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**United Nations
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**Implementation Committee under the
Non-Compliance Procedure for
the Montreal Protocol
Forty-seventh meeting**
Bali, Indonesia, 18 and 19 November 2011

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

I. Opening of the meeting

1. The forty-seventh meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Wantilan Convention Centre, Sanur Beach Hotel, Bali, Indonesia, on 18 and 19 November 2011.
2. Mr. Ghazi Al Odat (Jordan) opened the meeting at 10.35 a.m. on 18 November. Mr. Odat, Vice-President and Rapporteur of the Committee, presided over the meeting in the absence of the current President, Ms. Elisabeth Munzert (Germany), who was unable to attend.
3. Mr. Marco González, Executive Secretary of the Ozone Secretariat, welcomed the Committee members and the other participants. He noted that the issues before the Committee were the same as those considered at the Committee's forty-sixth meeting and included the status of data reporting under Article 7 of the Montreal Protocol. He said that, as those data showed, nearly all parties operating under paragraph 1 of Article 5 to the Montreal Protocol had phased out consumption and production of chlorofluorocarbons (CFCs), halons and other ozone-depleting substances in accordance with the 2010 deadline for doing so, achieving another milestone in the implementation of the Protocol. On a similarly happy note he noted that the number of cases of non-compliance before the Committee was steadily diminishing and would continue to do so, in a sure sign that the phase-out of ozone-depleting substances was irreversible and that there would be no future production of the substances that had been phased out.

Attendance

4. Representatives of the following Committee members attended the meeting: Armenia, Egypt, Jordan, Nicaragua, Russian Federation, Saint Lucia, Sri Lanka, United States of America. The representatives of Algeria and Germany were unable to attend.
5. A representative of Iraq made a presentation and responded to questions at the meeting at the Committee's invitation.
6. The meeting was also attended by representatives of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol, by the Chair of the Executive Committee of the Multilateral Fund and by representatives of the implementing agencies of the Multilateral Fund: the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank.
7. A list of participants is set out in annex II to the present report.

II. Adoption of the agenda and organization of work

8. The Committee adopted the following agenda on the basis of the provisional agenda contained in document UNEP/OzL.Pro/ImpCom/47/1, as orally amended during adoption:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Presentation by the Secretariat on data and information under Articles 7 and 9 of the Montreal Protocol and on related issues.
4. Presentation by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) to facilitate compliance by parties.
5. Follow-up on previous decisions of the parties and recommendations of the Implementation Committee on non-compliance-related issues:
 - (a) Existing plans of action to return to compliance:
 - (i) Bangladesh (decisions XVII/27 and XXI/17 and recommendation 46/2);
 - (ii) Bolivia (Plurinational State of) (decision XV/29 and recommendation 46/2);
 - (iii) Chile (decision XVII/29 and recommendation 46/2);
 - (iv) Ecuador (decision XX/16 and recommendation 46/2);
 - (v) Ethiopia (decision XIV/34 and recommendation 46/2);
 - (vi) Libya¹ (decisions XV/36 and XVII/37 and recommendations 46/2 and 46/8);
 - (vii) Nigeria (decision XIV/30 and recommendation 46/2);
 - (viii) Saudi Arabia (decision XXII/15 and recommendation 46/2);
 - (b) Other recommendations and decisions on compliance:
 - (i) Ethiopia, San Marino and Timor-Leste (recommendation 46/12);
 - (ii) Iraq (decision XX/15);
 - (iii) Israel (recommendation 46/11);
 - (iv) Syrian Arab Republic (recommendation 46/10);
 - (v) Yemen (recommendation 46/9).
6. Consideration of other non-compliance issues arising out of the data report.
7. Possible non-compliance with the provisions on trade with non-parties (Article 4 of the Montreal Protocol).
8. Review of information on requests for change of baseline data (decisions XIII/15 and XV/19 and recommendation 46/3):
 - (a) Barbados;
 - (b) Bosnia and Herzegovina;
 - (c) Brunei Darussalam;
 - (d) Cape Verde;
 - (e) Congo;
 - (f) Democratic Republic of the Congo;

1 Former Libyan Arab Jamahiriya.

- (g) Equatorial Guinea;
 - (h) Gambia;
 - (i) Guinea-Bissau;
 - (j) Lao People's Democratic Republic;
 - (k) Niger;
 - (l) Sao Tome and Principe;
 - (m) Solomon Islands;
 - (n) Swaziland;
 - (o) Togo;
 - (p) Tonga;
 - (q) Zimbabwe.
9. Use of decimal places by the Secretariat in presenting data reported by parties under Article 7 of the Protocol.
 10. Application to Nepal of Article 4, paragraph 8, of the Protocol with regard to the Copenhagen Amendment to the Protocol.
 11. Consideration of the report of the Secretariat on licensing systems (Article 4B, paragraph 4, of the Montreal Protocol and recommendation 46/12).
 12. Information on compliance by parties present at the invitation of the Implementation Committee.
 13. Other matters.
 14. Adoption of the recommendations and report of the meeting.
 15. Closure of the meeting.
9. The Committee agreed to follow its usual procedures and to meet according to its usual schedule of two 3-hour sessions per day.

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

10. Introducing the item, the representative of the Secretariat summarized the information provided by parties in accordance with Article 7 of the Protocol as detailed in documents UNEP/OzL.Pro/23/7-UNEP/OzL.Pro/ImpCom/47/2 and UNEP/OzL.Pro/23/7/Add.1-UNEP/OzL.Pro/ImpCom/47/2/Add.1. He noted that the latest data report included some improvements to make it easier to use. Those comprised the addition at the beginning of the report of a concise summary of key information and the display of only non-zero consumption and production data for phased-out substances in the annexes to the data report. He invited the Committee to suggest further improvements to the data report.

11. With regard to the status of compliance with annual data reporting requirements, he began by noting that annual reporting was still required even for those parties reporting zero production and consumption. He said that for the years 1986–2009 all parties except Yemen had provided all information required. In the case of Yemen, the party had reported all its data except for hydrochlorofluorocarbon (HCFC) data, which it intended to report upon completion of a survey in connection with its HCFC phase-out management plan.

12. For the year 2010, 187 parties had to date reported their data (161 before the reporting deadline of 30 September 2011); the following nine parties had not yet reported their data and accordingly could be considered to be in non-compliance with their annual data reporting obligations under paragraphs 3 and 3 bis of Article 7 until such time as the Secretariat received their outstanding data: Bolivia (Plurinational State of), Hungary, Libya, Liechtenstein, Marshall Islands, Nauru, New Zealand, Peru and Yemen.

13. Regarding the status of compliance with the control measures for 2010, he explained that, at the time that the data report had been prepared, no cases of non-compliance had been identified for 2010. Since then, however, more parties had reported and one case of unexplained deviation had been identified, relating to a party not operating under paragraph 1 of Article 5. The Secretariat was

following up with the party involved and would inform the Committee at its forty-eighth meeting if the issue had not been resolved. All 141 parties operating under paragraph 1 of Article 5 that had reported to date were in compliance, with no queries pending.

14. All countries reporting on exemptions for essential uses of CFCs granted for 2010 had submitted accounting frameworks. In the case of reporting on exemptions for critical uses of methyl bromide granted for 2010, of the five parties concerned only Israel had not submitted a report.

15. There were no reports of exports of ozone-depleting substances to non-parties in 2010 but for 2009 there were three reports of HCFC exports to non-parties. The Committee had addressed two of those cases, relating to exports from the European Union and the Republic of Korea, at its previous meetings. It was addressing the third case, relating to exports from the Russian Federation, under item 7 of the agenda of the current meeting.

16. No parties not operating under paragraph 1 of Article 5 had reported producing CFCs to meet the basic domestic needs of parties so operating (decision XVII/2). Furthermore, the Secretariat did not expect that such production would be reported in the future.

17. Concerning parties that were requesting changes to their baseline data, he recalled that decision XIII/15 had advised such parties to present such requests to the Implementation Committee and that decision XV/19 gave guidance on their submission and review. He noted that 22 parties had requested revision of their HCFC baseline data and that the Committee had accepted and forwarded for approval five of those requests at its forty-sixth meeting. It would consider the remaining 17 under item 8 of the agenda of the current meeting.

18. Two countries had reported the stockpiling of excess production or consumption of ozone-depleting substances in 2010 for disposition in later years in accordance with decision XXII/20. The United States of America had reported two cases of stockpiling of methyl bromide for export in 2011 or later years, and India had reported the by-production of non-pharmaceutical grade CFCs, which had been stockpiled for destruction.

19. In the area of process-agent reporting, the following 42 parties had not yet reported information on process-agent uses as requested in decisions X/14 and XXI/3: Albania, Algeria, Angola, Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Burundi, Central African Republic, Democratic People's Republic of Korea, Dominican Republic, Ecuador, El Salvador, Fiji, Georgia, Grenada, India, Indonesia, Jordan, Kazakhstan, Lao People's Democratic Republic, Libya, Marshall Islands, Mozambique, Nauru, Nepal, Nicaragua, Pakistan, Peru, Qatar, Samoa, San Marino, Saudi Arabia, Seychelles, Solomon Islands, South Africa, Sudan, Syrian Arab Republic, Thailand, Ukraine, United Arab Emirates, Vanuatu and Yemen.

20. Finally, regarding reporting of information under Article 9 of the Montreal Protocol, he said that two parties, Iceland and Norway, had provided reports in 2011.

21. The Committee took note of the information provided.

IV. Presentation by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) to facilitate compliance by parties

22. The representative of the secretariat of the Multilateral Fund presented a report under the item. Commencing with a review of decisions taken related to compliance by the Executive Committee of the Multilateral Fund at its sixty-fifth meeting, he first dealt with decisions on the phase-out of consumption of HCFCs. A total of 106 parties operating under paragraph 1 of Article 5 had received funding, totalling \$454.7 million, for HCFC phase-out management plans, including \$215 million that had been released as first tranche funding. Of those plans, 31 received funding to enable compliance with the 2015 control measure of a 10 per cent baseline reduction; 66 received funding for compliance with the 2020 control measure of a 35 per cent reduction; and 9 received funding for compliance to achieve total HCFC phase-out, most of which would be achieved before 2030. With regard to decisions related to the phase-out of methyl bromide consumption, three countries had received funding for projects for total methyl bromide phase-out, and 10 countries had eligible baseline

consumption representing 830.3 ODP-tonnes of methyl bromide. All those 10 countries had partial methyl bromide phase-out projects, with the exception of Tunisia owing to the lack of an alternative for treating high-moisture-content dates. Five of the 10 countries had reported zero consumption for more than one year.

23. Turning next to country programme data, he said that data submitted in 2009 and 2010 indicated that HCFC consumption had increased by 8.6 per cent. Of the 144 countries that had reported data, 135 had operational licensing systems; three countries had indicated that their systems were not operating well, and the Executive Committee had asked the Fund secretariat to seek further clarification from those countries. HCFC-22, HCFC-141b and HCFC-142b continued to be much less expensive than the relevant CFCs that were still available from stocks or recycling. Considering finally the status of HCFC phase-out management plans, he said that all eligible parties operating under paragraph 1 of Article 5 had received funding for their preparation; two of those countries, however, Guinea and Nepal, had not yet ratified the Copenhagen Amendment to the Montreal Protocol and were therefore not eligible to receive project funding. Thirty-five parties had not submitted funding requests for HCFC phase-out management plans, and three of the plans submitted to the Executive Committee at its sixty-fifth meeting had been deferred.

24. Following the presentation, one member said that in order to safeguard the implementation of the many HCFC phase-out management plans that would be carried out in the coming years it was important to ensure that the national ozone units had the required continuity and capacity. The representative of the Multilateral Fund said that the national ozone units were funded through the institutional strengthening provided by the Executive Committee and that the funding for that would be reassessed prior to 2015.

25. The Committee took note of the report.

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

A. Existing plans of action to return to compliance

1. Status of compliance issues

26. The representative of the Secretariat introduced the item, giving an overview of the reporting status of the eight parties listed under agenda item 5 (a). Six parties – Bangladesh, Chile, Ecuador, Ethiopia, Nigeria and Saudi Arabia – had reported data for 2010, allowing assessment of their compliance relevant to past decisions. All six parties had been found to be in compliance. The status of those parties is summarized in table 1.

Table 1
Parties that had reported data for 2010

<i>Party</i>	<i>Decision on compliance</i>	<i>Substance</i>	<i>Action plan target for 2010 (ODP-tonnes)</i>	<i>Submitted Article 7 data for 2010</i>
Bangladesh	XXI/17	CFCs	0	0
	XVII/27	Methyl chloroform	0.260	0
Chile	XVII/29	Methyl chloroform	1.934	0
Ecuador	XX/16	Methyl bromide	52.8	40.8
Ethiopia	XIV/34	CFCs	0	0
Nigeria	XIV/30	CFCs	0	0
Saudi Arabia	XXII/15	CFCs	0	0

27. The representative of the Secretariat reported that the seventh party to be considered under the item, the Plurinational State of Bolivia, had not yet reported its data for 2010, meaning that its compliance with its commitment set forth in decision XV/29 of the Fifteenth Meeting of the Parties, to reducing consumption of the Annex A, group I, controlled substances (chlorofluorocarbons) to no greater than zero ODP-tonnes by 1 January 2010, as required under the Montreal Protocol, save for essential uses that might be authorized by the parties, could not yet be assessed. As for the eighth party, Libya, its situation related to its benchmarks for both 2009 and 2010 and is described separately in paragraphs 32–39 below.

2. Discussion

28. Following the Secretariat's presentation one member offered insight into the situation in the Plurinational State of Bolivia. She said that, while it had taken all steps necessary to comply with the control measures of the Montreal Protocol, the party had recently experienced a change in the identity of its national ozone officer; that change had occasioned the delay in its reporting of 2010 data as the new officer sought both to become familiar with new duties and to verify the accuracy of the data to be reported. In response the representative of the Secretariat said that the Secretariat would welcome any information that would assist it in communicating with the party, as its efforts to do so over the previous few months regarding both data reporting and licensing systems had proved fruitless.

29. The representative of UNEP reported that its staff from the Compliance Assistance Programme office for Latin America and the Caribbean were in frequent contact with the party and had confirmed that the delay in the reporting of its 2010 data stemmed from the change in the identity of the national ozone officer; he said that UNEP had clarified the reporting requirements for the new officer and would work closely with the Ozone Secretariat to facilitate communication with the party on data reporting and licensing systems.

3. Recommendation: parties that had reported data for 2010

30. The Committee therefore agreed to congratulate the following parties on their reported consumption of ozone-depleting substances for 2010, which showed that they were in compliance with their commitments contained in the decisions applicable to them:

Party	Decision on compliance	Substance	Action plan target for 2010 (ODP-tonnes)	Submitted Article 7 data for 2010
Bangladesh	XXI/17	CFCs	0	0
	XVII/27	Methyl chloroform	0.260	0
Chile	XVII/29	Methyl chloroform	1.934	0
Ecuador	XX/16	Methyl bromide	52.8	40.8
Ethiopia	XIV/34	CFCs	0	0
Nigeria	XIV/30	CFCs	0	0
Saudi Arabia	XXII/15	CFCs	0	0

Recommendation 47/1

4. Recommendation: Plurinational State of Bolivia

31. The Committee therefore agreed:

Noting with concern that the Plurinational State of Bolivia had not reported, in accordance with recommendation 46/2, on the status of its commitment set forth in decision XV/29 of the Fifteenth Meeting of the Parties to reducing consumption of the Annex A, group I, controlled substances (chlorofluorocarbons) to no greater than zero ODP-tonnes by 1 January 2010, as required under the Montreal Protocol save for essential uses that might be authorized by the parties,

To include the Plurinational State of Bolivia in the draft decision contained in section A of annex I to the present report, which comprises a list of parties that had not submitted their ozone-depleting substance data for 2010 in accordance with Article 7 of the Montreal Protocol, in the event that the party did not report the outstanding data prior to the adoption of the draft decision by the Twenty-Third Meeting of the Parties.

Recommendation 47/2

5. Libya² (decisions XV/36 and XVII/37 and recommendations 46/2 and 46/8)

32. Libya, a party operating under paragraph 1 of Article 5 of the Montreal Protocol, was considered under agenda item 5 (a) (vi).

(a) Compliance issues: CFC, halon and methyl bromide consumption reduction commitments

33. The representative of the Secretariat noted that Libya had reported consumption of the Annex A, group II, controlled substances (halons) of 1.8 ODP-tonnes in 2009. The party had specified that that amount, corresponding to 0.6 metric tonnes, was virgin halon 1211 for use in its aviation industry, an application defined as critical in its submission. That consumption had been inconsistent

² Former Libyan Arab Jamahiriya.

with the party's commitment contained in decision XVII/37 to phase out consumption of halons by 1 January 2008.

34. In correspondence dated 13 January 2011, the Secretariat had requested the party to submit an explanation for that deviation. The Secretariat had also noted in that communication that, pursuant to paragraph 7 of decision IV/25 on essential uses, essential-use and critical-use exemptions would be applicable to parties operating under paragraph 1 of Article 5 of the Protocol after the phase-out dates applicable to those parties. Given that the Protocol's phase-out date for halons was 1 January 2010, Libya had not been in a position to apply for a critical-use exemption for the years prior to 2010.

35. In the absence of any response from the party, the Committee had in June 2011 adopted recommendation 46/8, requesting the party to submit to the Secretariat as a matter of urgency, and no later than 15 September 2011, an explanation for its deviation and, if relevant, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance with its commitment contained in decision XVII/37. It had also encouraged the party to submit to the Secretariat its data for 2010 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than the above date, in order that the Committee might assess at the current meeting its compliance with its commitment for that year.

36. In addition, Libya had committed itself, as recorded in decisions XV/36 and XVII/37, to reducing its consumption of, respectively, CFCs and methyl bromide to no greater than zero ODP-tonnes by 1 January 2010, save for essential and critical uses that might be authorized by the parties. The Committee had urged the party in recommendation 46/2 to submit to the Secretariat its data for 2010 in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 15 September 2011, in order that the Committee might assess at its forty-seventh meeting its compliance with its CFC and methyl bromide commitments for 2010.

(b) Status of compliance issue at the time of the current meeting

37. At the time of the current meeting Libya had not yet submitted any explanation for the deviation detected in its halon consumption in 2009 or reported its data for 2010.

(c) Discussion at the current meeting

38. Following the Secretariat's presentation the representative of UNIDO said that UNIDO had tried without success to contact the national ozone officer of the party over a period of six months and to obtain information from the party's Permanent Mission to the United Nations Office at Vienna. UNIDO had been unable to reach the former and had been told by personnel at the latter that owing to the difficult situation in the country they could not for the time being attend to matters relating to the Montreal Protocol.

(d) Recommendation

39. The Committee therefore agreed:

Noting that Libya had reported consumption of 1.8 ODP-tonnes of the Annex A, group II, controlled substances (halons) in 2009, an amount that was inconsistent with its commitment contained in decision XVII/37 to limit halon consumption to no greater than zero ODP-tonnes in that year,

Noting also that Libya had not responded to the request recorded in recommendation 46/8 to submit to the Secretariat an explanation for its deviation and, if relevant, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance with its commitment contained in decision XVII/37,

Noting further that Libya had not by the time of the current meeting reported its ozone-depleting substance data for 2010 and that its commitments contained in decisions XV/36 and XVII/37 to reduce consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), and Annex E (methyl bromide) in that year therefore could not be assessed,

(a) To request Libya to submit to the Secretariat as a matter of urgency, and no later than 31 March 2012, an explanation for its deviation and, if relevant, a plan of action with time-specific benchmarks for ensuring the party's prompt return to compliance with its halon commitment contained in decision XVII/37;

(b) To invite Libya, if necessary, to send a representative to the Committee's forty-eighth meeting to discuss the matter;

(c) To forward for consideration by the Twenty-Third Meeting of the Parties the draft decision contained in section B of annex I to the present report;

(d) To include Libya in the draft decision contained in section A of annex I to the present report, which comprises a list of parties that had not by the time of the current meeting submitted their ozone-depleting substance data for 2010 in accordance with Article 7 of the Montreal Protocol, in the event that the party did not report the outstanding data prior to the adoption of the draft decision by the Twenty-Third Meeting of the Parties.

Recommendation 47/3

B. Other recommendations and decisions on compliance

1. Ethiopia, San Marino and Timor-Leste (recommendation 46/12)

40. The representative of the Secretariat recalled that Ethiopia, San Marino and Timor-Leste were parties to the Montreal Amendment to the Protocol and that Ethiopia and Timor-Leste were parties operating under paragraph 1 of Article 5 of the Protocol, while San Marino was a party not so operating. The parties were considered under agenda item 5 (b) (i).

(a) Status of compliance issue: establishment of licensing systems

41. The representative of the Secretariat recalled that Ethiopia, San Marino and Timor-Leste, as parties to the Montreal Amendment, were required to implement systems for licensing the import and export of new, used, recycled and reclaimed controlled substances listed in Annexes A, B, C and E to the Protocol. That obligation was imposed by Article 4B of the Protocol, which also required each party, within three months of the date of introducing its licensing system, to report to the Ozone Secretariat on its establishment and operation of the system.

42. The representative of the Secretariat also recalled that by decision XXII/19 the Meeting of the Parties had urged Ethiopia, San Marino and Timor-Leste to establish licensing systems and to report to the Secretariat by 31 May 2011. In response to that decision Ethiopia had reported, in correspondence dated 21 June 2011, that the relevant authority was working on the approval of its licensing system. Timor-Leste had reported, in correspondence dated 13 December 2010 and 18 July 2011, that it had implemented a licensing system. Inquiries by the Secretariat had revealed, however, that the party had in fact issued a decree controlling imports of ozone-depleting systems pending the adoption of a licensing system to control the import and export of ozone-depleting substances. A draft of a licensing system was being translated into Portuguese, the party's national language, before being put into operation. By the time of the current meeting San Marino had not yet responded to decision XXII/19, the Secretariat's reminders notwithstanding.

43. By recommendation 46/12, adopted in August 2011, the Committee had urged Ethiopia, San Marino and Timor-Leste expeditiously to establish licensing systems in accordance with Article 4B of the Protocol and to report thereon to the Secretariat by 15 September 2011. In response to that recommendation, Ethiopia had reported, in correspondence dated 21 September 2011 that its parliament had approved its licensing system for ozone-depleting substances and that it expected the gazetting of the proclamation establishing the system to be finalized soon. The party had also noted that it had started raising awareness through training and the provision of ozone-depleting substance identifiers to the Customs and Revenue Authority. San Marino had reported, in correspondence dated 3 November 2011 that it was working towards the establishment of a licensing system but had not yet adopted it.

44. Timor-Leste had not by the time of the current meeting submitted to the Secretariat any response to recommendation 46/12. In the absence of any timely information on the issue the Secretariat, on the Committee's behalf, had invited representatives of the parties to attend the current meeting in order to provide further clarification on their situations and to facilitate the Committee's consideration of the matter. No response to the Secretariat's invitation was received from San Marino or Timor-Leste.

(b) Discussion at the current meeting

45. Following the Secretariat's presentation the representative of UNEP said that the Compliance Assistance Team for South-East Asia had been helping Timor-Leste to finalize its draft law to control imports and exports of ozone-depleting substances and that the law had been translated into Portuguese and was awaiting consideration by the Council of Ministers. The party was serious about its obligation to establish a licensing system and was hopeful that it would be in place by the end of 2011.

(c) Recommendation

46. In the light of the foregoing the Committee agreed to include Ethiopia, San Marino and Timor-Leste in recommendation 47/16, on the establishment of licensing systems, which is set out in paragraph 130 below.

2. Iraq

47. Iraq, a party operating under paragraph 1 of Article 5 of the Montreal Protocol, was considered under agenda item 5 (b) (ii).

(a) Status of compliance issue: difficulties faced by Iraq as a new party

48. The representative of the Secretariat recalled that decision XX/15 of the Twentieth Meeting of the Parties, adopted on 20 November 2008, had addressed the difficulties faced by Iraq as a new party to the Montreal Protocol. The decision had urged all parties to assist Iraq, as a new party, in controlling the export of ozone-depleting substances and ozone-depleting-substance-based technologies to Iraq by controlling trade, including by encouraging participation in an informal prior informed consent process as referred to in decision XIX/12; had requested the Executive Committee when considering project proposals for Iraq to take into account its special situation as a new party that might face difficulties in the phase-out of ozone-depleting substances listed in Annexes A and B; had requested the implementing agencies to provide appropriate assistance to Iraq; and had requested the Implementation Committee to report on the compliance situation of Iraq to the Open-ended Working Group at its meeting preceding the Twenty-Third Meeting of the Parties, during which the decision would be reconsidered.

49. In correspondence dated 30 June 2011, the Government of Iraq had submitted to the Secretariat a report on its efforts to achieve compliance with the Protocol and to meet some of the expectations outlined in decision XX/15. The report, reproduced in document UNEP/OzL.Pro/ImpCom/47/INF/3, concluded with requests for:

(a) Exporters of ozone-depleting substances and neighbouring countries to curb illegal trade by controlling exports of ozone-depleting substances to Iraq;

(b) Additional technical and financial assistance to meet the need for extra security and to counter logistical difficulties in the implementation of phase-out projects in Iraq, including adequate resources to enable implementing agency personnel to operate in Iraq;

(c) The implementing agencies to continue to take into account the country's special situation.

50. The Implementation Committee had considered Iraq's compliance situation at its forty-sixth meeting. In response to questions from Committee members, the representative of UNEP had said that Iraq faced a very difficult situation, both as a new party to the Protocol and in the light of its security situation. The main implementing agencies working with the party, UNEP and UNIDO, for security reasons had to perform most of their work from outside the country. Iraq had been pursuing the implementation of projects, developing comprehensive ozone-depleting-substance legislation and had put in place a temporary licensing system for CFCs that might also be used for HCFCs, and had expected to establish a permanent system for HCFCs by the end of 2011. UNEP had also reported that the country's HCFC phase-out management plan was ready for submission to the Executive Committee of the Multilateral Fund at its sixty-fifth meeting.

51. The Committee had taken note of that information and had decided to monitor the situation. It had also endorsed the suggestion by one of its members that, before the Committee reached a conclusion on how to respond to requests from Iraq, it would be preferable for a representative of the country to attend a Committee meeting to provide information on whether there was proof of illicit imports into the country and whether there were factories in Iraq using CFCs, among other things.

52. The Secretariat, on the Committee's behalf, had invited a representative of Iraq to attend the current meeting to provide further clarification and facilitate the Committee's consideration of the matter.

(b) Discussion at the current meeting

53. As indicated in chapter XII of the present report, a representative of Iraq made a presentation to the Committee at the current meeting. He said that, pursuant to decision XX/15, the Government of Iraq had made great efforts to ensure compliance with the Montreal Protocol and its amendments and that despite facing economic and other difficulties Iraq was determined to meet its commitments to protect the ozone layer and phase out ozone-depleting substances from industry and trade. In pursuing those goals, the Government of Iraq greatly appreciated the technical and financial assistance received from the Secretariat, the Multilateral Fund and the implementing agencies. That assistance had enabled the Government to conduct workshops and training programmes for Customs officials and all those involved in using and handling ozone-depleting substances. He called upon the parties to the Montreal Protocol and the Implementation Committee to take the steps necessary to assist Iraq in moving to full compliance and said that Iraq would coordinate closely with parties exporting ozone-depleting substances and use control measures to stamp out illicit trade in ozone-depleting substances. The Government would also ask the Executive Committee of the Multilateral Fund to provide technical and financial assistance to help address the issue.

54. Several Committee members paid tribute to the Government of Iraq for its hard work to ensure compliance with the Montreal Protocol and its amendments despite the challenging circumstances under which it was operating. One congratulated the Government and the implementing agencies for preparing Iraq's HCFC phase-out management plan, which had been approved by the Executive Committee of the Multilateral Fund at its sixty-fifth meeting.

55. In response to questions from the Committee members, the representative of Iraq clarified that his Government had in place a temporary control system for ozone-depleting substances, which was only partially functional because Iraq had extensive borders with six neighbouring States and faced significant security challenges. To address those problems the Government had almost finalized legislation to establish a permanent system and was providing its Customs officials with appropriate training.

(c) Recommendation

56. The Committee therefore agreed:

Noting with appreciation Iraq's efforts to comply with the requirements of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer and its amendments,

Recognizing the continued difficulties faced by Iraq in becoming a party to the Vienna Convention and the Montreal Protocol and its amendments shortly before key phase-out dates,

Recognizing also the security situation and the political, economic and social difficulties faced by Iraq over the past two decades,

To forward for consideration by the Twenty-Third Meeting of the Parties the draft decision contained in section C of annex I to the present report.

Recommendation 47/4

3. Israel

57. Israel, a party not operating under paragraph 1 of Article 5 of the Montreal Protocol, was considered under agenda item 5 (b) (iii).

(a) Status of compliance issue: submission of accounting framework report

58. The representative of the Secretariat reported that Israel had not yet submitted its accounting framework report, as required by decision XVI/6, to provide information on quantities of methyl bromide produced, imported or exported in 2010 in accordance with exemptions granted to it for critical uses of that substance for that year. The Committee had requested the party in recommendation 46/11 to submit its report as soon as possible, and no later than 15 September 2011, for consideration by the Committee at its forty-seventh meeting or, if it was unable to do so, to submit an explanation in that regard by that time.

59. By the time of the current meeting the Secretariat had on several occasions sent requests to Israel that it should submit its accounting framework, but it appeared that the party's newly designated focal point had not received the requests.

(b) Discussion at the current meeting

60. Following the Secretariat's presentation the representative of the Secretariat, in response to a request for clarification, said that the Secretariat had had communications with Israel in which the party had indicated that it would not submit a critical-use nomination for 2012. He noted that in the past other parties had not submitted accounting frameworks for the last year in which they had had critical-use exemptions, and that the Secretariat had not pursued their failure to do so in the light of the fact that the parties would no longer be seeking critical-use exemptions. He suggested that the Committee might wish to consider whether to reflect in any recommendation that it adopted pertaining to Israel the fact that the party had indicated that it would henceforth submit no further critical-use nominations.

(c) Recommendation

61. The Committee therefore agreed:

Noting with concern that Israel had not submitted its accounting framework report to provide information on quantities of methyl bromide produced, imported or exported in 2010 in accordance with exemptions granted to it for critical uses of that substance for that year,

To urge Israel to submit its report accounting for exemptions granted for critical uses in 2010 as a matter of urgency, and no later than 31 March 2012, for consideration by the Committee at its forty-eighth meeting.

Recommendation 47/5**4. Syrian Arab Republic**

62. The Syrian Arab Republic, a party operating under paragraph 1 of Article 5 of the Montreal Protocol, was considered under agenda item 5 (b) (iv).

(a) Status of compliance issue: submission of accounting framework report

63. The representative of the Secretariat recalled that by the time of the Committee's forty-sixth meeting the Syrian Arab Republic had not submitted its accounting framework report on its consumption and production of CFCs in accordance with an essential-use exemption granted to the party for that substance for 2010. According to decision VIII/9, each party granted essential-use exemptions was to submit by 31 January of each year a report on the quantities and uses of the ozone-depleting substances it had consumed and produced for essential uses in the previous year. The Committee had accordingly requested the Syrian Arab Republic, by recommendation 46/10, to submit its report to account for 2010 essential uses of CFCs as soon as possible, and no later than 15 September 2011, for consideration by the Committee at its forty-seventh meeting or, if it was unable to do so, to submit an explanation in that regard by that time.

64. The Syrian Arab Republic had submitted its accounting framework report to the Secretariat in correspondence dated 8 September 2011.

(b) Discussion at the current meeting

65. Following the Secretariat's presentation there was some discussion of whether it was necessary to adopt a recommendation to record the fact that a party had submitted its accounting framework, especially in the light of the fact that, while the party had submitted its accounting framework later than had been requested by the parties in a decision, it was not technically in non-compliance with the Protocol. It was agreed that it was not necessary to adopt a recommendation but was nevertheless desirable to express appreciation to such a party for complying with the decision of the parties.

66. The Committee therefore agreed to note in the present report, with appreciation, that the Syrian Arab Republic had submitted its accounting framework and to note its appreciation in the same manner in similar cases in the future.

5. Yemen

67. Yemen, a party operating under paragraph 1 of Article 5 of the Montreal Protocol, was considered under agenda item 5 (b) (v).

(a) Status of compliance issue: submission of HCFC data for 2009

68. The representative of the Secretariat reported that, by the time of the Committee's forty-sixth meeting, Yemen had not submitted its HCFC data for the year 2009, noting that in accordance with paragraph 3 of Article 7 of the Protocol it should have done so by 30 September 2010. The party had, however, submitted its data on 18 October 2010, with the exception of its HCFC data. The party had at

that time explained that it had delayed the reporting of its HCFC data because survey activities for the preparation of its HCFC phase-out management plan were continuing and said that it would submit it as soon as the survey was complete.

69. By its recommendation 46/9 the Committee had requested Yemen to submit the missing data as soon as possible, and no later than 15 September 2011, for consideration by the Committee at its forty-seventh meeting or, if it was unable to do so, to submit an explanation in that regard by that time.

70. By the time of the current meeting Yemen had not provided to the Secretariat any information in response to recommendation 46/9 or responded to reminders sent by the Secretariat in June and July 2011.

(b) Compliance assistance

71. The representative of UNEP had informed the Committee at its forty-sixth meeting that the political situation in Yemen over the preceding six months had been highly unstable. The country's environmental protection agency, which included the national ozone unit, had been unable to ensure a constant presence in its offices or communicate effectively with local stakeholders. The national ozone unit had not been in a position to verify the party's HCFC consumption figures. He had also reported that the UNEP Compliance Assistance Programme team in West Asia was at that time in contact with the unit and it was hoped that the situation would improve by the time of the Committee's forty-seventh meeting.

(c) Discussion at the current meeting

72. At the current meeting the representative of UNEP reported that the situation had not improved. The Compliance Assistance Programme staff members were in close contact with the Government but serious instability persisted, preventing the national ozone unit from functioning normally and providing data as required. He also reported that the party had completed its national survey and was ready to prepare its HCFC phase-out management plan but could not verify its 2009 and 2010 data because of political instability and had decided to wait until such time as it could do so reliably to avoid the need to seek a revision of baseline data at a later date.

(d) Recommendation

73. The Committee therefore agreed:

Noting with appreciation that in October 2010 Yemen had reported all its data for 2009 except for hydrochlorofluorocarbon data,

Noting that the non-reporting of hydrochlorofluorocarbon data placed Yemen in non-compliance with its reporting obligations under paragraph 3 of Article 7 of the Montreal Protocol on Substances that Deplete the Ozone Layer,

Taking note of the explanation provided by the party at the time of reporting in October 2010 that it had delayed reporting hydrochlorofluorocarbon data because survey activities for the preparation of its hydrochlorofluorocarbon phase-out management plan were continuing and that it intended to report the data upon completion of those activities,

Noting with concern the lack of response from Yemen to subsequent communications from the Secretariat,

Noting that according to the information provided by the United Nations Environment Programme as an implementing agency the party had completed data collection activities and that only the process of verifying its hydrochlorofluorocarbon data was pending,

Recognizing the security situation and the political and social difficulties faced by Yemen in recent months,

To forward for consideration by the Twenty-Third Meeting of the Parties the draft decision contained in section D of annex I to the present report.

Recommendation 47/6

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

A. Data reporting obligations

74. Introducing the item, the representative of the Secretariat noted that nine parties had failed to report their annual data for 2010 prior to the current meeting. Noting that some parties could report data before the end of the Twenty-Third Meeting of the Parties the following week, he said that in such case the names of those parties would be removed from the draft decision on the matter being presented to the Twenty-Third Meeting of the Parties for consideration.

1. Discussion

75. Following the Secretariat's presentation one member said that the recommendation on the matter should be at least in part positive, suggesting that the fact that all but nine parties had reported their 2010 data was good news. He went on to note that once those parties had reported that data and Yemen its 2009 HCFC data all parties would have satisfied their reporting obligations for all controlled substances for all years from 1986 to 2010, which he suggested was a significant accomplishment.

2. Recommendation

76. The Committee therefore agreed to forward for consideration by the Twenty-Third Meeting of the Parties the draft decision contained in section A of annex I to the present report, which would among other things record and note with appreciation the number of parties that had reported ozone-depleting substances data for the year 2010 and list the parties that were in non-compliance with their data-reporting obligations under the Montreal Protocol.

Recommendation 47/7

B. Reporting of process-agent uses

77. The representative of the Secretariat reported that 42 parties had by the time of the current meeting failed to report information on process-agent uses as requested in decisions X/14 and XXI/3. He noted that, while parties not reporting on their process-agent uses had failed to comply with a decision of the Meeting of the Parties, the matter did not raise a question of non-compliance with the Montreal Protocol. He suggested that the Committee might therefore wish to consider whether it was necessary to prepare a draft decision as well as a recommendation or whether a recommendation alone would suffice, and that it would be necessary for the Committee to consider what any recommendation or decision should state.

1. Discussion at the current meeting

78. Following the Secretariat's presentation one member recalled that there had been discussion at the thirty-first meeting of the Open-ended Working Group about whether the Meeting of the Parties should adopt a decision regarding both process-agent and feedstock uses and that following that meeting an informal agreement had been reached that a separate decision on process-agent uses should be adopted, with the aim of encouraging compliance with decision XXI/3. In the light of that agreement, he suggested, a recommendation by the Committee could usefully inform the decision to be adopted by the Meeting of the Parties, but the Committee should not adopt a draft decision for adoption by the parties.

2. Recommendation

79. The Committee therefore agreed:

Noting with appreciation that 154 parties of the 196 that should have reported information on process-agent uses had done so in accordance with decisions X/14 and XXI/3,

Noting with concern, however, that the following 42 parties had not submitted the required information: Albania, Algeria, Angola, Bhutan, Bolivia (Plurinational State of), Brunei Darussalam, Burundi, Central African Republic, Democratic People's Republic of Korea, Dominican Republic, Ecuador, El Salvador, Fiji, Georgia, Grenada, India, Indonesia, Jordan, Kazakhstan, Lao People's Democratic Republic, Libya, Marshall Islands, Mozambique, Nauru, Nepal, Nicaragua, Pakistan, Peru, Qatar, Samoa, San Marino, Saudi Arabia, Seychelles, Solomon Islands, South Africa, Sudan, Syrian Arab Republic, Thailand, Ukraine, United Arab Emirates, Vanuatu and Yemen,

To urge those parties to submit the information on process-agent uses as requested in decisions X/14 and XXI/3 report as a matter of urgency, and no later than 31 March 2012, for consideration by the Committee at its forty-eighth meeting.

Recommendation 47/8

VII. Possible non-compliance with the provisions on trade with non-parties (Article 4 of the Montreal Protocol)

80. The Russian Federation, a party not operating under paragraph 1 of Article 5 of the Protocol, was considered under agenda item 7.

A. Status of compliance issue subject to review

81. In the submission of its report on production and consumption of ozone-depleting-substance data for 2009, the Russian Federation had reported the export of 70.2 metric tonnes of HCFCs to Kazakhstan, which was also a party not operating under paragraph 1 of Article 5 of the Protocol. Kazakhstan had ratified the Copenhagen Amendment to the Montreal Protocol on 28 June 2011 but at the time that the export took place had not yet ratified the Copenhagen or Beijing Amendment and was therefore treated as a "State not party to the Protocol" in that context.

82. Upon confirmation by the Russian Federation that the HCFC-22 had been exported by a Russian company to Kazakhstan for use in the production of extruded polystyrene foam, the Secretariat had sought clarification, in correspondence dated 25 June 2011, as to why the illegal export had not been detected through the Russian Federation's licensing system, given that the country was a party to the Montreal Amendment and should therefore have had in place a system for licensing the import and export of all ozone-depleting substances. The Secretariat had also sought clarification of the manner in which the Government intended to follow up on the case and any measures that it intended to take to prevent similar situations from occurring in the future.

83. The Russian Federation had responded to the Secretariat in correspondence dated 28 September 2011. The party had explained that an investigation by the Government had revealed that both the licence issued by the Ministry of Industry and Trade and the decision by the Government's industrial inspection authority permitting the export to Kazakhstan had been inconsistent with the party's legislation and licensing system. The investigation had also revealed that the inspector who had permitted the export had mistakenly considered Kazakhstan to be a party to the Beijing Amendment and therefore a party to the Protocol for the purposes of Article 4 of the Protocol.

84. The party had further noted that since 1 July 2011 it had been party to a single Customs union with Belarus and Kazakhstan. As a result of the case in question, however, the party's Government had taken measures to enhance its licensing system, for example by implementing updated regulations regarding HCFC trade and consumption; paying special attention to the export of regulated ozone-depleting substances to Kazakhstan; and, in September 2010, transferring responsibility for decision-making on imports and exports of ozone-depleting substances from the industrial inspection authority to the environmental inspection authority. The latter body had since then been accumulating the experience and skills necessary to carry out those functions effectively.

85. In concluding its submission, the Russian Federation had urged that Kazakhstan should become a party to the Beijing Amendment as soon as possible and indicated that, according to information received from the Government of Kazakhstan, that country would ratify the amendment by the end of 2011.

86. The Secretariat, on the Committee's behalf, had invited a representative of the Russian Federation to attend the current meeting to provide further clarification and facilitate the Committee's consideration of the matter.

B. Discussion at the current meeting

87. The representative of the Russian Federation provided a summary of the most recent information relating to the case under discussion. He recalled that his Government's investigation into the export of HCFC-22 to Kazakhstan had revealed that the licence for the export had been issued illegally, adding that the official responsible had been dismissed from his post as a result. The Russian Federation had introduced unilateral measures to track transfers of ozone-depleting substances across borders in 2010, and the establishment of a Customs union with Belarus and Kazakhstan on 1 July 2011 meant that those two countries were obliged to adopt similar measures to monitor all movements of ozone-depleting substances.

88. He affirmed that the measures introduced would make it impossible for such a situation to recur and that there had been no similar occurrences in 2010 or 2011. To improve control measures still further, however, the Russian Federation was introducing a new digital system, which would be operational in 2012.

C. Recommendation

89. The Committee therefore agreed:

Noting that the Russian Federation was a party to the Copenhagen and Beijing amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer and was classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Russian Federation had in 2009 exported to Kazakhstan, a State not party to the Copenhagen Amendment to the Protocol in that year, 70.2 metric tonnes of hydrochlorofluorocarbons and that the export of those substances placed the party in non-compliance with Article 4 of the Protocol,

Noting further that Kazakhstan was classified as a party not operating under paragraph 1 of Article 5 of the Protocol and had not been determined by the Meeting of the Parties to be in full compliance with the requirements of paragraph 8 of Article 4 of the Protocol,

Noting with appreciation the explanation provided by the Russian Federation for its export of hydrochlorofluorocarbons to Kazakhstan in 2009,

Noting also with appreciation the party's implementation of regulatory and administrative measures to ensure its compliance with the trade provisions of the Protocol,

(a) To monitor closely the party's progress with regard to the implementation of its obligations under the Protocol;

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

Recommendation 47/9

VIII. Review of information on requests for change of baseline data (decisions XIII/15 and XV/19 and recommendation 46/3)

A. Status of the compliance issue

90. The representative of the Secretariat reported that since the Twenty-Second Meeting of the Parties 22 parties (21 operating under paragraph 1 of Article 5 and one, Tajikistan, not so operating) had submitted to the Secretariat requests for the revision of their existing consumption data for HCFCs for one or more years, including 2009.

91. In accordance with its usual practice, the Secretariat had amended the HCFC consumption figures for all years requested by the parties, except for 2009, which was one of the two years used for determining baseline production and consumption of HCFCs for parties operating under paragraph 1 of Article 5.

92. The Secretariat had responded to the requests for the revision of 2009 data by advising the parties that review of their requests would be guided by decision XIII/15, which provided that requests for the revision of baseline data must be submitted to the Implementation Committee for its consideration. The Secretariat had also requested the parties to provide it with the information required by decision XV/19, which set out the methodology for the submission and review of the information that should be submitted to the Committee in support of such requests. The information required by decision XV/19 included:

(a) Identification of which of the baseline year's or years' data were considered incorrect and proposed new figures for that year or those years;

(b) Explanation as to why the existing baseline data was incorrect, including information on the methodology used to collect and verify that data, along with supporting documentation where available;

(c) Explanation as to why the requested changes should be considered correct, including information on the methodology used to collect the relevant data and to verify the accuracy of the proposed changes;

- (d) Documentation substantiating collection and verification procedures and their findings, which could include:
- (i) Copies of invoices (including ozone-depleting-substance production invoices), shipping and Customs documentation from either the requesting party or its trading partners (or aggregation of those with copies available upon request);
 - (ii) Copies of surveys and survey reports;
 - (iii) Information on the requesting party's gross domestic product, ozone-depleting-substance consumption and production trends and business activity in the ozone-depleting-substance sectors concerned.

93. The requests of 15 of the 22 parties had been submitted to the Secretariat in time for their review by the Committee at its forty-sixth meeting, in August 2011. Upon consideration of those cases, the Committee had recommended approving the requests of five parties: Guyana, Lesotho, Palau, Vanuatu (see recommendation 46/4 and the associated draft decision in section A of annex I to the report of that meeting) and Tajikistan (see recommendation 46/5 and the associated draft decision in section B of annex I to the report of that meeting).

94. For the other 10 parties, which were all parties operating under paragraph 1 of Article 5 of the Protocol – Cape Verde, Congo, Democratic Republic of the Congo, Lao People's Democratic Republic, Sao Tome and Principe, Solomon Islands, Swaziland, Togo, Tonga and Zimbabwe – the Committee had adopted recommendation 46/3, requesting them to submit to the Secretariat the information requested by decision XV/19 as soon as possible, and preferably no later than 15 September 2011, for consideration by the Committee at its forty-seventh meeting. Those parties had also been requested to include in their submissions information on the methodology used in collecting and verifying the existing baseline data and a copy of any survey report underlying the requests, which, it was expected, would set forth the full survey findings supporting the proposed new baseline data.

95. An additional seven parties (all operating under paragraph 1 of Article 5) had submitted their requests subsequent to the Committee's forty-sixth meeting and were therefore not named in recommendation 46/3: Barbados, Bosnia and Herzegovina, Brunei Darussalam, Equatorial Guinea, Gambia, Guinea-Bissau and Niger. Two of those parties, Bosnia and Herzegovina and Brunei Darussalam, had submitted their requests and supporting information only shortly before the current meeting. The Secretariat therefore had not had time to include a discussion of those parties' situation in the documentation for the meeting but had, nevertheless, been in a position to review their submissions and present their situations to the Committee. In the case of the Niger, the party had provided information to the Secretariat shortly before the current meeting. The information had been provided in French, however, and there had not been enough time to have it translated into English or to evaluate it for the purposes of the current meeting; the Secretariat accordingly proposed to present the situation of the Niger for consideration by the Committee at its forty-eighth meeting.

96. The representative of the Secretariat noted that the majority of requests for the revision of baseline data related to HCFC-22, while the remainder related to HCFC-141b and HCFC-142b. She also noted that in their original requests Bosnia and Herzegovina and Zimbabwe had mistakenly included HCFC-141b contained in pre-blended polyols; the requests had subsequently been corrected following consultation with those parties.

97. The requests for the revision of 2009 HCFC baseline data of the 17 parties as they stood at the start of the current meeting are summarized in table 2. As shown in the table the Secretariat reported that 12 parties, including the Niger, had provided information to address the provisions of decision XV/19, while five had not.

Table 2
Parties' requests for revision of 2009 HCFC baseline data

Agenda item 8	Parties (all operating under paragraph 1 of Article 5) (HCFC baseline: average of 2009 and 2010 levels of consumption)	Substance	Existing data (tonnes)	Proposed new data (tonnes)	Party subject to recommendation 46/3	Party provided information to address the provisions of decision XV/19
(a)	Barbados	HCFC-22	82.68	87.70	No	Yes
		HCFC-142b	0	3.73		
(b)	Bosnia and Herzegovina	HCFC-22	55.73	54.36	No	Yes
(c)	Brunei Darussalam	HCFC-22	82.20	96.69	No	Yes
(d)	Cape Verde	HCFC-22	32.3	4.5	Yes	No
(e)	Congo	HCFC-22	128.5	176.0	Yes	No
(f)	Democratic Republic of the Congo	HCFC-22	890.0	1014.984	Yes	Yes
		HCFC-141b	245.0	0		
		HCFC-142b	150.0	0		
(g)	Equatorial Guinea	HCFC-22	253.0	113.0	No	No
(h)	Gambia	HCFC-22	16.6	14.5	No	Yes
		HCFC-142b	8.8	10.5		
(i)	Guinea-Bissau	HCFC-22	0	50	No	No
(j)	Lao People's Democratic Republic	HCFC-22	22.03	39.09	Yes	Yes
(k)	Niger	HCFC-22	660	290	No	Yes*
(l)	Sao Tome and Principe	HCFC-22	75.0	2.52	Yes	No
(m)	Solomon Islands	HCFC-22	28.28	29.09	Yes	Yes
(n)	Swaziland	HCFC-22	33.3	34.1	Yes	Yes
		HCFC-141b	66.6	69.62		
(o)	Togo	HCFC-22	372.89	350.0	Yes	Yes
(p)	Tonga	HCFC-22	0.01	2.43	Yes	Yes
(q)	Zimbabwe	HCFC-22	225.0	316.4	Yes	Yes
		HCFC-141b	0	7.07		

* As noted above, the information provided by the Niger was submitted in French and, once translated and evaluated by the Secretariat, will be presented for consideration by the Committee at its forty-eighth meeting.

98. In addition to providing the information summarized in table 2 the representative of the Secretariat outlined in some detail the explanation and information submitted by each party pertaining to the collection and verification of the data underlying its request for the revision of its baseline data and the Secretariat's assessment of whether it met the requirements of decision XV/19. In the Secretariat's view the information provided by Barbados, Bosnia and Herzegovina, Brunei Darussalam, Lao People's Democratic Republic, Solomon Islands, Swaziland, Togo, Tonga and Zimbabwe appeared to meet the requirements of the decision, while that provided by the Democratic Republic of the Congo and the Gambia did not.

B. Discussion at the current meeting

99. In the ensuing discussion, several members urged that the Committee's action in respect of those parties that had not submitted information in accordance with decision XV/19 and had not responded to requests from the Secretariat for additional information should be firm, and that the Committee should distinguish between those parties that had had ample time to provide the information and those that had had relatively little time. In that regard one member said that stronger action than an additional request for information should be taken in respect of parties that had failed to provide the information if they had had ample time to do so, given that they themselves had initiated the process for changing baseline data, and another said that Equatorial Guinea merited special

consideration as it had submitted its request relatively recently, leaving little time for follow-up communication. One member called for flexibility to reflect what he said were difficulties faced by some parties in gathering relevant information, and he urged the implementing agencies to maintain their efforts to assist parties to meet their reporting deadlines and to present their data in the manner requested.

100. One member asked how much time parties were allowed to submit data to substantiate their requests for the revision of baseline data. The representative of the Secretariat said that there was no precedent on which to base an answer to that question, but suggested that it should be borne in mind that the required information was needed by other bodies, including the Multilateral Fund secretariat and the implementing agencies, and that data gaps could delay implementation of HCFC phase-out management plans. Some members pointed out that parties whose requests for revision of baseline data were not approved at the current time would not be precluded from resubmitting their requests.

101. Several members noted that the information submitted by the parties that had provided information in accordance with decision XV/19 varied widely in quantity and type, and one member said that parties should be urged to ensure that the information they provided was of direct relevance to their requests. The representative of the Secretariat said that some parties had mentioned difficulties in obtaining data due to confidentiality issues. One member suggested that in such cases data could be provided on a confidential basis to the Secretariat, which could summarize the information for the benefit of the Committee while maintaining its confidentiality.

C. Recommendations

1. Recommendation for parties subject to recommendation 46/3 that had not submitted information according to the methodology set out in decision XV/19

102. The Committee therefore agreed:

Noting with concern that Cape Verde, Congo and Sao Tome and Principe had not responded to the request recorded in recommendation 46/3 of the forty-sixth meeting of the Implementation Committee that they submit to the Secretariat as soon as possible, and no later than 15 September 2011, the outstanding information required by decision XV/19 in order that the Committee might at its forty-seventh meeting complete its review of the parties' requests to revise their HCFC consumption baseline data,

(a) To invite Cape Verde, Congo and Sao Tome and Principe, should they still wish to pursue their requests to revise their HCFC baseline data, to submit to the Ozone Secretariat the information requested in recommendation 46/3 of the forty-sixth meeting of the Implementation Committee as soon as possible, and preferably not later than 31 March 2012, for consideration by the Committee at its forty-eighth meeting;

(b) To request the parties named above, in the event that information required to support their requests for the revision of their hydrochlorofluorocarbon baseline data was confidential, to provide such information to the Secretariat, which would report on it to the Committee, ensuring its confidentiality.

Recommendation 47/10

2. Recommendation for parties subject to recommendation 46/3 that had submitted information that was insufficient according to the methodology set out in decision XV/19

103. The Committee also agreed:

Recalling decision XV/19, which set out the methodology to be used to review requests for the revision of baseline data,

Recalling also recommendation 46/3, by which the Democratic Republic of the Congo was requested to submit information in accordance with decision XV/19 in support of its request to revise its consumption data for the baseline year 2009 for the Annex C, group I, controlled substances (hydrochlorofluorocarbons),

Taking note of the request by the Gambia to revise its existing consumption data for hydrochlorofluorocarbons,

Noting with appreciation the supporting information submitted by the Democratic Republic of the Congo and the Gambia,

Noting, however, that the submitted information was insufficient to allow the Committee to approve the changes requested by those parties,

(a) To urge the Democratic Republic of the Congo and the Gambia to submit to the Secretariat information in accordance with decision XV/19 to support their requests for the revision of their baseline data as soon as possible, and preferably no later than 31 March 2012, for consideration by the Committee at its forty-eighth meeting;

(b) Also to urge those parties, in submitting information in accordance with decision XV/19, to include information used in verifying baseline data such as copies of any survey reports containing the full survey findings, invoices and customs reports that would support the proposed new baseline data;

(c) To request those parties, in case confidentiality issues prevented them from disclosing information in support of their requests for HCFC baseline changes, to provide such information to the Secretariat, which would ensure the confidentiality of the information when reporting to the Implementation Committee;

(d) To invite each of those parties, if necessary, to send a representative to the Committee's forty-eighth meeting to discuss its request.

Recommendation 47/11

3. Recommendation for parties not subject to recommendation 46/3 that had not submitted information according to the methodology set out in decision XV/19

104. The Committee further agreed:

Recalling decision XV/19, which set out the methodology to be used to review requests for the revision of baseline data,

Taking note of the requests of Equatorial Guinea and Guinea-Bissau to revise their existing consumption data for the baseline year 2009 for the Annex C, group I, controlled substances (hydrochlorofluorocarbons),

(a) To request Equatorial Guinea and Guinea-Bissau to submit to the Secretariat information in accordance with decision XV/19 to support their requests to revise their baseline data as soon as possible, and preferably no later than 31 March 2012, for consideration by the Committee at its forty-eighth meeting;

(b) Also to request the parties named in the preceding paragraph, in submitting information in accordance with decision XV/19, to include information used in verifying baseline data such as copies of any survey reports containing the full survey findings, invoices and Customs reports that would support the proposed new baseline data;

(c) To request the parties named above, in the event that information required to support their requests for the revision of hydrochlorofluorocarbon baseline data was confidential, to provide such information to the Secretariat, which would report on it to the Committee, ensuring its confidentiality;

(d) To invite each of Equatorial Guinea and Guinea-Bissau, if necessary, to send a representative to the Committee's forty-eighth meeting to discuss the above matters.

Recommendation 47/12

4. Recommendation for parties that had submitted sufficient information according to the methodology set out in decision XV/19

105. The Committee agreed:

Noting with appreciation the information submitted by Barbados, Bosnia and Herzegovina, Brunei Darussalam, Lao People's Democratic Republic, Solomon Islands, Swaziland, Togo, Tonga and Zimbabwe in support of their requests for the revision of their baseline consumption data for the year 2009 for the Annex C, group I, controlled substances (hydrochlorofluorocarbons),

Noting that decision XV/19 set out the methodology to be used to review requests for the revision of baseline data,

Noting with appreciation the efforts made by the above parties to fulfil the information requirements of decision XV/19, in particular their efforts to verify the accuracy of their proposed new baseline data through national surveys of hydrochlorofluorocarbon use in the countries carried out with the assistance of the implementing agencies and funding from the Multilateral Fund for the Implementation of the Montreal Protocol,

To forward for consideration by the Twenty-Third Meeting of the Parties the draft decision contained in section F of annex I to the present report, which would approve the requests of Barbados, Bosnia and Herzegovina, Brunei Darussalam, Lao People's Democratic Republic, Solomon Islands, Swaziland, Togo, Tonga and Zimbabwe for the revision of their baseline consumption data for the year 2009 for hydrochlorofluorocarbons.

Recommendation 47/13

IX. Use of decimal places by the Secretariat in presenting data reported by parties under Article 7 of the Protocol

106. The representative of the Secretariat recalled his presentation at the Committee's forty-sixth meeting on the impact of the Secretariat's reporting of data to one, two or three decimal places. He explained that parties reported their production and consumption data in accordance with Article 7 of the Protocol in metric tonnes and that in presenting that data to the Meeting of the Parties the Secretariat, as mandated by Article 3, converted the reported metric tonnes of each substance into ODP-tonnes by multiplying the metric tonnes by the substance's ozone-depletion potential.

107. The number of decimal places used by the Secretariat in presenting reported data was not dictated by the Protocol but the current practice, in accordance with the instructions of the Meeting of the Parties, was to carry numbers out to one decimal place. Whether the Secretariat used one, two or three decimal places had an impact on the quantity of a controlled substance that a party could consume while having it counted as zero consumption, and the effect was most pronounced in the case of substances such as HCFCs with relatively low ozone-depletion potential. The use of one decimal place meant that 0.049 ODP-tonnes or less of a substance would be counted as zero; the use of two decimal places meant that 0.0049 ODP-tonnes or less would be counted as zero, and the use of three decimal places meant that only 0.00049 ODP-tonnes would be counted as zero.

108. Given that ODP-tonne figures were calculated by multiplying the quantity of a substance in metric tonnes by its ozone-depletion potential, the number of decimal places used would also affect how many metric tonnes of a substance a party could import and have it counted as zero consumption. To illustrate he said that if the Secretariat used one decimal place in reporting consumption of HCFC-22 a party could import roughly fifty-six 16-kg cylinders of that substance, while if it used two decimal places the party could have roughly six such cylinders counted as zero consumption and if it used three decimal places the party could import only less than half a cylinder. He also raised the question whether a party operating under Article 5 of the Protocol would be eligible for funding from the Multilateral Fund for eliminating consumption that was counted as zero.

109. In the ensuing discussion there was general support for increasing the number of decimal places used by the Secretariat in presenting data reported by parties from one to two. One member, echoed by another, suggested that using three decimal places might be impractical given that many countries permitted limited amounts of substances to be imported for personal use and that such imports might leave a party in non-compliance if three decimal places were used. One member suggested that the use of two decimal places should apply to HCFCs only.

110. The Committee agreed that shifting to two decimal places would imply a change in the way in which the Secretariat presented the compliance data that it received, rather than a change in the way that countries submitted their data. One member expressed concern, however, that using two decimal places could nevertheless create technical challenges for countries, for example in implementing their quota systems.

111. The Committee therefore agreed:

Recalling recommendation 46/13, in which the Committee agreed to request the Twenty-Third Meeting of the Parties to direct the Secretariat on the number of decimal places to use in reporting data,

To forward for consideration by the Twenty-Third Meeting of the Parties the draft decision contained in section G of annex I to the present report, which would direct the Secretariat to use two decimal places in presenting HCFC data reported under Article 7 for years starting from 2011 onwards.

Recommendation 47/14

X. Application to Nepal of Article 4, paragraph 8, of the Protocol with regard to the Copenhagen Amendment to the Protocol

112. Nepal, a party operating under paragraph 1 of Article 5 of the Montreal Protocol, was considered under agenda item 10.

A. Compliance issue

113. The representative of the Secretariat recalled that the Government of Nepal, in correspondence dated 4 January 2011 (reproduced in document UNEP/OzL.Pro/ImpCom/47/INF/3), had requested the Secretariat to include its situation on the agendas of the thirty-first meeting of the Open-ended Working Group and the Twenty-Third Meeting of the Parties for consideration in the light of paragraphs 8 and 9 of Article 4 of the Protocol. Those paragraphs allowed a State to avoid the application of trade sanctions under the Protocol and its amendments if it could demonstrate that it was in full compliance with the provisions of articles 2, 2A–2I and 4 of the Protocol.

114. In support of its request, the Government of Nepal had said that the party was in full compliance with those articles and had been submitting data to that effect as specified in Article 7 of the Protocol. It had also advised that country programme reports had been submitted as required. It had further highlighted a number of undertakings that it considered to be successful, including:

- (a) Completion of various management plans under the Multilateral Fund;
- (b) Compliance with its obligation to phase out CFCs, halons and carbon tetrachloride by 1 January 2010;
- (c) Seizure of illegal imports of CFCs and HCFCs in 2004 as a result of its strong enforcement capacity and subsequent compliance with decision XVI/27;
- (d) Initiation of cross-border dialogues on trade with neighbouring countries and South-South cooperation;
- (e) Development and implementation of the very first ozone-depleting-substance destruction project for a low-volume-consuming country, which was approved by the Executive Committee at its fifty-ninth meeting.

115. The Government of Nepal had informed the Secretariat that it had initiated the process to ratify the Copenhagen, Montreal and Beijing amendments to the Protocol in 2001. In the light of frequent changes in the Government, the situation in the country and more pressing and urgent issues, however, the ratification process had not at that time been completed. The Government had said that, those issues notwithstanding, it intended to ratify all the amendments at the earliest point possible and that it had taken many steps to control HCFCs in the meantime. The Government had gone on to outline how those steps conformed to or exceeded the requirements of the Copenhagen Amendment, including through the enforcement of three regulations since 2001 and the capping of its HCFC consumption at 23.04 metric tonnes since 2000.

116. Nepal's request had been considered by the Open-ended Working Group at its thirty-first meeting. One representative had said that there could be little expectation of early implementation of the country's HCFC phase-out management plan or of the country meeting the 2013 or 2015 control targets unless the parties found Nepal to be in full compliance under paragraphs 8 and 9 of Article 4. Another representative, however, had said that there was no provision for declaring a State to be a de facto party and that Article 10 of the Protocol, which governed financial and technical assistance to parties, did not contemplate the provision of such assistance to non-parties. The Working Group had concluded that discussion of the issue should be continued by the Twenty-Third meeting of the Parties, following its further consideration by the Implementation Committee at its forty-sixth meeting.

117. The Committee had considered Nepal's request at its forty-sixth meeting, taking note of the fact that Nepal's HCFC consumption situation had been the subject of a decision taken by the Executive Committee of the Multilateral Fund at its sixty-second meeting regarding an HCFC phase-out management plan proposal from Nepal. During discussion of the issue, some members had noted that under the HCFC guidelines the ratification of the Copenhagen Amendment was a prerequisite to funding from the Multilateral Fund for HCFC activities. In decision 62/53, the Executive Committee had approved in principle stage I of Nepal's proposed HCFC phase-out management plan for the period 2010–2020, on the understanding that by the time of the Twenty-Third Meeting of the Parties in November 2011 Nepal would have deposited its instrument of ratification of the Copenhagen Amendment or submitted an official request to the Twenty-Third Meeting of the Parties that it should

be considered to be in full compliance with the HCFC control provisions pursuant to paragraphs 8 and 9 of Article 4 of the Montreal Protocol.

118. The Committee had also taken note of Nepal's 2010 data, submitted on 29 June 2011, which had showed the party to be in compliance with its commitments under the Protocol.

119. In considering the issue the Committee had also noted that, pursuant to decision XX/9, the application of trade sanctions to parties operating under paragraph 1 of Article 5 that were not yet parties to the Copenhagen Amendment had been deferred until 1 January 2013 and that a State had to apply to be treated as a party under paragraph 8 of Article 4 on an annual basis. Accordingly, even if such treatment were granted to Nepal for 2012, when the HCFC control measures were not applicable to it, it would nevertheless have to submit a similar application in 2012 to be treated as a party in 2013, when the HCFC control measures applicable to it would enter into force. As the ratification of the Copenhagen Amendment was at that time before a parliamentary committee there might be movement on the matter before the end of 2011, and if the ratification were completed by that time the matter would have been resolved.

120. The representative of the United Nations Development Programme had clarified at that meeting that an HCFC phase-out management plan had been submitted to the Executive Committee of the Multilateral Fund and was ready for implementation, but had not at that time cleared the hurdle of ratification of the Copenhagen Amendment. He had urged the Committee to act expeditiously on the matter and not delay taking any decision, as time was short and any delay could harm Nepal's ability to remain in compliance with the phase-out targets. The representative of the Multilateral Fund had said that any determination by the Implementation Committee that Nepal was to be treated as a party would enable the Executive Committee to move forward with the funding, but that it was not crucial to take a decision at that juncture.

121. Based on the above considerations, the Committee had adopted recommendation 46/7, requesting Nepal to provide more information on its commitment to comply with the requirements of the Copenhagen Amendment. Furthermore, the Secretariat had been requested to provide information on the HCFC consumption trends since 2001 described in Nepal's letter to the Secretariat of 4 January 2011.

122. Nepal submitted additional information in response to recommendation 46/7 (UNEP/OzL.Pro/ImpCom/47/INF/3/Add.1), explaining that the party had not imported methyl bromide even for quarantine and pre-shipment uses since 1998, that none would be imported for any purpose and that the party had repeatedly reported zero consumption in its data reports to the Secretariat. Nepal had also explained that a government notice in 2000 required that imports of HCFCs should be limited to 23.04 metric tons per annum until 2015 and phased out annually by 2040. Import licences were being issued for no more than 20 metric tonnes annually, however, with the balance of the 23.04 tons being supplied from existing stocks.

123. The requested information on HCFC consumption trends from 2001 to date is presented in table 3.

Table 3

Nepal's HCFC consumption 2001–2010

<i>Year</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
Metric tonnes	30.0	30.0	-	-	-	20.0	20.0	23.0	20.0	20.0
ODP-tonnes	1.7	1.7	-	-	-	1.1	1.1	1.3	1.1	1.1

B. Discussion at the current meeting

124. In the ensuing discussion, one member said that the matter was urgent because if it did not ratify the Copenhagen Amendment Nepal would have to submit an application in 2012 to be treated as a party in 2013 to enable it to import HCFCs from 1 January 2013. He added that the party needed to demonstrate its ability to achieve the same degree of compliance as parties in similar circumstances. In that regard, he noted that Nepal had in 2000 issued a notice limiting consumption of HCFCs to 23.04 tonnes per annum, yet consumption in 2002 was recorded as 30 tonnes. It would therefore be useful, he said, to obtain further information on how the regulatory notice was enforced.

125. The representative of UNEP said that the programme continued to assist Nepal, for example through promoting ratification of the Copenhagen Amendment and offering advice on the preparation of documents. The ratification process was at an advanced stage, and the Government of Nepal was

demonstrating high-level commitment to meeting its obligations under the Montreal Protocol and to preparing its HCFC phase-out management plan.

C. Recommendation

126. The Committee therefore agreed:

Recalling recommendation 46/7 on Nepal's request for consideration of its situation in the light of paragraphs 8 and 9 of Article 4 of the Montreal Protocol,

Noting with appreciation Nepal's efforts to comply with the Protocol by providing data that confirms its implementation of and compliance with the Protocol,

To advise Nepal to take note of decision XX/9, which clarified that the term "State not party to this Protocol" in Article 4, paragraph 9, did not apply to States operating under Article 5, paragraph 1, of the Protocol until 1 January 2013, effectively deferring the possible application of trade sanctions to Nepal, as such a party, until that date.

Recommendation 47/15

XI. Consideration of the report of the Secretariat on licensing systems (Article 4B, paragraph 4, of the Montreal Protocol and recommendation 46/12)

127. The representative of the Secretariat recalled that Article 4B of the Montreal Protocol (which came into force with the adoption of the Montreal Amendment to the Protocol and bound only parties to that amendment) required each party to establish a system for licensing imports and exports of new, used, recycled and reclaimed ozone-depleting substances controlled under the Protocol. He also recalled that by recommendation 46/12 the Committee had requested the Secretariat to provide information on the extent to which the parties' licensing systems encompassed imports and exports of the specific substances listed in the various annexes and groups of the Protocol.

128. In response to recommendation 46/12 the Secretariat had compiled the information in document UNEP/OzL.Pro/ImpCom/47/4/Rev.1, which showed, among other things: that 192 parties to the Protocol (including 182 of the 185 parties to the Montreal Amendment) had established and were implementing licensing systems to control imports and/or exports of ozone-depleting substances and that three parties to the Montreal Amendment had not established licensing systems. Additional information received from parties subsequent to preparation of the document indicated that 174 parties had provided information on the specific substances covered by their systems, while 10 parties (including eight parties to the Montreal Amendment) had failed to do so; that only one party had neither become a party to the Montreal Amendment nor established a licensing system; and that one party had established a licensing system but had not yet begun to implement it.

129. Following the Secretariat's presentation one Committee member said that the recommendation on the matter should cover all parties whose systems did not cover both imports and exports of all substances controlled under the Montreal Protocol. It was also suggested that the recommendation should distinguish between those parties that had not provided sufficient information and those that had provided information making it clear that their systems were not sufficiently broad in scope.

130. The Committee therefore agreed:

Noting with appreciation the tremendous efforts that the parties to the Montreal Protocol had made in the establishment and operation of licensing systems under Article 4B of the Protocol,

Noting, however, that some parties that had reported to the Secretariat on the status of establishment of licensing systems did not include detailed information that disaggregated annexes and groups of substances covered by those systems and that in some few cases the licensing systems in place did not regulate exports of ozone-depleting substances,

(a) To recommend that any future reporting of information by parties on the establishment of licensing systems should be presented in a format that disaggregated annexes and groups of substances covered;

(b) To forward for consideration by the Twenty-Third Meeting of the Parties the draft decision contained in section H of annex I to the present report, which would, among other things, record the number of parties to the Montreal Amendment that had reported to the Secretariat on the establishment and operation of systems for licensing the import and export of ozone-depleting substances, disaggregating the annexes and groups of substances covered in accordance with Article

4B of the Montreal Protocol, and to request those parties to the Montreal Amendment that had yet to do so to submit to the Secretariat as a matter of urgency, and no later than 31 March 2012, the missing information regarding their licensing systems, for consideration by the Committee at its forty-eighth meeting.

Recommendation 47/16

XII. Information on compliance by parties present at the invitation of the Implementation Committee

131. The Committee considered information provided by the representative of Iraq, who was present at the Committee's invitation. The Committee's consideration of the situation pertaining to Iraq is described in subsection B 2 of chapter V of the present report.

XIII. Other matters

132. The Committee considered no other matters.

XIV. Adoption of the recommendations and report of the meeting

133. The Committee considered and approved the text of the draft recommendations and agreed to entrust the preparation of the report of the meeting to the Vice-President who presided over the meeting, who also served as Rapporteur for the meeting, working in consultation with the Secretariat.

XV. Closure of the meeting

134. Following the customary exchange of courtesies, the President declared the meeting closed at 5.10 p.m. on Saturday, 19 November 2011.

Annex I

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

The Meeting of the Parties decides:

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

Noting with appreciation that [187] parties of the 196 that should have reported data for 2010 have done so and that 92 of those parties reported their data by 30 June 2011 in accordance with decision XV/15,

Noting with concern, however, that the following parties have not reported 2010 data: [Bolivia (Plurinational State of), Hungary, Libya, Liechtenstein, Nauru, New Zealand, Peru, Yemen],

Noting that their failure to report their 2010 data in accordance with Article 7 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,

Noting also that a lack of timely data reporting by parties impedes effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol,

Noting further 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,

1. To urge the parties listed in the present decision, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;
2. To request the Implementation Committee to review the situation of those parties at its forty-eighth meeting;
3. To encourage parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15;

B. Draft decision XXIII/-: Potential non-compliance in 2009 with the provisions of the Montreal Protocol in respect of consumption of the controlled substances in Annex A, group II (halons), by Libya and request for a plan of action

Noting that Libya ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 11 July 1990, the London Amendment on 12 July 2001 and the Copenhagen Amendment on 24 September 2004 and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved [7,014,339 United States dollars] from the Multilateral Fund in accordance with Article 10 of the Protocol to enable Libya to achieve compliance with the Protocol,

Noting further that Libya has reported annual consumption for the controlled substances in Annex A, group II (halons), for 2009 of 1.8 ODP-tonnes, which exceeds the party's maximum allowable consumption of zero ODP-tonnes for that controlled substance for that year, and that in the absence of further clarification, Libya is therefore presumed to be in non-compliance with the control measures under the Protocol,

1. To request Libya to submit to the Secretariat, as a matter of urgency and no later than 31 March 2012, for consideration by the Implementation Committee at its forty-eighth meeting an explanation for its excess consumption of halons, together with a plan of action with time-specific benchmarks to ensure the party's prompt return to compliance;

2. To monitor closely Libya's progress with regard to the phase-out of halons: to the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing and, in that regard, Libya should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance;

3. To caution Libya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures, which may include the possibility of actions available under Article 4, such as ensuring that the supply of halons that is the subject of non-compliance is ceased so that exporting parties are not contributing to a continuing situation of non-compliance;

C. Draft decision XXIII/–: Difficulties faced by Iraq as a new party

Noting with appreciation Iraq's efforts to comply with the requirements of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol and all its amendments,

Recognizing the continued difficulties faced by Iraq as the result of its becoming a party to the Vienna Convention and the Montreal Protocol and all its amendments shortly before key phase-out dates,

Recognizing also the security situation and the political, economic and social difficulties faced by Iraq over the past two decades,

Acknowledging Iraq's commitment to phasing out ozone-depleting substances under the Montreal Protocol and its amendments within a limited time frame,

1. To urge all exporting countries to liaise with the Government of Iraq, as feasible, prior to the export of any ozone-depleting substances to Iraq in order to support the local authorities in controlling the import of ozone-depleting substances and combating illegal trade;

2. To note the need for extra security and attention to logistical difficulties in the implementation of phase-out projects in Iraq, including resources adequate to enable implementing agency personnel to operate in the country;

3. To request the implementing agencies to continue to take into account Iraq's special situation and to provide it with appropriate assistance;

D. Draft decision XXIII/–: Data on hydrochlorofluorocarbons for 2009 not provided by Yemen in accordance with Article 7 of the Montreal Protocol

Noting with appreciation that Yemen in October 2010 reported all its data for 2009 except for data concerning the controlled substances in Annex C, group I (hydrochlorofluorocarbons),

Noting that the non-reporting of hydrochlorofluorocarbon data places Yemen in non-compliance with its reporting obligations under paragraph 3 of Article 7 of the Montreal Protocol,

Noting also the party's explanation at the time of reporting in October 2010 that it had delayed reporting its hydrochlorofluorocarbon data because survey activities for the preparation of its hydrochlorofluorocarbon phase-out management plan were continuing and that it intended to report the data upon completion of those activities,

Noting with concern the lack of response from Yemen to subsequent communications from the Secretariat,

Noting that according to the United Nations Environment Programme, in its role as an implementing agency operating in the party, Yemen had completed the collection of data but had yet to verify it,

Recognizing the security situation and the political and social difficulties faced by Yemen in recent months,

1. To urge Yemen to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;

2. To request the Implementation Committee to review the situation of Yemen at its forty-eighth meeting;

E. Draft decision XXIII/-: Non-compliance with the Montreal Protocol by the Russian Federation

Noting that the Russian Federation reported the export of 70.2 metric tonnes of Annex C, group I, controlled substances (hydrochlorofluorocarbons) in 2009 to a State classified as not operating under paragraph 1 of Article 5 of the Montreal Protocol that was also a State not party to the Copenhagen Amendment or the Beijing Amendment to the Protocol in that year, which places the Russian Federation in non-compliance with the provisions of Article 4 of the Protocol prohibiting trade with any State not party to the Protocol,

1. That no further action is necessary in view of the party's implementation of regulatory and administrative measures to ensure its compliance with the provisions of the Protocol governing trade with non-parties;
2. To monitor closely the party's progress with regard to the implementation of its obligations under the Montreal Protocol;

F. Draft decision XXIII/-: Requests for the revision of baseline data by Barbados, Bosnia and Herzegovina, Brunei Darussalam, Guyana, Lao People's Democratic Republic, Lesotho, Palau, Solomon Islands, Swaziland, Togo, Tonga, Vanuatu and Zimbabwe

Noting that, in accordance with decision XIII/15, by which the Thirteenth Meeting of the Parties decided that parties requesting the revision of reported baseline data should present such requests to the Implementation Committee, which in turn would work with the Secretariat and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

1. That Barbados, Bosnia and Herzegovina, Brunei Darussalam, Guyana, Lao People's Democratic Republic, Lesotho, Palau, Solomon Islands, Swaziland, Togo, Tonga, Vanuatu and Zimbabwe have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for the year 2009 for hydrochlorofluorocarbons, which is part of the baseline for parties operating under paragraph 1 of Article 5,
2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the year 2009 as indicated in the following table:

Party	Previous data		New data	
	Metric tonnes	ODP-tonnes	Metric tonnes	ODP-tonnes
Barbados	82.68	4.5	91.43	5.1
Bosnia and Herzegovina	82.73	6.0	77.96	5.8
Brunei Darussalam	82.2	4.5	96.69	5.3
Guyana	16.822	0.9	19.271	1.1
Lao People's Democratic Republic	22.03	1.2	39.09	2.1
Lesotho	187.0	10.3	68.271	3.8
Palau	2.04	0.1	2.56	0.1
Solomon Islands	28.28	1.6	29.09	1.6
Swaziland	99.9	9.2	103.72	9.5
Togo	372.89	20.5	350	19.3
Tonga	0.01	0.0	2.43	0.1
Vanuatu	1.46	0.1	1.89	0.1
Zimbabwe	225	12.4	303.47	17.1

G. Draft decision XXIII/-: Decimal places

Recognizing that for the past several years the Secretariat has been following the informal guidance set out in the report of the Eighteenth Meeting of the Parties³ to round its data reported to the parties to one decimal place,

Acknowledging the low ozone-depletion potential of many Annex C, group I, controlled substances (hydrochlorofluorocarbons),

Taking into consideration the small quantities of hydrochlorofluorocarbons used by a significant number of parties operating under paragraph 1 of Article 5,

Understanding that, as a result of the low ozone-depletion potential of hydrochlorofluorocarbons, rounding to one decimal place could result in the continued use of a substantial amount of those substances,

Wishing to ensure that any change in the number of decimal places used to calculate baselines, consumption and production is forward looking and does not cause changes in previously submitted data,

To direct the Secretariat to use two decimal places when presenting and analysing for compliance hydrochlorofluorocarbon baselines established after the Twenty-Third Meeting of the Parties and annual hydrochlorofluorocarbon data reported under Article 7 for 2011 and later years;

H. Draft decision XXIII/-: Status of the establishment of licensing systems under Article 4B of the Montreal Protocol

Noting that paragraph 3 of Article 4B of the Montreal Protocol requires each party, within three months of the date of introducing its system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E of the Protocol, to report to the Secretariat on the establishment and operation of that system,

Noting with appreciation that 182 of the 185 parties to the Montreal Amendment to the Protocol have established import and export licensing systems for ozone-depleting substances as required by the Amendment and that 174 of those parties have provided disaggregated information on their licensing systems detailing which annexes and groups of substances under the Montreal Protocol are subject to those systems,

Noting also with appreciation that 10 parties to the Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems for ozone-depleting substances and that eight of those parties have provided disaggregated information on their licensing systems,

Recognizing that licensing systems provide for the monitoring of imports and exports of ozone-depleting substances, prevent illegal trade and enable data collection,

Recognizing also that the successful phase-out of most ozone-depleting 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 request Bolivia (Plurinational State of), the Democratic Republic of Korea, Dominica, Ecuador, Ghana, the Holy See, Tajikistan and Thailand, which are parties to the Montreal Amendment, and Guinea and Papua New Guinea, which are non-parties to the Montreal Amendment, none of which have yet provided disaggregated information on their licensing systems, to submit such information to the Secretariat as a matter of urgency, and no later than 31 March 2012, for consideration by the Committee at its forty-eighth meeting;

2. To urge Ethiopia, San Marino and Timor-Leste to complete the establishment and operation of licensing systems as soon as possible and to report to the Secretariat thereon no later than 31 March 2012;

3. To encourage Botswana, which is non-party to the Montreal Amendment to the Protocol and has not yet established a licensing system, to ratify the Amendment and to establish a licensing system to control imports and exports of ozone-depleting substances;

4. To urge Chad, Comoros, the Gambia, the Federated States of Micronesia, Solomon Islands, the Sudan and Tonga, which operate licensing systems for ozone-depleting substances that do

3 UNEP/OzL.Pro.18/10.

not include export controls, to ensure that they are structured in accordance with Article 4B of the Protocol and that they provide for the licensing of exports and to report thereon to the Secretariat;

5. To urge Honduras and Togo, whose licensing systems do not regulate substances in Annex C, Group I (hydrochlorofluorocarbons), to ensure that those systems include import and export controls for the above-mentioned substances and to report thereon to the Secretariat;

6. To review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all parties to the Protocol, as called for in Article 4B of the Protocol.

Annex II

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