



Distr.: General

21 July 2021

Original: English



**United Nations
Environment
Programme**

**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Sixty-sixth meeting**
Online, 12 and 13 July 2021

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

Introduction

1. The sixty-sixth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol on Substances that Deplete the Ozone Layer was held online on 12 and 13 July 2021.

I. Opening of the meeting

2. The President of the Committee, Mr. Cornelius Rhein (European Union), opened the meeting at 2.10 p.m. (Nairobi time (UTC + 3)) on Monday, 12 July 2021.

3. Ms. Megumi Seki, Executive Secretary, Ozone Secretariat, welcomed the members of the Committee, in particular the new members from Bhutan, North Macedonia and Senegal, and the representatives of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol and its implementing agencies. She noted the continuing challenges presented by the coronavirus disease (COVID-19) pandemic and thanked the members of the Committee for participating in the meeting online in their respective time zones. She briefly reviewed the various agenda items that the Committee would consider at the meeting and said that the Secretariat was available to assist the work of the Committee and, along with the Fund secretariat and the implementing agencies, to provide any further clarification or information that might be required. She concluded by wishing the Committee a successful meeting.

II. Adoption of the agenda and organization of work

A. Attendance

4. Representatives of the following Committee members attended the meeting: Australia, Bhutan, Chile, China, Dominican Republic, European Union, North Macedonia, Poland, Senegal and Uganda.

5. The meeting was also attended by representatives of the secretariat of the Multilateral Fund and representatives of the implementing agencies of the Fund: the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the 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/66/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:
 - (a) Data reporting obligations under Article 7 (decision XXXII/4):
 - (i) San Marino;
 - (ii) Yemen;
 - (iii) Democratic People's Republic of Korea (only for substances controlled under Annex F of the Protocol);
 - (b) Existing plans of action to return to compliance:
 - (i) Kazakhstan (decision XXIX/14);
 - (ii) Libya (decision XXVII/11);
 - (iii) 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.

III. 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/66/R.2).

10. With regard to reporting pursuant to Article 9, the Secretariat had received no further submissions since the Thirty-Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, which took place in November 2020.

11. With regard to reporting of data under Article 7, 122 parties had thus far reported Article 7 data for 2020, with 63 of them using the online reporting system. One party that had submitted other data for 2020 had not reported hydrofluorocarbon (HFC) data for 2020, and two parties were in non-compliance with their obligation to report HFC baseline data. The Secretariat had engaged with those parties and would provide an update at the sixty-seventh meeting. On the matter of cases of non-compliance or possible non-compliance with the control measures for the consumption and production of controlled substances under the Protocol, for 2019, one party was yet to clarify its situation of possible non-compliance, while for 2020, the Secretariat was yet to review all cases of excess production or consumption from the data that had recently been submitted.

12. Regarding critical-use exemptions for controlled substances for 2020, four parties, namely Argentina, Australia, Canada and South Africa, had been granted critical-use exemptions for methyl bromide for 2020. Of those, Argentina, Australia and Canada had submitted their accounting reports for 2020, while South Africa had not submitted any nominations in 2021 and thus was not obliged to submit an accounting report.
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 147 importers in March 2021 informing them of the amounts reported by exporters for 2019 as having been destined for their countries. For 2019, 88 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 2021 the Secretariat had sent letters to 57 exporters inviting them to submit requests for compilations of data for 2019 and had sent the compiled aggregate information for 2019 to the 28 parties that had requested it. For 2019, 50 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 controlled substances attributable to stockpiling, the Secretariat was yet to compile and analyse the cases of excess production for 2020 attributable to stockpiling under decision XVIII/17. That would include the determination of whether the parties concerned had confirmed that they had the necessary measures to prevent the substances from being diverted to unauthorized uses (decision XXII/20), as many reports had only been submitted recently.
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 (decisions XXIII/7 and XXXI/6). One party, the European Union, had reported its process agent uses for 2020.
16. On the matter of accounting for the production of phased-out controlled substances, production was almost 600,000 tonnes in 2019, mostly for feedstock uses. On the issue of feedstock uses, around 62 per cent of the controlled substances for feedstock uses were hydrochlorofluorocarbons (HCFCs), with chlorofluorocarbons, carbon tetrachloride and trichloroethane accounting for smaller proportions. Overall total feedstock use stood at around 1.5 million tonnes in 2019. The consumption of methyl bromide for quarantine and pre-shipment uses had been relatively stable over the past 10 years and had oscillated around 10,000 tonnes. The number of parties reporting destruction of controlled substances had been relatively stable over the previous six years, in the range of 22 to 26 parties.
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 2019, the number of parties submitting incomplete forms had fallen below 10, as parties increasingly used the online reporting system.
18. Following the presentation, the representative of the Secretariat responded to issues raised by the Committee. One member of the Committee drew attention to some errors and omissions in the report by the Secretariat on information provided by parties in accordance with Articles 7 and 9 of the Montreal Protocol (UNEP/OzL.Pro/ImpCom/66/R.2). The representative of the Secretariat said that the Secretariat would check the report for accuracy and issue a corrigendum as appropriate.
19. That member of the Committee also stated that table 1, and specifically section K, should include information on whether all parties reporting on process agents had submitted data on make-up or consumption in their reports, in accordance with paragraph 4 of decision XXXII/5; and should also include a note that one party had reported, for 2019, emissions from process agents in ODP-tonnes instead of metric tonnes, as a consequence of which the Secretariat had been unable to assess whether the emissions were within the allowable limits. The member proposed a draft recommendation requesting parties to submit to the Ozone Secretariat the aggregated data on emissions from process agent uses in 2019 and consecutive years in metric tonnes, not ODP-tonnes.
20. The representative of the Secretariat responded that information for 2020 related to process agents had only been received recently from one party, and the Secretariat was still processing the information. A detailed update would be provided to the Committee at its sixty-seventh meeting on matters relating to decision XXXII/5. Regarding the inclusion of information pertaining to 2019, he said that the information referred to had already been reviewed by the Committee at its sixty-fifth meeting and had informed decision XXXII/5, adopted by the Thirty-Second Meeting of the Parties in 2020. That decision would therefore apply to future reporting, and did not apply to 2019 data.

One member, supported by another, stated that the proposed draft recommendation was premature, and that the matter could be reconsidered at the sixty-seventh meeting should analysis of the data reveal any outstanding issues. The Committee agreed to that course of action.

21. In response to a query about the reporting of zero quantities pursuant to decisions XXIV/14 and XXIX/18, the representative of the Secretariat clarified that nine parties had submitted forms with blank cells; of those, seven had responded to the request from the Secretariat for clarification, and all had indicated that the blank cells represented zeros.

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 the implementing agencies to facilitate compliance by parties

23. 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 the information provided in the annex to the note by the Secretariat on country programme data and prospects for compliance (UNEP/OzL.Pro/ImpCom/66/INF/R.3). He said that the presentation would include updated information based on data reported in country programme reports and under Article 7 of the Montreal Protocol, the status of phase-out of HCFCs, HFC consumption in parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 parties), matters related to the Kigali Amendment, key decisions approved at the eighty-sixth and eighty-seventh meetings of the Executive Committee, and the impact of the COVID-19 pandemic.

24. Regarding HCFC consumption by Article 5 parties, based on Article 7 data reports submitted to the Ozone Secretariat for 2019, the level of HCFCs consumed was over 22,250 ODP-tonnes, representing 62.2 per cent of the HCFC consumption baseline. HCFC-141b, HCFC-142b and HCFC-22 represented over 99 per cent of the total consumption phased out.

25. He noted that the secretariat of the Multilateral Fund always checked country programme data reports submitted to it against the Article 7 data reports submitted to the Ozone Secretariat, and followed up on any discrepancies through the bilateral and implementing agencies. Yemen had submitted its country programme data for the period from 2014 to 2020, and the secretariat would continue to support the national ozone office and the Government in implementing activities under the Montreal Protocol. Clarification on minor data discrepancies had been received from Paraguay and Tunisia.

26. Regarding the status of HCFC phase-out as at the eighty-sixth meeting of the Executive Committee, stage I of HCFC phase-out management plans had been approved for 145 countries, stage II had been approved for 73 countries, and stage III had been approved for 3 countries. Total funding of \$1.12 billion had been approved in principle for those activities, of which \$899.96 million had been disbursed. Qatar was in compliance with its obligations under the Montreal Protocol, and stage II of its HCFC phase-out management plan had been submitted to the eighty-seventh meeting. A total of 63 Article 5 parties had committed themselves in their phase-out management plans to achieving compliance with the 2020 target, and 27 had compliance targets up to 2025. A total of 50 low-volume-consuming countries had committed themselves to completely phasing out HCFCs at different dates up to 2030.

27. 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 and market uptake of alternative technologies on the local market. Latest reported total HCFC consumption (22,256 ODP-tonnes) was 38 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 was 23,250 ODP-tonnes (71.3 per cent of the starting point). Stage I of the HCFC production phase-out management plan for China had been completed, and stage II had been approved by the Executive Committee at its eighty-sixth meeting. As at the eighty-sixth 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, 68 per cent of HCFC-142b and 57.4 per cent of HCFC-22, and that over 71 per cent of all HCFCs would be addressed when all projects had been fully implemented.

28. During the intersessional approval process for the eighty-seventh meeting, the Executive Committee would consider a number of matters, including stage II of HCFC phase-out management plans for 12 countries; stage III of HCFC phase-out management plans for 1 country; tranches of approved HCFC phase-out management plans for 11 countries; renewals of institution-strengthening projects in 36 countries; and preparation for stage III of HCFC phase-out management plans for 4 countries.
29. With regard to reporting of HFC consumption in country programme data reports, a total of 86 Article 5 parties – 55 from low-volume-consuming countries and 31 from non-low-volume-consuming countries – had reported their 2019 data for HFC consumption. HFC-134a represented 38.5 per cent of consumption (based on metric tonnes), while R-410a represented 23.6 per cent. The 55 low-volume-consuming countries represented 69 per cent of the HFC baseline for compliance, while the 31 non-low-volume-consuming countries represented only 14 per cent, although those proportions would probably change when the high-volume-consuming Article 5 parties reported their data for HFC consumption.
30. On matters related to the Kigali Amendment, the Executive Committee had, since its seventy-seventh meeting, been developing guidelines and policy papers in relation to the HFC phase-down. The Executive Committee reported on a yearly basis to the Meeting of the Parties on the progress achieved in implementing activities related to the Kigali Amendment. At its eighty-seventh meeting, the Executive Committee had considered a document on potential strategies and activities that could be integrated within stage I of HFC phase-down plans for Article 5 parties; draft guidelines for the preparation of HFC phase-down plans for Article 5 parties; and a framework for consultations with relevant funds and financial institutions to explore the mobilization of additional financial resources for energy efficiency when replacing HFCs with low-global-warming-potential alternatives in the foam and refrigeration and air-conditioning sectors.
31. Since the sixty-fifth meeting of the Implementation Committee, the Executive Committee had concluded its eighty-sixth meeting and commenced its eighty-seventh meeting online. Funding had been approved for preparation of Kigali HFC implementation plans for 35 Article 5 parties, and the first projects to control HFC-23 by-product emissions had been approved for Argentina and Mexico. The revised country programme format included a section on manufacture of HFC blends in Article 5 parties, which had not yet been considered by the Executive Committee.
32. Finally, with regard to the challenges presented by the ongoing COVID-19 pandemic, the Executive Committee had agreed to maintain the operation of the Multilateral Fund through intersessional approval processes and was conducting online meetings to consider specific items of the agendas. In response to the challenges in implementing project components due to COVID-19 restrictions, implementing agencies and national ozone units had established protocols by which they could continue with certain activities online, including offering technical support and assistance, project planning, reporting and consultations, training programmes for customs officials and technicians, and verification of targets of HCFC phase-out management plans. The Secretariat was working with bilateral and implementing agencies to identify processes to expedite the implementation of ongoing projects, to the extent feasible, while taking account of country-specific situations.
33. Following the presentation, the Chief Officer of the Multilateral Fund responded to issues raised. One member of the Committee queried the reference to both HFC-134 and HFC-134a in tables 9 and 10 of document UNEP/OzL.Pro/ImpCom/66/INF/R.3, given that the former was not commercially used, and both had different global-warming-potential values. The Chief Officer responded that the submission of country programme data was only in its second year, and the secretariat of the Multilateral Fund was now starting to scrutinize the data provided by Article 5 parties for potential errors or discrepancies. For example, some countries had reported consumption that appeared to be high compared to their previous consumption of other controlled substances. Regarding HFC-134 and HFC-134a, the secretariat had distinguished between the two substances with respect to their different global-warming-potential values, but was entering into discussions with the bilateral and implementing agencies to ascertain whether there had been errors in reporting and to ensure more accurate reporting. To assist in that regard, the secretariat had already approved funding for enabling activities to enhance the reporting of country programme data. The representative of the Ozone Secretariat added that the Secretariat had received information from parties in accordance with Article 7 that referred to both HFC-134 and HFC-134a, although the amounts of the former were insignificant. Some parties had reported quantities for HFC-134 and HFC-134a separately in the same year. The Secretariat was not aware whether there had been errors in the reporting.
34. The Committee took note of the information presented.

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

A. Data reporting obligations under Article 7 (decision XXXII/4)

35. With regard to data reporting obligations under Article 7 (decision XXXII/4), the Secretariat presented to the Implementation Committee the status of data reporting by San Marino, Yemen and the Democratic People's Republic of Korea.

1. San Marino

36. The representative of the Secretariat recalled that, in its decision XXXII/4, the Meeting of the Parties had noted that San Marino, a non-Article 5 party, had not reported its 2019 data as required under paragraph 3 of Article 7 of the Montreal Protocol and was thus in non-compliance with its data reporting obligations under the Protocol until such time as the Secretariat received its outstanding data. The party had subsequently submitted to the Secretariat the data for 2019, and had thus returned to compliance with its data reporting obligations. The data also confirmed its compliance with the Protocol's control measures for 2019.

37. The Committee therefore agreed to note with appreciation that San Marino had submitted its outstanding data in accordance with decision XXXII/4, which confirmed that the party was in compliance with the Protocol's control measures for 2019.

2. Yemen

38. The representative of the Secretariat recalled that, in its decision XXXII/4, the Meeting of the Parties had noted that Yemen, an Article 5 party, had not reported its 2019 data as required under paragraph 3 of Article 7 of the Montreal Protocol and was thus in non-compliance with its data reporting obligations under the Protocol until such time as the Secretariat received its outstanding data. The party had subsequently submitted to the Secretariat the data for 2019 and had thus returned to compliance with its data reporting obligations. The data also confirmed its compliance with the Protocol's control measures for 2019.

39. The Committee therefore agreed to note with appreciation that Yemen had submitted its outstanding data in accordance with decision XXXII/4, which confirmed that the party was in compliance with the Protocol's control measures for 2019.

3. Democratic People's Republic of Korea (only for substances controlled under Annex F of the Protocol)

40. The representative of the Secretariat recalled that, in its decision XXXII/4, the Meeting of the Parties had noted that the Democratic People's Republic of Korea had not submitted its data on Annex F substances (HFCs) for 2019 and was thus in non-compliance with its data reporting obligations under the Protocol until such time as the Secretariat received the outstanding HFC data. The party had subsequently submitted to the Secretariat its Article 7 data for both production and consumption of HFCs for 2019 and had thus returned to compliance with its data reporting obligations. The data also confirmed its compliance with the Protocol's control measures for 2019.

41. In addition, the Meeting of the Parties, by its decision XXXII/6, had noted that the Democratic People's Republic of Korea was in non-compliance with the Protocol's control measures for consumption and production of HCFCs for 2019, and approved a plan of action to return to compliance submitted by the party. The party had subsequently submitted its Article 7 data for HCFCs for 2020, which had shown that the party was in compliance with the reduction targets set out in the plan of action.

42. The Committee therefore agreed to note with appreciation that the Democratic People's Republic of Korea had submitted its outstanding HFC data in accordance with decision XXXII/4, which confirmed that the party was in compliance with the Protocol's control measures for 2019 for HFCs. The Committee noted further with appreciation the submission by the Democratic People's Republic of Korea of its Article 7 data for 2020 in accordance with its obligations under Article 7 of the Protocol, and that the data confirmed that the party was in compliance with its commitments as set out in decision XXXII/6 to reduce HCFC consumption and production to no more than 72.27 ODP-tonnes and 26.95 ODP-tonnes, respectively, in 2020.

B. Existing plans of action to return to compliance

43. With regard to existing plans of action to return to compliance, the Implementation Committee considered the cases of Kazakhstan, Libya and Ukraine.

1. Kazakhstan (decision XXIX/14)

44. The representative of the Secretariat recalled that, by its decision XXVI/13, the Meeting of the Parties had noted that Kazakhstan had been in non-compliance with the Montreal Protocol's control measures for HCFC consumption in 2011, 2012 and 2013, and that the party had submitted a plan of action for its return to compliance with those control measures. In the plan, the party had committed to reducing the consumption of HCFCs to 6.0 ODP-tonnes in 2020. However, the party had not submitted its Article 7 data for 2020.

45. The Committee therefore agreed to request Kazakhstan to report to the Secretariat its data on controlled substances for 2020, in accordance with paragraph 3 of Article 7 of the Montreal Protocol, preferably no later than 15 September 2021, in order for the Committee to assess at its sixty-seventh meeting the status of compliance of Kazakhstan with its commitments, as set out in decision XXIX/14.

Recommendation 66/1

2. Libya (decision XXVII/11)

46. The representative of the Secretariat recalled that, by its decision XXVII/11, the Meeting of the Parties had noted that Libya had been in non-compliance with the Montreal Protocol's control measures for HCFC consumption in 2013 and 2014, and that the party had submitted a plan of action for its return to compliance with those measures, which had included a commitment to reducing its consumption to 76.95 ODP-tonnes in 2020. Article 7 data reported by Libya for 2020 indicated HCFC consumption of 75 ODP-tonnes; the party was therefore in compliance with the reduction targets set out in its plan of action. In that plan of action, the party had also committed to monitoring the enforcement of its system for licensing imports and exports of controlled substances, and to imposing a ban on the procurement of air-conditioning equipment containing HCFC in the near future and to considering a ban on the import of such equipment. By recommendation 64/2, the Implementation Committee had requested Libya to submit to the Secretariat, by 15 March 2021, a further update on the progress in fulfilling those commitments.

47. In its progress update, the party had responded that, while the COVID-19 pandemic had presented problems in communication and implementation, certain positive developments had occurred, including reduced conflict and greater governmental stability. In addition, the authority responsible for the Montreal Protocol had become a Ministry of the Environment, which would assist progress towards the completion of the inventory, imposing a ban on the import and installation of new HCFC equipment, and imposing a ban on the establishment of such factories and production units by the end of 2021.

48. Following the discussion after the presentation by the Secretariat, the Committee therefore agreed:

(a) To note with appreciation the submission by Libya of its Article 7 data for 2020, which indicated that the party was in compliance with its commitment for 2020 under its plan of action, as recorded in decision XXVII/11;

(b) To note with appreciation the submission by Libya of 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;

(c) To request Libya to submit to the Secretariat by 15 March 2022 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-eighth meeting.

Recommendation 66/2

3. Ukraine (decision XXIV/18)

49. The representative of the Secretariat recalled that, by its decision XXIV/18, the Meeting of the Parties had noted that Ukraine had been in non-compliance with the Montreal Protocol's control measures for HCFC consumption in 2010 and 2011, and that the party had submitted a plan of action for its return to compliance with those measures, which had included a commitment to reducing its consumption to zero ODP-tonnes by 1 January 2020. However, the commitment excluded consumption restricted to the servicing of refrigeration and air-conditioning equipment between the period 2020 and 2030 as prescribed in the Protocol. The party had not yet submitted its Article 7 data for 2020, so the Secretariat had not been able to ascertain its compliance with its commitments as set out in decision XXIV/18.

50. Following the discussion after the presentation by the Secretariat, the Committee therefore agreed to request Ukraine to report to the Secretariat its controlled substance data for 2020, in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 15 September 2021, in order for the Committee to assess, at its sixty-seventh meeting, the status of compliance by Ukraine with its commitments as set out in decision XXIV/18.

Recommendation 66/3

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

51. Introducing the item, the representative of the Secretariat drew attention to the report of the Secretariat (UNEP/OzL.Pro/ImpCom/66/R.4), providing updated information on the status of licensing systems for HFCs pursuant to Article 4B, paragraph 2 bis, of the Protocol, under which each party was required, by 1 January 2019 or within three months of the date of entry into force of that paragraph for the party, to establish and implement a system for licensing the import and export of HFCs. Any Article 5 party that was not in a position to establish and implement such a system could delay taking those actions until 1 January 2021. Further, paragraph 3 of Article 4B required each party, within three months of the date of introducing its licensing system, to report to the Secretariat on the establishment and operation of the system, while paragraph 4 of Article 4B required the Secretariat to periodically prepare and circulate to all parties a list of the parties that had reported on their licensing systems and to forward that information to the Implementation Committee for consideration and appropriate recommendations to the parties. In implementing paragraph 4 of Article 4B, the Secretariat had regularly posted on a dedicated web page updates from parties that had implemented licensing systems, providing relevant information to assist those parties wishing to import or export HFCs. Paragraph 3 of decision XXXI/10 of the Meeting of the Parties called upon parties to review periodically the status of the establishment and implementation of import and export licensing systems for controlled substances under Annex F to the Protocol by all parties to the Protocol that had ratified, approved or accepted the Kigali Amendment, as called for in paragraph 2 bis of Article 4B.

52. A total of 122 parties had ratified the Kigali Amendment by 13 July 2021, and 104 parties, including 95 parties to the Kigali Amendment, had confirmed the establishment and implementation of their licensing systems by 13 July 2021. In addition, 10 non-parties to the Kigali Amendment had reported the establishment of licensing systems for HFCs. Of the 122 parties to the Kigali Amendment, 27 had not yet reported on the establishment of licensing systems. For two of those parties (China and the Gambia), the Amendment had not yet entered into force; for four parties (Burundi, Cambodia, the Syrian Arab Republic and Zambia), the three months' deadline for establishing licensing systems was yet to expire; and for four parties (Angola, Cabo Verde, Eswatini and San Marino) the time frame of three additional months within which they were expected to report on the establishment of licensing systems had not yet expired. The remaining 17 Article 5 parties (Botswana, Côte d'Ivoire, Cuba, Ethiopia, Guinea-Bissau, Lebanon, Lesotho, Liberia, Mali, the Marshall Islands, Mozambique, Peru, Sao Tome and Principe, Senegal, Sierra Leone, Somalia and South Africa) had not yet reported on the establishment of licensing systems.

53. The Secretariat had been in constant touch with those 17 parties to encourage compliance. Generally speaking, parties had shown more enthusiasm for implementing licensing systems than they had in the past for implementing similar systems for other controlled substances under the Protocol.

54. In the ensuing discussion, one member of the Committee said that, while the reporting system obtained information as to whether parties had licensing systems in place, it gave less insight into whether they met the criteria set out in paragraph 1 of Article 4B, which stated that the licensing system should cover the import and export of new, used, recycled and reclaimed controlled substances

in Annexes A, B, C and E. Failure to meet those criteria could lead to the facilitation of illegal activities. A reminder of those provisions could be included in the draft recommendation.

55. The representative of the Secretariat responded that, while Article 4B contained those provisions, it did not stipulate that a party should share with the Secretariat information on the contents of its licensing system to enable the Secretariat to ascertain whether the party complied with those provisions. The Secretariat did, however, when it wrote to parties on matters relating to licensing systems, request them, on a voluntary basis, to share information on the elements of their licensing systems for posting on the website.

56. Another member noted that countries would adjust their licensing systems according to their needs; most countries would at least include import requirements in their licensing systems, while some small parties might not immediately need to apply export requirements. Requesting parties to report details of their systems could lead to additional administrative work for the Secretariat and could be beyond the mandate of the Secretariat. Alternatively, the draft recommendation could request those parties that had not yet reported to provide information to the Secretariat on the establishment and operation of their licensing systems. Another member similarly urged restraint, suggesting that a reminder could be included in letters sent to parties that had not yet reported on the establishment of their licensing systems.

57. The representative of the Secretariat clarified that the draft recommendation sought to gain information to enable the Secretariat to better inform the Committee, at its sixty-seventh meeting, of the status of licensing systems. The recommendation could be followed by a draft decision for consideration by the Meeting of the Parties recommending action regarding any parties that had failed to meet their commitments to establish licensing systems, and acknowledging those parties that had established licensing systems. He recalled that, in discussions during the negotiation of the Kigali Amendment and previously, a number of parties had cautioned against the Montreal Protocol prescribing how parties would formulate and report on the details of licensing systems, as that could be viewed as interfering with national legislative and regulatory processes. Accordingly, the Protocol did not require any party to present the actual regulation or rule adopted to implement a licensing system.

58. There was acknowledgement among Committee members that that posed a dilemma, in that the Protocol stipulated what a licensing system should cover without providing any means of checking whether parties were in compliance with that provision. The language used in Article 4B presented a further challenge to interpretation, in that paragraph 1 stated that each party should “establish and implement” a licensing system, while paragraph 3 stated that parties should report to the Secretariat on the “establishment and operation” of that system. One member said that the latter language was more appropriate for that part of the draft recommendation related to reporting. Two members said that in applying the provisions of the Protocol it was important to ensure that all parties were treated consistently and impartially. Any new recommendations pertaining to parties that were yet to implement their licensing systems should be consistent with previous recommendations or decisions concerning that matter. There was consensus that it would be useful to further consider the matter of licensing systems at future meetings of the Committee.

59. The Committee therefore agreed:

(a) To take note with appreciation of 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) To note with appreciation that 95 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 10 parties that had not yet ratified the Kigali Amendment had also reported the establishment and implementation of such licensing systems;

(c) To urge Botswana, Côte d’Ivoire, Cuba, Ethiopia, Guinea-Bissau, Lebanon, Lesotho, Liberia, Mali, the Marshall Islands, Mozambique, Peru, Sao Tome and Principe, Senegal, Sierra Leone, Somalia and South Africa to provide information to the Secretariat on the establishment and operation of their licensing systems and to do so as a matter of urgency and preferably before 15 September 2021;

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

Recommendation 66/4

VII. Other matters

60. No other matters were considered.

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

61. 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 at the meeting, working in consultation with the Secretariat.

IX. Closure of the meeting

62. Following the customary exchange of courtesies, the President declared the meeting closed at 3.20 p.m. (Nairobi time (UTC + 3)) on Tuesday, 13 July 2021.

Annex

List of participants

Members of the Implementation Committee

Parties

Australia

Ms. Annie Gabriel
 Assistant Director
 Ozone and Climate Protection Section
 Department of Agriculture, Water and Environment,
 Australia
 GPO Box 787
 Canberra ACT – 2601
 Australia
 Tel: +61 2 6274 2023
 Email: annie.gabriel@awe.gov.au

Bhutan

Ms. Kunzang
 Head, Legal Services
 Officiating Head, Policy and Planning Services
 Head, National Ozone Unit
 National Environment Commission
 Thimphu
 Bhutan
 Tel: +975 2323384
 Fax: +975 2323385
 Email: kunzangnec@gmail.com; kunzang@nec.gov.bt

Chile

Mr. Osvaldo Álvarez-Pérez
 First Secretary
 Consul General of Chile in Hong Kong
 Ministry of Foreign Affairs
 Unit 3005, 30/F Enterprise Square Three
 39 Wang Chiu Rd, Kowloon Bay
 Hong Kong
 China
 Tel.: +852 28271826
 Email: oalvarez@minrel.gob.cl;
 osvaldoalvarezperez@hotmail.com

Ms. Claudia Paratori Cortés
 Coordinadora de la Unidad Ozono
 Oficina de Cambio Climático
 Ministerio del Medio Ambiente
 San Martín 73
 Santiago
 Chile
 Tel: +56 2 2240 5660
 Email: cparatori@mma.gob.cl

China

Ms. Chen Haijun
 Director
 Division of Ecological and Environmental Conventions
 Ministry of Ecology and Environment
 115 Xizhimennei Nanxiaoje, Xicheng District
 Beijing 100035
 China
 Tel: +86 01 6564 5818
 Email: chen.haijun@mee.gov.cn

Dominican Republic

Mr. Elías A. Gómez Meza
 Coordinador del Programa Nacional para la Protección
 de la Capa de Ozono
 Ministerio de Ambiente y Recursos Naturales
 Edificio de Ministerio de Medio Ambiente y Recursos
 Naturales
 Av. Cayetano Germosen esquina
 Av. Luperon, sector el Pedregal, Distrito Nacional
 Santo Domingo D.N.
 Dominican Republic
 Tel: +1 809 567 4300 Ext. 7252 / 7250
 Cell: +1 809 359 9960
 Email: elias.gomez@ambiente.gob.do;
 ozono@ambiente.gob.do; egomezmesa@gmail.com

European Union

Mr. Cornelius Rhein
 Policy Officer
 Climate Finance, Mainstreaming, Montreal Protocol
 European Commission
 Avenue de Beaulieu 31
 Brussels 1160
 Belgium
 Tel: +322 2954 749
 Email: cornelius.rhein@ec.europa.eu

North Macedonia

Ms. Emilija Kjupeva-Nedelkova
 Montreal Protocol Focal Point
 Ministry of Environment and Physical Planning
 Plostad Presveta Bogorodica No. 3
 1000 Skopje
 Republic of North Macedonia
 Tel: +389 76 446 953
 Email: e.kupeva@ozoneunit.mk

Poland

Ms. Agnieszka Tomaszewska
Counsellor to the Minister
Head of Ozone Layer Team
Department of Climate and Air Protection
Ministry of Climate
52–54 Wawelska Street
Warsaw – 00-922
Poland
Tel: +4822 3692 498
Cell: +48 723 189231
Email: agnieszka.tomaszewska@mos.gov.pl

Mr. Janusz Kozakiewicz
Head of Ozone Layer and Climate Protection Unit
Industrial Chemistry Research Institute
8 Rydygiera Street
Warsaw – 01-793
Poland
Tel: +4822 5682 845
Cell: +48 5004 33297
Email: head-olcpu@ichp.pl

Senegal

Ms. Reine Marie Coly Badiane
Coordonnatrice du Programme Ozone Sénégal
Ministère de l'Environnement et de Développement
Durable
Parc Forestier et Zoologique de Hann
Route des Pères Maristes
B.P. 6557
Dakar
Senegal
Tel: +221 333826 0118 / 77 648 0059
Fax: +221 338 226 212
Email: badianermc@gmail.com; rmcoly@orange.sn

Uganda

Ms. Margaret Aanyu
Environment Assessment Manager
National Environment Management Authority (NEMA)
NEMA House, Plot 17/19/21, Jinja Road
P. O. Box 22255
Kampala
Uganda
Cell: +256 7714 22125
Email: margaret.aanyu@nema.go.ug;
magaanyu@hotmail.com

Secretariats and implementing agencies

Multilateral Fund Secretariat

Mr. Eduardo Ganem
Chief Officer
Multilateral Fund for the Implementation of the
Montreal Protocol
1000 de la Gauchetière Street West
Suite 4100
Montreal, Quebec H3B 4W5
Canada
Tel: +1 514 282 7860
Email: eganem@unmfs.org

Mr. Balaji Natarajan
Senior Project Management Officer
Multilateral Fund for the Implementation of the
Montreal Protocol
1000 de la Gauchetière Street West
Suite 4100
Montreal, Quebec H3B 4W5
Canada
Tel: +1 514 282 7851
Email: balaji@unmfs.org

Mr. Alejandro Ramirez-Pabón
Senior Project Management Officer
Multilateral Fund for the Implementation of the
Montreal Protocol
1000 de la Gauchetière Street West
Suite 4100
Montreal, Quebec H3B 4W5
Canada
Tel: +1 514 282 7879
Email: alejandro@unmfs.org

Mr. Federico San Martini
Senior Project Management Officer
Multilateral Fund for the Implementation of the
Montreal Protocol
1000 de la Gauchetière Street West
Suite 4100
Montreal, Quebec H3B 4W5
Canada
Tel: +1 514 282 7867
Email: ico@unmfs.org

United Nations Development Programme

Ms. Xiaofang Zhou
Director, Montreal Protocol Unit
Chemical Sustainable Development
Bureau for Policy and Programme Support
United Nations Development Programme
New York 10017
United States of America
Email: xiaofang.zhou@undp.org

Mr. Maksim Surkov
Programme Specialist
(Europe/CIS, Arab States and Africa)
Montreal Protocol and Chemical Unit
Sustainable Development Cluster
Bureau for Policy and Programme Support
UNDP Istanbul Regional Hub for Europe and the CIS
Key Plaza, Abide-I Hurriyet Cad
Istiklal Sk. No.11, Sisli 34381
Istanbul
Turkey
Tel: +90 850 288 2613
Email: maksim.surkov@undp.org

United Nations Environment Programme

Mr. James S. Curlin
 Head of OzonAction
 Law Division
 United Nations Environment Programme
 1 rue Miollis, Building VII
 Paris 75015
 France
 Email: jim.curlin@un.org

Mr. Shaofeng Hu
 Senior Regional Coordinator for Asia and the Pacific
 OzonAction, Law Division
 United Nations Environment Programme
 Bangkok
 Thailand
 Email: hus@un.org

Mr. Khaled Klaly
 Regional Coordinator for West Asia
 OzonAction, Law Division
 United Nations Environment Programme
 Manama
 Bahrain
 Tel: +973 1 781 2763
 Email: khaled.klaly@un.org

United Nations Industrial Development Organization

Mr. Yury Sorokin
 Industrial Development Officer
 Montreal Protocol Division
 United Nations Industrial Development Organization
 (UNIDO)
 A-1400 Vienna
 Austria
 Tel: +43 1 26026 3624
 Email: y.sorokin@unido.org

World Bank

Mr. Thanavat Junchaya
 Senior Environmental Engineer
 Montreal Protocol Coordination Unit
 World Bank
 1818 H. Street Ave.
 Washington, DC 20433
 United States of America
 Email: tjunchaya@worldbank.org

Chair, Executive Committee of the Multilateral Fund

Mr. Alain Wilmart
 Senior Adviser, Ozone and F-Gas
 Policy and Monitoring – Climate Change Section, DG
 Environment
 Federal Public Service Environment
 Place Victor Horta, 40 Box 10
 Brussels B-1060
 Belgium
 Tel: +32 2 524 9543
 Email: alain.wilmart@health.fgov.be;
 alain.wilmart@gmail.com

Vice-Chair, Executive Committee of the Multilateral Fund

Mr. Hassan Mubarak
 Head of Hazardous Chemical Management Unit
 Pollution Control Section, Environment Control
 Directorate
 Supreme Council for Environment
 P.O. Box 18233
 Manama
 Bahrain
 Tel: +973 17 386 567
 Email: hmubarak@sce.gov.bh

Ozone Secretariat

Ms. Megumi Seki Nakamura
 Executive Secretary
 Ozone Secretariat
 United Nations Environment Programme
 P.O. Box 30552-00100
 Nairobi, Kenya
 Tel: +254 20 762 3452
 Email: meg.seki@un.org

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

Mr. Gerald Mutisya
 Programme Officer (Reporting, Data and Analysis)
 Ozone Secretariat
 United Nations Environment Programme
 P.O. Box 30552-00100
 Nairobi, Kenya
 Tel: +254 20 762 4057
 Email: gerald.mutisya@un.org

Ms. Liazzat Rabbiosi
 Programme Officer (Compliance)
 Ozone Secretariat
 United Nations Environment Programme
 P.O. Box 30552-00100
 Nairobi, Kenya
 Email: rabbiosi@un.org