

**Conclusions, recommendations and draft decisions adopted by
the Implementation Committee under the Non-Compliance
Procedure for the Montreal Protocol at its seventy-third meeting**

**I. Conclusions to be noted in the meeting report, not in the form of formal
recommendations**

Eritrea

The Committee therefore agreed:

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

San Marino

The Committee therefore agreed:

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

Kazakhstan

The Committee therefore agreed:

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

**II. Formal recommendations and draft decisions forwarded by the
Implementation Committee to the Thirty-Sixth Meeting of the Parties to the
Montreal Protocol**

A. Existing plans of action to return to compliance

**1. Data and information provided by the parties in accordance with Article 7 of the
Montreal Protocol**

The Committee therefore decided to forward for consideration by the Thirty-Sixth Meeting of the Parties the following draft decision on data and information reporting on the understanding that the Secretariat, in consultation with the President of the Implementation Committee, may remove from the decision text those parties that submit their data before the decision is adopted, making any other consequential adjustments to the numbers and paragraphs of the decision.

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

The Thirty-Sixth Meeting of the Parties decides:

1. To note that 192 parties of the 198 parties that should have reported data for 2023 have done so, and that 163 of those parties had reported their data by 30 September 2024 as required under paragraph 3 of Article 7 of the Montreal Protocol on Substances that Deplete the Ozone Layer;
2. To note with appreciation that 80 of the reporting parties had submitted their data for 2023 by 30 June 2024, in accordance with the encouragement in decision XV/15, and that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures;
3. To note with concern that six parties, namely Azerbaijan, the Democratic People's Republic of Korea, Djibouti, Iceland, Mali and San Marino, have not reported their data for 2023 as required under paragraph 3 of Article 7 of the Montreal Protocol, and that this places them in non-compliance with their data reporting obligations under the Protocol until such time as the Secretariat receives their outstanding data;
4. To also note with concern that one party operating under paragraph 1 of Article 5, namely Djibouti, that has ratified the Kigali Amendment to the Montreal Protocol and should have submitted baseline data for Annex F substances (hydrofluorocarbons) for the years 2020 to 2022 has not done so as required under paragraph 2 of Article 7 of the Montreal Protocol, and that this places the party in non-compliance with its data reporting obligations under the Montreal Protocol until such time as the Secretariat receives its outstanding baseline data for hydrofluorocarbons;
5. To further note with concern that two parties operating under paragraph 1 of Article 5, namely Côte d'Ivoire and Guinea, that have ratified the Kigali Amendment to the Montreal Protocol and are thus required to submit data on Annex F substances (hydrofluorocarbons) for 2023 submitted data for other controlled substances but not for hydrofluorocarbons, as required under paragraph 3 of Article 7 of the Montreal Protocol, and that this places those parties in non-compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data for hydrofluorocarbons;
6. To note that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;
7. To urge the parties listed in paragraphs 3, 4 and 5 above to report the required data to the Secretariat as soon as possible;
8. To request the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to review the situation of those parties at its seventy-fourth meeting;
9. To encourage parties to continue to report consumption and production data as soon as the figures are available, and preferably by 30 June each year, as encouraged in decision XV/15 and subsequent decisions on the matter.

2. Democratic People's Republic of Korea

The Committee therefore decided to forward for consideration by the Thirty-Sixth Meeting of the Parties the following draft decision on the Democratic People's Republic of Korea.

Recommendation 73/2

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

Recalling decision XXXII/6, in which the Thirty-Second Meeting of the Parties noted that the Democratic People's Republic of Korea was in non-compliance with the Montreal Protocol control measures for hydrochlorofluorocarbon production and consumption in 2019, but also noted with appreciation the plan of action submitted by the party to ensure its return to compliance with those measures in 2023,

Noting with concern that the Democratic People's Republic of Korea reported, for 2021, annual production of 24.81 ozone-depleting-potential tonnes (ODP-tonnes) of hydrochlorofluorocarbons and annual

consumption of 58.03 ODP-tonnes of hydrochlorofluorocarbons, which is higher than its commitment, as set out in decision XXXII/6, to reduce its production and consumption of hydrochlorofluorocarbons to no greater than 24.80 ODP-tonnes and 58.00 ODP-tonnes, respectively,

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

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

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

The Thirty-Sixth Meeting of the Parties decides:

1. To note with concern that the Democratic People's Republic of Korea did not strictly adhere to its commitments for 2021 as set out in its plan of action to return to compliance contained in decision XXXII/6 and that the party was in non-compliance with control measures for that substance under the Montreal Protocol for 2021;
2. To express serious concern regarding the fact that the party has not yet, despite several requests by the Implementation Committee in its recommendations 68/4, 69/4, 70/2 and 72/3 and repeated reminders by the Secretariat, provided an explanation for the deviations mentioned in paragraph 1 above, and has not submitted a revised plan of action, if appropriate, to ensure its return to compliance with the control measures of the Montreal Protocol for hydrochlorofluorocarbons in 2023, along with a progress report on the establishment of additional national policies facilitating the phase-out of hydrochlorofluorocarbons that might include, but would not be limited to, bans on imports, on production or on new installations, along with certification of refrigeration technicians and companies, as set out in its plan of action to return to compliance contained in decision XXXII/6;
3. To note with concern that the Democratic People's Republic of Korea has not reported its 2023 data as required under Article 7, paragraph 3, of the Montreal Protocol, and that this places the party in non-compliance with its 2023 data reporting obligations under the Montreal Protocol until such time as the Secretariat receives its outstanding data as also noted in paragraph 3 of decision XXXVI/13;
4. To urge the Democratic People's Republic of Korea to provide an explanation for the deviations, together with Article 7 data for 2023, as a matter of urgency, and no later than 31 March 2025, and, if appropriate, to submit a revised plan of action to ensure its return to compliance with the control measures of the Montreal Protocol for hydrochlorofluorocarbons in 2023, for consideration by the Implementation Committee at its seventy-fourth meeting;
5. To also urge the Democratic People's Republic of Korea to submit a progress report on efforts to establish additional national policies facilitating the phase-out of hydrochlorofluorocarbons that might include, but would not be limited to, bans on imports, on production or on new installations, along with certification of refrigeration technicians and companies, for consideration by the Implementation Committee at its seventy-fourth meeting, as set out in paragraph 5 of decision XXXII/6;
6. To invite the Democratic People's Republic of Korea to send a representative to the Committee's seventy-fourth meeting unless the party has, prior to the meeting, provided the information referred to in paragraphs 3 to 5 above;
7. To caution the Democratic People's Republic of Korea, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that if the Democratic People's Republic of Korea fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of hydrochlorofluorocarbons, the substances that are the subject of non-compliance, is ceased so that exporting parties do not contribute to a continuing situation of non-compliance;
8. To continue to monitor closely the progress made by the Democratic People's Republic of Korea in implementing its plan of action and obligations under the Montreal Protocol.

3. Libya

The Committee therefore agreed:

- (a) To note with appreciation the submission by Libya of an update on the progress made towards imposing a ban on the procurement of air-conditioning equipment containing hydrochlorofluorocarbons and considering a ban on the import of such equipment, which had not yet been put in place;
- (b) To request Libya to submit to the Secretariat, by 31 March 2025, a further update on the progress made towards the implementation of the actions set out in paragraph 2 (c) of decision XXVII/11, for consideration by the Implementation Committee at its seventy-fourth meeting.

Recommendation 73/3

B. Requests for changes in baseline data for hydrofluorocarbons

1. Armenia

The Committee therefore agreed:

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

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

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

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

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

2. To also request Armenia, in the event that the information required to support its request for the revision of their baseline data is confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which will ensure that the data will be treated with professional secrecy and maintained confidential when reporting on it to the Implementation Committee.

Recommendation 73/4

2. Nigeria

The Committee therefore agreed:

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

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

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

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

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

2. To also request Nigeria, in the event that the information required to support its request for the revision of their baseline data is confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which will ensure that the data will be treated with professional secrecy and maintained confidential when reporting on it to the Implementation Committee.

Recommendation 73/5

3. Cook Islands

The Committee therefore agreed:

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

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

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

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

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

2. To also request the party, in the event that the information required to support its request for the revision of their baseline data is confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which will ensure that the data will be treated with professional secrecy and maintained confidential when reporting on it to the Implementation Committee.

Recommendation 73/6

4. Kiribati

The Committee therefore agreed:

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

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

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

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

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

2. To also request the party, in the event that the information required to support its request for the revision of their baseline data is confidential, to provide such information to the Secretariat in

accordance with paragraph 2 of decision I/11, which will ensure that the data will be treated with professional secrecy and maintained confidential when reporting on it to the Implementation Committee.

Recommendation 73/7

5. Marshall Islands

The Committee therefore agreed:

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

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

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

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

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;
2. To also request the party, in the event that the information required to support its request for the revision of their baseline data is confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which will ensure that the data will be treated with professional secrecy and maintained confidential when reporting on it to the Implementation Committee.

Recommendation 73/8

6. Nauru

The Committee therefore agreed:

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

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

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

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

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;
2. To also request the party, in the event that the information required to support its request for the revision of their baseline data is confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which will ensure that the data will be treated with professional secrecy and maintained confidential when reporting on it to the Implementation Committee.

Recommendation 73/9

7. Niue

The Committee therefore agreed:

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

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

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

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

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

2. To also request the party, in the event that the information required to support its request for the revision of their baseline data is confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which will ensure that the data will be treated with professional secrecy and maintained confidential when reporting on it to the Implementation Committee.

Recommendation 73/10

8. Tuvalu

The Committee therefore agreed:

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

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

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

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

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

2. To also request the party, in the event that the information required to support its request for the revision of their baseline data is confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which will ensure that the data will be treated with professional secrecy and maintained confidential when reporting on it to the Implementation Committee.

Recommendation 73/11

9. Vanuatu

The Committee therefore agreed:

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

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

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

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

1. To request the party to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its

hydrofluorocarbon baseline data, as soon as possible, and preferably no later than 31 March 2025, for consideration by the Implementation Committee at its seventy-fourth meeting;

2. To also request the party, in the event that the information required to support its request for the revision of their baseline data is confidential, to provide such information to the Secretariat in accordance with paragraph 2 of decision I/11, which will ensure that the data will be treated with professional secrecy and maintained confidential when reporting on it to the Implementation Committee.

Recommendation 73/12

C. Status of the establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol

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

Recommendation 73/13

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

Noting that Article 4B, paragraph 2 bis, of the Montreal Protocol on Substances that Deplete the Ozone Layer requires each party to establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances listed in Annex F to the Protocol,

Noting with appreciation that 154 of the 160 parties to the Montreal Protocol that have ratified the Kigali Amendment have established import and export licensing systems for Annex F controlled substances as required, and that five parties that have not yet ratified the Kigali Amendment have also reported the establishment and implementation of such licensing systems,

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

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

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

The Thirty-Sixth Meeting of the Parties decides:

1. To take note with appreciation of the efforts made by the parties in the establishment and operation of licensing systems for Annex F controlled substances under Article 4B, paragraph 2 bis, of the Montreal Protocol;
2. To urge the three parties listed in the annex to the present decision to provide information to the Secretariat on the establishment of licensing systems as a matter of urgency, and no later than 31 March 2025, for consideration by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its seventy-fourth meeting;
3. To urge all parties to the Montreal Protocol that have ratified the Kigali Amendment and that have not yet established and implemented import and export licensing systems for controlled substances under Annex F to the Protocol to do so, and to report that information to the Secretariat within three months of doing so;
4. To request the Secretariat to review periodically the status of the establishment of import and export licensing systems for Annex F controlled substances by all parties to the Protocol, as called for in Article 4B, paragraph 4, of the Protocol.

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

1. Angola
2. Kenya
3. San Marino