii) Libya (decision XXVII/11);
 - (iv) Ukraine (decision XXIV/18);
 - (c) Non-reporting of process agent uses for 2014: Israel (recommendation 55/4);
 - (d) Possible non-compliance with the hydrochlorofluorocarbon phase-out (control measures): Guatemala.
6. Consideration of other possible non-compliance issues arising out of the data report.
7. Status of establishment of a licensing system under Article 4B of the Montreal Protocol by South Sudan (decision XXV/15 and recommendation 55/5).
8. Consideration of additional information on compliance-related submissions by parties participating in the meeting at the invitation of the Implementation Committee.
9. Other matters.
10. Adoption of the recommendations and report of the meeting.
11. Closure of the meeting.

C. Organization of work

7. The Committee agreed to follow its procedures and to meet according to its usual schedule of two 3-hour sessions, 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

8. 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 Montreal Protocol for 2014 and 2015 and Article 9 of the Montreal Protocol for 2015 (UNEP/OzL.Pro/ImpCom/56/R.2).

9. On reporting pursuant to Article 9 for 2014, no new submissions had been received since the last update, at the meeting of the Committee in October 2015. All submissions under Article 9 were available on the Secretariat's website.
10. On reporting of data under Article 7 for 2015, 132 out of 197 parties – 102 parties operating under paragraph 1 of Article 5 (Article 5 parties) and 30 non-Article 5 parties – had reported by 23 July 2016. A total of 119 parties had reported by 30 June, as encouraged by decision XV/15. For earlier years, 196 parties had reported all data for all years up to and including 2014, leaving only Yemen, which had still to report its data for 2014. Three other parties identified in decision XXVII/9 as not having reported their data for 2014 – Democratic Republic of the Congo, Dominica and Somalia – had since reported.
11. On possible cases of non-compliance arising out of the data reports by parties for 2014, Libya had been considered by the Committee in 2015 and was the subject of decision XXVII/11. Guatemala had supplied information too late for the Committee to review it in 2015 and would be considered at the current meeting. The only other case of possible non-compliance had been resolved when the party in question had clarified that it had mistakenly reported its data in kilogrammes rather than tonnes.
12. On possible cases of non-compliance arising out of the data reports by parties for 2015, three parties had yet to clarify their compliance status. The non-compliance procedure, however, provided for a minimum period of three months for the Secretariat to seek further information from those parties before bringing their cases to the Committee.
13. Parties granted essential-use exemptions or critical-use exemptions by the Meeting of the Parties for a given year were required to submit accounting reports relating to those exemptions by January of the following year. All parties required to submit such accounting reports had done so.
14. On reporting of exports and their destinations for 2014, in accordance with decision XVII/16, 30 parties had reported exports, of which 22 had specified destinations for all of their exports and 7 for some. The reporting parties had specified the destinations for 98.6 per cent of their exports by weight. Two parties that had reported exports to Libya and Kazakhstan had confirmed that the trade had taken place after these two countries had become parties, which meant that those exports were in compliance with the Protocol. As requested in the decision, the Secretariat sent out 130 letters in February 2016 providing aggregated information on exports reported to the importing parties concerned.
15. A total of 163 parties had reported imports during 2014, of which 36 had specified the source countries for all of their imports and a further 10 for some. By weight of imports, 60 per cent of all imports had had their sources specified. As requested in the decision, the Secretariat had compiled aggregated information received from importing parties and had provided it in February 2016 solely to the 13 exporting parties that had requested it.
16. On the reporting of excess production or consumption of ozone-depleting substances attributable to stockpiling (decisions XVIII/17 and XXII/20), to date two parties had submitted such information for 2015. Czechia and the European Union had each reported a quantity of carbon tetrachloride produced as a by-product and intended for destruction in the following year.
17. Under decision XXI/3, the Secretariat had been requested to bring cases of non-reporting of process-agent uses to the attention of the Committee. Three of the four parties still allowed such uses – China, the European Union and the United States of America – had submitted their reports for 2014, and the European Union had submitted a report for 2015; the remaining party, Israel, had not yet reported for either year.
18. Over 400,000 tonnes of ozone-depleting substances whose production and consumption had been otherwise phased out had been produced in 2014, virtually all for use as feedstock as permitted under the Montreal Protocol. Chlorofluorocarbons (CFCs) accounted for 42 per cent of the total and carbon tetrachloride for 57 per cent. Fourteen parties had reported feedstock use in 2014, and in total about 1.2 million tonnes had been used for feedstock each year from 2011 to 2014; HCFCs accounted for approximately 57 per cent of that quantity.
19. Consumption of methyl bromide for quarantine and pre-shipment uses had remained relatively stable at about 10,000 tonnes each year from 2011 to 2014. The number of parties reporting such uses had varied between 49 and 55 over the same period.
20. Almost 19,000 tonnes of ozone-depleting substances had been destroyed in 2014, which was more than in the previous three years. Between 18 and 24 parties had reported destruction in each of the years from 2011 to 2014.

21. Under decision XXIV/14, parties had been requested affirmatively to specify zero quantities with zeros – instead of leaving blank cells – in their Article 7 data reporting forms. There had been a steady fall in the number of parties leaving blank cells; to date 19 parties had left blank cells in their 2015 data reports, 17 of which had subsequently responded to requests for clarification.
22. The Committee took note of the information presented.

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

23. The representative of the secretariat of the Multilateral Fund reported on the levels of consumption and production reported under the country programme reports submitted by Article 5 parties; the status of the surveys for ozone-depleting substance alternatives, in response to paragraph 4 of decision XXVI/9; funding approved to date for phasing out controlled substances under the Protocol; relevant decisions of the Executive Committee; and activities carried out by the Fund's implementing agencies. The report was based on information provided in the document in the annex to the note by the secretariat on country programme data and prospects for compliance (UNEP/OzL.Pro/ImpCom/56/INF/R.3).
24. The document, he said, presented country programme data, provided a sectoral analysis of remaining consumption and production and provided a source of data for the review of projects and information on compliance matters. Six countries had not reported their 2014 country programme data by the time of the last meeting of the Executive Committee. Under decision 52/5, funding requests for activities in countries with outstanding country programme data would not be recommended for approval. As of 15 July 2016, 103 countries had reported their 2015 country programme data.
25. He presented information on discrepancies between data reported under the country programmes and under Article 7, which were due to the inclusion of HCFC-141b contained in imported pre-blended polyols in the former but not the latter, together with rounding and data entry errors.
26. The document also included an analysis of reported production and consumption of the three main HCFCs (HCFC-22, HCFC-141b and HCFC-142b) for the years 2010–2014. Figures for consumption were generally higher than those for production.
27. Turning to countries at risk of non-compliance, he reported that systems for licensing exports and imports of ozone-depleting substances were in place in all Article 5 parties, including South Sudan, which had reported the establishment of its licensing system in April 2016. Mauritania, however, had not yet amended its licensing system to include the accelerated control measures for HCFCs. HCFC quota systems were in place in all Article 5 parties, except Burundi, which had been unable to finalize its system due to a change in government, although an informal system was operational.
28. The Democratic Republic of the Congo, Dominica and Somalia had all reported their data for 2014 in line with decision XXVII/9, but Yemen had not yet reported. The Democratic People's Republic of Korea had reported HCFC consumption and production below the maximum allowed in 2015 under its plan of action to return to compliance set out in decision XXVI/15. Libya's HCFC phase-out management plan had been approved at the seventy-fifth meeting of the Executive Committee without prejudice to the operation of the Montreal Protocol's mechanism for addressing non-compliance; Libya had indicated that it would return to compliance in 2018 in line with its plan of action set out in decision XXVII/11. Guatemala had not achieved its commitments agreed with the Executive Committee for phase-out in 2013 and 2014, so the penalty clause of the agreement had been applied for those two years, reducing by 15 per cent the value of the third tranche of stage I of the party's HCFC phase-out management plan.
29. On inventories and surveys of alternatives to ozone-depleting substances, which were to be conducted in response to paragraph 4 of decision XXVI/9, the Executive Committee had approved surveys in 127 Article 5 parties. The purpose of the surveys was to assist countries to better understand the historical trends in the consumption of alternatives to ozone-depleting substances, and their

distribution by sector and sub-sector, and to provide a comprehensive overview of the national markets in which alternatives had been and would be phased in, taking into consideration other existing technologies. They were due to be completed no later than the end of 2016 so that the analysis of the results could be submitted for consideration by the Executive Committee at its first meeting in 2017.

30. It was hoped that the methodologies developed for collecting and analysing the use of the alternatives and other data (for example, details of relevant enterprises) would be maintained by national ozone units to enable data collection after the surveys had been completed. The Fund's implementing agencies were being encouraged to assist national ozone units in achieving that objective by putting in place systems that would facilitate future collection of data and its incorporation into country programme reports.

31. Turning to financial support for the phase-out of ozone-depleting substances, he reported that all Article 5 parties had received support for the phase-out of all substances other than HCFCs. Complete phase-out had been achieved for all CFCs, halons and carbon tetrachloride; the data for 2015 yet to be reported under Article 7 of the Protocol would reveal whether the phase-out of methyl chloroform and methyl bromide had also been achieved.

32. For the phase-out of the consumption of HCFCs, \$559.2 million and \$96.7 million had been approved in principle for, respectively, stage I and II of the HCFC phase-out management plans of 142 parties. Mauritania and South Sudan were expected to submit stage I of their HCFC phase-out management plans in 2016, and the Syrian Arab Republic in 2017; funding for the phase-out of HCFC-22 in the refrigeration and air-conditioning sector had already been approved for the latter party. Project preparation for stage II of HCFC phase-out management plans had been approved for 38 parties. The total amount of HCFCs to be phased out under the HCFC phase-out management plans – 9,513 ozone-depletion-potential (ODP)-tonnes – was equivalent to 29 per cent of the parties' HCFC consumption levels at the start of their HCFC phase-out management plans.

33. For the phase-out of the production of HCFCs, \$395 million had been approved in principle for total phase-out of HCFC production in China. All the funds for stage I of the HCFC production phase-out management plan – \$95 million – had been released, and proposals for stage II were expected to be submitted for consideration by the Executive Committee at its the first meeting in 2017. All other producing parties except the Democratic People's Republic of Korea had committed to phase out HCFC production as part of their agreements to phase out CFCs. Project preparation for the HCFC production phase-out management plan in the Democratic People's Republic of Korea had been included in the business plan for submission in 2016.

34. Following his presentation the representative of the secretariat of the Multilateral Fund responded to questions from members of the Committee. In response to a question about when surveys of alternatives to ozone-depleting substances would be completed for the 20 parties for which they had not yet been approved, he explained that not every country had requested such a survey. Further requests for funding for surveys might, however, be considered by the Executive Committee in 2017.

35. In response to a question about discrepancies in the data for HCFCs included in imported pre-blended polyols, he, and the representative of the Ozone Secretariat, clarified that while the import or export of HCFC-141b contained in pre-blended polyols did not qualify as "consumption" under the provisions of the Montreal Protocol, the Executive Committee was prepared to provide funding for the phase-out of such substances, and given which it recorded such consumption.

36. The Committee took note of the information presented.

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

A. Data reporting obligations (decision XXVII/9)

37. The representative of the Secretariat recalled that by the time of the Twenty-Seventh Meeting of the Parties, in November 2015, the Democratic Republic of the Congo, Dominica, Somalia and Yemen had not reported their 2014 data to the Secretariat. In its decision XXVII/9, the Meeting of the Parties had urged the four parties to report the required data as a matter of urgency. All of them apart from Yemen had since done so.

38. The Committee therefore agreed to note that the Democratic Republic of the Congo, Dominica and Somalia had submitted all outstanding data in accordance with their data-reporting obligations under the Protocol and decision XXVII/9 and that the data confirmed that those parties were in compliance with the control measures for 2014 under the Protocol.

39. In response to questions over the appropriate course of action for Yemen and whether there was an explanation for why the data had not been provided, the representatives of the Secretariat explained that no explanation had been sought since parties were always asked for an explanation for their non-reporting of data if they failed to respond to one or two reminders. If a party repeatedly failed to report, the Secretariat would attempt to gather and provide as much information as possible so that the situation could be discussed by the Implementation Committee. In the case of Yemen, the party had informed the Secretariat that it thought it had reported the required data; it was possible that there was some confusion with the reporting of information intended for the secretariat of the Multilateral Fund.

40. The representative of the secretariat of the Multilateral Fund added that the Executive Committee always reviewed all projects and activities that were delayed and sought explanations for any such delay from the party concerned. At its seventy-sixth meeting, in May 2015, the Executive Committee had considered the case of Yemen and had requested the submission of overdue data. Financial support was available from the Multilateral Fund for institutional strengthening projects, including with regard to data reporting, and funding would not be approved in the absence of the submission of country programme data.

41. In response to a question on whether Yemen had asked for more time and whether exporting parties could be asked not to export to Yemen, the Secretariat explained that Yemen had not asked for more time and that asking exporters not to export to a party was usually a last-resort measure for a party that was persistently in non-compliance.

42. The representative of UNEP reported that normal processes had been disrupted in Yemen because of the civil conflict that had begun in March 2015 and was still under way. In March 2015, staff of the National Ozone Unit in Yemen had participated in a regional network meeting in Bahrain but had then found themselves unable to return to the country because of the outbreak of fighting. They had subsequently moved to another country and were still unable to return to Yemen. Even before the conflict UNEP had experienced difficulty in transferring resources to the Government, and the conflict had made it effectively impossible. With no functioning national ozone unit, no data was being collected and there was no prospect of any being submitted to the Secretariat in the near future.

43. The Committee therefore agreed:

Noting with concern that Yemen had not yet submitted its data on ozone-depleting substances for 2014 in accordance with Article 7 of the Montreal Protocol and decision XXVII/9;

Noting further the political and security situation prevailing in the country;

Nevertheless to urge Yemen to report to the Secretariat its data on ozone-depleting substances for 2014, as soon as possible and no later than 15 September 2016, in time for consideration by the Committee at its fifty-seventh meeting.

Recommendation 56/1

B. Existing plans of action to return to compliance

1. Democratic People's Republic of Korea (decision XXVI/15)

44. The representative of the Secretariat recalled that the Democratic People's Republic of Korea, in accordance with its plan of action set out in decision XXVI/15, had committed itself to reducing its HCFC consumption to no greater than 70.16 ODP-tonnes and its HCFC production to no greater than 27.6 ODP-tonnes in 2015. It had since then submitted data for 2015 showing it to be in compliance with its commitments under decision XXVI/15.

45. The Committee therefore agreed to note that the Democratic People's Republic of Korea had submitted its data for 2015 in accordance with its obligations under Article 7 of the Montreal Protocol and that the data indicated that the party was in compliance with its commitments for that year as set out in decision XXVI/15.

2. Kazakhstan (decision XXVI/13)

46. The representative of the Secretariat recalled that Kazakhstan, in accordance with its plan of action set out in decision XXVI/13, had committed itself to reducing its HCFC consumption to no greater than 9.9 ODP-tonnes and its methyl bromide consumption to zero ODP-tonnes in 2015. The party, however, had not yet submitted its data for 2015.

47. The representative of UNIDO reported that since no financial support was available to Kazakhstan none of the implementing agencies were currently working with the country and no projects were being implemented. The Government was nevertheless taking its obligations seriously and had been able to remain in compliance with its plan of action. He expected that the data would be reported by the party before 15 September 2016.

48. The Committee therefore agreed to request Kazakhstan to report to the Secretariat its data on ozone-depleting substances for 2015, as soon as possible and no later than 15 September 2016, in order that the Committee might assess at its fifty-seventh meeting the status of the party's compliance with its commitments set out in decision XXVI/13.

Recommendation 56/2

3. Libya (decision XXVII/11)

49. The representative of the Secretariat recalled that Libya, in accordance with its plan of action set out in decision XXVII/11, had committed itself to reducing its HCFC consumption to 122.3 ODP-tonnes in 2015. The party, however, had not yet submitted its data for 2015.

50. The representative of UNIDO, who had been in contact with Libya's national ozone unit, said that he thought it likely that the data would be reported by 15 September 2016. The representative of Kenya, a member of the Committee, reported that he had discussed the matter with the representative of Libya during the ozone meetings that had taken place in Vienna just prior to the current meeting; based on that discussion, he said, the party could be expected to report its 2015 data imminently.

51. The Committee therefore agreed to request Libya to report to the Secretariat its data on ozone-depleting substances for 2015, as soon as possible and no later than 15 September 2016, in order that the Committee might assess at its fifty-seventh meeting the status of the party's compliance with its commitments set out in decision XXVII/11.

Recommendation 56/3

4. Ukraine (decision XXIV/18)

52. The representative of the Secretariat recalled that Ukraine, in accordance with its plan of action set out in decision XXIV/18, had committed itself to reducing its HCFC consumption to 16.42 ODP-tonnes in 2015. Subsequently it had submitted data showing consumption of 5.10 ODP-tonnes of HCFCs in that year. It had also submitted information on its licensing system, indicating that a system had been established by ministerial decree in 2015. New legislation on ozone-depleting substances had been drafted and was scheduled to enter into force in 2017.

53. Responding to questions on why that information had not been shared with the Committee in the documents for the current meeting, he explained that it had been submitted only shortly before the meeting.

54. The representative of UNDP reported that Ukraine had been quite successful in phasing out consumption of HCFCs despite frequent changes of government personnel, a slowdown in the economy, political and security disruptions and the bankruptcy of some of the enterprises being assisted by the Global Environment Facility. A dramatic slowdown in economic activity and rapid reduction in demand for some of the products in which HCFCs were used helped to explain the substantial reduction in consumption in 2015 compared to the level allowed in the country's plan of action.

55. It was suggested that, apart from acknowledging the data submitted by the party in compliance with decision XXIV/18, further consideration of the matter be deferred to the next meeting of the Committee to give the members of the Committee an opportunity to review the additional information submitted by the party.

56. The Committee therefore agreed:

1. To note that Ukraine had submitted its 2015 data in accordance with its obligations under Article 7 of the Montreal Protocol, together with the additional information requested in decision XXIV/18, and that the data indicated that it was in compliance with its commitments for that year as set out in decision XXIV/18;

2. To consider the additional information submitted by Ukraine at the fifty-seventh meeting of the Committee.

Recommendation 56/4

C. Non-reporting of process agent uses for 2014: Israel (recommendation 55/4)

57. The representative of the Secretariat recalled that under decision XXIII/7 Israel had been permitted the use of 3.5 ODP-tonnes of ozone-depleting substances as process agents in 2014 and should have reported on that use by 30 September 2015. By the time of the fifty-fifth meeting of the Committee, in October 2015, however, Israel had not reported to the Secretariat and had therefore been requested, in recommendation 55/4, to submit the outstanding information to the Secretariat as a matter of urgency, preferably by 31 March 2016.

58. By the time of the current meeting Israel had not reported on its permitted process agent uses for 2014, and its compliance with decision XXIII/7 could therefore not be assessed.

59. The Committee therefore agreed:

1. To note with concern that by the time of the Committee's fifty-sixth meeting Israel had not reported on its use of controlled substances as process agents in 2014 as required by paragraph 4 (a) of decision X/14;

2. To note that its failure to report its 2014 process agent information in accordance with decision X/14 placed Israel in non-compliance with its reporting obligations under that decision;

3. To request Israel to submit the outstanding information to the Secretariat as soon as possible, and no later than 15 September 2016, to enable the Committee to review the situation of Israel at its fifty-seventh meeting.

Recommendation 56/5**D. Possible non-compliance with the hydrochlorofluorocarbon phase-out (control measures): Guatemala**

60. The representative of the Secretariat introduced the item by explaining that Guatemala had reported consumption of 4.74 ODP-tonnes of HCFCs in 2014, in excess of its permitted consumption of 4.35 ODP-tonnes set out in its plan of action agreed in decision XXVI/16. He explained that the original data submitted for 2014 had shown consumption of 4.26 ODP-tonnes but the party had subsequently, in October 2015, reported a revised consumption figure of 4.74 ODP-tonnes in the light of a verification report prepared by a consultant in September 2015. It had also submitted its revised data for 2013.

61. In April 2016, Guatemala had requested a revision of the consumption figures for 2013 and 2014 included in decision XXVI/16 to match the new data, but the Secretariat had concluded that a decision adopted in 2014 could not be revised on the basis of information that had only become available in 2015.

62. In May 2016 Guatemala had submitted its data for 2015, which showed it to be in compliance with the Montreal Protocol and its commitment contained in decision XXVI/16.

63. Responding to questions about Guatemala's compliance with its agreement with the Executive Committee of the Multilateral Fund, the representative of UNIDO reported that UNIDO was assisting the party with data reporting and project implementation. Problems had been experienced with errors in the initial recording of data and personnel changes in the national ozone unit, but recent experience had been more positive and, as reported, the party had returned to compliance in 2015.

64. The representative of the secretariat of the Multilateral Fund confirmed that a penalty had been applied to reduce the funding made available to Guatemala in the wake of its failure to meet its phase-out obligations for 2013 and 2014. The project had gone ahead, however, and the Government had subsequently established a system of import quotas.

65. The representative of UNEP confirmed that a lack of capacity in the national ozone unit, coupled with personnel changes in the unit and at the ministerial level, had hindered efforts at phase-out. In 2015, however, UNEP had conducted training for the new ozone officer and in 2016 had undertaken a mission to assist in the resumption of project implementation. It had also provided further training at a recent regional network meeting. UNEP, together with UNIDO, was providing active support, and he was confident that the party would be able to meet its commitments.

66. The Committee therefore agreed:

(a) To note the explanation by Guatemala of its compliance situation, in particular the correction of its data for HCFC consumption to 9.84 ODP-tonnes in 2013 and 4.74 ODP-tonnes in 2014 on the basis that the figures for HCFC consumption in 2013 and 2014 had been erroneous due to a technical error in computing the consumption of that substance in the country for those two years;

- (b) Also to note that the party had been in non-compliance with its HCFC consumption obligations under the Protocol for 2013;
- (c) To note further that the party had been in non-compliance with its HCFC consumption commitment for 2014, as contained in decision XXVI/16;
- (d) To agree that the data corrections for 2013 and 2014 would not vary any of the benchmarks already recorded and agreed in decision XXVI/16;
- (e) To note that the party was in compliance with the HCFC consumption reduction benchmark for 2015 based on the data reported for that year and that no further action was required;
- (f) To continue to monitor closely the progress of Guatemala with regard to the implementation of its obligations under the Protocol;
- (g) To forward for consideration by the Twenty-Eighth Meeting of the Parties the draft decision contained in Annex I to the present report.

Recommendation 56/6

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

67. The representative of the Secretariat introduced the item by recalling decision XVIII/17, through which the Secretariat had been requested to maintain a consolidated record of cases in which parties had explained that their excess production or consumption was a consequence of stockpiling for a specified purpose in a future year. In decision XXII/20, the Meeting of the Parties had added the condition that to avoid follow-up action from the Implementation Committee any party making use of the decision on stockpiling needed to report that it had the necessary measures in place to prohibit the use of the stockpiled substances for any purpose other than those specified in paragraph 1 of decision XVIII/17.

68. In 2014, Israel had reported excess production of 17.3 ODP-tonnes of bromochloromethane to be exported for feedstock uses in future years. The party had not, however, provided the additional information required under decision XXII/20 about the measures it had in place to avoid the use of the stockpiled substance for other than the specified purposes. Israel had not responded to subsequent requests from the Secretariat to supply the information.

69. The Committee therefore agreed:

Recalling decision XVIII/17, pursuant to which the Secretariat is to maintain a consolidated record of cases in which parties have explained that their situations of excess production or consumption are the consequence of scenarios (a), (b) or (c) outlined in paragraph 1 of that decision and to incorporate that record in the documentation of the Implementation Committee, for information purposes only;

Recalling also decision XXII/20, which provides that in any of the scenarios referred to in the previous paragraph no follow-up action by the Implementation Committee shall be necessary if the party concerned reports that it has the necessary measures in place to prohibit the use of the ozone-depleting substances for any purpose other than those described in the decision;

Noting that Israel had reported excess production of 17.3 ODP-tonnes of bromochloromethane in 2014 to be exported for feedstock uses in future years;

1. To note with concern that Israel had not by the time of the current meeting provided the information required under decision XXII/20;
2. To request Israel to submit the outstanding information as soon as possible and no later than 15 September 2016 for consideration by the Committee at its fifty-seventh meeting.

Recommendation 56/7

VII. Status of establishment of a licensing system under Article 4B of the Montreal Protocol by South Sudan (decision XXV/15 and recommendation 55/5)

70. Introducing item 7, the representative of the Secretariat recalled that under decision XXV/15, South Sudan had been urged to establish a licensing system for controlling the import and export of ozone-depleting substances consistent with the requirements under Article 4B of the Montreal Protocol before 31 March 2015. In the light of the failure of the party to do so, the Implementation Committee in recommendation 55/5 had again urged South Sudan to establish a licensing system as a matter of urgency and to submit to the Secretariat, no later than 31 March 2016, information on the status of that system for consideration by the Committee at its fifty-sixth meeting. South Sudan had also been requested to work with the relevant implementing agencies in establishing and implementing its licensing system.

71. Subsequently the party had reported that, in cooperation with UNEP, it had established a licensing system by ministerial order; it had still not been able to enact legislation, however, owing to the continuing internal conflict in the country.

72. The Committee therefore agreed:

1. To note with appreciation the efforts made by South Sudan in the establishment and operation of a system for licensing the import and export of ozone-depleting substances under Article 4B of the Montreal Protocol by means of a ministerial order;

2. To congratulate South Sudan on the establishment and operation of a system for licensing both the import and export of controlled ozone-depleting substances in accordance with its obligations under Article 4B of the Protocol.

Recommendation 56/8

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

73. As it had not proved necessary to invite any party to attend the current meeting, there was no discussion under the agenda item.

IX. Other matters

74. The Committee took up no other matters.

X. Adoption of the recommendations and report of the meeting

75. The Committee decided to approve the recommendations set out in the present report by communication to the Secretariat after the meeting. It also decided to entrust the approval of the meeting report to the President and the Vice-President, the latter of whom also served as Rapporteur for the meeting, working in consultation with the Secretariat.

XI. Closure of the meeting

76. Following the customary exchange of courtesies, the President declared the meeting closed at 12.35 p.m. on Sunday, 24 July 2016.

Annex I

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

The Meeting of the Parties decides:

XXVIII/[]: Non-compliance in 2014 with the provisions of the Montreal Protocol governing consumption of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), by Guatemala

Noting that Guatemala ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 7 November 1989 and the London Amendment, the Copenhagen Amendment, the Montreal Amendment and the Beijing Amendment 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 [\$9.772.371] 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 the annual consumption reported by Guatemala for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 4.74 ODP-tonnes in 2014 was inconsistent with its commitment set out in decision XXVI/16 to reduce consumption of hydrochlorofluorocarbons to no greater than 4.35 ODP-tonnes in that year and that the party was therefore in non-compliance with the consumption control measures for that substance under the Protocol for that year;
2. To note with appreciation the submission by Guatemala of an explanation for its compliance situation and its correction of its hydrochlorofluorocarbon consumption to 9.84 ODP-tonnes in 2013 and 4.74 ODP-tonnes in 2014, attributing the previous incorrect data to a technical error in computing the consumption of that substance in the country for those two years;
3. To note also that despite the revision of its 2013 data the party remained in non-compliance with its hydrochlorofluorocarbon consumption obligations under the Protocol for 2013;
4. To agree that the data corrections for 2013 and 2014 will not vary any of the benchmarks already recorded and agreed in decision XXVI/16;
5. To note that Guatemala has reported data for 2015 that indicate that it has already returned to compliance with the Protocol's hydrochlorofluorocarbon control measures and to congratulate Guatemala on that progress;
6. To urge Guatemala to work with the relevant implementing agencies to implement the remainder of the plan of action in decision XXVI/16;
7. To continue 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;

Annex II

List of participants

Members of the Implementation Committee

Bangladesh

Mr. Md. Nurul Karim
Additional Secretary (Environment)
Department of Environment
Ministry of Environment and Forests
Dhaka 1000
Government of the People's
Republic of Bangladesh
Tel: +880-2-9514412
Mobile: +880-1711-865040
Email: nurul_karim96@yahoo.com

Bosnia and Herzegovina

Ms. Azra Rogović-Grubić
Senior Advisor for International
Cooperation
Ozone Unit Manager
Department of Environmental
Protection
Ministry of Foreign Trade and
Economic Relations
Musala 9 Street, 71000 Sarajevo
Bosnia and Herzegovina
Tel: +387 33953531
Cell: +387 61323226
Email: azra.rogovic-
grubic@mvteo.gov.ba,
rogovicazra@yahoo.com

Canada (Vice-President & rapporteur)

Ms. Nancy Seymour, P.Eng.
Head, Ozone Protection Programs
Chemical Production Division
Environmental Protection Branch
Environment Canada
351 St. Joseph Blvd., 11th Floor
Gatineau, Quebec K1A 0H3
Canada
Tel: +1 819 938 4236
Fax: +1 819 938 4218
Email: nancy.seymour@canada.ca

Cuba

Ms. Yadira González Columbié
Especialista Principal
Direccion de Relaciones Internacionales
Ministerio de Ciencia, Tecnología y
Medioambiente
Calle 18A, No. 4118 el 41 y 47, Playa
La Habana 11300
Cuba
Tel: +532 14 4 256
Email: yadira.gonzalez@citma.cu

Haiti

Dr. Fritz NAU
Point Focal Opérationnel
Coordonnateur Bureau National Ozone
Ministère de l'Environnement
11 Rue 4, Pacot
Port-au-Prince
Haiti
Tel: +509 3832 4074
Email: fritznau@yahoo.fr

Kenya

Mr. Leonard Marindany Kirui
Coordinator, NOU
National Ozone Office
Multilateral Environmental Agreements
Ministry for Environment and Natural
Resources
P.O. Box 30126-00100
Nairobi
Kenya
Tel: +254 20 359 9683
Cell: +254 722 847 342
Email: marindanykirui@yahoo.com

Pakistan (President)

Mr. Iftikhar ul-Hassan Shah Gilani
Joint Secretary
International Cooperation, Ministry of
Climate Change
National Focal Point for Montreal
Protocol
3LG & RD Complex, Floor,
Sector G-5/2
Islamabad 44000
Pakistan
Tel: +92 51 924 5523
Fax: +92 51 924 5529
Email: iftigilani@yahoo.com,
js.jc@mocc.gov.pk

United Kingdom of Great Britain and Northern Ireland

Mr. Brian Ruddle
Senior Lawyer
Government Legal Department
Area 8E Millbank, Nobel House
17 Smith Square
London SW1P 3jr
United Kingdom
Tel: +44 (0) 20802 64330
Cell: +44 (0) 7770 701663
Email: brian.ruddle@defra.gsi.gov.uk

Secretariats and implementing agencies

Secretariat of the Multilateral Fund or the Implementation of the Montreal Protocol

Mr. Eduardo Ganem
Chief Officer
Multilateral Fund Secretariat
1000 de la Gauchetière Street West
Montreal, Quebec H3B 4W5
Canada
Tel: +1 514 282 1122
Fax: +1 514 282 0068
Email: eganem@unmfs.org

Mr. Andrew Reed
Deputy Chief Officer
Multilateral Fund Secretariat
1000 de la Gauchetière Street West
Montreal, Quebec H3B 4W5
Canada
Tel: +1 514 282 1122
Fax: +1 514 282 0068
Email: areed@unmfs.org

Vice-Chair, Executive Committee

Mr. Paul Krajnik
Deputy Head of Division
Waste Management, Chemicals
Policy and Green Technology
Ministry of Agriculture, Forestry,
Environment and Water Management
Stubenbastei 5
Vienna A-1010
Austria
Tel: +43 1 515222346
Cell: +43 664 1210784
Email: paul.krajnik@bmlfuw.gv.at

United Nations Industrial Development Organization (UNIDO)

Mr. Yury Sorokin
Industrial Development Officer
United Nations Industrial
Development Organization (UNIDO)
Vienna International Centre
P.O. Box 300-1400
Vienna, Austria
Tel: +43 1 260263624
Cell: +43 664 2309911
E-mail: Y.Sorokin@unido.org

The World Bank

Mr. Thanavat Junchaya
Senior Environmental Engineer
Climate Change Group,
Implementing Agency
Coordination Unit
The World Bank
1818 H Street, NW
Washington, DC 20433
United States of America
Tel: +1 202 473 3841
Email: tjunchaya@worldbank.org

United Nations Development Programme (UNDP)

Mr. Jacques Van Engel
Director
Montreal Protocol Unit/Chemicals
Sustainable Development
Cluster/BPPS
UNDP
304 East 45th Street, Room FF-970
New York, NY 10017
United States of America
Tel: +1 212 906 5782
Email: jacques.van.engel@undp.org

Mr. Maksim Surkov
Regional Coordinator (Europe/CIS,
Arab States and Africa)
Montreal Protocol Unit/Chemicals
UNDP
Istanbul
Turkey
Tel: +90 850 298 2613
Email: maksim.surkov@undp.org

United Nations Environment Programme, Division of Technology, Industry and Economics (UNEP/DTIE)

Mr. James Curlin
Network Policy Manager
OzonAction Branch
UNEP /DTIE
15 rue de Milan
75441 Paris Cedex 09
France
Tel: +33 1 44 371455
Email: jim.curlin@unep.org

Ozone Secretariat

Ms. Tina Birmpili
Executive Secretary
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. Box 30552 00100
Nairobi, Kenya
Tel: +254 20 762 3855
Email: Tina.Birmpili@unep.org

Mr. Gilbert Bankobeza
Chief, Legal Affairs and Compliance
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. Box 30552 00100
Nairobi, Kenya
Tel: +254 20 762 3854
Email: Gilbert.Bankobeza@unep.org

Ms. Sophia Mylona
Senior Environmental Officer
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. Box 30552 00100
Nairobi, Kenya
Tel: +254 20 762 3034
Email: Sophia.Mylona@unep.org

Mr. Gerald Mutisya
Programme Officer
Ozone Secretariat
United Nations Environment
Programme (UNEP)
P.O. Box 30552 00100
Nairobi, Kenya
Tel: +254 20 762 4057
Email: Gerald.Mutisya@unep.org
