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**United Nations
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Programme**

**Implementation Committee under the
Non-Compliance Procedure for the
Montreal Protocol
Sixty-seventh meeting**
Online, 20 and 21 October 2021

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

Introduction

1. The sixty-seventh meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol on Substances that Deplete the Ozone Layer was held online in two sessions of two hours each on 20 and 21 October 2021.

I. Opening of the meeting

2. The President of the Committee, Mr. Cornelius Rhein (European Union), opened the meeting at 2 p.m.¹ on Wednesday, 20 October 2021.

3. Ms. Megumi Seki, 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. Noting that the meeting was the fourth to take place online since the start of the coronavirus disease (COVID-19) pandemic, she thanked those participating in various time zones for their flexibility and their dedication to ensuring that the Implementation Committee continued to carry out its responsibilities. It was her hope that in-person meetings would soon resume. She highlighted the contribution of the Committee to the high rate of compliance of parties with the provisions of the Montreal Protocol, which helped to ensure protection of the ozone layer and assisted in climate change mitigation. 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. She drew attention to the increasing availability of data and tools on the Secretariat website, which would be of use to the Implementation Committee and bodies of the Montreal Protocol and to parties in general, and 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.

¹ All time references are to Nairobi time (UTC + 3).

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, the United Nations Environment Programme, and the United Nations Industrial Development Organization.
6. The list of participants is set out in annex II 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/67/R.1) and agreed to include discussion of a draft recommendation on reporting of information on the use of controlled substances as process agents under agenda item 3:
 1. Opening of the meeting.
 2. Adoption of the agenda and organization of work.
 3. Presentation by the Secretariat on data and information submitted 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 and recommendation 66/1);
 - (b) Ukraine (decision XXIV/18 and recommendation 66/3).
 6. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol (Article 4B of the Protocol and recommendation 66/4).
 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 submitted 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.33/6–UNEP/OzL.Pro/ImpCom/67/2). He explained that he would not repeat the information presented to the Committee at its sixty-sixth meeting, and would provide only updates and new information.
10. With regard to reporting of data under Article 7, 188 parties that were required to report data for 2020 had done so, and 181 of those parties had met the deadline of 30 September 2021. A total of 99 parties had used the online reporting system, a rate of slightly over 50 per cent, similar to that of 2019. As at the date of the current meeting, 10 parties were in non-compliance with their obligations to report annual data for 2020 under Article 7: Côte d'Ivoire, Cuba, Guinea-Bissau, Liechtenstein, Mali, Mauritania, Nepal, State of Palestine, Suriname and Switzerland. Liechtenstein and Switzerland had written to the Secretariat explaining their situations and had undertaken to supply the relevant data by the end of the Thirty-Third Meeting of the Parties to the Montreal Protocol.
11. Regarding reporting of hydrofluorocarbon (HFC) baseline data under paragraph 2 of Article 7, that obligation now applied both to parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 parties) and those not so operating (non-Article 5 parties). Two non-Article 5 parties had not submitted their HFC baseline data for the period 2011–2013, namely the Russian Federation and San

Marino. The Russian Federation had informed the Secretariat that it had been facing challenges in compiling the data, including confidentiality concerns, but the Secretariat hoped to resolve the issue by the sixty-eighth meeting of the Implementation Committee. San Marino had asked the Secretariat to provide further information on the process for submission but had not yet submitted its data. Six Article 5 parties that had ratified the Kigali Amendment to the Montreal Protocol – Côte d'Ivoire, Cuba, Guinea-Bissau, Lebanon, Mali and Somalia – were in non-compliance with their obligations to report HFC data for 2020. Lebanon had written to the Secretariat indicating the challenges faced and expected to report its data by the end of October 2021.

12. Regarding 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, all parties had reported their data, and two non-Article 5 parties previously reported to have been in situations of possible non-compliance had subsequently been confirmed to be in compliance. All parties were therefore in compliance for 2019, other than those following plans of action to return to compliance. For 2020, one Article 5 party was in a situation of possible non-compliance, while two parties previously reported to have been in situations of possible non-compliance had subsequently been confirmed to be in compliance.

13. With regard to reporting pursuant to decisions XVIII/17 and XXII/20 of excess production and consumption of ozone-depleting substances attributable to stockpiling, Belgium, Germany, Israel, the Netherlands and Spain had reported such excess production for 2020. All the parties had confirmed that they had in place the necessary measures to prevent the diversion of those substances to unauthorized uses, as required by paragraph 3 of decision XXII/20. Additionally, the European Union had submitted a detailed analysis to the Secretariat, covering about 10 years and showing how amounts stockpiled for destruction in future years were destroyed, which made it appear that there was always excess production in the producing States. He explained that such a situation might arise in instances where a member State sent a substance to another member State that then undertook destruction, in which case temporary excess production might occur, but the eventual outcome was zero net production.

14. 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. All four parties had reported for 2020 on their process agent uses. For one party, the United States, the Secretariat was unable to confirm that the reported emissions were within the limits prescribed by decision XXXI/6. However, the party had assured the Secretariat that the emissions were within the prescribed limits. The United States and the Secretariat were engaged in discussions on how the party might adjust its reporting to enable the Secretariat to assess and confirm that the reported emissions were within the prescribed limits.

15. Finally, with regard to the matter of the reporting of zero quantities pursuant to decisions XXIV/14 and XXIX/18, by which parties had been requested to specify zero quantities with zeros – instead of leaving blank cells – on their Article 7 data reporting forms, the latest submissions to the Secretariat had included a few incomplete data forms containing blank cells. The Secretariat would contact the parties concerned for clarification and would report on the matter to the Committee at its sixty-eighth meeting.

16. Responding to members' questions about the presentation, he said, regarding possible instances of non-compliance with the control measures for 2020, that three parties had been identified as being in situations of possible non-compliance – the Central African Republic (as was indicated in document UNEP/OzL.Pro.33/6–UNEP/OzL.Pro/ImpCom/67/2), and Nicaragua and Uzbekistan (as was indicated in the addendum to that document). Two of these parties had provided further information confirming compliance, while information from the third party was pending. Regarding the European Union's analysis of the issue of stockpiling and its management by member States, he said that the Secretariat would contact the European Union to check whether the party was willing to make available at least a summary of the analysis. The representative of the European Union said that, in view of the issues of confidentiality, the European Union would further discuss the matter. With regard to the issue of completing cells when reporting, the representative of the Secretariat confirmed that one party, which was faced with challenging internal circumstances, had submitted its data for 2019 with some blank cells and the data marked as provisional. The Secretariat continued to engage with that party with a view to finalizing the data and would update the Committee on the matter at a subsequent meeting.

17. The Committee agreed to forward for consideration by the Thirty-Third Meeting of the Parties the draft decision set out in section A of annex I to the present report.

Recommendation 67/1

Reporting of information on the use of controlled substances as process agents

18. With regard to the reporting of data on process agent uses, the representative of Poland submitted a draft recommendation on the matter for the Committee's consideration. He recalled that, by its decision XXXII/5, the Meeting of the Parties had requested the Secretariat to review the annual reports submitted by parties that were allowed to use controlled substances as process agents; to seek clarification from the parties if any deviations of the reported data from the maximum emission limits set out in table B of decision XXXI/6 were identified; and to bring to the attention of the Implementation Committee any deviations still remaining after clarification. As the emission limits were stated in metric tons, it behoved parties to submit data using those units rather than ODP-tonnes. However, as indicated in the report of the Secretariat, one party had submitted data using ODP-tonnes, as a consequence of which the Secretariat had been unable to assess whether any deviation had occurred. Notwithstanding the assurance from that party that its emissions were within the prescribed limits, the lack of data in metric tons had rendered the Secretariat unable to fulfil its obligations under decision XXXII/5, and the situation could set a precedent whereby parties might potentially in the future provide similar unverifiable assurances. The draft recommendation therefore requested all parties to submit their data on process agent uses in metric tons and to request the party that had not done so to submit its data in metric tons as a matter of urgency.

19. In the ensuing discussion, one member of the Committee said that the draft recommendation might be premature, given that the representative of the Secretariat had indicated that significant progress had been made with the party concerned towards resolving the matter and that the process defined in decision XXXII/5 had not been exhausted. In addition, speculation that similar situations might occur in the future was not sufficient basis for the present draft recommendation. The representative of the Secretariat clarified that pursuant to decision XXXII/5, the first step of the Secretariat was to flag possible deviations from the reporting requirements; the second step was to seek clarification with any party concerned and to engage in discussions as to how the matter might be resolved; and the third step was to report any remaining deviations to the Committee. With regard to the specific issue with the party concerned, the process was still in the second stage. The ultimate goal, as with any party, was to obtain a total in metric tons that enabled the Secretariat to assess whether the party was in compliance with its obligations under the Protocol. Another representative of the Secretariat clarified that, under paragraph 3 of the non-compliance procedure, the Secretariat might request a party in a situation of possible non-compliance to furnish relevant information within three months or such longer period as the circumstances of the matter might require. The Committee might accordingly consider, in its deliberations on the draft recommendation, whether to take a broad view of the matter, or whether to include recommended action specific to one party, taking into account the current status of engagement with that party. Following those remarks, one member said that, in view of the flexibility allowed by paragraph 3 of the non-compliance procedure, there was no need for the Committee to be prescriptive regarding the amount of time required for a party and the Secretariat to engage in dialogue before referring the matter to the Committee for its consideration. Another member, in the light of the Secretariat's remarks, put forward an amended, less specific version of the draft recommendation for the Committee's consideration. The draft recommendation was further amended during discussions among Committee members.

20. The Committee therefore agreed:

Recalling decision XXXII/5, by which the Ozone Secretariat was requested to bring to the attention of the Implementation Committee any deviations from the maximum emission limits of controlled substances from process agent uses set out in table B of decision XXXI/6,

Recalling that, in table B of decision XXXI/6, both make-up and consumption and maximum emissions were expressed in metric tons,

Noting that if any party reported emissions of controlled substances from process agent uses in ODP-tonnes instead of metric tons, the Ozone Secretariat might be unable to assess whether any deviations had taken place without seeking further clarification from the party,

To remind all Parties that were required to submit annual reports on process agent uses to the Ozone Secretariat to submit in their future reports the data on emissions of controlled substances from

process agent uses consistent with decisions XXXI/6 and XXXII/5, which would enable the Ozone Secretariat to assess whether any deviations from the maximum emission limits of controlled substances from process agent uses set out in table B of decision XXXI/6 had occurred.

Recommendation 67/2

IV. Presentation by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by the implementing agencies to facilitate compliance by parties

21. 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/67/INF/R.3). He noted 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 the phase-out of hydrochlorofluorocarbons (HCFCs), HFC consumption in Article 5 parties, matters related to the Kigali Amendment to the Montreal Protocol, and the impact of the COVID-19 pandemic.

22. Regarding HCFC consumption by Article 5 parties, based on Article 7 data reports submitted to the Ozone Secretariat, the level of HCFCs consumed in 2020 was over 21,000 ODP-tonnes, representing 58.8 per cent of the HCFC consumption baseline. HCFC-141b, HCFC-142b and HCFC-22 represented the vast majority of the total consumption phased out.

23. 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. Most such discrepancies had been rectified or clarified, and further clarification was being sought on any outstanding issues. There was an important recommendation from the Executive Committee that those parties that had not reported their Article 7 data on time would not receive additional funding from the Multilateral Fund until those data had been reported.

24. Regarding the status of HCFC phase-out as at the eighty-seventh 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 84 countries and stage III had been approved for four countries. Total funding of \$1.13 billion had been approved in principle for those activities, of which \$907.4 million had been disbursed. A total of 53 Article 5 parties had committed themselves, in their phase-out management plans, to achieving compliance with the 2020 target, and 28 had compliance targets up to 2025. A total of 60 low-volume-consuming countries had committed themselves to completely phasing out HCFCs between 2020 and 2035. Stage II of the HCFC phase-out management plan for Qatar would be considered by the Executive Committee at its eighty-eighth meeting.

25. 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. The latest reported total HCFC consumption (21,048 ODP-tonnes) was 41.2 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 23,373 ODP-tonnes (71.7 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-seventh meeting of the Executive Committee, reporting by Article 5 parties on the status of funding of their stage I and stage II of HCFC phase-out management plans showed that approved projects would phase out 98 per cent of HCFC-141b, 68 per cent of HCFC-142b and nearly 58 per cent of HCFC-22, and that nearly 72 per cent of all HCFCs would have been addressed when all projects had been fully implemented.

26. During the intersessional approval process for the eighty-eighth meeting, to be held in late November 2021, established in the light of the continued restrictions imposed by the COVID-19 pandemic, 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 five countries; tranches of approved HCFC phase-out management plans for 17 countries; renewals of institutional-strengthening projects in 27 countries; preparation for stage III of HCFC phase-out

management plans for three countries; an HFC phase-down investment project for one country; and preparation of HFC phase-down plans for 18 countries.

27. HFC consumption had been reported for the previous two years in country programme data reports. A total of 88 Article 5 parties had reported their 2020 data for HFC consumption. Currently HFC-134a, HFC-125, R-404A, R-410A, and R-507A accounted for around 90 per cent of reported HFC consumption measured in CO₂-equivalent tonnes. Challenges had been faced due to errors and inconsistencies in reporting HFC data, including reporting of substances both as pure substances and as blends, or a combination of both, making it difficult to reconcile data reported in country programme reports and under Article 7 of the Montreal Protocol.

28. On matters relating to the Kigali Amendment, the continuing COVID-19 pandemic had slowed the development of the planned guidelines, policies and reports, as the Executive Committee had not been able to meet in person to discuss those matters, although progress had been made during a number of online meetings. Draft guidelines for funding the phase-down of HFCs would be presented to the Thirty-Third Meeting of the Parties for parties' views and inputs before finalization by the Executive Committee, pursuant to decision XXX/4. Among other initiatives, the Secretariat had been identifying options to mobilize financial resources for maintaining and enhancing energy efficiency when replacing HFCs with low-global-warming-potential alternatives in relevant foam and refrigeration and air-conditioning sectors.

29. Finally, regarding the impact of the COVID-19 pandemic on the activities of the Multilateral Fund, the Executive Committee had agreed to maintain the operation of the Multilateral Fund through intersessional approval processes (for the eighty-fifth to eighty-eighth meetings) and by conducting online meetings for specific items. At its eighty-ninth meeting, scheduled for March 2022, the Executive Committee would discuss key policy matters relating to the HFC phase-down. In the meantime, the implementing agencies had reported challenges in the implementation of project components caused by COVID-19-related restrictions. In response, 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.

30. Following the presentation, one member requested that the secretariat of the Multilateral Fund present total HFC consumption data measured in both metric tons and CO₂-equivalent tonnes. The Chief Officer responded that the Secretariat would consider that request when preparing the document.

31. The Committee took note of the information presented.

32. Following conclusion of the item, the President of the Implementation Committee drew attention to the imminent retirement of Mr. Eduardo Ganem, Chief Officer of the secretariat of the Multilateral Fund, and expressed deep appreciation for the assistance he had provided to the Committee in his role as Chief Officer since his appointment in 2013.

V. 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 and recommendation 66/1)

33. Introducing the item, 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 by 2016. Subsequently, the Meeting of the Parties, by its decision XXIX/14, had noted with concern that Kazakhstan had reported annual consumption of controlled substances in 2015 and 2016 that was inconsistent with its commitments set out in decision XXVI/13, and had noted with appreciation the submission by the party of a revised plan of action to return to compliance, under which the party had committed to reducing its consumption of HCFCs to 6.0 ODP-tonnes in 2020. Data reported by Kazakhstan for 2020 indicated HCFC consumption of 0.67 ODP-tonnes; the party was therefore in compliance with its commitments.

34. The Committee noted with appreciation the submission by Kazakhstan of its Article 7 data for 2020, which indicated that Kazakhstan was in compliance with its commitment for 2020 under its plan of action, as recorded in decision XXIX/14.

B. Ukraine (decision XXIV/18 and recommendation 66/3)

35. Introducing the item, 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. Subsequently, by its recommendation 66/3, the Implementation Committee had requested Ukraine to submit its controlled substance data for 2020 to enable the Committee to assess, at the present meeting, its compliance with its commitments as set out in decision XXIV/18. Data reported by Ukraine for 2020 indicated HCFC consumption of zero ODP-tonnes; the party was therefore in compliance with its commitments.

36. The Committee noted with appreciation the submission by Ukraine of its Article 7 data for 2020, which indicated that Ukraine was in compliance with its commitment for 2020 under its plan of action, as recorded in decision XXIV/18.

VI. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol (Article 4B of the Protocol and recommendation 66/4)

37. Introducing the item, the representative of the Secretariat drew attention to the report of the Secretariat (UNEP/OzL.Pro/ImpCom/67/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. Furthermore, 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. In paragraph 3 of its decision XXXI/10, the Thirty-First Meeting of the Parties had 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.

38. A total of 127 parties had ratified the Kigali Amendment by 21 October 2021, and 111 parties, including 101 parties to the Kigali Amendment, had confirmed the establishment and implementation of their licensing systems by 21 October 2021. In addition, 10 non-parties to the Kigali Amendment had reported the establishment of licensing systems for HFCs. Of the 127 parties to the Kigali Amendment, 26 had not yet reported on the establishment of licensing systems. For four of those parties (Cameroon, El Salvador, India and Tunisia), the Amendment had not yet entered into force; for two parties (China and the Gambia), the three months' deadline for establishing licensing systems was yet to expire; and for three parties (Burundi, the Syrian Arab Republic and Zambia) 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 parties (Angola, Botswana, Cabo Verde, Côte d'Ivoire, Cuba, Eswatini, Ethiopia, Guinea-Bissau, Lesotho, Liberia, Mali, Mozambique, San Marino, Sao Tome and Principe, Sierra Leone, Somalia and South Africa) had not yet reported on the establishment of licensing systems. The names of those 17 parties would be annexed to the draft decision on the matter to be forwarded by the Committee to the Thirty-Third Meeting of the Parties for its consideration. The list of parties that had reported to the Secretariat on the establishment of licensing systems would be updated in the light of any changes in status before adoption of the decision by the Meeting of the Parties.

39. During the ensuing discussion, it was noted that the language used in Article 4B presented a challenge to interpretation and therefore to the formulation of any draft decision on the matter, 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 former language was more appropriate for that part of the draft decision that referred to the actual inception of licensing systems, while the latter language was more appropriate for that part of the draft decision related to reporting. The representative of the Secretariat confirmed that the proposed approach was acceptable, given that the parties should be guided by the language of the Montreal Protocol.

40. The Committee therefore agreed:

(a) To continue reviewing periodically the status of the establishment and implementation of licensing systems by all parties;

(b) To consider any appropriate recommendations to the parties, as called for in Article 4B, paragraph 2 bis, of the Montreal Protocol and paragraph 3 of decision XXXI/10;

(c) To forward for consideration by the Thirty-Third Meeting of the Parties the draft decision set out in section B of annex I to the present report.

Recommendation 67/3

VII. Other matters

41. No other matters were considered.

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

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

IX. Closure of the meeting

43. Following the customary exchange of courtesies, the President declared the meeting closed at 3.40 p.m. on Thursday, 21 October 2021.

Annex I

Draft decisions forwarded by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its sixty-seventh meeting for consideration by the Thirty-Third Meeting of the Parties to the Montreal Protocol

The Thirty-Third Meeting of the Parties decides:

A. Draft decision XXXIII/[--]: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol

1. To note that [197] parties of the 198 parties that should have reported data for 2020 have done so, and that 181 of those parties had reported their data by 30 September 2021 as required under paragraph 3 of Article 7 of the Montreal Protocol;

2. To note with appreciation that 115 of those parties had reported their data by 30 June 2021, in accordance with the encouragement in decision XV/15, and that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures;

3. [To note with concern that [one] party, namely [Cuba], has not reported its 2020 data as required under paragraph 3 of Article 7 of the Montreal Protocol, and that this places it in non-compliance with its data reporting obligations under the Protocol until such time as the Secretariat receives its outstanding data;]

4. [To also note with concern that [two] parties not operating under paragraph 1 of Article 5 of the Montreal Protocol, namely [the Russian Federation] and [San Marino], that are parties to the Kigali Amendment and should have submitted baseline data for Annex F substances (hydrofluorocarbons) for the years 2011 to 2013 have not done so as required under paragraph 2 of Article 7 of the Montreal Protocol, and that this places them in non-compliance with their data reporting obligations under the Protocol until such time as the Secretariat receives their outstanding baseline data for hydrofluorocarbons;]

5. [To further note with concern that [two] parties operating under paragraph 1 of Article 5 of the Protocol, namely [Cuba] and [Lebanon], that are parties to the Kigali Amendment and should have submitted baseline data for Annex F substances (hydrofluorocarbons) for the year 2020 have not done so as required under paragraph 2 of Article 7 of the Montreal Protocol, and that this places them in non-compliance with their data reporting obligations under the Protocol until such time as the Secretariat receives their outstanding baseline data for 2020 for hydrofluorocarbons;]

6. To note that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;

7. To urge the parties listed in paragraphs 3, 4 and 5 of the present decision to report the required data to the Secretariat as soon as possible;

8. To request the Implementation Committee to review the situation of those parties at its sixty-eighth meeting;

9. To encourage parties to continue to report consumption and production data as soon as the figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

B. Draft decision XXXIII/[--]: Status of the establishment of licensing systems under paragraph 2 bis of Article 4B of the Montreal Protocol

Noting that paragraph 2 bis of Article 4B of the Montreal Protocol requires each party, by 1 January 2019 or within three months of the date of entry into force of that paragraph for the party, whichever is later, to establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances listed in Annex F to the Protocol,

Noting with appreciation that 97 of the 122 parties to the Kigali Amendment to the Montreal Protocol have established import and export licensing systems for Annex F controlled substances as

required, and that 10 parties that have not yet ratified the Kigali Amendment have also reported the establishment and implementation of such licensing systems,

Noting, however, that the 17 parties listed in the annex to the present decision have not yet reported to the Secretariat on the establishment of their licensing systems according to paragraph 2 bis of Article 4B,

Recognizing that licensing systems provide for data collection and verification, monitoring of imports and exports of controlled substances, and prevention of illegal trade,

Recognizing also that the successful phase-out of most controlled substances by parties is largely attributable to the establishment and implementation of licensing systems to control the import and export of ozone-depleting substances,

1. To take note with appreciation of the efforts made by the parties in the establishment and implementation of licensing systems under paragraph 2 bis of Article 4B of the Montreal Protocol for the import and export of new, used, recycled and reclaimed controlled substances listed in Annex F to the Montreal Protocol;

2. To urge the 17 parties listed in the annex to the present decision to provide information to the Secretariat on the establishment and implementation of the licensing systems referred to in paragraph 1 of the present decision as a matter of urgency, and no later than 15 March 2022, for consideration by the Implementation Committee at its sixty-eighth meeting;

3. To urge all parties to the Kigali Amendment that have not yet established and implemented the licensing systems referred to in paragraph 1 above to do so, and to report that information to the Secretariat within three months of doing so;

4. To request the Secretariat to review periodically the status of the establishment and implementation of the licensing systems referred to in paragraph 1 of the present decision by all parties to the Montreal Protocol, as is called for in Article 4B of the Protocol.

Annex to draft decision XXXIII/[--]

Parties that have not yet reported on the establishment [and implementation] [and operation] of licensing systems according to Article 4B, paragraph 2 bis, of the Montreal Protocol

- | | |
|------------------|---------------------------|
| 1. Angola | 10. Liberia |
| 2. Botswana | 11. Mali |
| 3. Cabo Verde | 12. Mozambique |
| 4. Côte d'Ivoire | 13. San Marino |
| 5. Cuba | 14. Sao Tome and Principe |
| 6. Eswatini | 15. Sierra Leone |
| 7. Ethiopia | 16. Somalia |
| 8. Guinea-Bissau | 17. South Africa |
| 9. Lesotho | |

Annex II

List of participants

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