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IMPLEMENTATION COMMITTEE UNDER THE
NON-COMPLIANCE PROCEDURE FOR THE
MONTREAL PROTOCOL

RECOMMENDATIONS OF THE IMPLEMENTATION COMMITTEE OF THE
MONTREAL PROTOCOL (1990-2000)

This document presents a listing of past recommendations adopted by the Implementation Committee that contain lasting impact on its work for the ten-year period 1990 – 2000.

Note: The titles of the recommendations of the Committee (which are repeated in the Contents and Index) indicate where a recommendation led to a subsequent decision of a meeting of the parties.

For example, 'Recommendation 25/(a): Terms of office of the Committee (→Dec XII/13)' indicates that recommendation 25(a) of the 25th meeting of the Committee led to Decision XII/13 of the twelfth meeting of the parties to the Montreal Protocol.

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1 Implementation Committee procedures

Recommendation 1/(a): Contact with parties

- (a) The Implementation Committee proposed to have direct contacts with the Parties regarding matters of compliance, a matter that was later clarified that the Committee's mandate allowed it to approach the Parties directly.

Action taken: It was confirmed to the Committee that, it was by the understanding of the Ad Hoc Working Group of Legal Experts on Non-Compliance at its meeting in July 1989 that the mandate of the Committee allowed it to approach the Parties directly.

Recommendation 1/(b): Meetings of the Committee (→Non-compliance procedure (1992))

- (b) The Committee suggested to have at least two meetings annually – one in connection with the reporting of the data by the Parties in accordance with Article 7 of the Protocol, and another prior to the annual Meeting of the Parties.

Action taken: The suggestion was included in paragraph 6 of the Non-Compliance Procedure that was approved by the Parties in 1992.

Recommendation 1/(c): Recommendations by the Committee (→Dec III/2(iii))

- (c) The Committee considered its role to be not only to report to the Meetings of the Parties but also to provide them with recommendations which could allow contracting Parties to take decisions.

Action taken: Parties adopted decision III/2(iii) as recommended by the Committee.

Recommendation 2: Secretariat and reports of the Committee

- The Committee recognized the important administrative work by the Secretariat to assist the Committee in its work including such administrative measures as were necessary to provide the best and the most complete information to the Committee.
- The Secretariat was requested to expedite the collection of data and the revision of the analysis of such data so that the report could be made available to the Committee members at least four weeks before its meeting and the Meeting of the Parties.
- Data on production, import and exports to be treated as confidential.
- Reports of the Committee shall not be treated as restricted.

Action taken: The Secretariat took note of the Committee's observations and implemented its request.

Recommendation 3/(a): Report to Open-Ended Working Group

- (a) The Committee recommended that the agenda of the meeting of the Open-ended Working Group should include a presentation by the President of the Implementation Committee.

Action taken: The Secretariat implemented the recommendations of the Committee.

Recommendation 3/(b): Secretariat report on data

- (b) The report by the Secretariat on data:
- should be prepared as a complete document rather than an update of the previous report;
 - A comprehensive introductory note and summary should be placed at the beginning of the report;
 - most of the tables containing figures should be presented as an appendix; and
 - the summary of reporting under Article 4 should be more detailed.

Action taken: The Secretariat implemented the recommendations of the Committee.

Recommendation 5/(a): Membership of the Committee (→Non-compliance procedure (1998))

- (a) The Committee recommended that Governments of the Parties to which Implementation Committee members belonged should maintain continuity in their representation on the Implementation Committee.

Action taken: This recommendation is incorporated in paragraph 5 of the revised Non-Compliance Procedure (1998) that was approved by the Parties in 1998.

Recommendation 8/(a): Implementation and Executive Committees

- (a) The Committee suggested that the Chair or Vice-Chairs of the Executive Committee and the Implementation Committee were invited to attend each other's meetings on a reciprocal basis.

Action taken: The President of the Implementation Committee participated in the meetings of the Executive Committee in 1995 and 1996 but there was no reciprocal representation in the Implementation Committee meetings by Chair and Vice-Chair of the Executive Committee.

Recommendation 24/(a): Reports to the Committee

- (a) Following the remarks by implementing agencies and the ensuing decision, the Committee took note with appreciation, the remarks by Fund Secretariat, GEF and implementing agencies and recommended that the documentation analysing the policies and regulations in place in countries, as prepared by UNEP and other implementing agencies and provided to the Secretariat of the Multilateral Fund would, in future, also be provided to members of the Implementation Committee prior to their meeting.

- It was further agreed that the Ozone Secretariat and the Secretariat of the Multilateral Fund would consider how data compiled by the implementing agencies could best be presented to the Implementation Committee, in the form of one annual report through the Secretariat of the Multilateral Fund.

Action taken: The Secretariat followed up the Committee's findings with relevant Parties.

Recommendation 25/(a): Terms of office of the Committee (→Dec XII/13)

- (a) Beginning in 2001, the terms of the Committee and the two officers would run from 1 January to 31 December and that, beginning with the Twelfth Meeting, the new Implementation Committee elected or confirmed by the Meeting of the Parties should elect the President and Vice-President for the next year during the Meeting of the Parties.

Action taken: The Parties adopted decision XII/13 on term of office of the Implementation Committee on the basis of recommendation by the Committee.

2 Data reporting

2.1 Collection, presentation and analysis of data

Recommendation 2: Secretariat and reports of the Committee

- The Secretariat was requested to expedite the collection of data and the revision of the analysis of such data so that the report could be made available to the Committee members at least four weeks before its meeting and the Meeting of the Parties.

Action taken: The Secretariat took note of the Committee's observations and implemented its request.

Recommendation 3/(b): Secretariat report on data

- (b) The report by the Secretariat on data:
 - should be prepared as a complete document rather than an update of the previous report;
 - A comprehensive introductory note and summary should be placed at the beginning of the report;
 - most of the tables containing figures should be presented as an appendix; and
 - the summary of reporting under Article 4 should be more detailed.

Action taken: The Secretariat implemented the recommendations of the Committee.

Recommendation 12/(a): Population data

- (a) The Committee agreed that its guidance to the Secretariat was that the best population data should be used whenever possible but that ultimately it was the Party supplying the data which had the final word.

Action taken: The Secretariat is guided by this recommendation whenever necessary.

Recommendation 23/(a): Data reports (→Dec XI/23)

- (a) The Implementation Committee considered the updated data report by the Secretariat under Article 7 of the Montreal Protocol and decided to recommend to the Eleventh Meeting of the Parties:
 1. *To note* the improvement in the timely submission of data in accordance with Article 7 of the Protocol;

2. *To note* that Parties not reporting data by 30 September of the following year are considered in non-compliance with obligations under Article 7 of the Protocol;
3. *To urge* all Parties to introduce licensing systems in accordance with the provisions of Decision IX/8 and Article 4B of the Protocol to facilitate accuracy in data submission under Article 7;
4. *To note* that data collection on ODS sectors is important in assisting a Party to meet its obligations under the Protocol and that the Parties might wish to consider the burden of collecting sector data and other data required in the context of the Montreal Protocol at a future meeting;
5. *To note* that, because of the significant improvement in the timely submission of data, the Implementation Committee had been able in 1999 to review the control status of Parties for the previous year, 1998. In earlier years, the Implementation Committee had reviewed only the control status for two years prior. Accordingly, the Implementation Committee should begin a full review of data for the year immediately prior to the Meeting of the Parties beginning in 2000;
6. *To note* that many Parties with economies in transition have established a phase-out plan with specific interim benchmarks in cooperation with the Global Environment Facility;
7. *To urge* Parties with economies in transition to submit to the Secretariat the phase-out plans with specific interim benchmarks developed with the Global Environment Facility in accordance with requests made at the Tenth Meeting of the Parties.

Action taken: *The Parties adopted decision XI/23 on the basis of recommendation by the Committee.*

2.2 Data reporting formats

Recommendation 6: Data reporting formats (→Dec V/5)

- The proposed new data formats were recommended for approval to the Fifth Meeting of the Parties.

Action taken: *Parties adopted decision V/5 approving the revised data-reporting formats on the recommendation of the Committee.*

Recommendation 18/(a): Data reporting formats

- (a) The Committee, after considering the reporting mandates required by the Protocol for assessing compliance (decision VIII/21), took note of the following suggestions and decided that the draft formats should be submitted to the Open-ended Working Group Meeting for comments and the President of the Committee would meet inter-sessionally with interested Parties to revise the formats further on the basis of the comments received and present the revised forms to the Implementation Committee at its next meeting:

- (i) To move the forms most likely to be completed by all Parties, including low-volume and very low-volume-consuming countries, to the front of the form section, and to note this organizational matter clearly in the cover letter and instructions;
- (ii) To add a clear statement in the covering letter and the instructions making it clear that the forms cover all reporting requirements faced by the Parties and indicating the Articles of the Protocol and decisions of the Meeting of Parties to which they relate;
- (iii) To include at the appropriate place in the instructions a heading “Definitions”;
- (iv) To develop a data reporting handbook to accompany the forms and which would provide detailed information to the Parties regarding: the exact date needed to complete each form; where and how to obtain the necessary data; and which officers in the Implementing Agencies, Fund and Ozone Secretariats to contact for further assistance;
- (v) To harmonize the presentation of, and references to, ozone-depleting substances in the various forms;
- (vi) To provide the Parties and Implementing Agencies with precise, written descriptions of the procedures and timetables used by the Ozone and Fund Secretariats in requesting data, including all relevant forms;
- (vii) To reduce the volume of forms by including methyl bromide on the same form as other controlled substances and to put the destruction and export information on a single form;
- (viii) To request that the Parties clarify the term “use” in Article 2H of the Protocol as it relates to reporting requirements for methyl bromide;
- (ix) To harmonize reporting dates between the Fund and Ozone Secretariats and to introduce a single set of reporting forms that could be sent to Parties at a single time;
- (x) To include, probably as a footnote, on form 3, in the column “quantities destroyed”, the phrase “having taken into account efficiency of destruction facilities”, in order to align it with the relevant decision by the Parties;
- (xi) To amend the heading of column 3 in form 4 and similar columns in forms 5, 6 and 7, to read “total quantities” rather than “quantities”, in order to emphasize, as do the instructions for the form, that this column must include ODS to be used as feedstock or for quarantine and pre-shipment purposes, as appropriate;
- (xii) To remove from form 5 the column labelled “quantity of new substances expected to be used as critical agricultural uses”, as critical uses could only be relevant following a phase-out date for a particular ODS.

Action taken: The data reporting formats were redesigned and presented to the subsequent meeting of the Implementation Committee.

Recommendation 19/(a): Data reporting formats (→Dec IX/28)

- (a) Following the Committee’s review of reporting mandates required by the Protocol for assessing compliance (decision VIII/21) and draft data-reporting formats, it
 - (i) Noted with appreciation the work of the Secretariat and others in redesigning the data reporting forms;

- (ii) Noted also that the issue of reporting data is an important one and that it is an area to which the Parties may consider it appropriate to give greater consideration;
- (iii) Further noted that reporting of data on substances which are imported in mixtures is a potentially difficult area and one where provision of information would assist the Parties to report data more accurately.

Accordingly, the Implementation Committee recommended that the Ninth Meeting of the Parties should decide:

- (i) To approve the revised data forms for reporting data prepared according to the reporting mandates of the Protocol. The Data Forms are set out in annex I to the present report (report of the nineteenth meeting of the Implementation Committee);
- (ii) To recall decision IV/10 and request the TEAP to prepare a list of mixtures known to contain controlled substances and the proportions of those substances as percentages. In particular the list should provide information on refrigerant mixtures and solvents. It should report this information to the Parties at the Seventeenth Meeting of the Open-ended Working Group, and annually thereafter;
- (iii) To request UNEP Industry and Environment to draw on its existing reports and its OAIC diskette database, and, in collaboration with the other Implementing Agencies and the Secretariat of the Multilateral Fund, prepare a handbook on data-reporting which will provide information to the Parties to assist all Parties with data-reporting. This information should include techniques for data collection, trade names, as identified by TEAP, customs codes (where these exist), and advice on what sectors of industry may be using these products;
- (iv) To stipulate that, for the purpose of the data collection only, when reporting data on the consumption of methyl bromide for quarantine and pre-shipment applications, the Parties shall report the amount consumed (i.e. import plus production minus export) and not actual "use".

***Action taken:** The Parties noted with appreciation the work done by the Implementation Committee and adopted decision IX/28, approving the new data formats based on the recommendation of the Committee.*

2.3 Difficulties in data reporting

Recommendation 7: Data reporting difficulties

- After hearing from the Parties that had consistently failed to provide data as required by the Protocol, the Committee suggested that it needed to expand its analysis of why reporting difficulties existed, expand its dialogue with implementing agencies to see if those difficulties could be removed and expand its examination of the reporting requirements to include their substance as well as their process. It recommended to ensure that Implementation Committee members as well as representatives of the Fund Secretariat and Implementing Agencies attend every meeting of the Committee.

Action taken: The Fund Secretariat and Implementing Agencies were invited to participate in all meetings of the Implementation Committee following this recommendation.

Recommendation 8/(b): Data reporting and temporary classification (→Dec VI/5)

- (b) The committee agreed to meet with Parties that had not submitted data by differentiating them according to the status of their country programmes and other assistance projects and recommended that:
 - (i) Secretariat should continue to classify developing countries temporarily as operating under Article 5 for a period of two years where Parties provide no data or submit incomplete or estimated data.
 - (ii) the Executive Committee should continue to consider projects other than country programme preparation from Parties temporarily classified as operating under Article 5.
 - (iii) Parties should be allowed to correct their data in the interest of accuracy for a given year.

Action taken: The Parties adopted decision VI/5 incorporating the recommendations of the Implementation Committee.

Recommendation 10/(a): Difficulties in data reporting

- (a) The Committee, after considering the data report under Article 7 of the Protocol:
 - (i) Expressed concern at the problems encountered in receiving data from a number of countries on an ongoing basis, while recognizing that the rate of reporting in relation to the overall level of consumption was, in fact very good;
 - (ii) Decided that the Parties should be made aware of the problem and recommended that some action should be taken to improve the reporting discipline of the Parties concerned. Such actions might take the form of a decision on the eligibility for funding of Parties that had reported their baseline data but from whom no further data reports had been received.;
 - (iii) Agreed that there was a need to support the efforts of national ozone officers since the initial data collection was done by consultants;
 - (iv) Suggested that, in view of the difficulties involved in directly approaching government authorities other than the designated focal point, correspondence from the Secretariat urging Governments to submit data should be copied to the appropriate Implementing Agencies, who could then support the appeals through their contacts in the countries concerned;
 - (v) Expressed the view that the widest possible participation in the Montreal Protocol processes would be helpful in increasing awareness of the need to report data.

Action taken: The Secretariat implemented the recommendations of the Committee by contacting the Parties concerned with non-reporting data and non-ratification of ozone Agreements to obtain the required information and urged ratification of the agreements.

Recommendation 21/(a): Inconsistencies in the timing for reporting data under Article 7 and the phase-out schedule under Article 5 (→Dec X/29)

- (a) *Noting* that the compliance period for Parties operating under paragraph 1 of Article 5 of the Protocol for the freeze in production and consumption extends from 1 July 1999 to 30 June 2000, from 1 July 2000 to 30 June 2001, and from 1 July 2001 to 31 December 2002 under paragraph 8 *bis* of Article 5,

Noting also that the process of collecting accurate data on anything other than a calendar year basis is very difficult,

Noting further that Parties not operating under paragraph 1 of Article 5 faced similar difficulties, which were overcome when it became clear that their reductions in production and consumption were significantly below those required under the freeze obligations of Article 2A,

1. To urge the Implementation Committee to review and report on the status of the data reported by Parties operating under paragraph 1 of Article 5, relative to the freeze in production and consumption using the best available data submitted;
2. To urge the Implementation Committee to view the data from the July to June time period, or other time periods relevant to paragraph 8 *bis* of Article 5, as especially critical in cases where annual data submitted by Parties operating under paragraph 1 of Article 5 demonstrates that a country is very close to its baseline freeze level;

Action taken: *The Parties adopted decision X/29 on inconsistencies in the timing for data reporting under Article 7 and the phase out schedule under Article 5 on the basis of the recommendation of the Committee.*

Recommendation 25/(b): Process agents

- (b) In view of the fact that the reporting requirement on process agents set out in decision X/14 was not sufficiently clear, leading to problems with the drafting of data form 6 and its eventual approval, the Committee agreed that the Secretariat would identify the Parties which would be affected by the reporting requirement and invite them to discuss which data should be provided and how the form should be designed. It would then report back to the Committee with a view to a recommendation being made to the Meeting of the Parties.

Action taken: *The Secretariat will be reporting on this issue to the Implementation Committee at its twenty-sixth meeting.*

2.4 Multilateral Fund and Implementing Agencies

Recommendation 9/(a): Training in data reporting

- (a) The Committee recommended that the Executive Committee should study the possibility of supporting the training of ozone officers in developing countries to enable them to carry out the collection of data under Article 7 of the Protocol.

Action taken: It was clarified by the Fund Secretariat that such a recommendation had already been adopted at the thirteenth meeting of the Executive Committee of the Multilateral Fund.

Recommendation 14/(a): Data reporting and implementing agencies

- (a) The Implementation Committee
 - (i) Took note with appreciation of the information provided by the representatives of the Implementing Agencies on their efforts to improve data reporting by Parties in which they were assisting in country programme formulation, institutional strengthening, networking and project preparation and implementation;
 - (ii) Stressed the need for more prompt reporting by countries whose programmes had been approved;
 - (iii) Took note of a suggestion by the representative of one Implementing Agency that the Secretariat should copy reminders sent to Parties to the ozone offices of the countries concerned and to the Implementing Agencies.

Action taken: The Secretariat took note of the recommendation for future implementation.

Recommendation 17/(a): Data reporting for the Protocol and the Multilateral Fund

- (a) The Committee, after considering the data reporting for 1995, prepared by the Secretariat in accordance with Article 7 of the Montreal Protocol, decided that:
 - (i) The Ozone Secretariat and the Secretariat of the Multilateral Fund should be requested to jointly prepare for the consideration of the Committee at its next meeting a report explaining, as appropriate, the discrepancies, if any, in the data submitted to the two secretariats for 1995;
 - (ii) The two secretariats should be encouraged to examine the feasibility of preparing a single reporting format for the submission of the required data to both bodies.

Action taken: The Ozone Secretariat and the Fund Secretariat examined the feasibility of preparing a single reporting format but concluded and reported to the Committee that different sets of data were currently required by the rules under which the two Secretariats operated and observed that although it was indeed a valuable goal, harmonizing these requirements, including the dates by which data should be submitted, presented many challenges.

Recommendation 24/(b): Data reporting forms

- (b) The Committee requested the Ozone Secretariat to provide to the Secretariat of the Multilateral Fund copies of corrected data supplied by countries.

On the electronic data reporting forms developed by the Fund Secretariat, the Committee recommended that the Secretariat of the Multilateral Fund provide its electronic reporting software to Parties, with the aim of seeking comments on the application, refining it, and placing the matter on the agenda of the Thirteenth Meeting of the Parties to the Montreal Protocol for approval.

Action taken: The Secretariat followed up the Committee's findings with relevant Parties.

3 Article 5 classification

Recommendation 1/(d): Temporary classification (→Dec III/3)

- (d) The Committee recommended temporary classification of Bahrain, Malta, Singapore and United Arab Emirates (UAE) as not operating under Article 5 of the Protocol.

Action taken: The recommendation was adopted by the Parties in decision III/3.

Recommendation 8/(b): Data reporting and temporary classification (→Dec VI/5)

- (b) The committee agreed to meet with Parties that had not submitted data by differentiating them according to the status of their country programmes and other assistance projects and recommended that:
- (i) Secretariat should continue to classify developing countries temporarily as operating under Article 5 for a period of two years where Parties provide no data or submit incomplete or estimated data.
 - (ii) the Executive Committee should continue to consider projects other than country programme preparation from Parties temporarily classified as operating under Article 5.
 - (iii) Parties should be allowed to correct their data in the interest of accuracy for a given year.

Action taken: The Parties adopted decision VI/5 incorporating the recommendations of the Implementation Committee.

Recommendation 12/(b): Kuwait

- (b) The Committee decided to recommend that Kuwait be classified as an Article 5 Party as from 1 January 1994.

Action taken: Kuwait's status as a party operating under Article 5 became effective on 1 January 1994 as recommended by the Implementation Committee.

Recommendation 13/(a): United Arab Emirates

- (a) The Committee also considered the request for reclassification of United Arab Emirates as a Party operating under Article 5 and recommended that:
- (i) The United Arab Emirates should be reclassified as a Party operating under Article 5. This reclassification should take effect from 1995, subject, of course, to the classification called for by its 1995 figures;
 - (ii) The United Arab Emirates should be asked to pay its outstanding contribution to the Multilateral Fund for 1994;

- (iii) In accordance with decision VI/5, the United Arab Emirates should be urged not to seek financial assistance for national programmes from the Multilateral Fund.

Action taken: *The United Arab Emirates was reclassified as a Party operating under Article 5 effective 1995 as recommended by the Committee.*

Recommendation 19/(b): Brunei Darussalam (→Dec IX/33)

- (b) The Committee also considered a request by Brunei Darussalam for reclassification as a Party operating under paragraph 7 of Article 5 and agreed to recommend that the Ninth Meeting of the Parties should decide:
 - (i) To recall decision VI/5, subparagraph (c), of the Sixth Meeting of the Parties to the Montreal Protocol under which a Party is allowed to correct the data submitted by it in the interest of accuracy for a given year but no change of classification is permitted for that year pertaining to which the data has been corrected;
 - (ii) To note the revised data on consumption of ozone-depleting substances reported by Brunei Darussalam for 1994 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;
 - (iii) To note further the data on consumption of ozone-depleting substances reported by Brunei Darussalam for 1995 which show the per capita consumption for that year to be below the allowable limit to operate under paragraph 1 of Article 5;
 - (iv) To reclassify Brunei Darussalam as a Party operating under paragraph 1 of the Article 5 effective 1 January 1995 on the basis of the data for 1995.

Action taken: *The Parties adopted decision IX/33 on reclassification of Brunei Darussalam based on the recommendation of the Committee.*

Recommendation 20/(a): Democratic Republic of Korea

- (a) The Committee decided:
 - (i) To note that paragraph (a) of decision VI/5 of the Sixth Meeting of the Parties provided that a developing country temporarily classified as operating under Article 5 could lose that status if it did not: (i) report its data as required by the Protocol within two years unless the country had sought the assistance of the Executive Committee and Implementation Committee; or (ii) report its base-year data within one year of the approval of its country programme and institutional strengthening by the Executive Committee;
 - (ii) To note that the country programme of the Democratic Republic of Korea had been approved by the Executive Committee of the Multilateral Fund in February 1997;
 - (iii) To note that the country programme usually served as the basis from which continuous data-reporting begins;
 - (iv) To note that the Secretariat had not received the data required under decision VI/5 from the Democratic Republic of Korea;

- (v) To recommend to the Tenth Meeting of the Parties that the Democratic Republic of Korea lose its status as a Party operating under paragraph 1 of Article 5 unless the data required under decision VI/5 had been submitted to the Secretariat by 30 September 1998;
- (vi) To request the Secretariat, in consultation with the Implementing Agencies of the Multilateral Fund, to bring the above recommendation to the attention of the Government of the Democratic Republic of Korea.

Action taken: The Democratic People's Republic of Korea reported the required data in time and was classified as a Party operating under Article 5.

Recommendation 25/(c): Slovenia (→Dec XII/12)

- (c) On the request by Slovenia to be removed from the list of developing countries under the Montreal Protocol, the Committee agreed to recommend to the Meeting of the Parties that it should accede to the request.

Action taken: The Parties adopted decision XII/12 on Slovenia's request for reclassification as a developed country on the basis of the recommendation by the Committee.

4 Other matters

4.1 Regional economic integration organizations

Recommendation 3/(c): Regional economic integration organizations

- (c) The committee discussed a definition of a regional economic integration organization for the purpose of the Montreal Protocol, and was of the opinion that, if a group of Parties wished to declare themselves as such, they should submit a proposal to that effect to the Meeting of the Parties for its consideration.

Action taken: The Secretariat took note of the recommendations by the Implementation Committee.

4.2 Customs codes

Recommendation 3/(d): Use of customs codes

- (d) The Committee noted the report of the Secretariat that the procedure of amending the Harmonized Commodity System was a lengthy one and it would not be possible to bring it into force earlier than in 1996, when most of the controlled substances would have already been phased out. It was, however, possible for every country to introduce extended codes voluntarily. There were already several such code systems in existence (i.e. in Japan and New Zealand). The Implementation Committee was of the opinion that the Secretariat should select the most suitable system and recommend it to the Parties.

Action taken: The Secretariat concluded that the most suitable way was to provide the information to the Parties so that each one can adopt a system which is most appropriate to its needs.

Recommendation 4: Analysis of customs codes in use

The Committee requested the Secretariat to provide information on all countries implementing the harmonized system of custom codes for controlled substances to enable monitoring of all imports and exports of controlled substances. This information should be provided to the Parties so that each country can adopt a system which is most appropriate to meet its needs.

Action taken: The Secretariat compiled the information which was subsequently availed to the Committee and the Parties.

4.3 Implementing agencies

Recommendation 5/(b): Training

- (b) The Committee resolved to request the Fund Secretariat and the implementing agencies to provide reports at the Committee's next meeting on the extent to which their activities including the training programmes of the Fund in Article 5 countries had helped to create the necessary conditions for the fulfilment of their reporting obligations. The Fund Secretariat was to be requested also to comment on regional efforts on the lines of the UNDP/SIDA project for members of Association of South East Asian Nations (ASEAN).

Action taken: The information requested from the Fund Secretariat and the implementing agencies was provided to the Committee while the Executive Committee later approved the regional networks project modelled on the South East Asia Network that was at the time managed by Sweden in the countries concerned.

Recommendation 7: Data reporting difficulties

- After hearing from the Parties that had consistently failed to provide data as required by the Protocol, the Committee suggested that it needed to expand its analysis of why reporting difficulties existed, expand its dialogue with implementing agencies to see if those difficulties could be removed and expand its examination of the reporting requirements to include their substance as well as their process. It recommended to ensure that Implementation Committee members as well as representatives of the Fund Secretariat and Implementing Agencies attend every meeting of the Committee.

Action taken: The Fund Secretariat and Implementing Agencies were invited to participate in all meetings of the Implementation Committee following this recommendation.

4.4 Non-parties

Recommendation 9/(b): Non-parties

- (b) The Implementation Committee agreed to forward to the Preparatory Meeting an amended decision VI/4 to read:

To note the information reported by Poland and Turkey pursuant to decision V/3 (Application of trade measures under Article 4 to non-Parties to the London Amendment) of the Fifth Meeting of the Parties and to note that these two countries have thereby submitted data demonstrating that in 1993 they were in full compliance with Articles 2, 2A, 2E and 4 of the Montreal Protocol and have submitted supporting data to that effect as specified in Article 7 of the Protocol.

To request those countries to submit data on their compliance with the above Articles of the Protocol by 31 March 1995 in order to establish their continued eligibility under Article 4 paragraph 8 to treatment as Parties during the year 1995–1996.

***Action taken:** The Secretariat conveyed the Committee's recommendation to the Parties concerned for action.*

5 Compliance by countries with economies in transition

Recommendation 10/(b): Countries with economies in transition (→Dec VII/18)

- (b) With respect to the question of countries with economies in transition that are not party to the Protocol, the Committee decided:

That such countries are subject to the trade restriction in Article 4 of the Protocol. It also noted that any trade with those countries constitutes non-compliance by the Party concerned;

That they should be aware of that fact and be encouraged to ratify the Protocol as soon as possible or, at a minimum, submit data pursuant to Article 4, paragraph 8, of the Protocol to show that they were in compliance and hence have the possibility of importing controlled substances from Parties;

That the Secretariat should contact those countries, through the appropriate channels, in order to make the situation clear.

Action taken: The Parties adopted decision VII/18 based on the Committee's recommendation.

Recommendation 11/(e): Statement by Russian Federation (→Dec VII/19)

- (e) On other matters emerging from the meeting, the Committee decided to recommend:

That every effort should be made to ensure that the representatives of those Parties who had associated themselves with the statement by the Russian Federation were present at the forthcoming meetings under the Protocol in Vienna;

That efforts should also be made to ensure the rapid translation of documentation into Russian for the benefit of those countries of the Commonwealth of Independent States that wished to receive documentation in that language.

Action taken: The Parties adopted decision VII/19 based on the recommendation of the Committee.

Recommendation 13/(b): TEAP Ad Hoc Working Group on CEIT Aspects (→Dec VIII/1)

- (b) The Committee after considering the report by the TEAP Ad Hoc Working Group on CEIT Aspects:

Noted the report and conclusions of the Ad Hoc Working Group on CEIT Aspects;

Requested the Secretariat to seek clarification from the Legal Counsel of the United Nations on the status of the countries of the former Soviet Union with regard to succession to the Vienna Convention and the Montreal Protocol;

Requested the Secretariat to send letters to competent authorities of non-Parties stressing the need for speedy ratification;

Considered that the organization of a separate workshop for high-level officials might be more productive than arranging a meeting with the representatives of the countries during the next meeting of the Open-ended Working Group;

Recommended that UNDP Resident Representatives in non-Party countries should be requested to contact the countries concerned to facilitate the ratification of the Vienna Convention and the Montreal Protocol;

Recommended that the Open-ended Working Group of the Parties should consider the issue of ratification of countries with economies in transition in the context of economic conditions and the overall consumption of ODS.

***Action taken:** The information on paragraph (ii) was presented to the Committee at its subsequent meeting. Letters on ratification were communicated to the non-Parties concerned. High level workshops were held in Riga, Latvia and Tashkent, Uzbekistan as recommended in paragraph (d); UNDP Resident Representatives were contacted and tried to help in the ratification process as recommended in paragraph (v); and the Parties adopted decision VIII/1 urging all non-Parties to ratify ozone agreements.*

Recommendation 22/(a): Phase-out benchmarks

- (a) The Committee, after consideration of information by the Secretariat relating to non-compliant Parties as well as their statements:

Took note of the report of the Secretariat;

Requested the Secretariat to work with representatives of the Global Environment Facility and UNDP to draft an update of the information contained in document UNEP/Ozl.Pro/ImpCom/22/2 in light of recent phase-out activities in the countries concerned;

Agreed that it was not necessary to require retroactive benchmarks for 1997 and 1998 but that benchmarks for 1999 and later years were very important in order to assess the progress of Parties found to be in non-compliance;

Requested the Secretariat to address letters to those Parties subject to decisions X/20–X/28, that had not provided their ODS phase-out benchmarks requesting them to provide such benchmarks for 1999 and subsequent years through the final phase-out date to which they had committed themselves for the relevant controlled substances.

***Action taken:** the Secretariat wrote letters to the Parties that were subject to decisions X/20–X/28 as recommended by the Committee and obtained the requested information that was subsequently placed before the Implementation Committee.*

Recommendation 23/(b): Phase-out benchmarks (→Dec XI/23)

The Committee agreed:

6. *To note* that many Parties with economies in transition have established a phase-out plan with specific interim benchmarks in cooperation with the Global Environment Facility;
7. *To urge* Parties with economies in transition to submit to the Secretariat the phase-out plans with specific interim benchmarks developed with the Global Environment Facility in accordance with requests made at the Tenth Meeting of the Parties.

Action taken: *The Parties adopted decision XI/23 on the basis of recommendation by the Committee.*

Recommendation 25/(d): GEF funding for countries with economies in transition (→Dec XII/14)

- (d) Following a report by the Secretariat that the GEF programme to facilitate the phase out of ODS in the countries with economies in transition had largely completed and GEF would not provide any additional support to those countries, the Committee agreed to recommend to the Meeting of the Parties that it should adopt a decision requesting GEF to clarify its position regarding existing and future funding activities until a complete ODS phase-out had been achieved.

Action taken: *The Parties adopted decision XII/14 on continued assistance from the Global Environment Facility on the basis of the recommendation of the Committee.*

6 Compliance by Article 5 countries

Recommendation 25/(e): Article 5 countries

(e) On other matters, the Committee agreed that :

The discussions on strategic planning of the Multilateral Fund during the previous week had highlighted the fact that there was a substantial group of Article 5 countries which were in danger of non-compliance with the CFC production and consumption freeze. The number of cases with which the Committee would have to deal could be reduced if such problems were tackled in a preventative spirit.

The Secretariat should write to such countries enumerating the factual details of their situation, offering them an opportunity to explain it and how they planned to deal with it, and inviting them to approach the implementing agencies for further assistance and to consider adopting laws and regulations in order to avert the risk of non-compliance.

***Action taken:** The Secretariat implemented this recommendation and will be presenting an analysis of compliance by Article 5 Parties at the twenty-sixth meeting of the Implementation Committee.*

7 Compliance by specific countries

7.1 Azerbaijan

Recommendation 20/(b): Compliance with the Montreal Protocol by Azerbaijan

- (b) The Committee agreed:
- (i) To note Azerbaijan's non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;
 - (ii) To note the information provided by Azerbaijan with respect to ODS phase-out activities within Azerbaijan, including its intention to achieve a full phase-out by 2001;
 - (iii) To request Azerbaijan to provide the Implementation Committee, through the Secretariat, with updated data by 30 September 1998;
 - (iv) To request Azerbaijan to provide the Implementation Committee, through the Secretariat, with a phase-out plan, by 30 September 1998, that included specific benchmarks with which the Implementation Committee could monitor its progress;
 - (v) To recommend, based on Azerbaijan's commitment noted in subparagraph (ii) above, that, in the interim, international funding agencies should consider favourably the provision of financial assistance to Azerbaijan for projects to phase out ozone-depleting substances in the country;
 - (vi) To review the situation with regard to ODS phase-out in Azerbaijan at its twenty-first meeting.

Action taken: The Secretariat conveyed the recommendation by the Committee to Azerbaijan, the Global Environment Facility (GEF) and the Implementing Agencies of the Multilateral Fund.

Recommendation 21/(b): Compliance with the Montreal Protocol by Azerbaijan (→Dec X/20)

- (b) The Committee agreed:
1. To note that Azerbaijan ratified the Montreal Protocol and the London and Copenhagen Amendments on 21 June 1996. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 962 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Azerbaijan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Azerbaijan also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Azerbaijan comes into compliance;
 2. To express great concern about Azerbaijan's non-compliance and to note that Azerbaijan only very recently assumed the obligations of the Montreal Protocol, having ratified it in 1996. It is with that understanding that the Parties note, after reviewing the country programme and

submissions of Azerbaijan (which was prepared with UNEP assistance), that Azerbaijan specifically commits:

- To a phase-out of CFCs by 1 January 2001 (save for essential uses authorized by the Parties);
 - To establish, by 1 January 1999, a system for licensing imports and exports of ODS;
 - To establish a system for licensing operators in the refrigeration-servicing sector;
 - To tax the imports of ozone-depleting substances, to enable it to ensure that it meets the year 2001 phase-out;
 - To a ban, by 1 January 2001, on all imports of halons; and
 - To consider by 1999, a ban on the import of ODS-based equipment;
3. That the measures listed in paragraph 2 above should enable Azerbaijan to achieve the virtual phase out of CFCs, and a complete phase-out of halons by 1 January 2001. In this regard, the Parties urge Azerbaijan to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a system for managing banked halon for any continuing critical uses. The Parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources;
4. To closely monitor the progress of Azerbaijan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Azerbaijan submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Azerbaijan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Azerbaijan should continue to be treated in the same manner as a Party in good standing. In this regard, Azerbaijan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Azerbaijan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance;

Action taken: *The Parties adopted decision X/20 on Azerbaijan on the basis of the recommendation by the Committee.*

7.2 Belarus

Recommendation 11/(c): Compliance with the Montreal Protocol by Belarus (→Dec VII/17)

- (c) The Committee agreed:
- (i) To note that, with the exception of its baseline data for methyl bromide, Belarus had reported all the data required of it under the Protocol;
 - (ii) That Belarus should supply further information, including a schedule for achieving compliance with the control measures under the Protocol. In that connection, it was recalled that Belarus should also submit a list of its recycling facilities, if any, in accordance with the decision adopted by the Sixth Meeting of the Parties;
 - (iii) That consideration could be given to the application or non-application of trade restrictions in respect of Belarus and the possible forms that such restrictions might take;
 - (iv) That it would consider the information to be provided by Belarus at a meeting immediately prior to the Seventh Meeting of the Parties with a view to making recommendations to the Parties;
 - (v) That it would welcome any assistance that could be provided to Belarus for data collection and that close coordination and contacts between Belarus and the Ad Hoc Working Group of the Technology and Economic Assessment Panel on CEIT Issues should be encouraged;
 - (vi) That, in accordance with paragraph 7 (c) of the non-compliance procedure, the Secretariat should address a communication to the appropriate authority in Belarus summarizing the decisions of the implementation Committee;
 - (vii) That the case of Belarus would be reviewed by the Implementation Committee at its meeting immediately preceding the Seventh Meeting of the Parties.

Action taken: The Parties adopted decision VII/17 on Belarus based on the recommendation of the Committee.

Recommendation 13/(c): Compliance with the Montreal Protocol by Belarus

- (c) The Committee:
- (i) Noted that, while the information available showed a situation of non-compliance for 1996, Belarus had by its actions taken important steps in complying with decision VII/17 and towards achieving full compliance with the control measures of the Protocol;
 - (ii) Noted the approval of the national programme for the phase-out of ODS in Belarus;
 - (iii) Recommended that the GEF Council should consider funding for the projects to be submitted;
 - (iv) Called upon Belarus to expedite the process of ratification of the London Amendment;

- (v) Requested Belarus, in accordance with paragraph 7 of decision VII/17, to continue to provide the Committee with reports on progress made in phasing out ODS in line with the schedule in its national programme in order to enable the Implementation Committee to advise international bodies to provide financial assistance.

Action taken: GEF Council approved funding for projects submitted by Belarus.

Recommendation 15/(a): Compliance with the Montreal Protocol by Belarus (→Dec VIII/25)

- (a) The Committee:
 - (i) Recalled that, according to the information provided at its thirteenth meeting, Belarus was in a situation of non-compliance with the Protocol in 1996;
 - (ii) Noted the information provided by Belarus and the efforts made to implement fully the Montreal Protocol;
 - (iii) Welcomed Belarus' ratification of the London Amendment.

Action taken: The Parties adopted the Committee's draft decision as decision VIII/25.

Recommendation 20/(c): Compliance with the Montreal Protocol by Belarus

- (c) The Committee agreed:
 - (i) To note Belarus' non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;
 - (ii) To note the information provided by Belarus with respect to ODS phase-out activities within Belarus;
 - (iii) To request Belarus to provide the Implementation Committee, through the Secretariat, with a phase-out plan, by 30 September 1998, that included specific benchmarks with which the Implementation Committee could monitor its progress;
 - (iv) To review the situation with regard to ODS phase-out in Belarus at its twenty-first meeting.

Action taken: The Secretariat conveyed the Committee's recommendation to Belarus.

Recommendation 21/(c): Compliance with the Montreal Protocol by Belarus (→Dec X/21)

- (c) The Committee agreed:
 1. To note that Belarus ratified the London Amendment on 10 July 1996. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 599.7 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Belarus was in non-compliance with its

control obligations under Articles 2A through 2E of the Montreal Protocol. Belarus also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Belarus comes into compliance;

2. To note that although Belarus submitted a list of specific projects with international financing that will reduce national consumption, it has not responded to the request of the Implementation Committee from its twentieth meeting for a phase-out plan with specific benchmarks demonstrating a schedule for coming into compliance with control obligations under Articles 2A through 2E of the Montreal Protocol. The Parties also note that in a verbal presentation to the Implementation Committee on 16 November 1998, Belarus announced the recent adoption, on 13 November 1998, of a resolution by its Cabinet of Ministers committing Belarus, through regulation:
 - To a phase-out in the consumption of Annex A and B substances by 1 January 2000.

However, Belarus noted that there may be difficulty in phasing out consumption for refrigeration associated with agriculture;

3. To closely monitor the progress of Belarus with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Belarus submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Belarus is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Belarus should continue to be treated in the same manner as a Party in good standing. In this regard, Belarus should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision the Parties caution Belarus, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance;

Action taken: The Parties adopted decision X/21 on Belarus on the basis of the recommendation by the Committee.

7.3 Bulgaria

Recommendation 11/(b): Compliance with the Montreal Protocol by Bulgaria (→Dec VII/16)

- (b) The Committee agreed:
 - (i) To note that Bulgaria was in compliance with the Montreal Protocol for 1995;

- (ii) To note further that there was a possibility of non-compliance by Bulgaria in 1996 and that the Committee might have to revert to the question that year;
- (iii) To recommend to the Seventh Meeting of the Parties that, in view of the action proposed by the Government of Bulgaria, no action would be required of the Parties in respect of Bulgaria's compliance with the Protocol until their Eighth Meeting;
- (iv) To recommend that, since the estimated levels of consumption provided by the representative of Bulgaria represented a worst-case scenario and the actual figures could be significantly lower as a result of the proposed assistance from the Global Environment Facility, any revision of the estimates, whether upwards or downwards, should be communicated to the Secretariat for consideration by the Committee.

Action taken: The Parties adopted decision VII/16 on Bulgaria based on the recommendation by the Committee.

Recommendation 22/(b): Compliance with the Montreal Protocol by Bulgaria

- (b) The Committee:
 - (i) Noted that Bulgaria had apparently been in non-compliance with the Protocol in 1996 and 1997, although it appeared to have been in compliance in 1998;
 - (ii) Requested the Secretariat to write to the Government of Bulgaria and request it to provide information regarding its apparent non-compliance in 1996 and 1997; confirm a phase-out plan with the apparent phase-out of the relevant controlled substances reported for 1998; confirm that such compliance would continue. Bulgaria should be invited to attend the next meeting of the Implementation Committee to provide a verbal explanation of the situation in Bulgaria with respect to compliance with the Montreal Protocol.

Action taken: the Secretariat wrote to Bulgaria and obtained the information requested by the Committee and placed before it at its subsequent meeting.

Recommendation 23/(c): Compliance with the Montreal Protocol by Bulgaria (→Dec XI/21)

- (c) The Committee agreed:
 1. *To note* that Bulgaria acceded to the Vienna Convention and the Montreal Protocol on 20 November 1990 and acceded to the London and Copenhagen Amendments on 28 April 1999. The country is classified as a non-Article 5 Party under the Protocol and, for 1997, reported positive consumption of 1.6 ODP tonnes of Annex A Group II substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1997 Bulgaria was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;
 2. *To note* with appreciation the work done by Bulgaria in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan to bring Bulgaria into compliance with the Montreal Protocol by 1 January 2000;

3. *To monitor* closely the progress of Bulgaria with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above and in this regard, to request that Bulgaria submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Bulgaria is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Bulgaria should continue to be treated in the same manner as a Party in good standing. In this regard, Bulgaria should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Bulgaria, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Action taken: *The Parties adopted decision XI/21 on Bulgaria on the basis of the recommendation by the Committee.*

7.4 Czech Republic

Recommendation 16/(a): Compliance with the Montreal Protocol by the Czech Republic (→Dec VIII/24)

- (a) The Committee further considered non-compliance by Czech Republic with the halons reduction schedule for 1994 and agreed to recommend to the Eighth Meeting of the Parties for its consideration the following draft decision on non-compliance by Czech Republic with the halon phase out by 1994:
- (i) To note the Czech Republic's non-compliance in the year 1994 with the halon phase out due to the indispensable operation of special cooling equipment for the chemical industry;
 - (ii) To note further that, if continued halon use was indispensable, the Czech Republic should have applied to the Parties through the essential use nomination process for allocation of a specific quantity of halon for that year;
 - (iii) To note, however, that the Czech Republic was in compliance in 1995 with the halon phase-out;
 - (iv) That no further action is necessary in view of the Czech Republic's complete phase out of halon consumption according to the data submitted to the Secretariat pursuant to Article 7 of the Montreal Protocol for 1995.

Action taken: *The Parties adopted decision VIII/24 on non-compliance by Czech Republic with the halon phase out by 1994 on the basis of the recommendation of the Committee.*

Recommendation 19/(c): Compliance with the Montreal Protocol by the Czech Republic (→Dec IX/32)

- (c) The Committee decided:
- (i) To note the Czech Republic's non-compliance in 1995 with the freeze in the consumption of methyl bromide. According to the information provided by the Czech Republic, in 1995 a total of 11.16 ODP tonnes of methyl bromide was imported, of which 7.9 ODP tonnes was consumed in 1996, and no methyl bromide was imported in 1996;
 - (ii) To note that, consequently, although the 1995 imports of methyl bromide exceeded the freeze level of 6.0 ODP tonnes for the Czech Republic, the average annual consumption for the two years 1995 and 1996 was below that level;
 - (iii) To recommend to the Parties that, in view of the foregoing, they should take no action on this incident of non-compliance but should request the Czech Republic to ensure that similar cases did not occur again.

Action taken: The Parties adopted decision IX/32 on Czech Republic on the basis of the recommendation by the Committee.

Recommendation 20/(d): Compliance with the Montreal Protocol by the Czech Republic

- (d) The Committee agreed:
- (i) To note the Czech Republic's non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;
 - (ii) To note the information provided by the Czech Republic with respect to ODS phase-out activities within the Czech Republic, including its expected compliance in 1997;
 - (iii) To note that as the Czech Republic had been out of compliance with the controls on different substances for 1994, 1995 and 1996, respectively, there was an expectation that failure to achieve compliance in the future would result in a recommendation by the Committee for specific actions to address this persistent non-compliance;
 - (iv) To note that no further action would be necessary so long as the Czech Republic met its stated commitment to a complete phase-out of ozone-depleting substances and its expected compliance in 1997 and 1998.

Action taken: The Secretariat conveyed the Committee's recommendation to the Czech Republic.

Recommendation 21/(d): Compliance with the Montreal Protocol by the Czech Republic (→Dec X/22)

- (d) The Committee agreed:

1. To note that the Czech Republic ratified the London and Copenhagen Amendments on 18 December 1996. The country is classified as a non-Article 5 Party under the Protocol. For 1996, the Czech Republic reported positive consumption of 49.6 ODP tonnes of Annex A, Group I, substances that are partially accounted for under the essential-use exemption by the Parties for laboratory and analytical applications. However, the Czech Republic claims the remainder of the 1996 CFC consumption was for essential uses for metered-dose inhalers. But, as the Czech Republic imported ozone-depleting substances in 1996 without obtaining an essential-use authorization from the Parties to the Protocol, the Czech Republic was in state of technical non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol for 1996. The Czech Republic reported to the Implementation Committee that it has the utmost interest in reliably meeting its obligations under the Montreal Protocol;
2. To take note of the Czech Republic's status regarding obligations under Articles 2A through 2E of the Montreal Protocol for 1996 and ask the Implementation Committee to continue to review annually the Czech Republic's status;

Action taken: The Parties adopted decision X/22 on Czech Republic on the basis of the recommendation by the Committee.

7.5 Estonia

Recommendation 13/(d): Compliance with the Montreal Protocol by Estonia

- (d) The Committee also considered a letter submitted by the Governments of Estonia, Lithuania and Latvia under Paragraph 4 of the non-compliance procedure and the plan to implement the Protocol submitted by the Government of Lithuania. With regard to Estonia, the Committee decided that it could not consider the matter further until that country had become a Party to the Montreal Protocol.

Recommendation 20/(e): Compliance with the Montreal Protocol by Estonia

- (e) The Committee agreed:
 - (i) To note Estonia's non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;
 - (ii) To note the information provided by Estonia with respect to ODS phase-out activities within Estonia;
 - (iii) To request Estonia to provide the Implementation Committee, through the Secretariat, with a phase out plan, by 30 September 1998, that included specific benchmarks with which the Implementation Committee could monitor its progress;
 - (iv) To review the situation with regard to the phase-out of ozone-depleting substances in Estonia at its twenty-first meeting.

Action taken: The Secretariat conveyed the Committee's recommendation to Estonia.

Recommendation 21/(e): Compliance with the Montreal Protocol by Estonia (→Dec X/23)

(e) The Committee agreed:

1. To note that Estonia acceded to the Montreal Protocol on 17 October 1996. Estonia is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 36.5 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Estonia was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Estonia also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Estonia comes into compliance;
2. To note with appreciation Estonia's significant strides in coming into compliance with the Montreal Protocol. Estonia decreased its consumption steadily from an estimated 131 ODP tonnes in 1995 to 36.5 tonnes in 1996. This significant reduction is a clear demonstration of Estonia's determination to achieve a complete phase-out according to its schedule. In response to a request from the Ozone Secretariat, Estonia submitted interim reductions targets for the phase-out. In this phase-out plan with interim benchmarks, Estonia commits:
 - To reduce consumption by 1 January 1999 to no more than 23 ODP tonnes for Annex A and B substances;
 - To completely phase out consumption of Annex B substances by 1 January 2000;
 - To reduce consumption by 1 January 2000 to no more than 14 ODP tonnes of Annex A substances;
 - To reduce consumption of CFC-12 to all but 1 tonne in 2001;
 - To a complete phase out of Annex A substances by 1 January 2002; and
 - To establish, for 1999, a harmonized system for monitoring and controlling imports of ozone-depleting substances;
3. To urge Estonia, in order to assist it in meeting its commitments, to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a system for managing recovered refrigerants and halon for any continuing critical uses. The Parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources.
4. To closely monitor the progress of Estonia with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Estonia submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. The Parties urge Estonia to ratify the London and Copenhagen Amendments. To the degree that Estonia is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Estonia should continue to be treated in the same manner as a Party in good standing. In this regard, Estonia should, to the degree

consistent with relevant assistance requirements, receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision the Parties caution Estonia, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance;

Action taken: The Parties adopted decision X/23 on Estonia on the basis of the recommendation by the Committee.

Recommendation 24/(c): Compliance with the Montreal Protocol by Estonia

- (c) After the Committee had considered the report of the Secretariat on compliance and on the follow-up to the recommendations of the previous meetings of the Implementation Committee, it noted that:
- Estonia's consumption of Annex B/I substances had increased in 1998 and that Estonia had not met its benchmark for Annex A and B substances, the Committee decided to ask the Secretariat to send a letter to Estonia, alerting that country to the deviation from the reduction schedule and requesting clarification on why the benchmark had not been met.

Action taken: The Secretariat followed up the Committee's findings with relevant Parties.

7.6 European Community

Recommendation 25/(f): Compliance with the Montreal Protocol by the European Community

- (f) After the Committee had considered the report of the Secretariat on data compliance issues and follow-up on the recommendations of the previous meetings of the Implementation Committee, it:
- Took note of the request by the European Community to allow more time for the Community to investigate the issue of non-compliance with the phase-out of carbon tetrachloride for 1998 which had been pointed out by the Secretariat. The Committee looked forward to addressing the matter at its next meeting in the light of the response from the European Community.

7.7 India

Recommendation 25/(g): Compliance with the Montreal Protocol by India

- (g) After the Committee had considered the report of the Secretariat on data compliance issues and follow-up on the recommendations of the previous meetings of the Implementation Committee, it:
- Agreed to draw India’s attention to decision I/12 A, and especially sub-paragraph (e) (iii), which made clear that polyols were to be regarded as a product under the terms of the Montreal Protocol so that CFCs in polyols should not be counted as consumption by the importing country. Some members pointed out that in Annex D, adopted at the Third Meeting of the Parties, polyols (pre-polymers) were listed as products containing CFCs and not as controlled substances. This attention was drawn following a comment by an observer from India that the levels of CFC-11 used in the foam sector were significantly above what it had reported to the Secretariat in previous years due to imports of pre-mixed/pre-blended polyols had not been included in the previous data reports since India had not realized that those polyols contained CFCs.

Action taken: The Secretariat took into account the observation by the Implementation Committee while analysing data on ozone-depleting substances reported by India.

7.8 Israel

Recommendation 24/(d): Compliance with the Montreal Protocol by Israel

- (d) After the Committee had considered the report of the Secretariat on compliance and on the follow-up to the recommendations of the previous meetings of the Implementation Committee, it noted that:
- In the cases of Israel, Kazakhstan and Turkmenistan, a satisfactory explanation was not given for the deviation from the consumption reduction schedule, the Committee decided to ask the Secretariat to send letters to those countries, requesting an explanation.

Action taken: The Secretariat followed up the Committee’s findings with relevant Parties.

7.9 Kazakhstan

Recommendation 24/(e): Compliance with the Montreal Protocol by Kazakhstan

- (e) After the Committee had considered the report of the Secretariat on compliance and on the follow-up to the recommendations of the previous meetings of the Implementation Committee, it noted that:

- In the cases of Israel, Kazakhstan and Turkmenistan, a satisfactory explanation was not given for the deviation from the consumption reduction schedule, the Committee decided to ask the Secretariat to send letters to those countries, requesting an explanation.

Action taken: The Secretariat followed up the Committee's findings with relevant Parties.

7.10 Korea

Recommendation 20/(f): Compliance with the Montreal Protocol by the Democratic Republic of Korea

- (f) The Committee decided:
 - (i) To note that paragraph (a) of decision VI/5 of the Sixth Meeting of the Parties provided that a developing country temporarily classified as operating under Article 5 could lose that status if it did not: (i) report its data as required by the Protocol within two years unless the country had sought the assistance of the Executive Committee and Implementation Committee; or (ii) report its base-year data within one year of the approval of its country programme and institutional strengthening by the Executive Committee;
 - (ii) To note that the country programme of the Democratic Republic of Korea had been approved by the Executive Committee of the Multilateral Fund in February 1997;
 - (iii) To note that the country programme usually served as the basis from which continuous data-reporting begins;
 - (iv) To note that the Secretariat had not received the data required under decision VI/5 from the Democratic Republic of Korea;
 - (v) To recommend to the Tenth Meeting of the Parties that the Democratic Republic of Korea lose its status as a Party operating under paragraph 1 of Article 5 unless the data required under decision VI/5 had been submitted to the Secretariat by 30 September 1998;
 - (vi) To request the Secretariat, in consultation with the Implementing Agencies of the Multilateral Fund, to bring the above recommendation to the attention of the Government of the Democratic Republic of Korea.

Action taken: The Democratic People's Republic of Korea reported the required data in time and was classified as a Party operating under Article 5.

7.11 Latvia

Recommendation 20/(g): Compliance with the Montreal Protocol by Latvia

- (g) The Committee:
- (i) Took note of the joint submission to the Ozone Secretariat from Latvia and Lithuania, together with Estonia, a non-Party to the Protocol;
 - (ii) Noted that there was a possibility of non-compliance by Latvia in 1996 so that the Implementation Committee might have to revert to that question later that year;
 - (iii) Noted that, with GEF funding, country programme preparation for Latvia was being undertaken by UNEP and projects were being identified by UNDP, and requested Latvia to resubmit that programme once it was completed;
 - (iv) Requested Latvia to provide a detailed plan of action for phasing out ozone-depleting substances, including the proposed national share of the total of implementing the plan;
 - (v) Further requested Latvia to provide the Committee with further information on its political commitment to the phase-out programme for ozone-depleting substances and the proposed measures for the enforcement of the programme in particular the enforcement of trade regulations;
 - (vi) Requested the Secretariat to alert Latvia to the fact that major project funding from international financial institutions for ODS phase-out was subject to ratification of the London Amendment by the country concerned;
 - (vii) Requested Latvia to keep the Committee informed of progress made towards ratification of the London Amendment to the Montreal Protocol.

Action taken: The Committee's recommendations were conveyed to Latvia by the Secretariat for necessary action.

Recommendation 14/(b): Compliance with the Montreal Protocol by Latvia (→Dec VIII/22)

- (b) The Committee:
- (i) Noted that, according to the information provided to it by the Government of Latvia and the statements made by its representative at the fourteenth meeting of the Implementation Committee, Latvia would be in a situation of non-compliance with the Montreal Protocol in 1996;
 - (ii) Also noted that there was a possibility of non-compliance by Latvia in 1997 so that the Implementation Committee might have to revert to that question that year;

- (iii) Expressed satisfaction, however, at the major efforts being made by Latvia to meet its obligations under the Protocol, even in the absence of external financial assistance for investment projects;
- (iv) While recognizing that ratification of the London Amendment was a prerequisite for Latvia to receive assistance from the Global Environment Facility, and the potential value of that assistance would far exceed the level of its contributions to the Multilateral Fund, which are estimated at \$143,000 for 1996, took note of the statement by the representative of Latvia that the economic situation in his country meant that Latvia was not in a position to assume the additional financial obligations that ratification of the London Amendment would require;
- (v) Recommended that international funding agencies should consider favourably the provision of financial assistance to Latvia for projects to phase out ozone-depleting substances in the country;
- (vi) Also recommended that Latvia should be urged to ratify the London Amendment and provide immediately a timetable for the ratification process;
- (vii) Further recommended that the situation with regard to the ODS phase-out in Latvia should be kept under review,

Action taken: *The Parties adopted decision VIII/22 on compliance with the Montreal Protocol by Latvia on the basis of the Committee's recommendation.*

Recommendation 17/(b): Compliance with the Montreal Protocol by Latvia

- (b) The Committee:
 - (i) Regretted that Latvia had not yet submitted its timetable for the ratification process for the London Amendment as requested by its Eighth Meeting of the Parties;
 - (ii) Reiterated the request made to Latvia through decision VIII/22 of the Eighth Meeting of the Parties for the submission of its timetable for the process of ratification of the London Amendment;
 - (iii) Reminded Latvia that, in accordance with the GEF eligibility criteria and as mentioned by the representative of the Facility at the current meeting, the process for approval by GEF of the phase-out projects could begin only after GEF had been informed of the timetable for ratification of the London Amendment and that no financial assistance could be released until after the deposit of the instrument of ratification with the Secretary-General of the United Nations;
 - (iv) Expressed the view that the situation with regard to ODS phase-out in Latvia should be kept under review.

Action taken: *The Secretariat conveyed to Latvia the Committee's observations for action.*

Recommendation 18/(b): Compliance with the Montreal Protocol by Latvia (→Dec IX/29)

- (b) The Committee agreed:
- (i) To note the timetable for the ratification of the London Amendment of the Montreal Protocol provided by Latvia and urge Latvia to ratify the London Amendment by October 1997 as indicated in their timetable;
 - (ii) To note that according to the information contained in Latvia's country programme for the phase-out of ozone-depleting substances, Latvia is in a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance in 1998 so that the Implementation Committee might have to revert to that question that year;
 - (iii) To recommend that, in light of the country's commitment reflected in the country programme and related official communications of Latvia to the Parties in line with decision VIII/22, international assistance, particularly by the GEF, should be considered favourably in order to provide funding to Latvia for projects to implement the country programme for phasing out ozone-depleting substances in the country;
 - (iv) To keep under review the situation with regard to ODS phase-out in Latvia.

Action taken: The Parties adopted decision IX/29 on Latvia based on the recommendation of the Committee.

Recommendation 20/(h): Compliance with the Montreal Protocol by Latvia

- (h) The Committee agreed:
- (i) To note Latvia's non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;
 - (ii) To note the information provided by Latvia with respect to ODS phase-out activities within Latvia;
 - (iii) To urge Latvia to ratify the London, Copenhagen and Montreal Amendments to the Montreal Protocol at the earliest possible date;
 - (iv) To note that ratification of the London Amendment was required to qualify for financial assistance from international funding agencies;
 - (v) To recommend that, should Latvia ratify the London Amendment, international funding agencies should consider favourably the provision of financial assistance to Latvia for projects to phase out ozone-depleting substances in the country;
 - (vi) To request Latvia to provide the Implementation Committee, through the Secretariat, with an updated phase-out plan, by 30 September 1998, that included specific benchmarks with which the Implementation Committee could monitor its progress;
 - (vii) To review the issue at its twenty-first meeting.

Action taken: The Secretariat conveyed the Committee's recommendation to Latvia for necessary action.

Recommendation 21/(f): Compliance with the Montreal Protocol by Latvia (→Dec X/24)

(f) The Committee agreed:

1. To note that Latvia acceded to the Montreal Protocol on 28 April 1995 and ratified the London and Copenhagen Amendments on 2 November 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported to positive consumption of 342 tonnes ODP of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Latvia was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Latvia also expresses a belief that this situation may continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Latvia comes into compliance.
2. To note with appreciation the fact that Latvia has made tremendous strides in coming into compliance with the Montreal Protocol. Although Latvia ratified the Protocol just three years ago, it has decreased its consumption steadily from 1986, when it was 6,558 tonnes, to 1993, when its consumption was 1,205 tonnes, to 1995, when its consumption was 711.5 tonnes to the present level of 342.8 tonnes. This significant reduction is a clear demonstration of Latvia's commitment to become a Party in full compliance with the Protocol. The Parties note with appreciation that Latvia has made efforts to achieve compliance through agreements with its industry, and through the application of a tax on imports of ozone-depleting substances. Latvia has also undertaken efforts to understand the disposition of halons that are currently deployed, and to stockpile halon from decommissioned uses in order to ensure availability to meet future critical uses. The Parties note these important undertakings, and point out that similar undertakings could be considered by other countries who are striving to comply with the provisions of the Protocol. The Parties also note that Latvia's submission and statements to the Implementation Committee indicate a commitment:
 - To observe the ban on the production and import of Annex A, Group II, substances imposed on 12 December 1997;
 - To limit consumption of Annex A, Group I, substances to no more than 100 metric tonnes in 1999; and
 - To ban the production and import of Annex A, Group I, and all Annex B substances by 1 January 2000;
3. To note Latvia's report that a majority of its remaining use of ozone-depleting substances is in the aerosol sector, a sector with alternatives that are available at a cost savings to users. The Parties further note the late time at which phase-out projects are being initiated. Accordingly, and considering the plan produced by Latvia, the Parties are hopeful that Latvia will be able to achieve a total phase-out of Annex A and B substances by 1 July 2001. Achievement of these commitments and goals will necessitate the strict application of import quota restrictions on an annual basis to ensure phased reductions in consumption;
4. To closely monitor the progress of Latvia with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard,

to request that Latvia submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Latvia is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Latvia should continue to be treated in the same manner as a Party in good standing. In this regard, Latvia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Latvia, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in times specified, the Parties shall consider measures, consistent with item C of the indicative list of measure. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance;

***Action taken:** The Parties adopted decision X/24 on Latvia on the basis of the recommendation by the Committee.*

7.12 Liberia

Recommendation 20/(i): Compliance with the Montreal Protocol by Liberia

- (i) The Committee decided:
- (i) To note that paragraph (a) of decision VI/5 of the Sixth Meeting of the Parties provides that a developing country temporarily classified as operating under Article 5 could lose that status if it did not: (i) report its data as required by the Protocol within two years unless the country had sought the assistance of the Executive Committee and Implementation Committee; or (ii) report its base-year data within one year of the approval of its country programme and institutional strengthening by the Executive Committee;
- (ii) To note the communication received by the Secretariat from the UNEP Regional Office for Africa regarding the difficult situation in Liberia and the plans for ODSNET and UNEP/IE to assist Liberia to identify an ozone focal point and to prepare its country programme;
- (iii) To request Liberia to submit the information and data required under decision VI/5 to the Implementation Committee, through the Secretariat, by 30 September 1998;
- (iv) To review the situation at its twenty-first meeting.

***Action taken:** The Secretariat conveyed the Committee's recommendation to both Liberia and UNEP for necessary action.*

7.13 Lithuania

Recommendation 12/(c): Compliance with the Montreal Protocol by Lithuania

- (c) After considering a request by Lithuania to delay implementation of the Montreal Protocol in terms of ODS phase out for five years, the Committee:
- (i) While welcoming the approach made by Lithuania, expressed the view that the information contained in the letter from the Prime Minister of Lithuania was not adequate;
 - (ii) Decided to request the Secretariat to seek more detailed information from Lithuania so that the Implementation Committee could revert to the matter;
 - (iii) Decided to request the Secretariat to alert Lithuania to the fact that major projects funding from international financial institutions for ODS phase-out is subject to ratification of the London Amendment by the country concerned.

Action taken: The Secretariat implemented the Committee's request and provided the required information at the subsequent meeting of the Committee.

Recommendation 13/(e): Compliance with the Montreal Protocol by Lithuania

- (e) The Committee:
- (i) Took note of the joint submission to the Ozone Secretariat from Lithuania and Latvia, together with Estonia, a non-Party to the Protocol;
 - (ii) Noted that there was a possibility of non-compliance by Lithuania in 1996 so that the Implementation Committee might have to revert to that question later in the year;
 - (iii) Took note of the action plan and the relevant measures submitted by Lithuania to the Ozone Secretariat as a useful first step;
 - (iv) Noted that, with GEF funding, country programme preparation for Lithuania was being undertaken by UNEP and projects were being identified by UNDP, and requested Lithuania to resubmit that programme once it was completed;
 - (v) Requested Lithuania also to submit further information on, in particular:
 - Its political commitment on the phase-out programme for ozone-depleting substances;
 - The proposed measures for the enforcement of the programme- in particular the enforcement of trade regulations;
 - The proposed national share of the total costs of the phase-out programme;
 - Progress towards the ratification by Lithuania of the London Amendment to the Montreal Protocol;

- (vi) To recommend international assistance to enable compliance of Lithuania with the Montreal Protocol in line with the following provisions:
- Such support should be provided in consultation with the relevant Montreal Protocol secretariats and the Implementation committee to ensure consistency of ODS phase-out measures with the relevant decisions of the Parties to the Montreal Protocol and the subsequent recommendations of the Implementation Committee;
 - Lithuania should submit annual reports on ODS phase-out progress in line with the schedule included in the country programme for the phase-out of ozone-depleting substances in Lithuania;
 - The reports should be submitted in due time to enable the Implementation Committee to review them;
- (vii) In case of any questions related to the reporting requirements and the actions of Lithuania, the disbursement of the international assistance should be contingent on the settlement of those problems with the Implementation Committee.

Action taken: *The Committee's recommendations were conveyed by the Secretariat to Lithuania for necessary action.*

Recommendation 14/(c): Compliance with the Montreal Protocol by Lithuania (→Dec VIII/23)

- (c) The Committee:
- (i) Noted that, according to the information provided to it by the Government of Lithuania and the statements made by its representative at the fourteenth meeting of the Implementation committee, Lithuania would be in a situation of non-compliance with the Montreal Protocol in 1996;
 - (ii) Also noted that there was a possibility of non-compliance by Lithuania in 1997 so that the Implementation Committee might have to revert to that question that year;
 - (iii) Expressed satisfaction, however, at the major efforts being made by Lithuania to meet its obligations under the Protocol, even in the absence of external financial assistance for investment projects;
 - (iv) While recognizing that ratification of the London Amendment was a prerequisite for Lithuania to receive assistance from the Global Environment Facility, and the potential value of that assistance would far exceed the level of its contributions to the Multilateral Fund, which are estimated at \$148,000 for 1996, took note of the statement by the representative of Lithuania that the economic situation in her country meant that Lithuania was not in a position to assume the additional financial obligations that ratification of the London Amendment would require;
 - (v) Recommended that international funding agencies should consider favourably the provision of financial assistance to Lithuania for projects to phase out ozone-depleting substances in the country;

- (vi) Also recommended that Lithuania should be urged to ratify the London Amendment and provide immediately a timetable for the ratification process;
- (vii) Further recommended that the situation with regard to the ODS phase-out in Lithuania should be kept under review.

Action taken: The Parties adopted decision VIII/23 on compliance with the Montreal Protocol by Lithuania on the basis of the Committee's recommendation.

Recommendation 17/(c): Compliance with the Montreal Protocol by Lithuania

- (c) The Committee:
 - (i) Noted with satisfaction the information provided by the Government of Lithuania in response to decision VIII/23 and the presentation made by its representative to the Committee;
 - (ii) Noted that, according to the information provided by Lithuania, that country was in non-compliance with the Protocol in 1996 and was likely to be in a situation of non-compliance in 1997;
 - (iii) Noted the information provided by the representative of Lithuania that her Government would ratify the London Amendment by September 1997 and encouraged Lithuania to submit in writing to the GEF secretariat a full timetable for the ratification process so that the work programme for that country could be considered expeditiously by the GEF Council;
 - (iv) Noted that Lithuania had not yet submitted its ODS phase-out programme to the Implementation Committee and encouraged it to do so as soon as possible;
 - (v) Expressed the view that the situation regarding ODS phase-out in Lithuania should be kept under review.

Action taken: The Secretariat conveyed to Lithuania, the Committee's observations for action.

Recommendation 18/(c): Compliance with the Montreal Protocol by Lithuania (→Dec IX/30)

- (c) The Committee agreed:
 - (i) To note the timetable for the ratification of the London Amendment to the Montreal Protocol provided by Lithuania and urge Lithuania to ratify the London Amendment by September 1997 as indicated in their timetable;
 - (ii) To note that according to the information contained in Lithuania's country programme for the phase-out of ozone-depleting substances, Lithuania is in a situation of non-compliance with the Montreal Protocol in 1997 and there is a possibility of non-compliance in 1998 so that the Implementation Committee might have to revert to that question that year;
 - (iii) To recommend that, in light of the country's commitment reflected in the country programme and related official communications of Lithuania to the Parties in line with decision VIII/23,

international assistance, particularly by the GEF, should be considered favourably in order to provide funding to Lithuania for projects to implement the country programme for phasing out ozone-depleting substances in the country;

- (iv) To keep under review the situation with regard to ODS phase-out in Lithuania.

Action taken: *the Parties adopted decision IX/30 on Lithuania based on the recommendation of the Committee.*

Recommendation 20/(j): Compliance with the Montreal Protocol by Lithuania

- (j) The Committee agreed:
 - (i) To note Lithuania's non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;
 - (ii) To note the information provided by Lithuania with respect to ODS phase-out activities within Lithuania;
 - (iii) To note that major efforts were being made by Lithuania to phase out production and consumption of ozone-depleting substances in accordance with its phase-out plan;
 - (iv) To request Lithuania to provide the Implementation Committee, through the Secretariat, with an updated phase-out plan, by 30 September 1998, that included specific benchmarks with which the Implementation Committee could monitor its progress;
 - (v) To recommend that, in the interim, international funding agencies should consider favourably the provision of financial assistance to Lithuania for projects to phase out ozone-depleting substances in the country;
 - (vi) To review the situation with regard to ODS phase-out in Lithuania at its twenty-first meeting.

Action taken: *The Secretariat conveyed the Committee's recommendation to Lithuania for necessary action.*

Recommendation 21/(g): Compliance with the Montreal Protocol by Lithuania (→Dec X/25)

- (g) The Committee agreed:
 - 1. To note that Lithuania acceded to the Montreal Protocol on 18 January 1995, and acceded to the London and Copenhagen Amendments on 3 February 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 295 ODP tonnes ODP of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Lithuania was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Lithuania also expresses a belief that this situation may continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Lithuania comes into compliance;

2. To note with appreciation the fact that Lithuania has made tremendous strides in coming into compliance with the Montreal Protocol. Although Lithuania ratified the Protocol just three years ago, it has decreased its consumption steadily from 1986, when it was estimated at 6,089 tonnes, to 1993, when its consumption was estimated at 935 ODP tonnes, to 1995, when its consumption was 428 tonnes, to 1996 when its consumption of Annex A and B substances is reported at 295 tonnes. Lithuania is very clear in admitting that a substantial reason for the significant reduction in consumption is due to the economic turmoil that has been taking place in its country. After review of the submissions and presentation to the Implementation Committee, it is noted that Lithuania commits:
 - To ban the import of CFC-113, carbon tetrachloride and methyl chloroform by 1 January 2000; and
 - To reduce the consumption of Annex A and B substances by 86 per cent from 1996 levels by 1 January 2000;
3. To note that achievement of these goals will necessitate a strict application of Lithuania's existing import licensing system to ensure that phased reductions and reduced reliance on ozone-depleting substances continue to take place, and indeed, the Lithuania country programme includes a commitment to make arrangements with its customs department to ensure that imports are ceased. Ensuring that requirement to cease imports is particularly important given the pending closure of CFC producers in Russian Federation, supply on which Lithuania has traditionally depended. Noting Lithuania's obvious commitment to the Montreal Protocol, it is hopeful that the country will be able to achieve a total phase-out of Annex A and B substances by 1 January 2001. In so stating, the Parties noted but specifically rejected a request by Lithuania to allow for continuous imports until 2005 for servicing existing refrigeration equipment. The Parties, in so doing, note that achieving a phase-out by 1 January 2001 may necessitate that Lithuania increase the recovery of existing ODS or the import of recycled material, and urge Lithuania to plan carefully for its future refrigerant-servicing needs and invite the Technology and Economic Assessment Panel to help in this endeavour. The Parties will closely monitor the progress of Lithuania towards meeting the above-noted commitments to reduce CFC-113, carbon-tetrachloride and methyl-chloroform use prior to the next Meeting of the Parties, and to put in place by June 1999 a requirement to cease imports of these substances by 1 January 2000 (save for essential uses authorised by the Parties);
4. To closely monitor the progress of Lithuania with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Lithuania submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Lithuania is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Lithuania should continue to be treated in the same manner as a Party in good standing. In this regard, Lithuania should receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Lithuania, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance;

Action taken: The Parties adopted decision X/25 on Lithuania on the basis of the recommendation of the Committee.

7.14 Poland

Recommendation 11/(a): Compliance with the Montreal Protocol by Poland (→Dec VII/15)

- (a) The Committee agreed:
 - (i) To note the statement of the representative of Poland;
 - (ii) To recommend that the Seventh Meeting of the Parties accept the assurance given by the representative of Poland that his country was likely to be in compliance with the Protocol in 1996, even though there were still some doubts concerning the availability of substitutes;
 - (iii) To remind Poland that, should it have doubts about the feasibility of compliance, it should submit the information to the Secretariat as soon as possible so that the necessary action could be initiated;

Action taken: The Parties adopted decision VII/15 on Poland based on the recommendation by the Committee.

Recommendation 15/(b): Compliance with the Montreal Protocol by Poland

- (c) The Committee:
 - (i) Welcomed Poland's ratification of both the London and Copenhagen Amendments to the Montreal Protocol;
 - (ii) Requested that Poland submit in time for its next meeting an update of the situation with regard to compliance with the Montreal Protocol for the year 1996.

Action taken: Poland complied with the recommendation of the committee and no further action was taken.

Recommendation 17/(d): Compliance with the Montreal Protocol by Poland

- (d) The Committee agreed:
 - (i) To note with satisfaction the information given by Poland that its use of ODS for essential uses was less than the quantities exempted for 1996 by the Sixth Meeting of the Parties;
 - (ii) To urge Poland to submit to the Secretariat complete information for all controlled substances for 1995.

Action taken: The Secretariat conveyed to Poland, the Committee's recommendation for action.

7.15 Russian Federation

Recommendation 10/(c): Compliance with the Montreal Protocol by the Russian Federation (→Dec VII/18)

- (c) After considering the statement by the Russian Federation on behalf of certain Parties regarding non-fulfilment of their obligations under the Montreal Protocol, the Committee decided:
 - (i) That the Decree adopted by the Government of the Russian Federation was a first step but did not provide a sufficient basis for a recommendation to the Meeting of the Parties;
 - (ii) That the Russian Federation should supply further information, including data on production and consumption of controlled substances and a schedule for achieving compliance with the control measures under the Protocol. In that connection, it was recalled that the Russian Federation should also submit a list of recycling facilities, in accordance with the decision adopted by the Sixth Meeting of the Parties. The Committee also drew attention to the provision of Article 7 of the Protocol whereby Parties should submit best available estimates where actual data were not available;
 - (iii) That it would consider the information to be provided by the Russian Federation at a meeting immediately prior to the Seventh Meeting of the Parties with a view to making recommendations to the Parties. Such recommendations could include, as part of the whole package of measures to respond to the problem of non-compliance, the adoption of restrictions on trade in new or recycled substances between the Russian Federation and the other non-Article 5 countries;
 - (iv) That every possible assistance should be provided to the Russian Federation in the collection of data and that close coordination and contacts between Russian Federation and the Ad Hoc Working Group of the Technology and Economic Assessment Panel on CEIT Aspects should be encouraged;
 - (v) That, in accordance with paragraph 7 (c) of the non-compliance procedure, the Secretariat should address a communication to the appropriate authority in the Russian Federation summarizing the decisions of the Implementation Committee.

Action taken: The Parties adopted Decision VII/18 based on the Committee's recommendation.

Recommendation 13/(f): Compliance with the Montreal Protocol by the Russian Federation

- (f) The Committee:
 - (i) Recognized that, while the information available showed a situation of non-compliance for 1996, the Russian Federation had by its actions taken important steps to comply with decision VII/18 and towards achieving full compliance with the control measures of the Protocol;
 - (ii) Noted that there were many additional points on which information was needed;

- (iii) Requested the Russian Federation to provide further information * pursuant to paragraph 9 of decision VII/18 before the next meeting of the Implementation Committee, to be convened in August 1996;
- (iv) Reiterated that the Russian Federation should monitor and report on the Implementation of the trade restrictions referred to in decision VII/18.

Action taken: *The Secretariat conveyed the Committee's recommendation to the Russian Federation for action and the requested information was placed before the Committee at its subsequent meeting.*

The Implementation Committee further recommended that:

- (i) The GEF Council and other funding agencies should consider favourably additional steps to expedite financial assistance for projects proposed for approval within their work programmes;
- (ii) Future projects should be considered in the list of further clarifications and information to be provided by the Russian Federation to the Implementation Committee.

Action taken: *The GEF Council approved funding for projects submitted by the Russian Federation.*

Recommendation 14/(d): Compliance with the Montreal Protocol by the Russian Federation

- (d) The Committee:
 - (i) Noted that, according to its written submission and the statements of its representative, the Russian Federation was in a situation of non-compliance with the Protocol in 1996;
 - (ii) Agreed that the written and oral submissions of the Russian Federation satisfactorily answered all the questions that had been raised by the Committee at its thirteenth meeting and that the information provided should be considered adequate for the purpose of the present meeting;
 - (iii) Expressed its satisfaction at the considerable progress that had been made since the Committee had entered into its dialogue with the Russian Federation under the non-compliance procedure;
 - (iv) Decided that the situation regarding the phase-out of ozone-depleting substances should be kept under review, specifically with regard to the additional information requested of the Russian

* – Would the Russian Federation be receiving any international assistance other than from GEF?

- What is the purpose of taking an inventory of stocks of ODS contained in operating equipment referred to in the Russian submission?
- What are the specific restrictions being considered by the Russian Federation concerning the export of products containing ODS?
- What are the production and consumption levels of controlled substances for 1986 and later years?
- What is understood by the term “required production” in appendix 2 to the letter of the Russian Federation?
- Is it for the basic domestic needs of the Russian Federation and/or CIS countries? How much is intended for export and to where?
- Would the Russian Federation provide the details on imports and export of used, recovered, recycled or reclaimed substances in terms of decision VI/19 of the Sixth Meeting of the Parties and, for exports, provide details on the destination of such substances?
- Would the Russian Federation provide a list of recycling facilities, their location and capacities, as called for in decision VI/19?

Federation in paragraph 9 (c) of decision VIII/18 of the Seventh Meeting of the Parties and, in particular, the detailed information on trade in ozone-depleting substances, which the Committee has been assured by the Russian Federation would be forthcoming;

- (v) Recommended that the disbursement of financial assistance for ODS phase-out in the Russian Federation should be expedited;
- (vi) Further recommended, however, that the disbursement of financial assistance for ODS-phase-out in the Russian Federation should continue to be contingent on further developments with regard to non-compliance and the settlement with the Implementation Committee of any problems related to the reporting requirements and the actions of the Russian Federation;
- (vii) Suggested that the Russian Federation should maximize the use of its recycling facilities to meet its internal needs and therefore diminish the production of new CFCs accordingly.

Action taken: *The Secretariat conveyed the Committee's recommendation to the Russian Federation for implementation.*

Recommendation 15/(c)/16/(b): Compliance with the Montreal Protocol by the Russian Federation (→Dec VIII/25)

The Committee:

- (i) Took note of the report submitted by the Russian Federation and decided to request that a representative of the Russian Federation meet the Committee to elaborate on its report and, in particular, provide information on the destination of ODS exports. Subsequently, the Committee recommended draft decision VIII/21 to the Meeting of the Parties;
- (ii) To recall decision VII/18 of the Seventh Meeting of the Parties by which the Russian Federation was, *inter alia*, requested to provide to the Implementation Committee in 1996, additional information relative to the implementation of the Montreal Protocol;
- (iii) To note that according to its written submissions and the statements of the representative of the Russian Federation at the thirteenth, fourteenth, fifteenth and sixteenth meetings of the Implementation Committee, the Russian Federation was in a situation of non-compliance with the Montreal Protocol in 1996;
- (iv) To also note the considerable progress made by the Russian Federation to address non-compliance progress made by the Russian Federation to address non-compliance issues raised by the Seventh Meeting of the Parties;
- (v) That the situation regarding the phase-out of ozone-depleting substances should be kept under review, specifically with regard to the additional information requested from the Russian Federation in paragraph 9 (c) of decision VII/18 of the Seventh Meeting of the Parties and, in particular, the detailed information on trade in ozone-depleting substances;
- (vi) That the disbursement of financial assistance for ODS phase-out in the Russian Federation should continue to be contingent on further developments with regard to non-compliance and

the settlement with the Implementation Committee of any problems related to the reporting requirements and the actions of the Russian Federation;

- (vii) That the Russian Federation should maximize the use of its recycling facilities to meet its internal needs and therefore diminish the production of new CFCs accordingly;
- (viii) To note that the Russian Federation has undertaken to report detailed information, including quantities, on imports and exports of ODS and products containing such substances; data on the type of ODS (freshly produced, recovered, recycled, reclaimed, re-used, used in feedstock); and details of the supplier, recipient and conditions of delivery of the substances for 1996 not later than February 1997;
- (ix) To keep under review the situation regarding the phase-out of ozone-depleting substances in the Russian Federation.

Action taken: *The Parties adopted the Committee's draft decision as decision VIII/25.*

Recommendation 17/(e): Compliance with the Montreal Protocol by the Russian Federation

- (e) The Committee decided:
 - (i) To note the data provided by the Russian Federation for 1996, in accordance with paragraphs 4 and 7 of decision VIII/25;
 - (ii) To note that the Russian Federation was in non-compliance with the Protocol for 1996;
 - (iii) To note that the Russian Federation had continued to produce ODS during 1996 contrary to the provisions of the Montreal Protocol and decision VII/18 adopted at the Seventh Meeting of the Parties;
 - (iv) To note also that the Russian Federation had exported both new and reclaimed substances to, and also imported ODS from, many Parties operating under Article 5 and those Parties not operating under that Article;
 - (v) To urge the Secretariat to draw the data report of the Russian Federation to the attention of the Parties that had reportedly imported ODS from or exported ODS to the Russian Federation and to request those Parties to provide detailed comments by 15 May 1997 on the imports/exports of ODS;
 - (vi) To request the Russian Federation to submit to the Secretariat by 15 May 1997 information on the ways in which it was maximizing the use of its recycling facilities to meet its internal needs and to diminish its production of new CFCs, in accordance with paragraph 6 of decision VIII/25;
 - (vii) To request the Russian Federation to provide by 15 May 1997 details on the conditions of delivery of imports and exports of ODS in 1996, including the specific purpose for which the substances were intended to be used, in accordance with paragraph 7 of decision VIII/25;

- (viii) To request the Russian Federation to provide the names of the members of the Commonwealth of Independent States (CIS) to which it had exported ODS in 1996, together with the quantities exported;
- (ix) To revert to the question at its eighteenth meeting, which the Russian Federation was invited to attend.

Action taken: *The Secretariat conveyed to the Russian Federation the Committee's recommendations for action.*

Recommendation 18/(d): Compliance with the Montreal Protocol by the Russian Federation

- (d) The Committee agreed:
 - (i) To note the detailed information reported by the Russian Federation in response to decision VIII/25 of the Eighth Meeting of the Parties on quantities of imports and exports of ODS and products containing such substances; data on the type of ODS (new, recovered, recycled, reclaimed, reused, used as feedstock); details of suppliers, recipient countries and conditions of delivery of the substances for 1996;
 - (ii) To note with appreciation the clarifications on details of imports and/or exports of ODS from the Russian Federation in 1996, provided by some Parties mentioned in the Russian Federation's submission to the Implementation Committee;
 - (iii) To note the information reported by the Russian Federation in response to the Implementation Committee's request (UNEP/OzL.Pro/ImpCom/17/3, para. 25 (f) and decision VIII/25) regarding information on ways in which the Russian Federation was maximizing the use of its recycling facilities to meet internal needs and to diminish production of new CFCs;
 - (iv) To note that the Russian Federation was in a situation of non-compliance with the Protocol for 1996 and there is an expectation of non-compliance in 1997 so that the Implementation Committee might have to revert to this question at the appropriate time;
 - (v) To note also that the Russian Federation had exported both new and reclaimed substances to some Parties operating under Article 5 and those Parties not operating under that Article and had imported small quantities of ODS from the Russian Federation in 1996;
 - (vi) To note further that the Russian Federation has started implementation of its export control of ozone-depleting substances from July 1996 by not exporting any ODS including used, new, recycled or reclaimed to any Party with the exception of Parties operating under Article 5 and of Parties that are members of the Commonwealth of Independent States, including Belarus and Ukraine, as per decision VII/18;
 - (vii) To remind all Parties and regional economic integration organizations that pursuant to decision IV/14 of the Fourth Meeting of the Parties, all cases of import and re-export of ODS should be treated as two separate transactions: the country of origin should report shipment to the country of intermediate destination, which subsequently should report the import from the country of origin and the export to the country of final destination, while the country of final destination should report the import;

- (viii) To request the Russian Federation to report to the Implementation Committee at its meeting in September 1997, on the efforts under way to set up a recovery and recycling system to alleviate the difficulties in securing recycled ODS due to lack of a collection system and the great distances involved in such collection;
- (ix) To keep under review the situation regarding the phase-out of ozone-depleting substances in the Russian Federation.

Action taken: The Secretariat conveyed the Committee's recommendations to the Russian Federation for action and took note of its observations.

**Recommendation 19/(d): Compliance with the Montreal Protocol by the Russian Federation
(→Dec IX/31)**

- (d) After the Committee had considered the information from the Russian Federation and Czech Republic on their progress towards compliance with the Montreal Protocol, it decided that in the light of the information on the recovery and recycling in the Russian Federation provided by the representative of that country, international assistance, particularly by the Global Environment Facility, should continue to be considered favourably in order to provide funding for the Russian Federation for projects to implement the programmes for the phase-out of the production and consumption of ozone-depleting substances in the country.

Action taken: The Parties adopted IX/31 on Russian Federation based on the recommendation of the Committee.

Recommendation 20/(k): Compliance with the Montreal Protocol by the Russian Federation

- (k) The Committee agreed:
 - (i) To note the Russian Federation's non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;
 - (ii) To note that major efforts are being made by the Russian Federation to phase out production and consumption of ozone-depleting substances in accordance with its phase-out plan;
 - (iii) To recommend that international funding agencies should continue to consider favourably the provision of financial assistance to the Russian Federation for projects to phase-out ozone-depleting substances in the country;
 - (iv) To keep under review the situation with regard to phase-out of ozone-depleting substances in the Russian Federation.

Action taken: The Secretariat conveyed this recommendation to the Russian Federation, the Global Environment Facility (GEF) and the World Bank for necessary action.

**Recommendation 21/(h): Compliance with the Montreal Protocol by the Russian Federation
(→Dec X/26)**

(h) The Committee agreed:

1. To note that the Russian Federation ratified the London Amendment on 13 January 1992. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 13,955 ODP tonnes, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, the Russian Federation was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. The Russian Federation also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as the Russian Federation comes into compliance;
2. To note with appreciation that the Russian Federation is making significant progress in coming into compliance with the Montreal Protocol. Data reported for 1996 indicates that the Russian Federation reduced consumption of CFCs from 20,990 ODP tonnes in 1995, to a level of 12,345 ODP tonnes. The Russian Federation submitted a country programme in October 1995 (revised in November 1995) that contains specific benchmarks and a phase-out schedule. In 1996, production of Annex A, Group I, substances was 16,770 ODP tonnes, well below the benchmark of 28,000 ODP tonnes contained in the country programme. Further steps were taken to bring the Russian Federation into compliance with its obligations under Articles 2A through 2E of the Montreal Protocol when, in October 1998, the Special Initiative for ODS Production Closure in the Russian Federation” (Special Initiative) was signed. The Parties note that, in the country programme and the Special Initiative, the Russian Federation commits:
 - (a) To reduce consumption of Annex A, Group I, substances to no more than 6,280 ODP tonnes in 1999;
 - (b) To reduce consumption of Annex A, Group II, substances to no more than 960 ODP tonnes in 1999;
 - (c) To reduce consumption of Annex B, Group I, substances to no more than 18 ODP tonnes in 1999;
 - (d) To phase out the production of Annex A substances by 1 June 2000; and
 - (e) To phase out the consumption of Annex A and B substances by 1 June 2000;
3. To closely monitor the progress of the Russian Federation with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments in the 1995 country programme and the Special Initiative noted above. In this regard, the Parties request that the Russian Federation submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that the Russian Federation is working towards and meeting the specific time-based commitments in the country programme and the Special Initiative and continues to report data annually demonstrating a decrease in imports and consumption, the Russian Federation should continue to be treated in the same manner as a Party in good standing. In this regard, the Russian Federation should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution the Russian Federation, in accordance with item B of the indicative list of measures, that in the event that the country fails

to meet the commitments noted in prior decisions as well as in the above documents in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance;

Action taken: the Parties adopted decision X/26 on Russian Federation on the basis of the recommendation of the Committee.

Recommendation 25/(h): Compliance with the Montreal Protocol by the Russian Federation

- (h) After the Committee had considered the report of the Secretariat on data compliance issues and follow-up on the recommendations of the previous meetings of the Implementation Committee, it:
- Noted that the Russian Federation had not complied with its commitments to a CFC phase-out under decision X/26 and expressed serious concern that large amounts of CFCs had been stockpiled in the country in anticipation of the closure of CFC production facilities. It further noted that an agreement had been reached to halt all production of CFCs by 20 December 2000, and looked forward to receiving a report confirming the halt at its next meeting.

Action taken: The Secretariat conveyed the Committee's observation to the Russian Federation.

7.16 Samoa

Recommendation 20/(I): Compliance with the Montreal Protocol by Samoa

- (I) The Committee decided:
- (i) To note the data submitted by Samoa to the Secretariat for the base year and for 1995;
 - (ii) To request Samoa to supply additional data as required under Article 7 by 30 September 1998.

Action taken: The Secretariat conveyed the Committee's recommendation to Samoa for necessary action.

7.17 Turkmenistan

Recommendation 22/(c): Compliance with the Montreal Protocol by Turkmenistan

- (c) The Committee:

- (i) Noted that Turkmenistan had not yet provided base-year data;
- (ii) Noted that Turkmenistan had apparently been in non-compliance with the Protocol in 1996 and 1997, although it appeared to have been in compliance in 1998;
- (iii) Requested the Secretariat to write to the Government of Turkmenistan and request it to report the required data to the Secretariat; provide the Implementation Committee, through the Secretariat, with a phase-out plan that included specific benchmarks. Turkmenistan should be invited to attend the next meeting of the Implementation Committee to provide a verbal explanation of the situation in Turkmenistan with respect to compliance with the Montreal Protocol.

Action taken: *The Secretariat wrote to both Bulgaria and Turkmenistan and obtained the information requested by the Committee and placed before it at its subsequent meeting.*

Recommendation 23/(d): Compliance with the Montreal Protocol by Turkmenistan (→Dec XI/25)

- (d) The Committee agreed:
 1. *To note* that Turkmenistan acceded to the Vienna Convention and the Montreal Protocol on 18 November 1993 and acceded to the London Amendment on 15 March 1994. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 29.6 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996 Turkmenistan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol;
 2. *To note* with appreciation the work done by Turkmenistan in cooperation with the Global Environment Facility to develop a country programme and establish a phase-out plan to bring Turkmenistan into compliance with the Montreal Protocol in 2003;
 3. *To note* that Turkmenistan, in cooperation with the Global Environment Facility, had delineated the following draft benchmarks that could serve to measure progress in the phase-out process until 2003:
 - (a) 1999: Import of CFCs should not exceed 22 ODP tonnes;
 - (b) 1 January 2000: Import/export licensing system in place; bans on import of equipment using and containing ozone-depleting substances; import quota for CFCs in 2000 not exceeding 15 ODP tonnes (roughly - 50 per cent compared to 1996)
 - (c) 1 January 2000: Ban on the import of all Annexes A and B substances except CFCs listed in Annex A (1);
 - (d) 1 January 2000: Import quota for CFCs in 2001 not exceeding 10 ODP tonnes (-66 per cent compared to 1996); effective system for monitoring and controlling ozone-depleting substance trade in place and working;
 - (e) 1 July 2001: recovery and recycling and training projects completed;
 - (f) 1 January 2002: Import quota for CFCs in 2002 not to exceed 6 ODP tonnes (-80 per cent compared to 1996);

- (g) 1 January 2003: Total prohibition of imports of Annex A and B substances/zero quota; completion of Global Environment Facility project.
4. *To monitor* closely the progress of Turkmenistan with regard to the phase-out of ozone depleting substances, particularly towards meeting the specific commitments noted above and, in this regard, to request that Turkmenistan submit a complete copy of its country programme when approved, including the specific benchmarks, to the Implementation Committee, through the Ozone Secretariat, for its consideration at its next meeting. To the degree that Turkmenistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Turkmenistan should continue to be treated in the same manner as a Party in good standing. In this regard, Turkmenistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. Through this decision, however, the Parties caution Turkmenistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

Action taken: The Parties adopted XI/25 on Turkmenistan on the basis of the recommendation of the Committee.

Recommendation 24/(f): Compliance with the Montreal Protocol by Turkmenistan

- (f) After the Committee had considered the report of the Secretariat on compliance and on the follow-up to the recommendations of the previous meetings of the Implementation Committee, it noted that:
- In the cases of Israel, Kazakhstan and Turkmenistan, a satisfactory explanation was not given for the deviation from the consumption reduction schedule, the Committee decided to ask the Secretariat to send letters to those countries, requesting an explanation.

Action taken: The Secretariat followed up the Committee's findings with relevant Parties.

7.18 Ukraine

Recommendation 11/(d): Compliance with the Montreal Protocol by Ukraine (→Dec VII/19)

- (d) The Committee agreed:
- (i) To note that Ukraine had fulfilled its data-reporting obligations under the Protocol;

- (ii) That Ukraine should supply further information, including a schedule for achieving compliance with the control measures under the Protocol. In that connection, it was recalled that Ukraine should also submit a list of its recycling facilities, if any, in accordance with the decision adopted by the Sixth Meeting of the Parties;
- (iii) That consideration could be given to the application or non-application of trade restrictions in respect of Ukraine and the possible forms that such restrictions might take;
- (iv) That it would consider the information to be provided by Ukraine at a meeting immediately prior to the Seventh Meeting of the Parties with a view to making recommendations to the Parties;
- (v) That it would welcome any assistance that could be provided to Ukraine for data collection and that close coordination and contacts between Ukraine and the Ad Hoc Working Group of the Technology and Economic Assessment Panel (TEAP) on CEIT Aspects should be encouraged;
- (vi) That, in accordance with Paragraph 7 (c) of the non-compliance procedure, the Secretariat should address a communication to the appropriate authority in Ukraine summarizing the decisions of the Implementation Committee;
- (vii) That the case of Ukraine would be reviewed by the Implementation Committee at its meeting immediately preceding the Seventh Meeting of the Parties.

Action taken: *The Parties adopted decision VII/19 based on the recommendation of the Committee.*

Recommendation 13/(g): Compliance with the Montreal Protocol by Ukraine

- (g) The Committee:
 - (i) Noted that, while the information available showed a situation of non-compliance for 1996, Ukraine had by its actions taken important steps to comply with decision VII/19 and towards achieving full compliance with the control measures of the Protocol;
 - (ii) Noted that the national programme for the phase-out of ODS in Ukraine was under preparation and requested that it should be submitted to the Committee, through the Secretariat, as soon as it was completed;
 - (iii) Called upon Ukraine to expedite the process of ratification of the London Amendment;
 - (iv) Recommended that the GEF Council should consider funding for the projects to be submitted;
 - (v) Requested Ukraine to continue to provide the Committee with reports on progress made in phasing out ODS in line with the schedule in its national programme;
 - (vi) Recommended international financial assistance to Ukraine from GEF and other international funding agencies.

Action taken: *GEF Council approved funding for projects submitted by Ukraine.*

Recommendation 20/(m): Compliance with the Montreal Protocol by Ukraine

- (m) The Committee agreed:
 - (i) To note Ukraine's non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;
 - (ii) To note the information provided by Ukraine with respect to ODS phase-out activities within Ukraine;
 - (iii) To note that major efforts are being made by Ukraine to phase out the consumption of ozone-depleting substances in accordance with its phase-out plan;
 - (iv) To request Ukraine to provide the Implementation Committee, through the Secretariat, with updated data by 30 September 1998;
 - (v) To request Ukraine to provide the Implementation Committee, through the Secretariat, with an updated phase-out plan, by 30 September 1998, that included specific benchmarks with which the Implementation Committee could monitor its progress;
 - (vi) To recommend that, in the interim, international funding agencies should continue to consider favourably the provision of financial assistance to Ukraine for projects to phase out ozone-depleting substances in the country;
 - (vii) To review the situation with regard to the phase-out of ozone-depleting substances in Ukraine at its twenty-first meeting.

Action taken: *The Secretariat conveyed the Committee's recommendation to Ukraine for necessary action.*

Recommendation 21/(i): Compliance with the Montreal Protocol by Ukraine (→Dec X/27)

- (i) The Committee agreed:
 1. To note that Ukraine ratified the London Amendment on 6 February 1997. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 1,470 ODP tonnes of Annex A and B controlled substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Ukraine was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Ukraine also expresses a belief that this situation will continue through at least the year 2000, necessitating annual review by the Implementation Committee and the Parties until such time as Ukraine comes into compliance;
 2. To express great concern about the non-compliance of Ukraine, as well as the significant increase in consumption of ozone-depleting substances in Ukraine from 1995 to 1996, when total consumption doubled from 767 to 1,470 ODP tonnes. The Parties note the commendable actions taken by Ukraine in working with customs and industry to monitor imports and improve the accuracy of the data reported to the Ozone Secretariat. After reviewing Ukraine's

submission to the Implementation Committee, the Parties note that the Ukraine, through its acceptance of this decision, specifically commits:

3. To a phase-out of the consumption of Annex A and B substances by 1 January 2002 (save for essential uses authorized by the Parties);

Ukraine notes, however, that there may be difficulty in phasing out consumption in the domestic refrigeration sector;

4. To urge Ukraine to work with relevant Implementing Agencies to shift current consumption to non-ozone-depleting alternatives, and to quickly develop a plan for managing existing supplies of CFCs as well as training in the refrigeration sector to encourage recovery and recycling. The Parties note that these actions are made all the more urgent due to the expected closure of CFC and halon-2402 production capacity in its major source (Russian Federation) by the year 2000, and the very limited international availability of halon-2402 from other sources. Noting Ukraine's obvious commitment to the Montreal Protocol, it is hopeful that the country will be able to achieve a total phase-out of Annex A and B substances by 1 January 2002. In so stating, the Parties noted but specifically rejected a request by Ukraine to allow for continuous imports until 2010 for servicing existing refrigeration equipment. The Parties, in so doing, note that achieving a phase-out by 1 January 2002 may necessitate that Ukraine increase the recovery of existing ozone-depleting substances or the import of recycled material, and urge Ukraine to plan carefully for its future refrigerant servicing needs and invite the Technology and Economic Assessment Panel to help in this endeavour;
5. To closely monitor the progress of Ukraine with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Ukraine submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Ukraine is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Ukraine should continue to be treated in the same manner as a Party in good standing. In this regard, Ukraine should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Ukraine, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance;

Action taken: *The Parties adopted decision X/27 on Ukraine on the basis of the recommendation of the Committee.*

7.19 Uzbekistan

Recommendation 20/(n): Compliance with the Montreal Protocol by Uzbekistan

- (n) The Committee agreed:
- (i) To note Uzbekistan's non-compliance in 1996 with the control measures under Article 2 of the Montreal Protocol;
 - (ii) To note the information provided by Uzbekistan with respect to ODS phase-out activities within Uzbekistan;
 - (iii) To request Uzbekistan to provide the Implementation Committee, through the Secretariat, with a final version of its phase-out plan, by 30 September 1998, that included specific benchmarks with which the Implementation Committee could monitor its progress;
 - (iv) To recommend that, in the interim, international funding agencies should consider favourably the provision of financial assistance to Uzbekistan for projects to phase out ozone-depleting substances in Uzbekistan;
 - (v) To review the situation with regard to phase-out of ozone-depleting substances in Uzbekistan at its twenty-first meeting.

Action taken: The Secretariat conveyed the Committee's recommendation to Uzbekistan for necessary action.

Recommendation 21/(j): Compliance with the Montreal Protocol by Uzbekistan (→Dec X/28)

- (j) The Committee agreed:
1. To note that Uzbekistan ratified the Montreal Protocol on 18 May 1993, and ratified the London and Copenhagen Amendments on 10 June 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1996, reported positive consumption of 272 ODP tonnes of Annex A and Annex B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1996, Uzbekistan was in non-compliance with its obligations under Articles 2A through 2E of the Montreal Protocol. Uzbekistan also expresses a belief that this situation may continue through at least the year 2001, necessitating annual review by the Implementation Committee and the Parties until such time as Uzbekistan comes into compliance;
 2. To note with appreciation the fact that Uzbekistan has made significant strides in coming into compliance with the Montreal Protocol, decreasing consumption steadily from an estimated 1,300 tonnes in 1992 to 275 tonnes in 1996. Its country programme shows its determination and commitment to phase out of Annex A and B substances by 2002. Specifically, the Parties note that the Uzbekistan country programme includes a commitment:
 - To reduce consumption of CFCs by 40% by 2000, by 80% by 2001, and completely by 2002;

- To reduce consumption of carbon tetrachloride by 35% by 2000, by 67% by 2001, and completely by 2002;
 - To reduce consumption of methyl chloroform by 40% in 2000, by 82% in 2001, and completely in 2002;
 - To put in place in 1999, import quotas in order to freeze the imports at the current level and to support the phase-out schedule noted above;
 - To put in place by 1999, bans on imports of ODS and equipment using and containing ODS;
 - To put in place policy instruments and regulatory requirements to ensure progress in achieving the phase-out;
3. To note that, given the fact that virtually all of its remaining use is in the refrigeration-servicing sector, Uzbekistan will have to work very hard in the coming years to ensure that it maintains a downward momentum in consumption in order to ensure that it meets its commitment for a phase-out in Annex A and B substances by the year 2002. In this regard, the Tenth Meeting of the Parties is happy to see that Uzbekistan intends to focus its efforts towards training in the refrigeration sector, and refrigerant recovery and recycling. The Parties also note that it is critical that Uzbekistan put in place its licensing and quota system to control the import of ozone-depleting substances no later than September 1999 to meet its reduction commitment;
4. To closely monitor the progress of Uzbekistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Uzbekistan submit a complete copy of its country programme, and subsequent updates, if any, to the Ozone Secretariat. To the degree that Uzbekistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Uzbekistan should continue to be treated in the same manner as a Party in good standing. In this regard, Uzbekistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Uzbekistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of CFCs and halons that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance;

Action taken: *The Parties adopted decision X/28 on Uzbekistan on the basis of the recommendation of the Committee.*