



**United Nations
Environment
Programme**



Distr.: General
9 October 2008

English only

**Twentieth Meeting of the Parties
to the Montreal Protocol on
Substances that Deplete the Ozone Layer**
Doha, 16–20 November 2008
Item 4 (i) of the provisional agenda of
the preparatory segment*

**Discussion of Montreal Protocol-related issues:
compliance and reporting issues considered by the
Implementation Committee, including non-compliance
with the Montreal Protocol that may be attributable to
CFC consumption for production of metered dose inhalers
in certain Parties operating under paragraph 1 of Article 5
(decision XVIII/16 paragraphs 3–5)**

**Implementation Committee under the
Non-compliance procedure for the
Montreal Protocol
Forty-first meeting**

Doha, 12–14 November 2008
Item 3 of the provisional agenda**

**Report by the Secretariat on data under
Article 7 of the Montreal Protocol**

**Information from importing Parties affirming that
chlorofluorocarbons are required and that such importation would
not result in non-compliance (submitted to the Secretariat by
exporting Parties in accordance with decision XVII/12)**

Note by the Secretariat

1. The Secretariat has prepared the present note in accordance with decision XVII/12 of the Seventeenth Meeting of the Parties. Paragraph 2 of that decision requested that the Secretariat, when reporting at each regular Meeting of the Parties the level of production of chlorofluorocarbons in Parties not operating under paragraph 1 of Article 5 to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 as compared to their allowed production as set out in Article 2A of the Protocol, to include copies of affirmations from prospective importing Parties that chlorofluorocarbons are required and that such importation would not result in non-compliance submitted to the Secretariat by exporting Parties.

* UNEP/OzL.Pro.20/1.

** UNEP/OzL.Pro/ImpCom/41/1.

2. Spain is the only Party to have submitted to the Secretariat copies of affirmations and information related to decision XVII/12 for the years 2006 and 2007. Spain has indicated that as it is the only producing Party within the European Community, its report reflects the situation for the 27 Parties that are member States of the European Union.
3. The related information accompanying the submissions from Spain for 2006 is set out in annex I to the present note, while the information for 2007 is set out in annex II. The respective confirmation letters have been submitted to the Secretariat and may be made available to Parties upon request, subject to the applicable privacy and confidentiality rules.

Annex I

Annex I - DecXVII-12: 2006 CFC Production Report from Spain

Annex I: SPAIN – 2006 CFC PRODUCTION REPORT ON DECISION XVII/12

Introduction

This report describes the implementation of Decision XVII/12: *Minimizing production of chlorofluorocarbons (CFCs) by Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5*, in Spain and in the European Community. Spain is the only remaining Party in the European Community producing CFC, hence this report also reflects the situation for all 27 Parties that are Member States to the European Union.

Dec XVII/12 urges all non-Article 5 Parties that produce chlorofluorocarbons to meet the basic domestic needs of Article 5 Parties to ensure that such production is truly required by requesting a written affirmation from the prospective importing Party that the chlorofluorocarbons are required and that such importation would not result in its non-compliance, prior to exporting any chlorofluorocarbons to meet the basic domestic needs of Article 5 Parties.

It also requests to include copies of these written affirmations when reporting chlorofluorocarbon production to meet the basic domestic needs of Article 5 Parties to the Ozone Secretariat under Article 7 of the Protocol.

The implementation of the paragraph above by the European Community is described in the next paragraph. A list of the requests of the written affirmations is also included, and the copies are attached in electronic format.

Implementation of Dec XVII/12

In 2006, only one company physically produced CFCs in Europe (Arkema), which is located in Spain. It produced according to its own production rights, and also using the transferred rights from France (the same company) and United Kingdom (two other companies).

The production of CFCs is regulated in the European Community by Regulation (EC) No 2037/2000. This Regulation does not include the provisions envisaged by Dec XVII/12, and due to the late approval of the Dec. (December 2005), a voluntary agreement approach with the involved companies was chosen, instead of a regulatory one.

The primary intention of Dec XVII/12 is to avoid unrequired production of CFCs, so the conformity from the importing Parties should be available before the authorisation of production is issued.

Taking into account the division of responsibilities between the European Community and the producer Member States, the following procedure was agreed between the European Community, involved Member States (Spain, France and United Kingdom) and the involved companies:

1. Authorisations or agreement of transfers were given conditional to the agreement of the involved companies to implement the agreed procedure.
2. A common letter format was agreed requesting the importing Party to affirm the conformity of the import. This letter was sent as soon as possible to the Montreal Protocol licensing focal point –according to the Secretariat database- of the importing Party, and, if no reply is obtained, it is sent again.
3. The exports are issued if no negative letter is received.

Annex I - DecXVII-12: 2006 CFC Production Report from Spain

Summary:

The quantities of CFCs authorised to be produced for BDN in Spain in 2006 were (in metric tonnes):

Production Rights	
Spain	1385,16
France	1731,67
United Kingdom	525,00
United Kingdom	1000,00
Total	4641,83

The total quantities set out in the authorisation letters requesting affirmation was, according to the information received from the companies, 3552 MT.

The total quantities produced in Spain in 2006 were 2964 MT for all uses – including MDI use in non Article 5 countries

Around 50 letters were sent out and less than 20 replies were received

**List of letters requesting the statement confirming the requirement of the CFCs
-Compiled from the information received from the production rights owner companies-**

Importing Party	Req. Letter sent	Reply received	Quantity requested by letter	Quantity accepted by letter
CUBA	yes	yes	52,081	52,081
CUBA	yes	yes	123,352	123,352
URUGUAY	yes	yes	14	14
ARGENTINA	yes	yes	60	60
ARGENTINA	yes	yes	120	120
MEXICO	yes	yes	16	16
MEXICO	yes	yes	36	36
IRAN	yes	yes	17,29	17,29
IRAN	yes	yes	30	30
BANGLADESH	yes	no	20	
BRAZIL	yes	no	70	
SERBIA AND MONTENEGRO	yes	no	30	
ARGENTINA	yes	yes	14	14
BANGLADESH	yes	yes	80	80
MOLDAVIA	yes	yes	40	11,42
ALGERIA	yes	no	200	
SAUDI ARABIA	yes	no	170	
CHILE	yes	no	40	
COSTA RICA	yes	no	20	
CUBA	yes	no	20	
EGYPT	yes	no	30	
ARAB EMIRATES	yes	no	300	
IRAN, ISLAMIC REPUBLIC OF	yes	no	100	
MALASIA	yes	yes	47	--
NIGERIA	yes	no	100	

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PAKISTAN	yes	yes	100	203
PANAMA	yes	no	20	
SIRIA	yes	no	58	
THAILAND	yes	no	200	
VIETNAM	yes	no	50	
LEBANON	yes	no	10	
QATAR	yes	no	14	
RUMANIA	yes	no	80	
SRI LANKA	yes	no	11	
AFGANISTAN	yes	no	14	
SENEGAL	yes	no	3	
SINGAPUR	yes	yes	18	--
CROATIA	yes	no	60	
EGIPT	yes	no	300	
TURKIA	yes	no	40	
VIETNAM	yes	no	45	
ARAB EMIRATES	yes	no	60	
LEBANON	yes	no	40	
KUWAIT	yes	no	40	
JORDAN	yes	no	60	
IRAN, ISLAMIC REPUBLIC OF	yes	yes	500	
CÔTE D'IVOIRE	yes	no	40	
BANGLADESH	yes	yes	40	

TOTAL QUANTITY

3552,72

Annexed:

Example of letter requesting the conformity of the production.

Annex I - DecXVII-12: 2006 CFC Production Report from Spain

Dear Sir,

Production and Supply of CFCs for Basic Domestic Needs of Parties operating under paragraph 1 of Article 5 of the Montreal Protocol

You will be aware that the 17th Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decided (attached Decision XVII/12: "Minimizing production of chlorofluorocarbons by Parties not operating under paragraph 1 of Article 5 of the Montreal Protocol to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5") to: "*urge all Parties not operating under paragraph 1 of Article 5 that produce chlorofluorocarbons to meet the basic domestic needs of Parties operating under paragraph 1 of Article 5 to ensure that such production is truly required by :*

- (a) *Requesting a written affirmation from the prospective importing Party that the chlorofluorocarbons are required and that such importation would not result in its non-compliance, prior to exporting any chlorofluorocarbons to meet basic domestic needs of Parties operating under paragraph 1 of Article 5."*

XXXXXXXXX Ltd. produces CFC-11 and CFC-12 at the Arkema Quimica facility in Zaramillo, Spain and markets CFCs under the registered trade name XXXXXXXX. XXXXXXXXXX fully supports the Montreal Protocol on Substances that Deplete the Ozone Layer and is reducing its own production of CFCs that it supplies to meet the Basic Domestic Needs of countries operating under paragraph 1 of Article 5. In the years 2004 and 2005 we supplied CFCs to companies in your country for Basic Domestic Needs. These sales were reported to the European Commission and, by them, to the UNEP Ozone Secretariat. As a result of the above Decision of the Parties, we are required to request your written affirmation that you are willing to accept the import of CFCs in 2006. We expect the demand for CFCs for basic domestic needs in 2006 to be XX tonnes. We make this request after discussions with the Spanish government who has the responsibility for authorising the production in Spain for XXXXXXXXX .

To facilitate a reply, I have prepared a proforma letter should you be willing to accept importation of CFCs produced by XXXXXXXXX .

Thank you for your consideration of this matter. If you require any further information please do not hesitate to contact me either by telephone, fax or email.

Yours faithfully,

Annex I - DecXVII-12: 2006 CFC Production Report from Spain

To:

From:

Importation of CFCs for Basic Domestic Needs of a Party operating under paragraph 1 of Article 5 of the Montreal Protocol on Substances that Deplete the Ozone Layer

I, on behalf of the Government of _____ affirm that we are willing to import CFCs produced by XXXXXXXX. in the year 2006 to meet our Basic Domestic Needs. The estimated quantities to be supplied are _____ tonnes. If demand should exceed these levels then XXXXXXXX will re-request affirmation for supply.

Quantities of CFCs produced and exported from XXXXXXXX for this purpose must not exceed the quantities outlined in Annex IX of UNEP/OzL.Pro.17/6. This document can be found at: http://www.unep.ch/ozone/Meeting_Documents/mop/17mop/17mop-6.e.pdf

Name:

Position:

Signature:

Date:

Annex II

Annex II - DecXVII-12: 2007 CFC Production Report from Spain

Annex II: SPAIN – 2007 CFC PRODUCTION REPORT ON DECISION XVII/12

Introduction

Dec XVII/12 urges all non-Article 5 Parties that produce chlorofluorocarbons to meet the basic domestic needs of Article 5 Parties to ensure that such production is truly required by requesting a written affirmation from the prospective importing Party that the chlorofluorocarbons are required and that such importation would not result in its non-compliance, prior to exporting any chlorofluorocarbons to meet the basic domestic needs of Article 5 Parties. It also requests to include copies of these written affirmations when reporting chlorofluorocarbon production to meet the basic domestic needs of Article 5 Parties to the Ozone Secretariat under Article 7 of the Protocol.

The implementation of the paragraph above by Spain and the European Community was described in detail in last year (2006) report. Relevant information about 2007 is included below together with a list of the requests of the written affirmations. Copies of the relevant documents are attached in electronic format.

As Spain is the only producing Party within the European Community, this report reflects the situation for all 27 Parties that are Member States of the European Community.

Implementation of Dec XVII/12 during 2007

In 2007, only one company physically produced CFCs in Europe (Arkema Quimica S.A.), which is located in Spain. It produced according to its own production rights, and also using the transferred rights from of other companies located in France (and the United Kingdom).

The quantities of CFCs authorised to be produced for BDN in Spain in 2007 were (in metric tonnes):

Production Rights	
Spain	407,70
France	519,49
United Kingdom	525,00
Total	1452,19

The total quantities set out in the authorisation letters requesting affirmation were, according to the information received from the companies, 3552 metric tonnes.

The total quantities produced for BDN in Spain in 2007 were 1212 metric tonnes.

Around 25 letters were sent out and less than 10 replies were received.

Annex II - DecXVII-12: 2007 CFC Production Report from Spain

List of letters requesting the statement confirming the requirement of the CFCs
-Compiled from the information received from the production rights owner companies-

	letters sent march 2007		2007 requested quantities (tn)	2007 accepted quantities (tn)
	sent	answered		
BRASIL	yes	yes	30	226
SERBIA	yes	yes	30	30
ARGENTINA	yes	yes	60	150
BANGLADESH	yes	yes	40	80
MOLDOVIA	yes	yes	10	9,2
ALGERIA	yes	no	80	
SAUDI ARABIA	yes	no	60	
CHILE	yes	no	40	
COSTA RICA	yes	no	30	
CUBA	yes	no	30	
EGYPT	yes	no	100	
ARAB EMIRATES	yes	no	250	
IRAN	yes	no	140	
MALASIA	yes	no	30	
NIGERIA	yes	no	50	
PAKISTAN	yes	no	100	
PANAMA	yes	no	20	
SYRIA	yes	no	80	
THAILAND	yes	no	80	
VIETNAM	yes	no	30	
IRAN	yes	yes		39,38
URUGUAY	yes	yes		---
BANGLADESH	yes	yes		40
BRAZIL	yes	yes		---
CUBA	yes	yes		41.82