

**Montreal Protocol
on Substances that
Deplete the Ozone Layer**

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**Implementation Committee under
the Non-Compliance Procedure
for the Montreal Protocol
Seventy-third meeting**
Bangkok, 25 October 2024

**Report of the Implementation Committee under the
Non-Compliance Procedure for the Montreal Protocol on the
work of its seventy-third meeting****I. Opening of the meeting**

1. The seventy-third meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol on Substances that Deplete the Ozone Layer was held at the United Nations Conference Centre, Bangkok, on 25 October 2024.
2. The President of the Committee, Osvaldo Patricio Álvarez-Pérez (Chile), opened the meeting at 9.35 a.m. on Friday, 25 October 2024.
3. Megumi Seki, Executive Secretary, Ozone Secretariat, welcomed the members of the Committee, in particular those who were attending their first Committee meeting, and the representatives of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol and its implementing agencies. Noting that the Committee faced a full agenda at the current meeting, she drew attention to items for consideration by the Committee, namely data reporting obligations, existing plans of action for three parties to return to compliance, requests for changes in baseline data for hydrofluorocarbons (HFCs) from several parties, the status of the establishment of licensing systems by parties that had ratified the Kigali Amendment to the Montreal Protocol, and the significant and growing issue of the submission of provisional data in the context of Article 7 reporting. With regard to the requests for changes in HFC baseline data that had been considered at the previous meeting, she noted that additional information had been received from Armenia and Liberia and that a representative from Armenia stood ready to join the meeting and answer questions on her country's submission. The Committee would also be invited to discuss and approve recommendations and draft decisions to be forwarded to the high-level segment of the combined thirteenth meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and Thirty-Sixth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer; the President would report on the work of the Committee under item 4 (n) of the agenda of the preparatory segment of that meeting.
4. She thanked the President and Vice-President, who would complete their terms of office at the end of 2024, for their work in leading the Committee. In concluding, she recalled that the Ozone Secretariat was, as always, available to assist the work of the Committee and that the Multilateral Fund secretariat and implementing agencies would provide any additional information required.

II. Adoption of the agenda and organization of work

A. Attendance

5. Representatives of the following Committee members attended the meeting: Chile, Czechia, Iran (Islamic Republic of), Netherlands (Kingdom of the), North Macedonia, Senegal and United States of America. The representatives of Kenya, Lebanon and Suriname were unable to attend.
6. The meeting was also attended by representatives of the secretariat of the Multilateral Fund and representatives of the implementing agencies of the Fund: United Nations Development Programme, United Nations Environment Programme, United Nations Industrial Development Organization and the World Bank.
7. The list of participants is sent out in annex II to the present report.

B. Adoption of the agenda and organization of work

8. The Committee adopted the following agenda, as orally amended, on the basis of the provisional agenda (UNEP/OzL.Pro/ImpCom/73/R.1):
 1. Opening of the meeting.
 2. Adoption of the agenda and organization of work.
 3. Presentation by the Ozone 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:
 - (a) Data reporting obligations under Article 7 (decision XXXV/17):
 - (i) San Marino (recommendation 72/1);
 - (ii) Eritrea (recommendation (72/2)
 - (b) Existing plans of action to return to compliance:
 - (i) Democratic People's Republic of Korea (decisions XXXII/6 and XXXV/18);
 - (ii) Kazakhstan (decision XXIX/14 and recommendation 72/4);
 - (iii) Libya (decision XXVII/11 and recommendation 72/5).
 6. Requests for changes in baseline data for hydrofluorocarbons (decisions XIII/15 and XV/19).
 - (a) Armenia (recommendation 72/8);
 - (b) Liberia (recommendation 72/9);
 - (c) Other requests.
 7. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol and follow-up on decision XXXV/19 and recommendation 72/10.
 8. Submission of provisional data in the context of Article 7 reporting.
 9. Other matters.
 10. Adoption of the recommendations and the report of the meeting.
 11. Closure of the meeting.
9. The Committee agreed to consider each of the seven Pacific Island countries separately under agenda item 6 (c), on other requests. The Committee agreed that a non-paper relating to item 8, submission of provisional data in the context of Article 7 reporting, prepared by one member of the

Committee, would be distributed to all members of the Committee during the meeting for their consideration.

10. The Committee agreed to follow its usual procedures.

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

11. A 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.36/6–UNEP/OzL.Pro/ImpCom/73/2) and the addendum thereto (UNEP/OzL.Pro.36/6/Add.1–UNEP/OzL.Pro/ImpCom/73/2/Add.1). He explained that he would not repeat the information presented to the Committee at its seventy-second meeting and would provide only updates and new information.

12. With regard to reporting of data under Article 7, a total of 191 parties had reported for 2023, of which 144 were parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 parties) and 47 were parties not so operating (non-Article 5 parties). Of the 191 parties, 107 had used the online reporting system and 163 had met the deadline of 30 September 2024. The seven parties that were yet to meet their obligations to report annual data for 2023 were Azerbaijan, the Democratic People's Republic of Korea, Djibouti, Iceland, Mali, San Marino and Tajikistan. Regarding data for previous years, all 198 parties to the Protocol had reported annual data for past years up to and including 2022. Since the previous Committee meeting, Eritrea and Thailand had submitted HFC baseline data for 2020, 2021 and 2022, and San Marino had submitted HFC annual data for 2021 and 2022. Djibouti and Egypt, which had ratified the Kigali Amendment to the Montreal Protocol and were required to have reported HFC baseline data for 2020, 2021 or 2022, had not yet done so. Subsequently, the Secretariat reported that Egypt had submitted the outstanding baseline data during the course of the meeting. Côte d'Ivoire and Guinea had not submitted HFC annual data for 2023 but had reported on other substances.

13. On the matter of possible non-compliance, there was currently just one case that had been identified by the Secretariat, namely where the consumption by a party had exceeded the limit set under the Protocol and the excess consumption could not be attributed to allowed uses. The Secretariat was currently awaiting additional information from that party regarding intended use.

14. Five parties had reported excess production and consumption in 2023 of controlled substances attributable to stockpiling, pursuant to decisions XVIII/17 and XXII/20. The European Union, France and Spain had reported that the cases related to unintentional production which was destined for destruction. Germany and Israel had reported that their excess production was intended for export for feedstock use in future years.

15. Regarding reporting on process-agent uses for 2023, all four parties that still used controlled substances for process-agent uses, namely China, the European Union, Israel and the United States of America, had reported the required data for 2023.

16. With regard to the completion of data forms, in relation to decisions XXIV/14 and XXIX/18, all the parties that had submitted incomplete forms when reporting Article 7 data for 2022 had subsequently confirmed that a zero should have been placed in all the blank cells on those forms. Of the six parties that had submitted incomplete forms when reporting Article 7 data for 2023, three had subsequently confirmed that a zero should have been placed in all the blank cells on their forms. The Secretariat would follow up on the matter with the remaining three parties.

17. Finally, he noted that, in relation to decisions XIII/15 and XV/19, the Secretariat had received requests from 10 parties for the revision of their baseline data for HFCs.

18. The Committee decided to forward for consideration by the Thirty-Sixth Meeting of the Parties the draft decision on data and information reporting as set out in section A of annex I to the current report on the understanding that the Secretariat, in consultation with the President of the Implementation Committee, might remove from the decision text the names of those parties that submitted their data before the decision was adopted, making any other consequential adjustments to the numbers and paragraphs of the decision.

Recommendation 73/1

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

19. The Chief Officer of the secretariat of the Multilateral Fund, noting that no meetings of the Executive Committee had been held since the previous meeting of the Implementation Committee, reported on policy issues and project submissions due to be discussed at the ninety-fifth meeting of the Executive Committee, and on activities carried out by implementing agencies to facilitate compliance by parties, 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/73/INF/R.3).

20. The most recent data reported for hydrochlorofluorocarbon (HCFC) consumption by Article 5 parties showed that the level of HCFCs consumed stood at 45.2 per cent of the consumption baseline, which was in line with the progress required to meet the 2025 consumption phase-out target. Current work in that regard was mainly focused on phasing out HCFC-123 and HCFC-22. Most foam manufacturing and a large portion of refrigeration and air-conditioning manufacturing were under conversion, mainly to low-global warming-potential technologies, though the availability of some alternative technologies in local markets continued to pose challenges. All countries were addressing the refrigeration servicing sector. Overall, 83 per cent of starting point consumption and 81.7 per cent of baseline consumption were covered by HCFC phase-out management plans that had already been approved, with 5,525.21 ozone depleting potential (ODP)-tonnes remaining for phase-out management plans that might be submitted in the future. Under the phase-out management plans, HCFC-141 and HCFC-21 would be phased out completely, and 90.7 per cent of starting point consumption of pre-blended polyols would be phased out. More work was required, however, with regard to phasing out HCFC-123, HCFC-142b and HCFC-22 in servicing.

21. Regarding HCFC production, stage I of the phase-out plan of China had been completed. Additional funding had been approved at the eighty-first meeting of the Executive Committee, and stage II had been approved at the eighty-sixth meeting of that body. The third tranche would be considered at the ninety-fifth meeting of the Executive Committee.

22. With regard to HFC consumption, the most recent data reported through country programmes showed that refrigeration, air-conditioning and heat-pump manufacturing; refrigeration, air-conditioning and heat-pump servicing; and firefighting applications were the largest three uses, accounting for more than 90.6 per cent of total HFC consumption in metric tons. HFC-134a, R-410A, HFC-32, R-507A, HFC-227ea and R-404A were the six HFCs with the highest consumption in metric tons and R-410A, HFC-134a, R-507A, R-404A, HFC-227ea and HFC-32 were the six HFCs with the highest consumption in carbon-dioxide-equivalent (CO₂-eq) tonnes. The consumption of a total of 1,938.99 metric tons of HFC-23 had been reported by 23 countries.

23. Regarding HFC data, the reporting errors, such as incorrect quantities or substances, that had been identified in a small number of cases, had been communicated to the relevant parties and agencies, and the necessary corrections had subsequently been made. A further challenge had been posed by the reporting of HFC data both in terms of pure substances and of blends. Some blends had been reported under their trade names, with information on their composition provided only in the case of a few countries. The situation posed challenges for reconciling the data reported in the Article 7 data reports and in country programme reports, as HFCs contained in blends needed to be reported as blends in the latter. Pursuant to decisions 92/4 and 94/3 of the Executive Committee, the secretariat of the Multilateral Fund was following up on the matter of the provision of additional information or estimates, to the extent possible, on the uses or most likely applications of HFC-23 reported in the column "other".

24. The projects for consideration by the Executive Committee at its ninety-fifth meeting included 27 Kigali implementation plans; 8 HCFC phase-out management plans; 14 energy efficiency pilot projects, in line with its decision 91/65; 1 equipment manufacturing project relating to energy efficiency, in line with its decision 94/60; and the preparation of 30 national inventories of banks of used or unwanted controlled substances, in line with its decision 91/66. The current total funding required for the projects, as submitted for consideration by the Executive Committee at its ninety-fifth meeting, stood at just over \$132 million. It was important to note that the figure would change, as the projects were still being reviewed by the secretariat and were then subject to the approval of the Executive Committee. Furthermore, it should be borne in mind that the Committee approved projects on the basis of actual HFC consumption data in the baseline years submitted to and recorded by the

Ozone Secretariat for assessing the funding level. The discussions at the current meeting regarding provisional data were therefore of particular interest to the Executive Committee and its secretariat.

25. Turning to policies, she noted that, at its ninety-fifth meeting, the Executive Committee aimed to finalize the draft guidelines for funding for the phase-down of HFCs, including for non-manufacturing activities. Regarding energy efficiency, under a strategic and integrated approach, parties were already encouraged to submit pilot projects relating to HFCs both under decision 91/65 and as part of their Kigali implementation plans. In addition, the Executive Committee had adopted an operational framework for enhancing energy efficiency while phasing down HFCs, with a funding window of \$100 million for the manufacturing sector, which could be increased in the future. Discussions on the topic at the ninety-fifth meeting would focus on non-manufacturing activities, the possible funding of manufacturing of components and heat pumps, and on the possibility of establishing a revolving fund for end users.

26. At its ninety-fifth meeting, the Executive Committee would also consider a mapping document on reporting requirements prepared by its secretariat in relation to discussions on streamlining reporting in order to allow parties to focus on implementation; a briefing note on HFCs contained in pre-blended polyols in the polyurethane foam sector in Article 5 parties; a paper on the polyurethane foam manufacturing sector, in particular for spray and insulating foam applications and with a focus on small and medium-sized enterprises; an update on the paper on local installation and assembly; and a presentation on upcoming independent monitoring and evaluation reviews and studies of the work of the Multilateral Fund.

27. Finally, she recalled that, in the light of the commitment of the Executive Committee to adopting a more strategic approach to the implementation of the Kigali Amendment, a half-day meeting had been dedicated to informal discussions on the topic prior to the ninety-fourth meeting. A second half-day meeting, on strategic approaches to the Kigali Amendment and sustainable cooling, was planned for 9 December 2024.

28. Responding to a question regarding changes in baseline data and the associated implications for changes in funding levels, the representative of the secretariat of the Multilateral Fund said that there were provisions for the Executive Committee to make any necessary changes in funding in such cases, either immediately or during the subsequent tranche of funding, with the decision regarding timing being at the discretion of the Executive Committee.

29. Responding to a question regarding the reliability of information on pre-blended polyols, in particular in relation to their destruction, the representative of the secretariat of the Multilateral Fund said that it was indeed challenging to obtain reliable information on the matter. The topic was due to be discussed by the Executive Committee at its ninety-fifth meeting and she would provide an update to the Implementation Committee at its seventy-fourth meeting.

30. The Committee took note of the information provided.

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

31. A representative of the Secretariat presented information on cases related to compliance with obligations under the Montreal Protocol (UNEP/OzL.Pro/ImpCom/73/R.3), along with the list of compliance issues to be considered by the Committee at the current meeting (UNEP/OzL.Pro/ImpCom/73/INF/R.1) and the information submitted by parties (UNEP/OzL.Pro/ImpCom/73/INF/R.2 and UNEP/OzL.Pro/ImpCom/73/INF/R.2/Add.1).

A. Data reporting obligations under Article 7 (decision XXXV/17)

1. San Marino (recommendation 72/1)

32. At its seventy-second meeting, the Committee, in recommendation 72/1, had noted with concern that San Marino remained in non-compliance with its data reporting obligations under the Protocol in relation to HFCs for 2021 and 2022, and had urged the party to submit the required data to the Secretariat as a matter of urgency. San Marino had submitted its outstanding data for 2021 and 2022 to the Secretariat, thereby fulfilling its data reporting obligations. The data reported had also confirmed the party's compliance with its obligations, as a non-Article 5 party, in relation to the control measures under the Protocol for 2021 and 2022.

33. The Committee therefore agreed to note with appreciation that San Marino had submitted its outstanding data on Annex F substances for 2021 and 2022, in accordance with its data reporting obligations under paragraph 3 of Article 7 of the Montreal Protocol and decision XXXV/17, and that the data submitted confirmed that the party was in compliance with the Protocol's control measures for 2021 and 2022.

2. Eritrea (recommendation 72/2)

34. In decision XXXV/17, Eritrea had been found to be in non-compliance with its data reporting obligations for HFCs under the Protocol as an Article 5 party with regard to baseline years for 2020, 2021 and 2022, as required by paragraph 2 of Article 7 of the Montreal Protocol. At its seventy-second meeting, the Committee, in recommendation 72/2, had noted with concern that Eritrea remained in non-compliance with its data reporting obligations for 2020, 2021 and 2022.

35. Eritrea had submitted its outstanding baseline data for HFCs for 2020, 2021 and 2022 to the Secretariat, thereby fulfilling its data reporting obligations.

36. In response to a question from a member of the Committee, a representative of the Secretariat clarified that neither San Marino nor Eritrea had indicated in their submissions that any of the data provided were provisional.

37. The Committee therefore agreed to note with appreciation that Eritrea had submitted its outstanding data on Annex F substances for 2020, 2021 and 2022, in accordance with its data reporting obligations under paragraph 2 of Article 7 of the Montreal Protocol, decision XXXV/17 and recommendation 72/2 of the Implementation Committee.

B. Existing plans of action to return to compliance

1. Democratic People's Republic of Korea (decisions XXXII/6 and XXXV/18)

38. The representative of the Secretariat recalled that the Democratic People's Republic of Korea had declared itself to be in non-compliance with the Protocol and that, in decision XXXII/6, the Thirty-Second Meeting of the Parties had taken note of the plan of action for the Democratic People's Republic of Korea to return to compliance with its annual reduction commitments for the consumption and production of HCFCs up to 2023. The party had also committed to establishing additional national policies to facilitate HCFC phase-out. The data submitted by the party for HCFCs for 2021 had shown levels of production and consumption slightly above its commitments for 2021, and the party had not yet submitted any update regarding progress on implementing its plan of action.

39. During an in-person exchange between the Secretariat and two representatives of the Democratic People's Republic of Korea in March 2024, the party had explained the deviation as a calculation error. The party had subsequently submitted its outstanding data for 2022, as urged in decision XXXV/17, which showed that it was in compliance with its commitments for the production and consumption of HCFCs in 2022, in accordance with the plan of action to return to compliance. The party had not, however, submitted other necessary information in written form on its deviation from the control schedules in 2021 or any other updates in relation to its plan of action.

40. At its seventy-second meeting, the Committee, in its recommendation 72/3, had urged the Democratic People's Republic of Korea to provide an explanation for the deviations, as a matter of urgency, and to submit its progress report on efforts to establish additional national policies, for consideration by the Committee at the current meeting. In the same recommendation, the Committee had recalled decision XXV/18, in which the party had been invited to send a representative to the meeting of the Committee.

41. Since the seventy-second meeting, the Democratic People's Republic of Korea had not communicated with the Secretariat at all on the matter and had not yet submitted its Article 7 data for 2023.

42. In response to questions from members of the Committee, the Senior Legal Officer clarified that other parties had been cautioned twice by the Committee for non-compliance in many instances and, in one instance, another party had been cautioned three times by the Committee. He also confirmed that the meeting of the parties had cautioned that same party three times, consecutively. The next stage of measures that might be taken in respect of non-compliance, as set out in item C of the indicative list on the matter, included the suspension of specific rights and privileges.

43. One member expressed the view that simply issuing another caution to the Democratic People's Republic of Korea, even if the wording were to be strengthened, rather than moving to the

next step of measures available to the Committee, could set a dangerous precedent, in particular in the light of the fact that the party had not provided any additional information since the seventy-second meeting of the Committee. Several other members expressed the view, however, that it was appropriate to issue another caution to the Democratic People's Republic of Korea, as long as that caution was more strongly worded than recommendation 72/3.

44. The Committee therefore decided to forward for consideration by the Thirty-Sixth Meeting of the Parties the draft decision on the Democratic People's Republic of Korea set out in section B of annex I to the present report.

Recommendation 73/2

2. Kazakhstan (decision XXIX/14 and recommendation 72/4)

45. The representative of the Secretariat recalled that, in decision XXIX/14, the Twenty-Ninth Meeting of the Parties had noted a revised plan of action to ensure the return to compliance of Kazakhstan, with commitments up to 2030 to comply with the Protocol's HCFC consumption control measures. In recommendation 72/4, the Committee had noted with appreciation that Kazakhstan had submitted all outstanding data for 2022, which had shown the party to be in compliance with the Protocol's control measures, and had agreed to continue monitoring closely the progress made by Kazakhstan in implementing its plan of action and phasing out HCFCs.

46. Kazakhstan had subsequently submitted its data for 2023, thereby adhering to its commitments in its plan of action, but the data had shown that the levels remained slightly in excess of those required under the control measures of the Protocol.

47. The Committee therefore agreed to note with appreciation the submission by Kazakhstan of its Article 7 data for 2023, which indicated that the party was in adherence with its commitment for 2023 contained in its plan of action to return to compliance, as set out in decision XXIX/14.

3. Libya (decision XXVII/11 and recommendation 72/5)

48. The representative of the Secretariat recalled that, in decision XXVII/11, Libya had committed itself to additional measures, including imposing a ban on the procurement of air-conditioning equipment containing HCFCs in the near future and considering a ban on the import of such equipment. Libya had subsequently submitted several updates to the Secretariat on its progress towards implementing those additional measures. At its seventy-second meeting, the Committee, in its recommendation 72/5, had noted with appreciation the submission by Libya of its most recent update on progress towards implementing the additional measures, and had requested Libya to submit to the Secretariat a further update on its progress, stating specific steps to be taken towards achieving the goals set up in the plan of action and an indicative time frame in that regard.

49. Libya had subsequently submitted a further update for consideration by the Committee. Regarding the ban on the procurement of air-conditioning equipment containing HCFCs, the party reported that its Ministry of the Environment and the national ozone unit had informed ministries and stakeholders that the ban would be implemented in 2024, although no specific date had been indicated. Regarding the import ban on such equipment, the party had reported that its Government would end budget allocations for such imports and that ministries were required to develop replacement plans that would be implemented in 2024. Any financial incentives for suppliers to import such equipment would be denied and the import of alternative equipment would be encouraged. The party envisaged the establishment of a full import ban in 2025. Libya had reiterated in its submission that it faced a challenging situation owing to political instability in the country, which also affected the country's economy.

50. The Committee agreed:

(a) To note with appreciation the submission by Libya of an update on the progress made towards imposing a ban on the procurement of air-conditioning equipment containing hydrochlorofluorocarbons and considering a ban on the import of such equipment, which had not yet been put in place;

(b) To request Libya to submit to the Secretariat, by 31 March 2025, a further update on the progress made towards the implementation of the actions set out in paragraph 2 (c) of decision XXVII/11, for consideration by the Implementation Committee at its seventy-fourth meeting.

Recommendation 73/3

VI. Requests for changes in baseline data for hydrofluorocarbons (decisions XIII/15 and XV/19)

51. Introducing the item, a representative of the Secretariat drew attention to the addendum to the report of the Secretariat entitled “Information on cases related to compliance with obligations under the Protocol: changes in baseline data” (UNEP/OzL.Pro/ImpCom/73/R.3/Add.1), as well as to the note by the Secretariat on information submitted by parties for the consideration of the Committee at its seventy-third meeting (UNEP/OzL.Pro/ImpCom/73/INF/R.2) and the addendum thereto containing information submitted by Liberia (UNEP/OzL.Pro/ImpCom/73/INF/R.2/Add.1). The Committee had before it a total of 10 requests made by parties for the revision of their HFC baseline data.

A. Armenia (recommendation 72/8)

52. The representative of the Secretariat recalled that, at its seventy-second meeting, the Committee had reviewed the request from Armenia to revise its baseline data for HFC consumption for 2020, 2021 and 2022. The revised baseline would represent an increase of 266,218 CO₂-equivalent tonnes (56 per cent) from the initial baseline level. The party had submitted a summary of the information required under paragraph 2 (a) (i)–(iii) of decision XV/19 explaining that the need for the revision had emerged from the survey conducted for the preparation of the party’s Kigali implementation plan, which had identified a number of inconsistencies and omissions in reporting by customs authorities. The country’s current licensing system did not cover blends, only pure HFCs. As the party formed part of the Eurasian Economic Union, imports from other member countries (Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation) had not been recorded as imports by Armenian customs authorities. Although an agreement regarding controlled substances under the Protocol signed by member States of the Eurasian Economic Union had entered into force in 2019, Armenia had not assigned a specific national authority to control imports of the controlled substances and therefore the required information had not been recorded in customs records. Online purchases had also not been controlled. The revised figures submitted by the party were based on a bottom-up survey involving data collection from end users and importers on refrigerant types and quantities that had been cross-checked against customs data and online purchases.

53. Armenia had submitted supporting information with its request, namely a table presenting the proposed revision; samples of the questionnaires used in the HFC survey prepared for the Kigali implementation plan and a cover letter for the response of one of the regional authorities (in Armenian); a summary of the HFC survey prepared for the Kigali implementation plan; and the proposal dated 5 February 2024 for stage I of the Kigali implementation plan for Armenia, as submitted to the Executive Committee. The Kigali implementation plan for Armenia had been approved by the Executive Committee on the basis of the existing baseline data and, if the change in baseline data was also approved by the meeting of the parties, the agreement between the Government of Armenia and the Executive Committee would be adjusted to reflect the baseline change.

54. The Committee, in its recommendation 72/8, had requested Armenia to submit to the Secretariat the outstanding information required under decision XV/19, in particular invoices or any other formal documents that confirmed imports and exports of HFCs. In response, Armenia had sent a communication to the Secretariat reiterating its explanation regarding the free movement of goods within the Eurasian Economic Union and the lack of a designated competent authority supervising the issuing of permits for imports or exports of controlled substances. The party had also submitted additional documentation containing communications between the Ministry of Environment, the customs service and the Ministry of Economy regarding concerns over the lack of control with regard to the trade in controlled substances through online marketplaces.

55. Finally, she informed the Committee that the representative of Armenia was available to provide additional information at the current meeting in person. The Senior Legal Officer recalled the procedure for the participation of the representative of a party in a meeting of the Committee.

56. At the invitation of the Committee, the representative of Armenia joined the meeting and answered questions from members of the Committee. Regarding the reporting of HFC blends by the party, the representative of Armenia said that the licensing for HFC had not covered blends but an amendment to legislation to cover such licensing had been approved and would enter into force on 1 January 2025. Any data captured by customs regarding blends had been reported by the party but such information was not exhaustive. On the reasons for the party not submitting the requested invoices, she said that her understanding was that an invoice was a formal document that contained detailed information and was part of the official documentation that would be submitted during customs procedures. Even with more time, Armenia would not be able to present such documentation to the

Committee, as it did not exist, owing to the historic control gap of substances both because of the free trade area of the Eurasian Economic Union and the uncontrolled movement of HFCs by post as a result of online purchases. Regarding the significant margin of error, of 56 per cent, identified by Armenia, she noted that it had been during the survey carried out under the Kigali implementation plan that the party had first discovered that consumption was at a much higher level than previously thought and that a significant root cause had been the uncontrolled movement of HFCs by post. As a result of that discovery, the party had been instrumental in developing the legislation under the Eurasian Economic Union of May 2024 to ban the movement of ozone-depleting substances by post.

57. Regarding the distinction made between use and consumption of HFCs for the interpretation of the survey results, the representative of Armenia explained that the party used the Protocol definition for consumption, namely import minus export, and noted that Armenia was not an exporting country of HFCs. The party defined use as the amount needed for servicing equipment in the country. Regarding sources used for cross-checking of data, she explained that the party had used information from the Ministry of Environment on import licences, data from customs on the imports that had been authorized and the imports that had actually taken place, and estimates made by experts in the relevant sectors. On the possibility of obtaining information retrospectively from other member States of the Eurasian Economic Union, she said that it was unlikely that any such information would be forthcoming. As for future trade within the Union, she explained that the party was discussing with its Ministry of the Economy the designation of a suitable national authority to supervise trade within the Union. Controlled substances were already monitored by customs when entering the Union at the Armenian land border with Georgia by means of a transit customs declaration and associated transit licence and the party was now focusing on developing a similar process to monitor the movement of controlled substances by air. Regarding imports of equipment containing HFCs, the representative of Armenia said that the customs service had been asked to provide information on the quantities of such imports but was unable to disaggregate the data by substance, and therefore the party had used expert estimates to disaggregate those data. The estimated amounts of HFCs in equipment had not been included in consumption figures but in figures for use, in other words, in servicing estimates. Finally, on the topic of the substantial volume of sales through online marketplaces, she explained that it had proven extremely hard for Armenia to monitor and control the movement of substances sold in that way, as they were imported into the Eurasian Economic Union in significant volumes in large containers and seemed often not to be reported accurately at the point of entry into the Union. Armenia had therefore taken steps to stop the practice of undertaking sales of HFCs in that manner.

58. In a subsequent discussion on the responses of the representative of Armenia, there was general agreement among members of the Committee that the request of Armenia should not be granted, as insufficient information had been provided by the party. Diverging views were expressed by members as to whether or not more specific details, for example an indicative list, regarding the information required from the party should be provided in order to help ensure that Armenia provided the necessary information, or whether it would be more effective simply to direct Armenia to the general requirements for information outlined in decision XV/19 and to the report of the seventy-second meeting of the Committee. One member noted, however, that the reference to invoices in decision XV/19 was to those for ozone-depleting substances rather than those specifically for HFCs.

59. One member of the Committee noted that Armenia had not made a clear distinction in the documentation that it had submitted between use and consumption. A number of members said that the party's understanding of what should be considered an invoice seemed to differ from that of the Committee. Armenia should be encouraged to contact the relevant main trading partners and request historical business documentation, such as purchasing information, trade invoices and bills of lading, rather than attempt to provide documentation that fully met all customs documentation requirements. A number of members also highlighted that the Committee should consider how to handle requests for adjustments to baseline year data for parties within unions of States with free trade arrangements, as there was the potential for double-counting if more than one party within a union were to request such an adjustment.

60. The Committee agreed:

Taking note of the request by Armenia for the revision of its existing consumption data for the baseline years 2020, 2021 and 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by Armenia to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request Armenia to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, specifically, documentation substantiating collection and verification procedures and their findings, which could include any formal documentation such as licences, shipping or customs documentation from its customs or trading partners, or any purchasing or commercial documentation, such as invoices, that confirm import, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request Armenia, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which would ensure that the data were treated with professional secrecy and as confidential when they were reported to the Implementation Committee.

Recommendation 73/4

B. Liberia (recommendation 72/9)

61. The representative of the Secretariat informed the Committee that Liberia had requested that consideration of its request for the revision of its baseline data for consumption for 2021 and 2022 be deferred to the seventy-fourth meeting of the Committee as, although the party had submitted some additional information since the seventy-second meeting of the Committee, some information gaps remained.

62. The Committee agreed to defer consideration of the revision of baseline data for consumption for 2021 and 2022 for Liberia to its seventy-fourth meeting.

C. Other requests

1. Nigeria

63. Nigeria had submitted a request to revise its baseline data for HFC consumption for 2020, 2021 and 2022. The revised baseline would represent an increase of 7,431,724 CO₂-equivalent tonnes (49 per cent) from the initial baseline level. The party had submitted a summary of the information required under paragraph 2 (a) (i)–(iii) of decision XV/19, explaining that the need for the revision had emerged from the survey conducted for the preparation of the party's Kigali implementation plan, which had identified that the baseline data reported did not accurately capture the actual consumption in the country. Although Nigeria had ratified the Kigali Amendment on 20 December 2018 and had reported the establishment of its licensing system covering HFCs on 22 January 2021, the system had only become fully operational in 2022. The customs authorities had not enforced the licensing system effectively owing to challenges relating to the Harmonized Commodity Description and Coding System customs codes for HFCs and their blends. Furthermore, the national ozone unit was not involved in the issuing of import permits. The National Agency for Food and Drugs Administration and Control, which was responsible for issuing the permits, responded to an information request from the national ozone unit by providing a list of imports during the baseline years but had been unable to provide customs data, owing to confidentiality policies. The party had therefore used data from end users for estimated figures during the baseline years.

64. The methodology of the survey was described in the Kigali implementation plan proposal of Nigeria and included data collection at the enterprise level by means of questionnaires and interviews, and the collection of secondary data through document reviews and Internet-based research. An analysis of the data had been used to estimate the party's HFC consumption over the preceding five years, provide information on consumption patterns and forecast future usage. The results of the analysis confirmed that the baseline data submitted by Nigeria for 2020 and 2021 were lower than the actual HFC consumption.

65. Nigeria had submitted supporting information with its request, including an official letter from the Federal Ministry of Environment to the National Agency for Food and Drugs Administration and Control verifying the accuracy of the revised data and confirming that invoices could not be shared with other bodies owing to confidentiality concerns, as well as a Kigali implementation plan, which had been submitted to the Executive Committee for consideration.

66. A number of members expressed the view that the Committee should make Nigeria aware of the fact that the confidentiality of any information submitted to the Committee could be maintained, if so required by the party, and that confidentiality concerns should therefore not hinder the submission of all the required information by Nigeria.

67. The Committee therefore agreed:

Taking note of the request by Nigeria for the revision of its existing consumption data for the baseline year 2020, 2021 and 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by Nigeria to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request Nigeria to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, specifically, documentation substantiating collection and verification procedures and their findings, which could include any formal documentation such as licences, shipping or customs documentation from its customs or trading partners, or any purchasing or commercial documentation, such as invoices, that confirmed import in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request Nigeria, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which would ensure that the data were treated with professional secrecy and as confidential when they were reported to the Implementation Committee.

Recommendation 73/5

2. Cook Islands

68. The Cook Islands had submitted a request to revise its baseline data for HFC consumption for 2020 and 2022, as it had misreported HFC-134a as HFC-143a.

69. The party had submitted a summary of the information required under paragraph 2 (a) (i)–(iii) of decision XV/19; a comparison between HFC import and HFC usage during the baseline years 2020, 2021 and 2022; import and inventory of refrigeration and air-conditioning, as well as mobile air-conditioning, equipment; a breakdown of HFC usage in the servicing sector, by substance and application in 2023; and actual usage and forecast usage of HCFCs for the years 2019–2045. The methodology of the survey was described in the joint Kigali implementation plan proposal of several Pacific Island States, which included the Cook Islands.

70. The Cook Islands had informed the Secretariat that it was not able to provide any customs-related documentation to confirm the additional imports identified during the survey and data revision.

71. Responding to a question from one member of the Committee about the relative importance attributed to future needs, which the party had stated had been part of the methodology of the survey, the representative of the Secretariat said that, owing to the fact that the methodology of the survey was not specific to the Cook Islands but had been applied to the surveys for all participating Pacific Island States, she did not have sufficient information to answer the question and suggested that the implementing agency's representatives present at the meeting could provide additional clarification.

72. One member expressed the view that, even though the party had stated the specific input mistake made, it had not provided all the documentation required under decision XV/19. In the interest of fairness to all parties, therefore, the Committee could not accept the party's request without all the required documentation.

73. The Committee therefore agreed:

Taking note of the request by the Cook Islands for the revision of its existing consumption data for the baseline years 2020 and 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by the Cook Islands to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request the party, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which would ensure that the data were treated with professional secrecy and as confidential when they were reported to the Implementation Committee.

Recommendation 73/6

3. Kiribati

74. Kiribati had submitted a request to revise its baseline data for HFC consumption for 2022.

75. The party had submitted a summary of the information required under paragraph 2 (a) (i)–(iii) of decision XV/19; a comparison between HFC import and HFC usage during the baseline years 2020, 2021 and 2022; import and inventory of refrigeration and air-conditioning, as well as mobile air-conditioning, equipment; a breakdown of HFC usage in the servicing sector, by substance and application in 2023; and actual usage and forecast usage of HCFCs for the years 2019–2045. The methodology of the survey was described in the joint Kigali implementation plan proposal of several Pacific Island States, which included Kiribati.

76. In its survey, Kiribati had identified an additional import of 0.7 metric tons of HFC-134a from information provided by an importer. The lack of Harmonized System customs codes for some HFCs, including blends, had led to misdeclaration of HFC shipments or inaccurate reporting by customs authorities. The baseline data had mainly been collected from importers, many of whom did not record data systematically. The licensing system in Kiribati had become operational in 2021 but some importers remained unfamiliar with HFC import control and had not applied for the necessary licences and consequently had not reported HFC data to the national ozone unit. Kiribati had informed the Secretariat that it was not able to provide any customs-related documentation to confirm the additional imports identified during the survey and data revision.

77. The Committee therefore agreed:

Taking note of the request by Kiribati for the revision of its existing consumption data for the baseline year 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by Kiribati to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request the party, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which would ensure that the data were treated with professional secrecy and as confidential when they were reported to the Implementation Committee.

4. Marshall Islands

78. The Marshall Islands had submitted a request to revise its baseline data for HFC consumption for the years 2020, 2021 and 2022.

79. The party had submitted a summary of the information required under paragraph 2 (a) (i)–(iii) of decision XV/19; a comparison between HFC import and HFC usage during the baseline years 2020, 2021 and 2022; import and inventory of refrigeration and air-conditioning, as well as mobile air-conditioning, equipment; a breakdown of HFC usage in the servicing sector, by substance and application, in 2023; and actual usage and forecast usage of HCFCs for the years 2019–2045. The methodology of the survey was described in the joint Kigali implementation plan proposal of several Pacific Island States, which included the Marshall Islands.

80. In its survey, the Marshall Islands had identified that some HFC data had not been reported to the national ozone unit or had been misreported as other HFCs or substances. The lack of Harmonized System customs codes for some HFCs, including blends, had led to misdeclaration of HFC shipments or inaccurate reporting by customs authorities. The baseline data had mainly been collected from importers, many of whom did not record data systematically. The licensing system in the Marshall Islands had become operational in 2021 but some importers remained unfamiliar with HFC import control and had not applied for the necessary licences and consequently had not reported HFC data to the national ozone unit. The Marshall Islands had informed the Secretariat that it was not able to provide any customs-related documentation to confirm the additional imports identified during the survey and data revision.

81. The Committee therefore agreed:

Taking note of the request by the Marshall Islands for the revision of its existing consumption data for the baseline years 2020, 2021 and 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by the Marshall Islands to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request the party, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which would ensure that the data were treated with professional secrecy and as confidential when they were reported to the Implementation Committee..

Recommendation 73/8

5. Nauru

82. Nauru had submitted a request to revise its baseline data for HFC consumption for the years 2020, 2021 and 2022.

83. The party had submitted a summary of the information required under paragraph 2 (a) (i)–(iii) of decision XV/19; a comparison between HFC import and HFC usage during the baseline years 2020, 2021 and 2022; import and inventory of refrigeration and air-conditioning, as well as mobile air-conditioning, equipment; a breakdown of HFC usage in the servicing sector, by substance and application, in 2023; and actual usage and forecast usage of HCFCs for the years 2019–2045. The methodology of the survey was described in the joint Kigali implementation plan proposal of several Pacific Island States, which included Nauru.

84. In its survey, Nauru had identified that some HFC data had not been reported to the national ozone unit or had been misreported as other HFCs or substances. The lack of Harmonized System

customs codes for some HFCs, including blends, had led to misdeclaration of HFC shipments or inaccurate reporting by customs authorities. The baseline data had mainly been collected from importers, many of whom did not record data systematically. The licensing system in Nauru had only become operational in 2023. Nauru had informed the Secretariat that it was not able to provide any customs-related documentation to confirm the additional imports identified during the survey and data revision.

85. The Committee therefore agreed:

Taking note of the request by Nauru for the revision of its existing consumption data for the baseline years 2020, 2021 and 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by Nauru to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request the party, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which would ensure that the data were treated with professional secrecy and as confidential when they were reported to the Implementation Committee.

Recommendation 73/9

6. Niue

86. Niue had submitted a request to revise its baseline data for HFC consumption for 2021.

87. The party had submitted a summary of the information required under paragraph 2 (a) (i)–(iii) of decision XV/19; a comparison between HFC import and HFC usage during the baseline years 2020, 2021 and 2022; import and inventory of refrigeration and air-conditioning, as well as mobile air-conditioning, equipment; a breakdown of HFC usage in the servicing sector, by substance and application, in 2023; and actual usage and forecast usage of HCFCs for the years 2019–2045. The methodology of the survey was described in the joint Kigali implementation plan proposal of several Pacific Island States, which included Niue.

88. In its survey, Niue had identified that some HFC data had not been reported to the national ozone unit or had been misreported as other HFCs or substances. The lack of Harmonized System customs codes for some HFCs, including blends, had led to misdeclaration of HFC shipments or inaccurate reporting by customs authorities. The baseline data had mainly been collected from importers, many of whom did not record data systematically. The licensing system in Niue had become operational in 2021 but some importers remained unfamiliar with HFC import control and had not applied for the necessary licences and consequently had not reported HFC data to the national ozone unit.

89. The Committee therefore agreed:

Taking note of the request by Niue for the revision of its existing consumption data for the baseline year 2021 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by Niue to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request the party, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which would ensure that the data were treated with professional secrecy and as confidential when they were reported to the Implementation Committee.

Recommendation 73/10

7. Tuvalu

90. Tuvalu had submitted a request to revise its baseline data for HFC consumption for the years 2020, 2021 and 2022.

91. The party had submitted a summary of the information required under paragraph 2 (a) (i)–(iii) of decision XV/19; a comparison between HFC import and HFC usage during the baseline years 2020, 2021 and 2022; import and inventory of refrigeration and air-conditioning, as well as mobile air-conditioning, equipment; a breakdown of HFC usage in the servicing sector, by substance and application in 2023; and actual usage and forecast usage of HCFCs for the years 2019–2045. The methodology of the survey was described in the joint Kigali implementation plan proposal of several Pacific Island States, which included Tuvalu.

92. In its survey, Tuvalu had identified that some HFC data had not been reported to the national ozone unit or had been misreported as other HFCs or substances. The lack of Harmonized System customs codes for some HFCs, including blends, had led to misdeclaration of HFC shipments or inaccurate reporting by customs authorities. The baseline data had mainly been collected from importers, many of whom did not record data systematically. The licensing system in Tuvalu had become operational in 2021 but some importers remained unfamiliar with HFC import control and had not applied for the necessary licences and consequently had not reported HFC data to the national ozone unit.

93. The Committee therefore agreed:

Taking note of the request by Tuvalu for the revision of its existing consumption data for the baseline years 2020, 2021 and 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by Tuvalu to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request the party, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which would ensure that the data were treated with professional secrecy and as confidential when they were reported to the Implementation Committee.

Recommendation 73/11

8. Vanuatu

94. Vanuatu had submitted a request to revise its baseline data for HFC consumption for 2020.

95. The party had submitted a summary of the information required under paragraph 2 (a) (i)–(iii) of decision XV/19; a comparison between HFC import and HFC usage during the baseline years 2020, 2021 and 2022; import and inventory of refrigeration and air-conditioning, as well as mobile air-

conditioning, equipment; a breakdown of HFC usage in the servicing sector, by substance and application, in 2023; and actual usage and forecast usage of HCFCs for the years 2019–2045. The methodology of the survey was described in the joint Kigali implementation plan proposal of several Pacific Island States, which included Vanuatu.

96. In its survey, Vanuatu had identified that some HFC data had not been reported to the national ozone unit or had been misreported as other HFCs or substances. The lack of Harmonized System customs codes for some HFCs, including blends, had led to misdeclaration of HFC shipments or inaccurate reporting by customs authorities. The baseline data had mainly been collected from importers, many of whom did not record data systematically. The licensing system in Vanuatu had become operational in 2021 but some importers remained unfamiliar with HFC import control and had not applied for the necessary licences and consequently not reported HFC data to the national ozone unit.

97. The Committee therefore agreed:

Taking note of the request by Vanuatu for the revision of its existing consumption data for the baseline year 2020 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by Vanuatu to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request the party, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which would ensure that the data were treated with professional secrecy and as confidential when they were reported to the Implementation Committee.

Recommendation 73/12

VII. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol and follow-up on decision XXXV/19 and recommendation 72/10

98. A representative of the Secretariat provided information on the status of the establishment of licensing systems for HFCs as at 24 October 2024. Of the 160 parties to the Montreal Protocol that had ratified the Kigali Amendment, 154 had reported the establishment and operation of HFC licensing systems, which represented an update of the figures set out in document UNEP/OzL.Pro/ImpCom/73/R.4.

99. Two of the remaining six parties, namely Angola and San Marino, had not reported the establishment and operation of their HFC licensing systems. Kenya had recently informed the Secretariat that its draft revised environmental management and coordination regulations were close to finalization and, once approved, would allow for the establishment and operation of the party's HFC licensing systems. The three-month reporting deadline had not yet passed for the three remaining parties.

100. In its recommendation 72/10, the Committee had differentiated between those parties that had not reported any information to the Secretariat regarding the establishment and operation of their licensing systems after the expiration of their reporting deadlines and those that had reported information but had not yet established their systems or put them into operation, despite their reporting deadlines having passed. Of the six parties listed in the annex to that recommendation that had not reported any information, three (Eritrea, Mali and Zambia) had subsequently informed the Secretariat that their licensing systems had been established and were in operation. Both parties listed in paragraph (d) of that recommendation, namely Lesotho and Mozambique, which were requested to

provide updates on the establishment and implementation of their HFC licensing systems, had subsequently provided additional information to the Secretariat and confirmed that their systems had been established and were operational. In addition, Mauritania, which had not yet ratified the Kigali Amendment, had informed the Secretariat that it had established and put into operation a licensing system for HFCs.

101. In response to a suggestion from one member that the Committee should encourage Mauritania to ratify the Kigali Amendment as soon as possible, another member drew attention to the agenda item on the ratification of the Kigali Amendment of the Thirty-Sixth Meeting of the Parties and noted that the draft decision under that agenda item included a paragraph urging parties that had not yet done so to ratify the Kigali Amendment.

102. One member of the Committee, noting the precedent set in recommendation 72/10 only to list in the annex to the recommendation the parties that had provided no information regarding the establishment and operation of their licensing systems, nevertheless expressed a preference for listing all parties that had not yet established and put into operation such systems, in the draft decision, even if a party had provided some information regarding the system to the Secretariat.

103. The Committee therefore agreed to forward for consideration by the Thirty-Sixth Meeting of the Parties the draft decision set out in section C of annex I to the current report on the status of the establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol, on the understanding that the Secretariat, in consultation with the President of the Implementation Committee, would remove from the decision text those parties that submitted information about their establishment of HFC licensing systems before the decision was adopted, making any other consequential adjustments to the numbers and paragraphs of the decision.

Recommendation 73/13

VIII. Submission of provisional data in the context of Article 7 reporting

104. Introducing the item, the President recalled that, at the seventy-second meeting of the Committee, the Secretariat had sought guidance from the Committee concerning the rising number of parties submitting Article 7 data as provisional. In response to a subsequent request from the Committee, the Secretariat had prepared a note on the submission of provisional data in the context of Article 7 reporting (UNEP/OzL.Pro/ImpCom/73/R.5).

105. Before beginning his presentation, the representative of the Secretariat drew attention to the fact that, since the note by the Secretariat had been issued, on 27 August 2024, some additional information on the matter had been received. He began his presentation by recalling that parties had been submitting provisional data for many years, with the earliest electronic recorded submission of provisional data being in 2005 for 2004 data. The Protocol did not expressly refer to the submission of provisional data.

106. Provisional data could be understood to be data reported to the Secretariat by a party with an indication that future changes to those data were foreseen. When a party submitted data that was flagged as provisional, the Secretariat considered that as a submission with additional information and would then send reminders to the party to either confirm the provisional data as final or to submit revised data. Under paragraph 3 of decision VI/5, parties were allowed to correct the data submitted by them in the interest of accuracy for a given year, but any such corrections should be accompanied by an explanatory note to facilitate the work of the Committee. In practice, parties often corrected previously submitted data by sending a communication to that effect to the Secretariat. Under paragraph 5 of decision XIII/15, parties that requested changes in reported baseline data for the base years were advised to present their requests before the Committee, which would in turn work with the Secretariat and the Executive Committee to confirm the justification for the changes and present them to the meeting of the parties for approval. The methodology for the submission of requests for revision of baseline data was set out in decision XV/19.

107. Until 2019, there had been no adequate means of recording the submission of provisional data in the database system. Parties would contact the Secretariat directly, typically by email, to state that the data submitted were provisional. When the current online reporting system had been developed in 2019, the submission of provisional data had become a sufficiently established practice for a checkbox to be included that a party could use to indicate that the data being submitted were provisional. Some parties had continued to use emails to the Secretariat to indicate that the data they had submitted was provisional. The Secretariat had been able to identify data submitted as provisional since 2019 in the online reporting system and cross-check that information with emails received from parties.

108. Since 2019, there had been a significant increase in the number of parties declaring that the data they had submitted was provisional, with 24 such cases in 2023 and with almost one-fifth of all parties having submitted provisional data at some point. There had been a total of 40 cases of provisional data submitted for baseline years and 27 for non-baseline years and there were cases from countries from all the regional groups. When considering the number of parties from each regional group that had submitted provisional data since 2019, 17 parties were from Africa, 7 from Asia and the Pacific, 7 from Latin America and the Caribbean, 4 from Eastern Europe and 3 from Western European and other States. The Secretariat had also analysed cases of provisional data submission according to six different scenarios, on the basis of whether the data had been submitted and confirmed before or after the submission deadline and whether or not the data remained unconfirmed.

109. At its sixty-eighth meeting, the Committee had been informed by the Secretariat of one possible case of a party (Mauritania) being in non-compliance, where the data submitted by the party had been flagged as provisional. The Committee had decided not to take up the matter and the party had subsequently submitted its final revised data, which had shown that it had been in compliance. No other cases of possible non-compliance where data had been flagged as provisional had been identified by the Secretariat.

110. Finally, he recalled that the issue of provisional data had never been brought to the attention of a meeting of the parties and highlighted possible solutions to address the issue, including that the Committee could suggest to the meeting of the parties that a time limit should be introduced for a party to submit final data after having submitted provisional data, that provisional data should be treated as final data or that the submission of provisional data should be prohibited.

111. The member from the Kingdom of the Netherlands introduced a non-paper on the matter, which included a draft recommendation. He recalled that the key role of the Committee was to reach an amicable decision with parties to bring them back into compliance. It was therefore important for the Committee to obtain information directly from parties regarding the root causes for the submission of provisional data, and for parties to be transparent and proactive in the provision of that information. The growing use of provisional data was a structural issue that had implications for the integrity of the Protocol therefore a solution needed to be found. The solution should be clear-cut, follow a phased approach to allow parties time to adjust and, where provisional data were allowed, ensure that parties provided a transparent and clear explanation as to why they were reporting data on a provisional basis. He suggested that the current practice regarding the submission of provisional data should cease by 2026, at which time a new system would be introduced under which parties would only be able to submit provisional data if they provided a reason for doing so and also submitted finalized data within six months of the submission of provisional data. He also suggested that all data, whether or not they were marked as provisional, should be assessed by the Committee for compliance, that a standing item should be added to the agenda of the Committee on the issue of provisional data and that the Committee should report regularly to the meeting of the parties on the matter.

112. In the ensuing discussion, there was general agreement that the issue was significant; merited further consideration, including with regard to a possible solution, as it had implications on the integrity of the Protocol; should be based on the approach of reaching an amicable solution between parties and the Committee; and should also be brought to the attention of, and considered by, the meeting of the parties.

113. Regarding reasons for the submission of provisional data by parties, a number of members of the Committee noted that a lack of digitized systems, in particular customs systems, was the main barrier to providing timely finalized data. One member noted that his party, in common with several other African countries, was currently moving to a digitized customs system and would therefore be in a position to submit finalized data by the deadline in the near future. Another member of the Committee recalled that her party had previously submitted provisional data when it had not had sufficient capacity in its customs system to identify mixtures in relation to HFCs. She said that institutional strengthening had since led to the resolution of the issue. One member supported the suggestion to conduct research on the reasons for the submission of provisional data by parties.

114. A number of members of the Committee noted their concern that double standards were at play in the processes for parties submitting information online and those submitting information in hard copy given that the approved reporting forms did not include a checkbox to indicate that data were provisional but the online system did. One member also suggested that sufficient mechanisms were available to parties, including under the provisions of decisions of the meeting of the parties, to submit revised data after having submitted finalized data, and that parties should avail themselves of those mechanisms rather than submitting provisional data, for which there was no provision under the Protocol. She expressed the view that any recommendation forwarded to the meeting of the parties

should not state or imply that the Committee had been allowing a practice that was not allowed under the Protocol itself.

115. In response to a question from one member as to whether parties that provided provisional data, which could not be assessed fully by the Committee, could be considered not to have fulfilled their obligations under Article 7 of the Protocol, the Senior Legal Officer clarified that the Secretariat checked provisional data for compliance and that, in the one case where provisional data had showed that a party could be in non-compliance, it had informed the Committee that it was following up with the party.

116. Regarding questions from members of the Committee as to whether or not general issues of compliance were within the mandate of the Committee and, if so, the format that any advice from the Committee could take, the Senior Legal Officer clarified that if the Committee decided to forward a recommendation to the meeting of the parties, the President of the Committee could mention that in his report to the meeting of the parties. Of the suggestions made regarding a possible recommendation, he noted that the Committee could decide that provisional data would be treated in the same way as finalized data. The imposition of a deadline after which no provisional data could be submitted, however, could only be decided upon by a meeting of the parties. Furthermore, he noted that the Secretariat could request information from parties on their reasons for submitting provisional data if mandated to do so by a meeting of the parties.

117. Two representatives of the Secretariat explained that the checkbox for indicating that data were provisional had been included in the online reporting system because the practice of parties providing provisional data had become established by the time the online system was being designed and the checkbox was a useful method of capturing metadata. They drew attention to the fact that other metadata were also captured by the online system and confirmed that, if instructed to do so by the parties, it would be possible for the Secretariat to add a box to the online system in which parties could include the reason why provisional data had been submitted.

118. The Committee agreed that the President should raise the issue of the submission of provisional data by parties in his report to the Thirty-Sixth Meeting of the Parties by delivering a factual report on the current situation of reporting of provisional data by parties.

IX. Other matters

119. No other matters were raised.

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

120. The Committee approved the recommendations set out in the current 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.

XI. Closure of the meeting

121. Following the customary exchange of courtesies, the President declared the meeting closed at 5.50 p.m. on Friday, 25 October 2024.

Annex I

Draft decisions forwarded by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its seventy-second and seventy-third meetings for consideration by the Thirty-Sixth Meeting of the Parties to the Montreal Protocol

The Thirty-Sixth Meeting of the Parties decides:

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

1. To note that 191 parties of the 198 parties that should have reported data for 2023 have done so, and that 163 of those parties had reported their data by 30 September 2024 as required under paragraph 3 of Article 7 of the Montreal Protocol on Substances that Deplete the Ozone Layer;

2. To note with appreciation that 80 of the reporting parties had submitted their data for 2023 by 30 June 2024, 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 seven parties, namely Azerbaijan, the Democratic People's Republic of Korea, Djibouti, Iceland, Mali, San Marino and Tajikistan, have not reported their data for 2023 as required under paragraph 3 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 data;

4. To also note with concern that one party operating under paragraph 1 of Article 5, namely Djibouti, that has ratified the Kigali Amendment to the Montreal Protocol and should have submitted baseline data for Annex F substances (hydrofluorocarbons) for the years 2020 to 2022 has not done so as required under paragraph 2 of Article 7 of the Montreal Protocol, and that this places the party in non-compliance with its data reporting obligations under the Montreal Protocol until such time as the Secretariat receives its outstanding baseline data for hydrofluorocarbons;

5. To further note with concern that two parties operating under paragraph 1 of Article 5, namely Côte d'Ivoire and Guinea, that have ratified the Kigali Amendment to the Montreal Protocol and are thus required to submit data on Annex F substances (hydrofluorocarbons) for 2023 submitted data for other controlled substances but not for hydrofluorocarbons, as required under paragraph 3 of Article 7 of the Montreal Protocol, and that this places those parties in non-compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data 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 above to report the required data to the Secretariat as soon as possible;

8. To request the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to review the situation of those parties at its seventy-fourth 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 encouraged in decision XV/15 and subsequent decisions on the matter.

B. Draft decision XXXVI/[--]: Non-compliance in 2021 with the provisions of the Montreal Protocol governing consumption and production of the controlled substances in Annex C, Group I (hydrochlorofluorocarbons) by the Democratic People's Republic of Korea

Recalling decision XXXII/6, in which the Thirty-Second Meeting of the Parties noted that the Democratic People's Republic of Korea was in non-compliance with the Montreal Protocol control

measures for hydrochlorofluorocarbon production and consumption in 2019, but also noted with appreciation the plan of action submitted by the party to ensure its return to compliance with those measures in 2023,

Noting with concern that the Democratic People's Republic of Korea reported, for 2021, annual production of 24.81 ozone-depleting-potential tonnes (ODP-tonnes) of hydrochlorofluorocarbons and annual consumption of 58.03 ODP-tonnes of hydrochlorofluorocarbons, which is higher than its commitment, as set out in decision XXXII/6, to reduce its production and consumption of hydrochlorofluorocarbons to no greater than 24.80 ODP-tonnes and 58.00 ODP-tonnes, respectively,

Recalling decision XXXV/18 and recommendations 68/4, 69/4, 70/2 and 72/3 of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol,

Noting that the Democratic People's Republic of Korea submitted all outstanding Article 7 data for 2022 in accordance with its data reporting obligations under Article 7 of the Montreal Protocol, confirming that the party had adhered to its commitments contained in the plan of action to return to compliance, as set out in decision XXXII/6,

Noting, however, that the Democratic People's Republic of Korea has not reported its annual consumption data for controlled substances for 2023 in accordance with paragraph 3 of Article 7 of the Montreal Protocol,

1. To note with concern that the Democratic People's Republic of Korea did not strictly adhere to its commitments for 2021 as set out in its plan of action to return to compliance contained in decision XXXII/6 and that the party was in non-compliance with control measures for that substance under the Montreal Protocol for 2021;

2. To express serious concern regarding the fact that the party has not yet, despite several requests by the Implementation Committee in its recommendations 68/4, 69/4, 70/2 and 72/3 and repeated reminders by the Secretariat, provided an explanation for the deviations mentioned in paragraph 1 above, and has not submitted a revised plan of action, if appropriate, to ensure its return to compliance with the control measures of the Montreal Protocol for hydrochlorofluorocarbons in 2023, along with a progress report on the establishment of additional national policies facilitating the phase-out of hydrochlorofluorocarbons that might include, but would not be limited to, bans on imports, on production or on new installations, along with certification of refrigeration technicians and companies, as set out in its plan of action to return to compliance contained in decision XXXII/6;

3. To note with concern that the Democratic People's Republic of Korea has not reported its 2023 data as required under Article 7, paragraph 3, of the Montreal Protocol, and that this places the party in non-compliance with its 2023 data reporting obligations under the Montreal Protocol until such time as the Secretariat receives its outstanding data as also noted in paragraph 3 of decision XXXVI/[--].

4. To urge the Democratic People's Republic of Korea to provide an explanation for the deviations, together with Article 7 data for 2023, as a matter of urgency, and no later than 31 March 2025, and, if appropriate, to submit a revised plan of action to ensure its return to compliance with the control measures of the Montreal Protocol for hydrochlorofluorocarbons in 2023, for consideration by the Implementation Committee at its seventy-fourth meeting;

5. To also urge the Democratic People's Republic of Korea to submit a progress report on efforts to establish additional national policies facilitating the phase-out of hydrochlorofluorocarbons that might include, but would not be limited to, bans on imports, on production or on new installations, along with certification of refrigeration technicians and companies, for consideration by the Implementation Committee at its seventy-fourth meeting, as set out in paragraph 5 of decision XXXII/6;

6. To invite the Democratic People's Republic of Korea to send a representative to the Committee's seventy-fourth meeting unless the party has, prior to the meeting, provided the information referred to in paragraphs 3 to 5 above;

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

8. To continue to monitor closely the progress made by the Democratic People's Republic of Korea in implementing its plan of action and obligations under the Montreal Protocol.

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

Noting that Article 4B, paragraph 2 bis, of the Montreal Protocol on Substances that Deplete the Ozone Layer requires each party 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 154 of the 160 parties to the Montreal Protocol that have ratified the Kigali Amendment have established import and export licensing systems for Annex F controlled substances as required, and that five parties that have not yet ratified the Kigali Amendment have also reported the establishment and implementation of such licensing systems,

Noting, however, that the three parties listed in the annex to the present decision have not yet reported to the Secretariat on the establishment and operation of their licensing systems pursuant to Article 4B, paragraph 3,

Recognizing that licensing systems provide for data collection and verification, the monitoring of imports and exports of controlled substances, and the 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 operation of licensing systems for Annex F controlled substances under Article 4B, paragraph 2 bis, of the Montreal Protocol;
2. To urge the three parties listed in the annex to the present decision to provide information to the Secretariat on the establishment of licensing systems as a matter of urgency, and no later than 31 March 2025, for consideration by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its seventy-fourth meeting;
3. To urge all parties to the Montreal Protocol that have ratified the Kigali Amendment and that have not yet established and implemented import and export licensing systems for controlled substances under Annex F to the Protocol 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 of import and export licensing systems for Annex F controlled substances by all parties to the Protocol, as called for in Article 4B, paragraph 4, of the Protocol.

Annex to the draft decision

Parties that have not yet reported on the establishment and operation of licensing systems pursuant to Article 4B, paragraph 2 bis

1. Angola
2. Kenya
3. San Marino

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* The annex has not been formally edited.

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