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**United Nations
Environment
Programme**

**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Sixty-fourth meeting
Online, 7–9 July 2020**

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

I. Introduction

1. The sixty-fourth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol on Substances that Deplete the Ozone Layer was conducted online in three two-hour sessions held on 7, 8 and 9 July 2020. Owing to the ongoing coronavirus disease (COVID-19) pandemic, it was not possible to convene the meeting as planned in Montreal, Canada, on 12 July 2020.

II. Opening of the meeting

2. The President of the Committee, Ms. Maryam Al-Dabbagh (Saudi Arabia), opened the meeting at 3 p.m. Nairobi time (UTC + 2) on Tuesday, 7 July 2020.

3. Ms. Tina Birmpili, Executive Secretary, Ozone Secretariat, welcomed the members of the Committee and the representatives of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol and its implementing agencies. She also welcomed the three new members of the Committee, who represented China, Nicaragua and Uganda. She announced with regret the death of Mr. Quecuta Injai, the representative of Guinea-Bissau to the Implementation Committee. She said that, owing to the ongoing pandemic, the current meeting was taking place in unprecedented circumstances, and she thanked members for participating online in their respective time zones. In addition to its regular items, the Committee would be considering a new case of non-compliance by the Democratic People's Republic of Korea under Article 7 of the Protocol. The Secretariat was available to support the work of the Committee by providing additional information on matters under consideration at the meeting, while other information could be provided by the secretariat of the Multilateral Fund and the implementing agencies. She concluded by wishing the Committee a successful meeting.

III. Adoption of the agenda and organization of work

A. Attendance

4. Representatives of the following Committee members attended the meeting: Australia, China, European Union, Guinea-Bissau, Nicaragua, Paraguay, Poland, Saudi Arabia, Turkey, Uganda.

5. The meeting was also attended by representatives of the secretariat of the Multilateral Fund and representatives of the following implementing agencies of the Fund: United Nations Environment Programme (UNEP), United Nations Industrial Development Organization (UNIDO), World Bank.
6. The list of participants is set out in the annex to the present report.

B. Adoption of the agenda

7. The Committee adopted the following agenda on the basis of the provisional agenda (UNEP/OzL.Pro/ImpCom/64/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 the implementing agencies to facilitate compliance by parties.
5. Follow-up on previous decisions of the parties and recommendations of the Implementation Committee on issues related to non-compliance: existing plans of action to return to compliance:
 - (a) Kazakhstan (decision XXIX/14);
 - (b) Libya (decision XXVII/11);
 - (c) Ukraine (decision XXIV/18).
6. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol.
7. Other matters.
8. Adoption of the recommendations and the report of the meeting.
9. Closure of the meeting.

C. Organization of work

8. The Committee agreed to follow its usual procedures. The case of non-compliance by the Democratic People's Republic of Korea under Article 7 of the Protocol would be taken up under item 3 of the agenda.

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

9. The representative of the Secretariat gave a presentation summarizing the report of the Secretariat on the information provided by parties in accordance with Articles 7 and 9 of the Montreal Protocol (UNEP/OzL.Pro/ImpCom/64/R.2).

10. With regard to reporting pursuant to Article 9, the Secretariat had received no further submissions since the sixty-third meeting of the Committee in November 2019.

11. With regard to reporting of data under Article 7, 124 parties had thus far reported Article 7 data for 2019, 61 of them using the online reporting system, and 197 parties had reported data for 2018. On the matter of cases of non-compliance or possible non-compliance with the control measures for the consumption and production of ozone-depleting substances under the Protocol, for 2018, Kazakhstan continued to be in non-compliance with the Montreal Protocol consumption limits for hydrochlorofluorocarbons (HCFC), but its consumed amounts were within benchmark levels, as outlined in its plan of action set out in decision XXIX/14. Also for 2018, Israel had provided clarifications to the Secretariat on several queries regarding possible non-compliance in the country. For 2019, the Democratic People's Republic of Korea was in non-compliance with HCFC measures for both production and consumption, and the matter would be considered at the current meeting. In addition, Trinidad and Tobago had provided clarifications in response to a query from the Secretariat on possible non-compliance for halon consumption. Recently submitted data for 2019 indicated some

other instances of possible non-compliance with control measures, particularly with regard to HCFCs, and the Secretariat would seek to clarify those matters with the parties concerned.

12. Regarding critical-use exemptions for controlled substances for 2019, four parties, namely Argentina, Australia, Canada and South Africa, had been granted critical-use exemptions for methyl bromide for 2019, and all four had provided reports accounting for the exemptions. One party, Israel, had been granted an emergency-use exemption.

13. On the matter of reporting of exports and destinations pursuant to decision XVII/16, on preventing illegal trade in controlled ozone-depleting substances, the Secretariat had sent letters to 136 importers in March 2020 informing them of the amounts reported by exporters for 2018 as having been destined for their countries. For 2018, nearly 86 per cent of exports (by weight) had a designated destination. With regard to the reporting of imports and source countries under decision XXIV/12, on differences between data reported on imports and data reported on exports, the Secretariat provided compiled information on reported imports to those exporting parties that requested it. Accordingly, in March 2020 the Secretariat had sent letters to 38 exporters inviting them to submit requests for compilations of data for 2018, and had sent the compiled aggregate information for 2018 to the 25 parties that had requested it. For 2018, 60 per cent of reported imports (by weight) had the source country specified.

14. As for reporting pursuant to decisions XVIII/17 and XXII/20 of excess production and consumption of ozone-depleting substances attributable to stockpiling, Germany and Israel had reported such excess production for 2018. Both parties had confirmed that they had in place the necessary measures to prevent the diversion of such substances to unauthorized uses, as required by paragraph 3 of decision XXII/20.

15. With regard to the reporting of process agent uses (decisions X/14 and XXI/3), only four parties (China, the European Union, Israel and the United States of America) still reported the use of ozone-depleting substances as process agents (decision XXIII/7). All four parties had reported for 2018 on their process agent uses, and the European Union had reported for 2019.

16. On the matter of accounting for the production of phased-out controlled substances, production had risen to almost 600,000 tonnes in 2018, mostly for feedstock uses. Around 58 per cent of the ozone-depleting substances for feedstock uses were HCFCs, with chlorofluorocarbons, carbon tetrachloride and trichloroethane accounting for smaller proportions. Overall total feedstock use stood at nearly 1.4 million tonnes in 2018. The consumption of methyl bromide for quarantine and pre-shipment uses had been relatively stable over the past 10 years and oscillated around 10,000 tonnes. The number of parties reporting destruction of ozone-depleting substances continued to show an upward trend.

17. Under decisions XXIV/14 and XXIX/18, parties had been requested to specify zero quantities with zeros – instead of leaving blank cells – on their Article 7 data reporting forms. For 2018, the number of parties submitting incomplete forms had fallen below 20, and that number was expected to decline further as more parties used the online reporting system.

18. Following the presentation, the representative of the Secretariat responded to a number of questions. In response to a question on the impact of parties using the online reporting system, he said that the system had improved the parties' understanding of the information that was required to be reported on controlled substances, including the filling of blank cells, and had prompted the provision of additional information, such as source or destination countries for imports or exports, or information on polyols. The system allowed for the easy capture of the reporting person's contact information and the issue of blank cells did not arise with the system since, upon submission, parties were explicitly asked to confirm that blank fields and non-listed substances represented zero values. Overall, more accurate and complete information could be expected as more parties used the online reporting system.

19. In response to a question on possible action in instances where blank cells still occurred, the representative of the Secretariat said that initial action could be follow-up by the Secretariat to seek clarification from the relevant parties. In addition, the Committee could adopt a recommendation and thereafter possibly forward a decision to the meeting of the parties for its consideration and possible adoption. When asked why the Secretariat did not present the issue as non-compliance with reporting obligations, he pointed out that the Committee and the Meeting of the Parties had never judged it to be an issue of non-compliance in the previous instances where it had been considered. In all cases queried by the Secretariat, parties had clarified that blank cells represented zeros.

20. In response to a query on why the Secretariat did not publish the process agent data for 2018 pertaining to the four parties still reporting the use of ozone-depleting substances as process agents, the representative of the Secretariat said that it had never been the practice of the latter to share such information. The information could be made available if the parties so requested. On the matter of whether parties reported in metric tonnes or ODP-tonnes, he said that three parties reported in metric tonnes and one party reported in ODP-tonnes. The Meeting of the Parties, by its decisions, had not stipulated the units to be used in reporting. However, in instances of reporting in ODP-tonnes, the Secretariat could try to apply a reverse conversion to determine whether the amounts reported were within the specified limits. In response to an observation by one member of the Committee that the summary table at the beginning of the data report did not list the most recent decisions on process agent uses, the representative of the Secretariat said that the latter would ensure that future reports quoted all the relevant decisions. The Committee agreed to consider further the issue of process agent uses at its sixty-fifth meeting.

21. The Committee took note of the information presented.

Non-compliance issue: Democratic People's Republic of Korea

22. The representative of the Secretariat, introducing the matter of non-compliance by the Democratic People's Republic of Korea (UNEP/OzL.Pro/ImpCom/64/R.3/Add.1), said that the party, in a letter to the Secretariat dated 14 May 2020, had stated that it was unable to reduce the production and consumption of HCFCs in 2019 within the limits prescribed by the Montreal Protocol, as the United Nations Security Council sanctions imposed on the country had led to the suspension of technical and financial support available to parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 parties) under articles 10 and 10A of the Protocol. The party had also noted that it was unlikely to meet the 35 per cent reduction target for 2020. The Democratic People's Republic of Korea had previously notified the Secretariat, in a letter dated 10 April 2019, of the risk of non-compliance with HCFC reduction targets from 2019 onwards. Data for 2019 provided by the party indicated excess consumption of 2.07 ODP-tonnes and excess production of 2.15 ODP-tonnes of HCFCs. The Implementation Committee, at its sixty-second meeting, had agreed that any work that it undertook with respect to the Democratic People's Republic of Korea should comply with the applicable Security Council resolutions. The matter had been further discussed at the forty-first meeting of the Open-ended Working Group of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and at the Thirty-First Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. At the latter meeting, a number of parties had expressed support for the position whereby, in accordance with international law, it was not possible for the Executive Committee of the Multilateral Fund to disburse any further funding for projects in the Democratic People's Republic of Korea until the party had met all the requirements of the relevant Security Council resolutions, and one representative, speaking on behalf of a group of countries, had said that any matter of non-compliance should be dealt with in the appropriate forum, namely the Implementation Committee.

23. In the ensuing discussion, the representative of the Multilateral Fund secretariat said that the Executive Committee, by its decision 84/16, had approved, on an exceptional basis, the extension, to 31 December 2021, of stage I of the HCFC phase-out management plan for the Democratic People's Republic of Korea, while noting that the related projects had not been moving forward on account of the provisions of the relevant Security Council resolutions. The Executive Committee had also requested UNIDO, as the implementing agency, to provide at its eighty-fifth meeting a status report on progress in the implementation of the projects, including updates on the resumption of activities. UNIDO had submitted a status report to the Executive Committee at its eighty-fifth meeting indicating that it was not in a position to continue the implementation of the HCFC phase-out management plan for the Democratic People's Republic of Korea due to stricter sanctions resulting from the adoption of resolution 2397 (2017), and requesting guidance from the Executive Committee. However, that meeting had been postponed due to the COVID-19 pandemic. In the meantime, there had been no indication of any change in the status of Security Council resolutions on the matter.

24. The representative of UNEP said that the organization continued to work with the Government of the Democratic People's Republic of Korea on various aspects of the national programme, including data processing, compliance and establishment of a licensing system, and that both UNEP and UNIDO were maintaining contact with the Government and the national ozone unit on those matters.

25. One member of the Committee, supported by another, said that the proper procedure of the Committee in instances of non-compliance should be followed, and that the Democratic People's Republic of Korea should accordingly be requested to provide further information on its

non-compliance situation and to propose a plan of action for returning to compliance. Previous decisions of the Committee, suitably adapted, could provide a template for any decision on the matter.

26. The Committee therefore agreed:

Noting 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 non-compliance,

Recalling that the Democratic People's Republic of Korea had notified the Secretariat in 2019, in accordance with paragraph 4 of the non-compliance procedure for the Montreal Protocol, of its anticipated future non-compliance with its consumption and production obligations under the Protocol in respect of hydrochlorofluorocarbons (HCFCs),

(a) To note that the Democratic People's Republic of Korea had submitted its data on ozone-depleting substances for 2019 in accordance with Article 7 of the Protocol;

(b) Also to note that the party's HCFC consumption of 72.27 ODP-tonnes in 2019 was inconsistent with its obligation under the Protocol to reduce consumption in that year to no greater than 70.2 ODP-tonnes, thereby placing the party in non-compliance with its HCFC consumption obligations under the Protocol;

(c) Further to note that the party's HCFC production of 26.95 ODP-tonnes in 2019 was inconsistent with its obligation under the Protocol to reduce the production in that year to no greater than 24.8 ODP-tonnes, thereby placing the party in non-compliance with its HCFC production obligations under the Protocol;

(d) To request the Democratic People's Republic of Korea, as a matter of urgency, to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The party might wish to consider highlighting in its plan of action key sectors of HCFC uses that, if addressed, could enable the party to achieve a faster return to compliance;

(e) To invite the Democratic People's Republic of Korea, if necessary, to send a representative to the Committee's sixty-fifth meeting.

Recommendation 64/1

V. 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 the implementing agencies to facilitate compliance by parties

27. The Chief Officer of the secretariat of the Multilateral Fund reported on relevant decisions of the Executive Committee of the Fund and on activities carried out by bilateral and implementing agencies, summarizing information provided in the annex to the note by the Ozone Secretariat on country programme data and prospects for compliance (UNEP/OzL.Pro/ImpCom/64/INF/R.3). As at the eighty-fourth meeting of the Executive Committee of the Fund, stage I of HCFC phase-out management plans had been approved for 144 countries, and stage II had been approved for 36 countries. Total funding of \$1.1 billion had been approved in principle for those activities, of which \$836.2 million had been disbursed. One non-low-volume-consuming country had in its stage I phase-out management plan committed itself to achieving the 2015 compliance target. A total of 104 Article 5 parties had committed themselves in their phase-out management plans to achieving compliance with the 2020 target, and 22 had compliance targets up to 2025. A total of 14 low-volume-consuming countries had committed themselves to completely phasing out HCFCs between 2020 and 2035. Funding for the preparation of the HCFC phase-out management plan for the Syrian Arab Republic had been approved at the eighty-third meeting after assurance from the implementing agencies that implementation activities could begin. An intersessional approval process had been established for reports and project proposals that were to have been considered at the postponed eighty-fifth meeting of the Executive Committee.

28. Regarding the activities that had been funded, most of the foam manufacturing enterprises and a large portion of the refrigeration and air-conditioning manufacturing enterprises were under conversion. The majority of the conversions related to low-global-warming-potential alternatives, although a number of countries faced challenges with regard to the availability of alternative technologies on the local market. The latest reported HCFC consumption (23,335 ODP-tonnes) was 34.8 per cent below the consumption baseline for compliance. The cumulative amount of HCFCs to be

phased out in the consumption sector upon the completion of stages I and II of the HCFC phase-out management plans exceeded 20,000 ODP-tonnes (61.8 per cent of the starting point). Stage I of the HCFC production phase-out management plan for China had been completed, and stage II would be reconsidered by the Executive Committee at its eighty-sixth meeting. As at the eighty-fourth meeting of the Executive Committee, reporting by Article 5 parties on the status of funding of their stage I and stage II phase-out management plans showed that approved projects would phase out almost 100 per cent of HCFC-141b, 64 per cent of HCFC-142b and about 40 per cent of HCFC-22, and that nearly 62 per cent of all HCFCs would be addressed when all projects had been fully implemented. Reporting on consumption of hydrofluorocarbons (HFCs) by 59 Article 5 parties indicated that over 75 per cent of consumption comprised HFC-134a, R-410A, and R-404A.

29. During the intersessional approval process established at the eighty-fifth meeting, the Executive Committee had considered reports on projects with specific reporting requirements; matters related to the overview of issues identified during project review; project proposals submitted under bilateral cooperation and the 2020 work programmes of the United Nations Development Programme (UNDP), UNEP and UNIDO; and HCFC phase-out management plans in 35 Article 5 parties and the 12 Pacific island countries. Funding amounting to \$35 million, including agency support costs, was approved and transferred to the agencies. Matters that had not been considered included financial audit reports for the sector plans in China, the progress report on the implementation of stage I of the HCFC phase-out management plan for the Democratic People's Republic of Korea, and the projects for HFC-23 emission controls for Argentina and Mexico.

30. On matters related to the Kigali Amendment, guidelines for funding the phase-down of HFCs were being developed by the Executive Committee in a process that had been initiated at its seventy-seventh meeting. Progress had been reported on annually to the Meeting of the Parties. The draft guidelines would continue to be presented to the Meeting of the Parties for further input before finalization by the Executive Committee, in accordance with decision XXX/4. A number of related documents were under discussion or preparation, including analysis of and information on incremental costs and their duration, and the cost-effectiveness of approved investment projects; a paper on ways to operationalize paragraph 16 of decision XXVIII/2 and paragraph 2 of decision XXX/5 of the Meeting of the Parties; a framework for consultations with relevant funds and financial institutions to explore the mobilization of additional financial resources for maintaining or enhancing energy efficiency when replacing HFCs with low-global-warming-potential refrigerants in the refrigeration and air-conditioning sector; key aspects related to HFC-23 by-product control technologies; a review of institutional strengthening projects, including funding levels; strategies for funding the HFC phase-down; analysis of the level and modalities of funding for HFC phase-down in the refrigeration servicing sector; an updated analysis of implications of parallel or integrated implementation of HCFC phase-out and HFC phase-down; and a synthesis report describing best practices and ways for the Executive Committee to consider operationalizing paragraph 24 of decision XXVIII/2 of the Meeting of the Parties.

31. Following the presentation, the Chief Officer of the Multilateral Fund responded to issues raised. One member asked what follow-up was undertaken in instances where countries that had ratified the Kigali Amendment had not provided mandatory HFC data in their country programme reports. The Chief Officer responded that the secretariat of the Multilateral Fund was still gathering data from Article 5 parties and would follow up in due course on matters arising from consideration of the data. The member also queried the listing in tables 10 and 11 in the annex to document UNEP/OzL.Pro/ImpCom/64/INF/R.3 of HFC-134a and R-410A as solvents, when in fact they were gases and not liquids. The Chief Officer responded that, again, the secretariat was still receiving raw data, and there would be a period of trial and error until the new format was developed for country programme data, along with harmonized codes for collecting information, at which stage the secretariat would be better placed to take an overview of the data and address particular issues.

32. The Committee took note of the information presented.

VI. Follow-up on previous decisions of the parties and recommendations of the Implementation Committee on issues related to non-compliance: existing plans of action to return to compliance

A. Kazakhstan (decision XXIX/14)

33. The representative of the Secretariat recalled that, in its decision XXVI/13, the Meeting of the Parties had noted the non-compliance of Kazakhstan with the HCFC consumption control measures under the Protocol in 2011, 2012 and 2013, and had noted with appreciation the plan of action submitted by the party to ensure its prompt return to compliance with those measures by 2016. Following further non-compliance in 2015 and 2016, Kazakhstan had submitted a revised plan of action by which it committed to further reductions in HCFC consumption in order to return to compliance, as set out in decision XXIX/14. On 1 July 2020, data submitted by Kazakhstan under Article 7 for 2019 indicated that the party was in compliance.

34. During the meeting, it was noted that the reported HCFC consumption of 0.28 ODP tonnes for 2019 was significantly lower than the reduction commitment, especially when compared to consumption in recent years. The Secretariat therefore indicated that it would seek confirmation from the party on the accuracy of the data. Following the subsequent confirmation of the consumption data by the party, the Committee noted with appreciation the submission by Kazakhstan of its Article 7 data for 2019, which indicated that the party was in compliance with its commitment for 2019 under its plan of action to return to compliance, as set out in decision XXIX/14.

B. Libya (decision XXVII/11)

35. The representative of the Secretariat recalled that, in its decision XXVII/11, the Meeting of the Parties had noted the non-compliance of Libya with the HCFC consumption control measures under the Protocol in 2013 and 2014, and had noted the submission by Libya of a plan of action to return to compliance. The relevant action included reducing the consumption of controlled substances, monitoring the enforcement of its system for licensing imports and exports of ozone-depleting substances, imposing a ban on the procurement of air-conditioning equipment containing HCFC in the near future, and considering a ban on the import of such equipment.

36. On 8 April 2020, Libya had reported data to the Secretariat indicating that it was in compliance with its commitment for 2019 under its plan of action to reduce its consumption of HCFCs to no greater than 106.5 ODP-tonnes. In addition, on 5 March 2020, Libya provided a progress report describing a worsening of the security situation in the country, impeding progress towards the adoption of the bans. The Environment General Authority of Libya would issue a note requesting all the related sectors to consider adopting procedures to ban the import and use of equipment containing HCFCs in the coming years, once the country's situation had improved.

37. The Committee therefore agreed:

(a) To note with appreciation the submission by Libya of its Article 7 data for 2019, which indicated that Libya was in compliance with its commitment for 2019 under its plan of action, as set out in decision XXVII/11;

(b) Also to note with appreciation the submission by Libya of another update on the progress made towards imposing a ban on the procurement of air-conditioning equipment containing HCFCs and towards considering a ban on the import of such equipment;

(c) To request Libya, taking into account the prevailing security situation in the country and the resulting difficulties described by the party, to submit to the Secretariat, by 15 March 2021, a further update on the progress made towards imposing a ban on the procurement of air-conditioning equipment containing HCFCs and towards considering a ban on the import of such equipment, for consideration by the Committee at its sixty-sixth meeting.

Recommendation 64/2

C. Ukraine (decision XXIV/18)

38. The representative of the Secretariat recalled that, in its decision XXIV/18, the Meeting of the Parties had noted the non-compliance of Ukraine with the HCFC consumption control measures under the Protocol in 2010 and 2011, and had recorded with appreciation the submission by Ukraine of a

plan of action to return to compliance, including by implementing its system for licensing imports and exports of ozone-depleting substances and a quota system for such imports and exports, and making it operational; introducing as soon as possible a gradual ban on imports of equipment containing or relying on ozone-depleting substances and monitoring its operation once introduced; and pursuing the passage of new legislation to more closely control ozone-depleting substances.

39. The party was yet to submit its Article 7 data for 2019, so it was not currently possible to assess its compliance with its commitments. However, on 21 January 2020, Ukraine had informed the Secretariat of the adoption by Parliament of a law on the regulation of economic activity with ozone-depleting substances and fluorinated greenhouse gases, thus complying with the requirements of paragraph 2 (d) of decision XXIV/18. The law was supposed to take effect on 27 June 2020.

40. The Committee therefore agreed:

(a) To request Ukraine to report to the Secretariat its data for 2019, in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 15 September 2020, in order for the Committee to assess at its sixty-fifth meeting the status of compliance by Ukraine with its commitments as set out in decision XXIV/18;

(b) To note with appreciation the submission by Ukraine of the information confirming the adoption and entry into force of the law on ozone-depleting substances and fluorinated greenhouse gases, and to congratulate the party on that achievement.

Recommendation 64/3

VII. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol

41. Introducing the item, the representative of the Secretariat drew attention to a report by the Secretariat on the status of licensing systems for hydrofluorocarbons (UNEP/OzL.Pro/ImpCom/64/R.4), which provided updated information on the status of licensing systems for HFCs pursuant to Article 4B, paragraph 2 bis, of the Protocol, which required each party, by 1 January 2019, or within three months of the date of entry into force of that paragraph for it, to establish and implement a system for licensing the import and export of new, used, recycled and reclaimed HFCs. Any Article 5 party that decided it was not in a position to establish and implement such a system by 1 January 2019 could delay taking those actions until 1 January 2021. In addition, pursuant to paragraph 3 of Article 4B, each party was required, within three months of the date of introducing its licensing system, to report to the Secretariat on the establishment and operation of that system. Finally, in accordance with paragraph 4 of Article 4B, the Secretariat was required to periodically prepare and circulate to all parties a list of the parties that had reported to it on their licensing systems and to forward that information to the Implementation Committee for consideration and appropriate recommendations to the parties. By decision XXXI/10, the Meeting of the Parties had decided to review periodically the status of the establishment and implementation of licensing systems for HFCs by all parties to the Protocol that had ratified, approved or accepted the Kigali Amendment, as called for in Article 4B, paragraph 2 bis, of the Protocol.

42. On the status of licensing systems, the representative of the Secretariat said that 99 parties had ratified the Kigali Amendment to date, and 51 parties, including 45 that had ratified the Kigali Amendment, had confirmed the establishment and implementation of their licensing systems. Of the 99 parties to the Amendment, 54 had not yet reported on the establishment of a licensing system. The Secretariat had notified all Article 5 parties to the Kigali Amendment of their obligation to comply with paragraph 2 bis and paragraph 3 of Article 4B of the Protocol.

43. The Committee therefore agreed:

(a) To note with appreciation the report on the status of establishment and implementation of import and export licensing systems for Annex F controlled substances under Article 4B, paragraph 2 bis, of the Montreal Protocol;

(b) Also to note with appreciation that 45 parties to the Kigali Amendment to the Protocol had to date reported the establishment and implementation of such licensing systems as required under the terms of the Amendment, and that another 6 parties that had not yet ratified the Kigali Amendment had also reported the establishment and implementation of such licensing systems;

(c) Further to note that any party operating under paragraph 1 of Article 5 that had decided that it had not been in a position to establish and implement such a licensing system by 1 January 2019 might delay taking those actions until 1 January 2021, bearing in mind the proximity of that date;

(d) To note that 18 parties operating under paragraph 1 of Article 5 had notified the Secretariat of their intention to delay the establishment and implementation of such licensing systems until 1 January 2021;

(e) To encourage parties operating under paragraph 1 of Article 5 that were parties to the Kigali Amendment and were planning to delay until 1 January 2021 to notify the Secretariat as soon as possible of their intention to do so;

(f) To urge all remaining parties to the Kigali Amendment that had not yet done so to establish and implement import and export licensing systems for controlled substances under Annex F of the Protocol and to report that information to the Secretariat within three months of doing so;

(g) To continue reviewing periodically the status of the establishment and implementation of such licensing systems by all parties and consider any appropriate recommendations to the parties, as called for in Article 4B, paragraph 2 bis, of the Protocol, and paragraph 3 of decision XXXI/10.

Recommendation 64/4

VIII. Other matters

44. The representative of the Secretariat drew the attention of the Committee to two online tools, one presenting Implementation Committee meeting reports and recommendations in a tabular, clickable format,¹ and the other showing the status of licensing systems for parties to the Kigali Amendment.²

45. Two members of the Committee sought to propose a draft recommendation on reporting by parties on process agent uses.

46. The Committee agreed that, as the matter had not been included on the agenda of the meeting, the draft recommendation would not be discussed at the meeting, but would be placed on the agenda of the Committee's sixty-fifth meeting.

IX. Adoption of the recommendations and the report of the meeting

47. The Committee approved the recommendations set out in the present report and agreed to entrust the finalization and 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.

X. Closure of the meeting

48. Following the customary exchange of courtesies, the President declared the meeting closed at 3.25 p.m. on Thursday, 9 July 2020.

¹ Available at <https://ozone.unep.org/list-of-implementation-committee-recommendations>.

² Available at <https://ozone.unep.org/additional-reported-information/licensing-systems>.

Annex

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