



---

Multilateral Fund for the Implementation of  
the Montreal Protocol

***POLICIES, PROCEDURES, GUIDELINES AND  
CRITERIA***

(As at July 2023)

CHAPTER VI: ARTICLE 5 PARTIES

VI. ARTICLE 5 PARTIES.....	4
Definition .....	4
Classification and reclassification .....	4
Low-volume-ODS countries .....	6
Summary status report on ODS phase-out for Article 5 countries .....	7
Annual update of the status of compliance of Article 5 countries.....	8
Accounting for consumption phased out during the compliance period .....	14
Low level of disbursement in certain countries.....	14
Funding for countries that have not ratified the London Amendment .....	14
Implementation of the strategic planning in Article 5 countries .....	14
Starting point for determining the sustained reduction of each Article 5 country.....	14
Adjusted funding policies of the Multilateral Fund.....	15
Reductions in national aggregate consumption.....	16
Customs and licensing system.....	17
Establishment of licensing systems .....	17
Report on the establishment of licensing systems under Article 4B of the Montreal Protocol .....	18
Customs codes.....	22
Use of the Globally Harmonized System for classification and labeling of ODSs .....	23
Customs training and licensing .....	23
Report on the evaluation of customs officers training and licensing system projects .....	24
Strategic framework for national, subregional and regional customs training .....	24
Monitoring of trade and prevention of illegal trade in ODSs, mixtures and products containing ODSs .....	24
Preventing illegal trade in controlled ozone-depleting substances.....	27
Changes in baseline data .....	29
Methodology for submission of requests for revision of baseline data .....	29
Parties that had requested changes in reported baseline data .....	30
Data and information provided by the Parties in accordance with Article 7.....	35
Earlier reporting of consumption and production data.....	36
Differences between data reported on imports and data reported on exports.....	36
Reporting information on destination countries for exports and source countries for imports of ozone-depleting substances .....	36
Reporting of zero in Article 7 data reporting forms .....	36
Revised data reporting forms and global-warming-potential values for HCFC-123, HCFC-124, HCFC-141 and HCFC-142.....	37
Timeline for reporting of baseline data for hydrofluorocarbons by parties operating under paragraph 1 of Article 5 of the Montreal Protocol .....	37
Collecting data to understand potential impacts of the coronavirus disease (COVID-19) pandemic on hydrofluorocarbon consumption for Group 1 parties operating under paragraph 1 of Article 5 .....	37
Montreal Protocol treatment of ozone-depleting substances used to service ships, including ships from other flag states .....	38
Special considerations for the Caribbean islands affected by hurricanes.....	39
Non-compliance issues.....	39
Non-compliance with data reporting requirement under Article 7.....	39
Non-compliance with data reporting for the purpose of establishing baselines under Article 5 ....	47
Non-compliance with data reporting by Parties temporarily classified as Article 5 .....	48
Non-compliance with data-reporting by Parties recently ratifying the Montreal Protocol .....	49
Potential non-compliance with the freeze on CFC consumption .....	50
Potential non-compliance with consumption of Annex A, group I by Article 5 Parties for the control period 1 July 2001-31 December 2002 .....	51
Potential non-compliance with consumption of Annex A, Group II by Article 5 Parties in 2002.....	52

Potential non-compliance with consumption of the ozone-depleting substance in Annex E by Article 5 Parties in 2002.....	52
Potential non-compliance with consumption of the controlled substance in Annex B, group III in 2003.....	53
Non-compliance issues related to specific Article 5 Parties.....	53
Annex VI.1: Adjusted funding policies of the Multilateral Fund.....	57
Annex VI.2: Remaining unfunded consumption.....	59
Annex VI.3: Terms of reference for a feasibility study on developing a system for monitoring the transboundary movement of controlled ozone-depleting substances between the Parties .....	61
Annex VI.4: Compliance with the Montreal Protocol by some Article 5 Parties .....	63

**VI. ARTICLE 5 PARTIES****DEFINITION**

Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances in Annex A is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter until 1 January 1999, shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures set out in Articles 2A to 2E, provided that any further amendments to the adjustments or Amendment adopted at the Second meeting of the Parties in London, 29 June 1990, shall apply to the Parties operating under this paragraph after the review provided for in paragraph 8 of this Article has taken place and shall be based on the conclusions of that review.

(The 1987 Montreal Protocol on Substances that deplete the Ozone Layer as adjusted and amended by the second Meeting of the Parties (London) and by the fourth Meeting of the Parties (Copenhagen) and further adjusted by the Seventh Meeting of the Parties (Vienna), Article 5, para. 1)).

**Classification and reclassification**

The Sixth Meeting of the Parties decided to adopt the following principles regarding treatment of classified and reclassified developing country Parties:

- (a) the Secretariat should continue to classify, in absence of complete data, developing countries temporarily as operating or not operating under Article 5 based on the information available to the Secretariat, subject to the conditions that:
  - (i) the Secretariat encourages these Parties to approach the Executive Committee and the Implementation Committee for assistance in establishing accurate data;
  - (ii) a country may only be classified temporarily as operating under Article 5 for a period of two years applicable from the time of adoption of the present decision. After this period, Article 5 status can no longer be extended without data reporting as required by the Protocol, unless the country has sought the assistance of the Executive Committee and the Implementation Committee. In this case, the extension period shall not exceed two years;
  - (iii) a developing country temporarily classified as operating under Article 5 would lose the status if it does not report base-year data as required by the Protocol within one year of the approval of its country programme and its institutional strengthening by the Executive Committee, unless otherwise decided by a Meeting of the Parties; and
- (b) Parties may be allowed to correct the data submitted by them in the interest of accuracy for a given year but no change of classification will be permitted for that year pertaining to which the data has been corrected. Any such corrections should be accompanied by an explanatory note to facilitate the work of the Implementation Committee.

*(UNEP/OzL.Pro/6/7 Decision VI/5 (paras. a, c).)*

The Fifth Meeting of the Parties noted that Cyprus, Kuwait, the Republic of Korea, Saudi Arabia, Singapore and the United Arab Emirates are not classified as Parties operating under Article 5 based on their annual per capita consumption of controlled substances, which is more than 0.3 kilograms. The classification will be appropriately revised in accordance with paragraph 1 of Article 5 of the Protocol, on receipt of further data from them if it warrants reclassification. The Meeting also reclassified Malta and Bahrain as Parties operating under Article 5 from the year 1991, based on the data furnished by those Parties showing their annual per capital consumption of controlled substances to be less than 0.3 kilograms.

*(UNEP/OzL.Pro/5/12 Decision V/4 (paras. 1, 2))*

The Eighth Meeting of the Parties decided to accept the application of Georgia to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that Georgia is classified as a developing country by the World Bank and the Organization for Economic Co-operation and Development and as a net recipient country by the United Nations Development Programme.

*(UNEP/OzL.Pro.8/12, Decision VIII/29).*

The Ninth Meeting of the Parties decided to accept the application of the Republic of Moldova to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that the Republic of Moldova is classified as a developing country by the World Bank and the Organization for Economic Co-operation and Development and as a net recipient country by the United Nations Development Programme.

*(UNEP/OzL.Pro.9/12, Decision IX/26).*

The Ninth Meeting of the Parties, noting that South Africa has undertaken not to request financial assistance from the Multilateral Fund for fulfilling commitments undertaken by developed countries prior to the Ninth Meeting of the Parties, decided to accept the classification of South Africa as a developing country for the purposes of the Montreal Protocol.

*(UNEP/OzL.Pro.9/12, Decision IX/27).*

The Ninth Meeting of the Parties decided to reclassify Brunei Darussalam as a Party operating under paragraph 1 of the Article 5 effective 1 January 1995 on the basis of its data submitted for 1995.

*(UNEP/OzL.Pro.9/12, Decision IX/33, para. 4).*

The Twenty-ninth Meeting of the Executive Committee decided to request the Secretariat to send a letter to Saudi Arabia and the United Arab Emirates, countries originally classified as non-Article 5, reminding them of Decision VI/5(e) adopted by the Contracting Parties at their Sixth Meeting.

*(UNEP/OzL.Pro/ExCom/29/65, Decision 29/16, para. 37).*

The Fourteenth Meeting of the Parties decided to accept the application of Armenia to be listed as a developing country operating under Article 5 of the Montreal Protocol, taking into account its difficult economic situation, its classification as a developing country by the World Bank and the United Nations Development Programme and its low per capita consumption of ozone-depleting substances, on the understanding that the process for ratification of the London Amendment in Armenia must be completed before any assistance from the Multilateral Fund can be rendered to the Party.

*(UNEP/OzL.Pro.14/9, Decision XIV/2).*

The Fifteenth Meeting of the Parties decided to request the Council of the Global Environment Facility to consider, on an exceptional basis, project proposals from South Africa on phasing out the controlled substance in Annex E for funding as per the conditions and eligibility criteria applicable to all countries eligible for such assistance under the Facility.

*(UNEP/OzL.Pro.15/9, Decision XV/49).*

The Sixteenth Meeting of the Parties decided to accept the application of Turkmenistan to be listed as a developing country for the purposes of the Montreal Protocol, taking into account that the per capita consumption of Annex A and Annex B substances of the Party is below the limits specified under Article 5 of the Montreal Protocol and the Party is classified as a low income country by the World Bank.

*(UNEP/OzL.Pro.16/17, Decision XVI/39).*

The Sixteenth Meeting of the Parties decided:

1. to note the request by Malta to be removed from the list of developing countries operating under paragraph 1 of Article 5 of the Montreal Protocol;
2. to approve Malta's request and note further that Malta shall assume the obligations of a Party not operating under paragraph 1 of Article 5 of the Montreal Protocol.

*(UNEP/OzL.Pro.16/17, Decision XVI/40).*

The Seventeenth Meeting of the Parties decided:

1. to note the request by Cyprus to be removed from the list of developing countries operating under paragraph 1 of Article 5 of the Montreal Protocol;
2. to approve the request by Cyprus and note further that Cyprus shall assume the obligations of a Party not operating under paragraph 1 of Article 5 of the Montreal Protocol for the year 2005 and thereafter.

*(UNEP/OzL.Pro.17/11, Decision XVII/2).*

The Nineteenth Meeting of the Parties decided that South Africa, as a developing country operating under paragraph 1 of Article 5 of the Montreal Protocol, is eligible for technical and financial assistance from the Multilateral Fund for fulfilling its commitments to phase out both production and consumption of HCFCs, consistent with decision XIX/6 of the Nineteenth meeting of the Parties.

*(UNEP/OzL.Pro.19/7, Decision XIX/7).*

The Nineteenth Meeting of the Parties decided:

1. to note the request by Romania to be removed from the list of developing countries operating under paragraph 1 of Article 5;
2. to approve the request by Romania and note further that Romania shall assume the obligations of a Party not

operating under paragraph 1 of Article 5 of the Montreal Protocol from 1 January 2008.

*(UNEP/OzL.Pro.19/7, Decision XIX/19).*

The Twenty-fifth Meeting of the Parties decided:

1. to note the request by Croatia to be removed from the list of developing countries operating under paragraph 1 of Article 5 of the Montreal Protocol;
2. to approve the request by Croatia, and to note that Croatia shall assume the obligations of a Party not operating under paragraph 1 of Article 5 of the Montreal Protocol for the year 2014 and thereafter.

*(UNEP/OzL.Pro.25/9, Decision XXV/16).*

#### **LOW-VOLUME-ODS COUNTRIES**

The Executive Committee decided, at its Seventeenth Meeting, to take an annual consumption level of 360 tonnes as the cut-off point below which a country would be considered to be a low-ODS-consuming country for the purposes of determining the eligibility of projects for funding from the allocation reserved for such countries in accordance with the decision adopted by the Executive Committee at its Sixteenth Meeting (UNEP/OzL.Pro/ExCom/16/20 para. 32 (g) (iii)).

Having considered the comments and recommendations of the Sub-Committee on Project Review on the classification of low-volume-consuming countries and, in particular, on whether the consumption of methyl bromide should be taken into account for the purposes of determining the status of a Party as a low-volume-consuming country, the Executive Committee decided at its Twenty seventh meeting that the consumption of methyl bromide reported under Article 7 of the Protocol should be excluded from the calculation of ODS consumption used in establishing the status of a country as a low-volume-consuming country.

*(UNEP/OzL.Pro/ExCom/27/48, Decision 27/18, para. 43).*

The Executive Committee requested that UNEP, in consultation with the other Implementing Agencies and the Secretariat, should prepare for submission to the Sub-Committee on Project Review at its Eighteenth Meeting a paper on innovative approaches to phasing out ozone-depleting substances in such countries.

*(UNEP/OzL.Pro/ExCom/17/60, Decision 17/11 para. 19a and c).*

Subsequently, the Nineteenth Meeting of the Executive Committee, having considered the report submitted by UNEP on innovative approaches for the phasing-out of ozone-depleting substances in low-ODS-consuming countries (UNEP/OzL.Pro/ExCom/19/53), decided:

- (a) to take note of the report submitted by UNEP;
- (b) to endorse the methodology in the report for approaches to institutional strengthening and country programme formulation in low- and very-low-volume-ODS-consuming countries and to encourage UNEP to implement the methodology on a trial basis;
- (c) to request UNEP, in keeping with subparagraph (d) of decision VII/25 of the Seventh Meeting of the Parties, to continue its work for the preparation of an overall approach in addressing the needs of low-volume-ODS-consuming countries by, inter alia, drawing on the experience and ongoing activities of other organizations and to submit a report thereon to the Executive Committee at its Twentieth Meeting.

*(UNEP/OzL.Pro/ExCom/19/64, Decision 19/30, para. 55).*

The Seventh Meeting of the Parties requested the Executive Committee to provide specific support to low-volume-ODS-consuming countries (LVCs) by:

- (a) allocating sufficient funds for projects in low-volume-ODS-consuming countries to further strengthen and expand awareness and training programmes, especially in the area of refrigerant management;
- (b) supporting specialized assistance such as a workshop to establish regulatory and legislative measures required to facilitate the phase-out of ozone-depleting substances;
- (c) allowing financing of eligible retrofitting projects, in sectors vital to LVC economies on a case-by-case basis where this can be shown to be the best approach;
- (d) requesting the United Nations Environment Programme, due to its extensive experience with low-volume-ODS-consuming countries (LVCs), to take the lead in preparing an overall approach in addressing these needs;
- (e) providing funds to low-volume-ODS-consuming countries, on a regional basis, to organize training workshops for their customs and other officers on the harmonized system and other systems to control and

monitor consumption of ozone-depleting substances;

Approval of projects in low-volume-ODS-consuming countries and very low-volume-ODS-consuming countries should be based upon a more appropriate project-appraisal approach reflecting the particular circumstances encountered by the countries referred to above.

*(UNEP/OzL.Pro.7/12 Decision VII/25).*

The Twentieth Meeting of the Executive Committee decided:

- (a) to take note with appreciation of the report on UNEP's continued work on addressing the needs of low-volume-ODS-consuming countries;
- (b) to note the statement of the representative of UNEP that most ODS consumption in LVCs was concentrated in the refrigeration sector, mainly in the servicing and maintenance sectors, and that phase-out of ODS could be achieved largely through non-investment projects;
- (c) to request UNEP to ensure that adequate consultations were undertaken so that any policy formulated for LVCs fully reflected the needs of those countries;
- (d) to endorse in principle the proposed modality for further action, including the development of refrigerant management plans, subject to a review of the operational details to be presented in the UNEP work programme;
- (e) to encourage UNEP to continue exploring ways and means of addressing the needs of LVCs, bearing in mind the requirement to freeze consumption of controlled substances in Group I of Annex A to the Protocol in 1999;
- (e) to request UNEP to consolidate the proposals contained in its report with a view to discussion and endorsement by the Executive Committee and, in doing so, to assess whether the funding allocated for projects in LVCs would be sufficient to enable compliance by those countries with the 1999 control measures.

*(UNEP/OzL.Pro/ExCom/20/72, Decision 20/40, para. 60).*

*(Supporting document: UNEP/OzL.Pro/ExCom/20/60).*

The Fifty-fourth Meeting of the Executive Committee decided to apply the penalty in the Agreement calculated as 10 per cent of the amount of the tranche being submitted to the Executive Committee for approval in instances of non-compliance with the Agreement between the Executive Committee and the Government concerned, when the following criteria had been met: (i) the country concerned was a low-volume-consuming country, (ii) it was the first time that the country had been in non-compliance and (iii) the country had returned to compliance without additional assistance from the Fund;

*(UNEP/OzL.Pro/ExCom/20/72, Decision 20/40, para. 60).*

*(Supporting document: UNEP/OzL.Pro/ExCom/20/60).*

#### **SUMMARY STATUS REPORT ON ODS PHASE-OUT FOR ARTICLE 5 COUNTRIES**

The Twenty-second Meeting of the Executive Committee decided:

- (a) that the report should be updated on an annual basis;
- (b) that, to improve the usefulness of the document, further status reports should include information on both CFC production and consumption, CFC freeze level data on the basis of the 1995-1997 baseline, and information on halon production and consumption, as well as general information on overall economic growth;
- (c) that Article 5 Parties should be strongly encouraged to provide their own assessment of whether they would be able to meet the 1999 freeze. The Secretariat, working with the Implementing Agencies, should develop and distribute a questionnaire seeking that assessment from Article 5 Parties;
- (d) to request the Implementing Agencies to increase their focus on those Parties that had not yet received assistance from the Multilateral Fund, all of which were low-volume-consuming countries (LVCs).

*(UNEP/OzL.Pro/ExCom/22/79/Rev.1, Decision 22/12, para. 27).*

*(Supporting document: UNEP/OzL.Pro/ExCom/22/13).*

The Twenty-fifth Meeting of the Executive Committee took note of the summary status report and decided:

- (a) to request Implementing Agencies to address the findings in paragraph 35 of the Sub-Committee's report in their 1999 business plans, including how to complete or accelerate preparation of country programmes so

as to ensure that all countries had data against which to report and measure progress in time for the 1999 freeze;

- (b) to request the Secretariat, in consultation with the Implementing Agencies, to prepare a summary table providing information for each country with the following data: funds approved to date; funds disbursement; percentage of approved funds disbursed; 13 per cent support costs; pertinent consumption data; approved ODP phase-out for the country; actual ODP phased out; percentage of approved consumption phased out; the approved phase-out in the production sector; and a synthesis of information readily available to the Secretariat on performance of national ozone units.

*(UNEP/OzL.Pro/ExCom/25/68, Decision 25/12, para. 34).*

The Twenty-sixth Meeting of the Executive Committee decided:

- (a) to request the Secretariat to update the summary status report and submit it to the Executive Committee at its second meeting each year;
- (b) also to request the Secretariat to ensure that data in its documents were consistent and to take steps to validate and update the data;
- (c) further to request the Secretariat to ensure that the column on consumption included the applicable baseline for each group of substances for which the Multilateral Fund considers projects and to provide information on the sectoral distribution and, if available, on the distribution between the manufacturing and servicing sectors.

*(UNEP/OzL.Pro/ExCom/26/70, Decision 26/7, para. 22).*

The Thirty-seventh Meeting of the Executive Committee decided:

- (a) to note with appreciation the update report on the status of Article 5 countries in the new phase of the Executive Committee in achieving compliance with the initial control measures of the Montreal Protocol as contained in UNEP/OzL.Pro/ExCom/37/18 and Corr.1, and request the Secretariat to continue to update this report at subsequent meetings, taking into account the comments received;
- (b) to request the relevant Article 5 countries and implementing and bilateral agencies to use the information contained in this report (UNEP/OzL.Pro/ExCom/37/18 and Corr.1) as a basis for all future business planning;
- (c) to request the Secretariat to write to the Government of the Bahamas for an explanation of the CFC data reported to the Fund Secretariat on the implementation of country programme that exceeds by more than 50 per cent the agreed maximum level of consumption for 2001 according to the Bahamas national phase-out agreement;
- (d) to urge Costa Rica, Georgia, Ghana, Lebanon, Malawi, Morocco, Peru, Turkey and Uruguay to expedite the implementation of their phase-out agreements and projects to achieve the freeze in methyl bromide consumption;
- (e) to request Argentina, China, Croatia and Romania to reconsider their CTC data to ensure that CTC for feedstock is not included;
- (f) to note that the negative data for Argentina's halon consumption in 2001 reported to the Fund Secretariat on the implementation of country programme reflected the exportation of halon for that year when no halon was consumed or produced by Argentina;
- (g) to note that there was an error in the Ozone Secretariat data concerning El Salvador's consumption of methyl bromide, which was zero ODP tonnes; and
- (h) to note that Syria reported that the Government of Jordan and the Secretariat were discussing Jordan's ongoing consumption data.

*(UNEP/OzL.Pro/ExCom/37/71, Decision 37/16, para. 42).*

*(Supporting document: UNEP/OzL.Pro/ExCom/37/18 and Corr.1).*

### **Annual update of the status of compliance of Article 5 countries**

The Thirty-second Meeting of the Executive Committee decided:

- (a) to take note of document UNEP/OzL.Pro/ExCom/32/38;
- (b) to request the Secretariat to prepare an annual update of the status of compliance of Article 5 countries with



the control measures of the Montreal Protocol as contained in part I of document UNEP/OzL.Pro/ExCom/32/38, and of the implementation of Montreal Protocol through government policy controls as contained in part II of the document. In so doing, the Secretariat should attempt in future editions of the document to correlate the impact of approved non-investment projects on the status of compliance of Article 5 countries and address other policy measures such as those for end-users and implementation by customs authorities of import controls;

- (c) to request the Sub-Committee on Monitoring, Evaluation and Finance to review and take action on the updated document.

*(UNEP/OzL.Pro/ExCom/32/44, Decision 32/76, para. 94).*

*(Supporting document: UNEP/OzL.Pro/ExCom/32/38).*

The Thirty-fourth Meeting of the Executive Committee decided:

- (a) to note the report contained in UNEP/OzL.Pro/ExCom/34/16, in particular that:
- (i) the remaining consumption to be phased out after accounting for approved but unimplemented projects was represented by the following consumption sectors: refrigeration, 35 per cent; foam, 16 per cent; process agents, 16 per cent; solvents, 12 per cent; halons, 12 per cent; fumigants, 6 per cent; aerosols, 2 per cent; and tobacco, 1 per cent;
  - (ii) regarding CFCs, 14 countries were at risk of not meeting their freeze obligations. Action by governments and the Multilateral Fund was needed in 53 countries to ensure their compliance with the 50 per cent reduction target by 2005;
  - (iii) regarding halons, immediate action was needed in 16 countries, three of which had to implement approved projects sooner than planned in order to ensure the freeze of halons. Action by governments and the Multilateral Fund was needed in 17 countries to ensure the reduction by 2005;
  - (iv) regarding methyl bromide, 43 countries had not yet ratified the Copenhagen amendment. Of those that had ratified the Copenhagen amendment immediate action was needed to enable 24 countries to comply with the freeze obligation, of which four countries needed to implement approved projects sooner than planned to achieve compliance. Urgent action by all concerned was required in order to ensure that as many countries as possible would be able to achieve compliance;
  - (v) regarding CTC and TCA, the baseline for compliance had to be established as soon as possible to allow for an analysis of the status in achieving compliance;
  - (vi) the enactment of policy measures by governments in Article 5 countries had played a crucial role in contributing towards the ability of countries to achieve compliance with the CFC freeze commitment;
- (b) to take into account the results of the status report in the discussion on strategic planning and, as appropriate, in the assessment of project proposals in light of the objective of supporting countries to enable them to comply with the Montreal Protocol;
- (c) to request the following countries to clarify the increase in consumption from 1999 to 2000 despite the additional phase-out from approved projects completed in 1999: Colombia, Mexico, Peru, and Sri Lanka;
- (d) also to request the implementing and bilateral agencies to take into consideration the sector analysis contained in the report for the purposes of planning activities for their 2002 draft business plans.

*(UNEP/OzL.Pro/ExCom/34/58, Decision 34/12, para. 30).*

*(Supporting document: UNEP/OzL.Pro/ExCom/34/16).*

The Fortieth Meeting of the Executive Committee decided:

- (a) to take note of the report on the status of Article 5 countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol, as contained in UNEP/OzL.Pro/ExCom/40/25/Rev.1, which also included data on the implementation of country programmes in Part II;
- (b) to urge implementing and bilateral agencies, as well as the relevant Article 5 countries, to adhere to the timely implementation of the 2003 business plans;
- (c) to note with appreciation that 2002 data reported to the Fund Secretariat were below the CFC freeze baseline levels for the following countries found to be in non compliance by the Fourteenth Meeting of the Parties: Bangladesh, Belize, Bolivia, Cameroon, Ethiopia, Namibia, Nepal and Nigeria, and that the assessment of

compliance by the Implementation Committee would be based on data reporting for the control period, which, for 2002, was 1.5 years;

- (d) to request the implementing and bilateral agencies, in particular UNEP, to assist countries identified in the status report as consuming small amounts of methyl bromide, CTC and TCA but not included in any of the agencies' three-year business plans for the triennium, to determine the proportion of such consumption that is eligible for phase-out; and
- (e) also to request bilateral and Implementing Agencies to include activities, after verifying eligible consumption, in their 2004/2005 business plans for the following countries: Algeria (CTC/TCA), Bahamas (CTC), Bahrain (methyl bromide, CTC), Burundi (TCA), Croatia (CTC), Cuba (CTC), Ecuador (CTC/TCA), Fiji (methyl bromide), Haiti (halon, TCA), Indonesia (CTC), Mexico (CTC), Morocco (halon, CTC), Nigeria (TCA), Paraguay (methyl bromide/CTC), Peru (CTC), Sudan (CTC), Tunisia (CTC), Uganda (CTC, TCA), Uruguay (CTC), Yemen (TCA), Zambia (CTC), and Zimbabwe (CTC/TCA).

*(UNEP/OzL.Pro/ExCom/40/50, Decision 40/19, para. 58).*

*(Supporting document: UNEP/OzL.Pro/ExCom/40/25/Rev.1).*

After discussion concerning status of compliance, status of implementation of ongoing projects and data on the implementation of country programmes, the need for timely implementation of business plans, and 2003 data for countries found to be in non-compliance by the Fifteenth Meeting of the Parties, the Forty-third Meeting of the Executive Committee decided:

- (a) to note the report on the status/prospects of Article 5 countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol as contained in documents UNEP/OzL.Pro/ExCom/43/6/Rev.1 and Corr.1, which included data on the status of implementation of ongoing projects in Part II and the implementation of country programmes in Part III;
- (b) to urge bilateral and Implementing Agencies, as well as the relevant Article 5 countries, to adhere to the timely implementation of the 2004 business plans;
- (c) to request bilateral and Implementing Agencies, in consultation with the Secretariat, to include phase-out activities and UNEP Compliance Assistance Programme activities in their 2005–2007 business plans, as an immediate priority, for unfunded eligible consumption for countries in non-compliance or at risk of non-compliance with specific Montreal Protocol control measures for the years 2005 and 2007;
- (d) to request the Secretariat, in cooperation with the Ozone Secretariat and the bilateral and Implementing Agencies, to provide for inclusion in its ensuing reports on the status/prospects of Article 5 countries information and views from the Article 5 countries found to be in non-compliance and/or at risk of non-compliance on the nature of the impediments to their achieving compliance with the control measures of the Montreal Protocol, in particular with regard to low-volume-consuming countries, and to report thereon to the 44th Meeting of the Executive Committee; and
- (e) to note the expectation that further actions might be necessary in the future to enhance the capacity of the Implementing Agencies to better support the efforts of countries that were or might soon be in non-compliance.

*(UNEP/OzL.Pro/ExCom/43/61, Decision 43/4, para. 39).*

The Forty-fourth Meeting of the Executive Committee after discussion on the status of compliance, the revised formats for future reports, a possible strategy for addressing nominal quantities of CTC and TCA, and the level of total remaining ODS consumption, and after having noted that the contact group wished to pursue its work in the margins of the 45th Meeting, decided:

- (a) to note the report on the status/prospects of Article 5 countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol as contained in documents UNEP/OzL.Pro/ExCom/44/6 and Corr.1, taking into account the comments made during the meeting;
- (b) to request bilateral and Implementing Agencies to include phase-out activities, where appropriate, for eligible consumption in their 2005-2007 business plans for the following countries:
  - (i) for CFCs: Saint Vincent and the Grenadines;
  - (ii) for halon: Libyan Arab Jamahiriya and Somalia (when the conditions appeared conducive to a sustainable operation);
  - (iii) for methyl bromide: Papua New Guinea;

- (iv) for methyl chloroform: Ecuador;
- (v) for carbon tetrachloride: Bahrain, Barbados, Islamic Republic of Iran, and Paraguay; and
- (c) that the contact group on a possible strategy for addressing low volumes of CTC and TCA consumption should be reconvened at the 45th Meeting of the Executive Committee.

*(UNEP/OzL.Pro/ExCom/44/73, Decision 44/4, para. 42).*

*(Supporting document: UNEP/OzL.Pro/ExCom/44/6 and Corr.1).*

The Forty-sixth Meeting of the Executive Committee decided:

- (a) to note the report on status/prospects of Article 5 countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol as contained in documents UNEP/OzL.Pro/ExCom/46/6 and Add.1;
- (b) to note that Brazil had phased out its CFC production;
- (c) to request the Secretariat to reformat the report to focus on actual and potential compliance issues, to address the 85 per cent reduction for CFCs in 2007, and to include a report on all Article 5 countries;
- (d) to encourage bilateral and Implementing Agencies to provide requests for project proposals to the 47th Meeting, or in their 2006 business plans, that would address the following countries at risk of non-compliance:
  - (i) for halons: Kyrgyzstan and Somalia (when the conditions appeared conducive to a sustainable operation);
  - (ii) for CTC: Nepal, Sierra Leone, and Uganda; and
- (e) to urge bilateral and Implementing Agencies implementing institutional strengthening projects to continue their efforts to obtain data from National Ozone Units (NOUs) on the implementation of their country programmes and to inform NOUs of the requirement to provide all data necessary in order to receive the maximum two-year renewal of institutional strengthening.

*(UNEP/OzL.Pro/ExCom/46/47, Decision 46/4, para. 36).*

*(Supporting document: UNEP/OzL.Pro/ExCom/46/6 and Add.1).*

The Forty-seventh Meeting of the Executive Committee decided:

- (a) to note the report on the status/prospects of Article 5 countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol, as contained in documents UNEP/OzL.Pro/ExCom/47/6 and Add.1;
- (b) to request bilateral and implementing agencies to include phase-out activities, where appropriate, for eligible consumption in their 2006-2008 business plans for the following countries for which no project preparation had been approved in line with decisions of the Parties and the Executive Committee:
  - (i) for CFCs: Somalia when conditions for sustainable activities existed;
  - (ii) for halons: Romania, Sierra Leone and Somalia when conditions for sustainable activities existed; and
  - (iii) for CTC: Sierra Leone and Zimbabwe.

*(UNEP/OzL.Pro/ExCom/47/61, Decision 47/4, para. 31).*

*(Supporting document: UNEP/OzL.Pro/ExCom/47/6 and Add.1).*

The Forty-ninth Meeting of the Executive Committee decided:

- (a) to note the report on the status/prospects of Article 5 countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol as contained in document UNEP/OzL.Pro/ExCom/49/6;
- (b) to request bilateral and implementing agencies to include phase-out activities, where appropriate, for eligible consumption in their 2007-2009 business plans for the following countries:
  - (i) CFCs and halon: Somalia (if conditions permit);
  - (ii) CTC: Bolivia and The Former Yugoslav Republic of Macedonia, within the framework of their terminal phase-out management plans;
  - (iii) TCA: Croatia;
- (c) to request bilateral and multilateral implementing agencies to assist Article 5 countries to complete fully the

data/information required in the new reporting format for country programme data; and

- (d) to request UNEP to include, where appropriate, as an agenda item in its network meetings taking place prior to May 2007, a discussion on completing the new reporting format for country programme data.

*(UNEP/OzL.Pro/ExCom/49/43, Decision 49/5, para. 49).*

*(Supporting document: UNEP/OzL.Pro/ExCom/49/6).*

The Fiftieth Meeting of the Executive Committee decided:

- (a) to note the report on the status/prospects of Article 5 countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol as contained in document UNEP/OzL.Pro/ExCom/50/6;

- (b) to request bilateral and implementing agencies to include phase-out activities, where appropriate, to address eligible consumption in their 2007-2009 business plans as follows:

(i) CTC: United Republic of Tanzania;

(ii) TCA: United Republic of Tanzania.

- (c) to request Article 5 countries to submit complete country programme data using the new format; and

*(UNEP/OzL.Pro/ExCom/50/62, Decision 50/4 para. 46(a)(b)(c)).*

*(Supporting document: UNEP/OzL.Pro/ExCom/50/6).*

The Fifty-second Meeting of the Executive Committee decided:

- (a) to note the report on the status/prospects of Article 5 countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol as contained in UNEP/OzL.Pro/ExCom/52/7/Rev.1;

- (b) to request UNDP and El Salvador to expedite the submission of the terminal phase out management plan proposal to the 53rd Meeting;

- (c) to urge those countries that have not established licensing systems to endeavour to establish such systems as soon as possible;

*(UNEP/OzL.Pro/ExCom/52/55, Decision 52/5, para. 48 (a to c)).*

*(Supporting document: UNEP/OzL.Pro/ExCom/52/7/Rev.1).*

The Fifty-third Meeting of the Executive Committee decided:

- (a) to note the report on the status/prospects of Article 5 countries in achieving compliance with the initial and intermediate control measures of the Montreal Protocol as contained in document UNEP/OzL.Pro/ExCom/53/6/Rev.1; and

- (b) to request the Fund Secretariat to proceed with a revision of the status of compliance document, and to include data on project implementation delays, an assessment of risks of non-compliance based on criteria, while engaging in ongoing consultations with countries and agencies to ensure that Article 5 countries were involved in the process, and to report back to the 57<sup>th</sup> Meeting of the Executive Committee on the usefulness and the level of effort associated with preparing detailed assessments of the risk of non-compliance.

*(UNEP/OzL.Pro/ExCom/53/67, Decision 53/4, para. 41).*

*(Supporting document: UNEP/OzL.Pro/ExCom/53/6/Rev.1)*

The Fifty-fourth Meeting of the Executive Committee decided:

After discussing the document on the status of implementation of delayed projects and prospects of Article 5 countries in achieving compliance with the next control measures of the Montreal Protocol, the Fifty-fourth Meeting of the Executive Committee decided:

- (g) to note, with appreciation, that 42 countries, after having reviewed the risk assessment had expressed their confidence that they would comply with the control measures of the Montreal Protocol; and

- (h) to request the Fund Secretariat to continue its efforts to obtain feedback from Article 5 countries on the risk assessment, the general indicators of possible risk of non-compliance therein, and their ability to achieve compliance.

*(UNEP/OzL.Pro/ExCom/54/59, Decision 54/4, para 40 (g, h).*

*(Supporting document: UNEP/OzL.Pro/ExCom/54/5).*

The Fifty-fifth Meeting of the Executive Committee decided:

After discussing the document on the status of implementation of delayed projects and prospects of Article 5

countries in achieving compliance with the next control measures of the Montreal Protocol, the Fifty-fifth Meeting of the Executive Committee decided:

- (e) to note, with appreciation, that 69 countries had thus far indicated that, after having reviewed the risk assessment, they were confident that they would be able to comply with the control measures of the Montreal Protocol; and
- (f) to request a revision of the risk of non-compliance indicators, taking into account comments by the Parties and with a view to achieving a consensus on their applicability.

*(UNEP/OzL.Pro/ExCom/55/53, Decision 55/4, para.38 (e, f)).*

*(Supporting document: UNEP/OzL.Pro/ExCom/55/6)*

The Fifty-sixth Meeting of the Executive Committee decided:

After discussing the document on the status of implementation of delayed projects and prospects of Article 5 countries in achieving compliance with the next control measures of the Montreal Protocol, the Fifty-sixth Meeting of the Executive Committee decided:

- (a) to note:
  - (v) with appreciation the comments received from 31 countries on the risk indicators;
  - (vi) with appreciation, that 83 countries had thus far indicated their confidence that they would comply with the control measures of the Montreal Protocol after having reviewed the risk assessment, and to request the Fund Secretariat to continue to update the assessment based on the other risk indicators given the overall consensus on their application and obtain feedback from the countries;
- (b) that Parties would be given the opportunity to comment on the risk indicators up until the 57th Meeting;
- (c) that the indicators would remain in operation pending reconsideration at the 57th Meeting after responses had been received from all countries concerned with regard to the risk assessment.

*(UNEP/OzL.Pro/ExCom/56/64, Decision 56/4 para 40)*

*(Supporting document: UNEP/OzL.Pro/ExCom/56/6)*

The Fifty-seventh Meeting of the Executive Committee decided:

- (a) to note:
  - (iv) with appreciation, the comments received from 53 countries on the risk indicators;
  - (v) with appreciation, that thus far 92 countries had indicated their confidence in complying with the control measures of the Montreal Protocol after having reviewed the risk assessment;
- (b) to encourage interested Article 5 Parties to conduct their own compliance risk assessment making full use of the methodology and indicators developed by the Secretariat;
- (c) to consider further the role of the Secretariat with respect to the assessment of the risks of non-compliance in the context of work programmes on monitoring and evaluation.

*(UNEP/OzL.Pro/ExCom/57/69, Decision 57/5 para 47).*

*(Supporting document: UNEP/OzL.Pro/ExCom/57/6)*

The Fifty-ninth Meeting of the Executive Committee decided:

- (b) To request:
  - (iv) The Secretariat to provide information to the 62nd Meeting on use of web based country programme implementation data and country profile systems to enable a review of their continued utility;
  - (iii) That information on country profiles should only be on the Secretariat's intranet and that public access should be limited to Executive Committee Members;

*(UNEP/OzL.Pro/ExCom/59/59, Decision 59/4 para 37(b)).*

*(Supporting document: UNEP/OzL.Pro/ExCom/59/6)*

The Sixtieth Meeting of the Executive Committee decided:

- (b) To request:
  - (i) UNEP to hold a session on the revised format for country programme data reporting at its network meetings;
  - (ii) UNEP and the Secretariat to identify problems associated with the low level of use of on-line reporting

to determine how best to encourage the timely reporting of Article 5 country programme data using such systems;

(iii) Additional status reports on the projects listed in Annex II to the present report;

*(UNEP/OzL.Pro/ExCom/60/54, Decision 60/4 para 46(b)(i to iii)).*

*(Supporting document: UNEP/OzL.Pro/ExCom/60/6).*

### **Accounting for consumption phased out during the compliance period**

The Thirty-second Meeting of the Executive Committee decided to request all countries to include in their reports on sectoral consumption the phase-out from all projects completed in their countries in the previous year.

*(UNEP/OzL.Pro/ExCom/32/44, Decision 32/23, para. 35).*

### **Low level of disbursement in certain countries**

The Twenty-second Meeting of the Executive Committee decided:

(a) to take this concern into account when considering future project preparation and approval for those countries;

(b) to request the Sub-Committee on Project Review to do likewise.

*(UNEP/OzL.Pro/ExCom/22/79/Rev.1, Decision 22/2, para. 17).*

Noting the strong concern expressed by the Sub-Committee regarding the fact that a number of LVCs had received no funding from the Multilateral Fund, the Twenty-second Meeting of the Executive Committee decided to request the Implementing Agencies to give priority to these countries in the future and, if funds were available, during 1997.

*(UNEP/OzL.Pro/ExCom/22/79/Rev.1, Decision 22/4, para. 19).*

The Twenty-second Meeting of the Executive Committee requested UNEP to take a lead role in coordinating expanded efforts by all the Implementing Agencies to contact and engage Article 5 Parties that had not yet done so in the development of country programmes and ODS reduction strategies, including the development of refrigeration management plans.

*(UNEP/OzL.Pro/ExCom/22/79/Rev.1, Decision 22/56, para. 76(e)).*

### **Funding for countries that have not ratified the London Amendment**

The Twenty-ninth Meeting of the Executive Committee decided to approve funding for the projects and activities submitted by countries which had not ratified the London Amendment, on the understanding that a letter would be sent to those countries urging them to take the necessary action to ratify the London Amendment as rapidly as possible.

*(UNEP/OzL.Pro/ExCom/29/65, Decision 29/21, para. 47).*

The Fortieth Meeting of the Executive Committee decided to require from Parties an official commitment in writing to ratify the London Amendment to the Montreal Protocol before funding could be approved for their projects.

*(UNEP/OzL.Pro/ExCom/40/50, Decision 40/35, para. 75).*

## **IMPLEMENTATION OF THE STRATEGIC PLANNING IN ARTICLE 5 COUNTRIES**

### **Starting point for determining the sustained reduction of each Article 5 country**

At its Thirty-fourth Meeting, several representatives of the Executive Committee wished to see an agreed definition of sustained permanent aggregate reductions in production and consumption. Differing views were expressed on how to establish a baseline figure instead of the national aggregate consumption concept that would enable the remaining ODS consumption eligible for funding to be determined. It was proposed that the following alternative approaches could be applied in the line of discussions on strategic planning when determining such a baseline:

- the baseline figure should be based on very recently reported consumption data;
- some adjustments should be allowed in exceptional circumstances, for example, in cases of ODS imports, stockpiling or illegal imports, and natural sectoral growth; and a suitable method should be developed for the incorporation of ongoing projects in the baseline figure; or
- the Montreal Protocol baseline for compliance in respect of the different controlled substances should be used.

The Thirty-fourth Meeting of the Executive Committee decided:

- (f) to prepare a document that included a definition of the starting point for determining the sustained reduction of each Article 5 country, taking into consideration the need to address properly the alternative approaches outlined in paragraph above;
- (g) to solicit written comments from members of the Executive Committee on document UNEP/OzL.Pro/ExCom/34/53; and
- (c) to submit to the Thirty-fifth Meeting a revised version of document UNEP/OzL.Pro/ExCom/34/53 taking into account the proposals made and the views expressed at the Thirty-fourth Meeting, as well as the written submissions by members of the Executive Committee.

*(UNEP/OzL.Pro/ExCom/34/58, Decision 34/66, paras 89 and 91).*

*(Supporting document: UNEP/OzL.Pro/ExCom/34/53).*

### **Adjusted funding policies of the Multilateral Fund**

The Thirty-fifth Meeting of the Executive Committee decided:

- (a) to adopt the adjusted funding policies of the Multilateral Fund, based on the revised proposals prepared by the Secretariat in the revision to document UNEP/OzL.Pro/ExCom/34/53, as amended at the 35th Meeting of the Executive Committee and as contained in Annex VI.1 to this document, and to emphasize (i) greater government responsibility for managing national phase-out programmes, (ii) the demonstrated relevance of projects defined as a direct, and, if applicable, quantifiable linkage between the funded activities and meeting the specific Montreal Protocol control measures;
- (b) to request the Secretariat to work with members of the Executive Committee, the bilateral agencies and the Implementing Agencies to develop draft guidelines for the preparation, implementation and management of performance-based substance-wide and national phase-out agreements;
- (c) to request the Secretariat, together with members of the Executive Committee and the Implementing Agencies, to review the guidelines for the funding of institutional strengthening projects in view of the adjusted Fund Policy of emphasizing greater responsibility of governments for national phase-out programmes, with the objective of linking funding of institutional strengthening projects more closely with compliance needs of countries. The review should take into consideration the results of the recently completed evaluation of the institutional strengthening projects and Decision 30/7, funding criteria, implementation modality, and the willingness of the Executive Committee to consider additional funding for institutional strengthening projects to enable Article 5 governments to assume greater responsibilities;
- (d) to note the Secretariat's proposed approach to implementing Decision 33/54 as detailed in paragraph 3 of document UNEP/OzL.Pro/ExCom/34/53<sup>1</sup>, and to request the Secretariat, as a matter of urgency, to use that approach and issues related to the implementation of Decision 33/54 raised by Executive Committee members prior to the 36th Meeting, including those in document UNEP/OzL.Pro/ExCom/35/60, Annex I, as a basis for preparing for the Executive Committee at its 36th Meeting an indicative timetable for this task.

---

<sup>1</sup> Paragraph 3 (UNEP/OzL.Pro/ExCom/34/53): The Secretariat is fully conscious that this exercise of introducing changes is proposed to be made in the modus operandi of an institution which has been in operation for over 10 years and therefore proposes to take the following approach:

- (a) build on the existing infrastructure: Changes are proposed only after an in-depth review of the existing system to identify any specific deficiencies with a view to rectifying them to make the system function more effectively under the new circumstances;
- (b) determine an appropriate transitional period: Since changes must be introduced without interrupting the momentum which has been created in the grace period, adequate time should be made available for the various partners involved to get acquainted with, and implement the changes;
- (c) introduce changes step-wise: The policies, guidelines and operating procedures of the Fund have evolved over the years into an organic whole and at the same time follow a sequence either on the basis of substance or operational need. For instance the funding policies will determine the kind of implementation modalities and operational guidelines to support the policies, which will in turn, determine the operating procedures that have to be adopted. This will be the sequence that these issues will be reviewed and introduced. As a result the current paper will not address the various operating procedures and business practices, like the performance indicators of business plans, however they will have to be reviewed to determine their continued relevance in light of new operating policies and operating modalities of the Fund.

(UNEP/OzL.Pro/ExCom/35/67, Decision 35/56, para. 98).

In the context of the implementation of Decision 35/56, the Executive Committee decided at its Thirty-sixth Meeting, to request the Secretariat to prepare a paper for the consideration of the 37th Meeting that would address the issues identified in document UNEP/OzL.Pro/ExCom/36/32, taking into account the comments and views expressed by members of the Executive Committee at the present Meeting, as well as comments to be submitted by the members of the Executive Committee and by the Implementing Agencies up to a deadline of 19 April 2002; in so doing, the Secretariat would take into account the table on page 12 of document UNEP/OzL.Pro/ExCom/36/32, with a possible change to the indicative completion date for the work of the Executive Committee and for the revised guidelines for the funding of institutional strengthening projects.

(UNEP/OzL.Pro/ExCom/36/36, Decision 36/53, para. 111).

(Supporting document: UNEP/OzL.Pro/ExCom/36/32).

### Reductions in national aggregate consumption

In the context of the Executive Committee agreement on strategic planning (Decision 33/54), the Executive Committee agreed (at its Thirty-fifth Meeting) that further funding must be predicated on a commitment by the country to achieve sustainable permanent aggregate reductions in consumption and production, as relevant. In implementing this provision, the Executive Committee believes that all Article 5 countries should be treated equally. In that regard, each Article 5 country should select one option from two options below for determining the starting point for implementation of its national aggregate consumption.

#### Option 1

Montreal Protocol baseline  
as reported at the 35th Meeting (Annex VI.2)  
  
Projects approved but not yet implemented when  
the baseline was established in 1997, and projects  
approved since

#### Option 2

Latest reported data (1999 or 2000)  
as reported at the 35th Meeting (Annex VI.2)  
  
Projects approved but not yet implemented

(UNEP/OzL.Pro/ExCom/35/67, Decision 35/57, para. 112(c)).

### Provisos relating to Decision 35/57:

- A. if an Article 5 country selects option 2, it should be with the understanding that the Executive Committee may agree in exceptional cases to adjust the resulting baseline at the first instance a project from a country is considered, to take into account the demonstrated non-representative nature of the last year's data for reasons such as clearly demonstrated stockpiling in the specific 12-month period, and/or national economic difficulties in the specific 12-month period. In so considering, the Executive Committee shall not take into account illegal imports, as there should be agreement that firms that import illegally, or purchase illegal imports, should not benefit from Fund assistance. In any case, it must be perfectly clear that only the Montreal Protocol baseline will be used to determine compliance with the Montreal Protocol.
- B. it is acknowledged that some future years' reported consumption may go above or below the levels that result from the agreed calculation, but if consumption numbers go above the resulting levels, such increases in consumption would not be eligible for funding. It is further noted that the resulting numbers represent maximum residual ODS that the Fund will pay to reduce, and that existing Fund guidance related to eligibility of projects would be maintained in all respects.
- C. it is noted that RMPs and methyl bromide projects lead to a specific commitment of levels of reductions in national aggregate consumption relative to Montreal Protocol obligations, and that halon banking projects often lead to commitment for a total national phase-out and ban on the import of halon. Those projects should continue to be handled on that basis.
- D. institutional strengthening and non-investment activities, including UNEP activities and any country dialogues that may be approved, undeniably contribute to Article 5 reductions in the use of ODS, otherwise, there would be no need to fund these activities. That said, their direct ODS reduction impact has been notoriously difficult to quantify. The Technology and Economic Assessment Panel historically suggested that for methyl bromide, non-investment activities may be five times more cost-effective than phase-out projects, yielding a cost-effectiveness of under US \$4.25/kg. For the purposes of this endeavor, it has been agreed to take a much more conservative stance, and agreed that all future non-investment activities be given a value that is not many times more cost-effective than investment projects, which is at US \$12.10/kg, which is one third as cost-effective as the average investment project approved under the Fund. This should be



used as an interim figure until more research can be done on the issue.

- E. while countries are still explicitly given the option of proceeding on a project by project or sector/national basis, it should be noted that in the case of broader plans such as production sector plans, RMPs, solvents sector plans, halon sector plans or national CFC phase-out plans, complicated issues such as selecting a starting point and ensuring national sustained reductions become less critical, as the agreements themselves embody a specific commitment to eliminate national aggregate consumption or production of the given substance on a specific schedule.

*(UNEP/OzL.Pro/ExCom/35/67, Decision 35/57, para. 112 (c)).*

*(Supporting document: UNEP/OzL.Pro/ExCom/35/61 and 35/61/Corr.1).*

The Thirty-sixth Meeting of the Executive Committee decided:

- (a) that proviso (D) of Decision 35/57 should not apply to low-volume consuming countries;
- (b) that for all other countries the rate of US \$12.10 per ODP kilogram should apply to CFC consumption and result in a reduction from the level established by the option selected by the country;
- (c) to request the Secretariat to prepare a paper to enable the Executive Committee to consider the possibility of amending the rate of US \$12.10 per ODP kilogram, by the 39th Meeting.

*(UNEP/OzL.Pro/ExCom/36/36, Decision 36/7, para. 41).*

With regard to the clarification sought by many Article 5 countries on the interpretation and consequences of Decision 35/57 in general, and whether RMP activities included in the business plans could be submitted as new terminal phase-out management plans if countries requested agencies to do so, the Executive Committee decided at its Thirty-sixth Meeting to return to the matter at its 37th Meeting.

*(UNEP/OzL.Pro/ExCom/36/36, Decision 36/6, para. 40).*

The Thirty-seventh Meeting of the Executive Committee decided:

- (a) to take note with appreciation of the countries listed in Annex I of document UNEP/OzL.Pro/ExCom/37/64 as amended;
- (b) to agree to the request of India to change its starting point data to a figure of 2317.2 ODP tonnes;
- (c) for countries that had not made or confirmed their final selection of an option:
  - (i) to set a deadline for selection at eight weeks prior to the meeting at which the country concerned intended to submit a project for consideration by the Executive Committee;
  - (ii) automatically to apply Option 1 if such a country submitted a project without making a selection;
  - (iii) notwithstanding sub-paragraphs (i) and (ii) above, to consider requests from countries at risk of non-compliance;
  - (iv) to request the Secretariat to assist those countries that were having technical difficulties in making their selection;

- (d) to take note of the five additional countries in Annex IV to document UNEP/OzL.Pro/ExCom/37/64.

*(UNEP/OzL.Pro/ExCom/37/71, Decision 37/66, para. 102).*

*(Supporting document: UNEP/OzL.Pro/ExCom/37/64).*

The Forty-first Meeting of the Executive Committee decided that a change in value from the figure of US \$12.10/kg was not warranted.

*(UNEP/OzL.Pro/ExCom/41/87, Decision 41/98, para. 158).*

## **CUSTOMS AND LICENSING SYSTEM**

### **Establishment of licensing systems**

The Ninth Meeting of the Parties decided:

1. that the licensing system to be established by each Party should:
  - (a) assist collection of sufficient information to facilitate Parties' compliance with relevant reporting requirements under Article 7 of the Protocol and decisions of the Parties; and
  - (b) assist Parties in the prevention of illegal traffic of controlled substances, including, as appropriate, through notification and/or regular reporting by exporting countries to importing countries and/or by allowing cross-checking of information between exporting and importing countries;

2. to facilitate the efficient notification and/or reporting and/or cross-checking of information, each Party should inform the Secretariat by 31 January 1998 of the name and contact details of the officer to whom such information and requests should be directed. The Secretariat shall periodically prepare, update and circulate to all Parties a full list of these contact details;
3. that the Secretariat and Implementing Agencies should take steps to assist Parties in the design and implementation of appropriate national licensing systems;
4. that Parties operating under Article 5 may require assistance in the development, establishment and operation of such a licensing system and, noting that the Multilateral Fund has provided some funding for such activities, that the Multilateral Fund should provide appropriate additional funding for this purpose.

*(UNEP/OzL.Pro.9/12, Decision IX/8).*

**Report on the establishment of licensing systems under Article 4B of the Montreal Protocol**

The Fourteenth Meeting of the Parties decided:

1. to note with appreciation that 59 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. to further note with appreciation that 56 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. to urge all the remaining 25 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
4. to encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
5. to review periodically the status of the establishment of licensing systems by all parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

*(UNEP/OzL.Pro.14/9, Decision XIV/36).*

The Fifteenth Meeting of the Parties decided:

1. to note with appreciation that 73 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. to note also with appreciation that 43 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. to recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;
4. to urge all the remaining 33 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
5. to encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
6. to urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;
7. to review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

*(UNEP/OzL.Pro.15/9, Decision XV/20).*

The Forty-first Meeting of the Executive Committee decided to request the Secretariat to prepare an updated list of countries which lacked import and export licensing systems.

*(UNEP/OzL.Pro/ExCom/41/87, Decision 41/79, para. 117).*

The Sixteenth Meeting of the Parties decided:

1. to note with appreciation that 81 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. to note also with appreciation that 42 Parties to the Montreal Protocol that have not yet ratified the Montreal

Amendment have also established import and export licensing systems;

3. to recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;
4. to urge all the remaining 39 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
5. to encourage all the remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
6. to urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;
7. to review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

*(UNEP/OzL.Pro.16/17, Decision XVI/32).*

The Seventeenth Meeting of the Parties decided:

1. to note with appreciation that 107 Parties to the Montreal Amendment to the Montreal Protocol have established import and export licensing systems, as required under the terms of the Amendment;
2. to note also with appreciation that 37 Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
3. to recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling data collection;
4. to urge all the remaining 29 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems, and for those that have not yet established such systems to do so as a matter of urgency;
5. to encourage all remaining Parties to the Montreal Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems if they have not yet done so;
6. to urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;
7. to review periodically the status of the establishment of licensing systems by all Parties to the Montreal Protocol, as called for in Article 4B of the Protocol.

*(UNEP/OzL.Pro.17/11, Decision XVII/23).*

The Eighteenth Meeting of the Parties decided:

1. to note that paragraph 3 of Article 4B of the Montreal Protocol requires each Party, within three months of the date of introducing its system for licensing the import and export of new, used, recycled and reclaimed substances in Annexes A, B, C and E of the Protocol, to report to the Secretariat on the establishment and operation of that system;
2. to note with appreciation that 124 Parties to the Montreal Amendment to the Protocol have established import and export licensing systems as required under the terms of the Amendment;
3. to note also with appreciation that 30 Parties to the Protocol that have not yet ratified the Montreal Amendment have also established import and export licensing systems;
4. to recognize that licensing systems bring the following benefits: monitoring of imports and exports of ozone-depleting substances; prevention of illegal trade; and enabling of data collection;
5. to note that Parties to the Montreal Amendment to the Protocol that have not yet established licensing systems are in non-compliance with Article 4B of the Protocol and can be subject to the non-compliance procedure under the Protocol;
6. to urge all remaining 23 Parties to the Montreal Amendment to provide information to the Secretariat on the establishment of import and export licensing systems and to urge those that have not yet established such systems to do so as a matter of urgency;
7. to encourage all remaining Parties to the Protocol that have not yet ratified the Montreal Amendment to

ratify it and to establish import and export licensing systems if they have not yet done so;

8. to urge all Parties that already operate licensing systems to ensure that they are implemented and enforced effectively;
9. to review periodically the status of the establishment of licensing systems by all Parties to the Protocol, as called for in Article 4B of the Protocol.

*(UNEP/OzL.Pro.18/10, Decision XVIII/35).*

The Nineteenth Meeting of the Parties decided:

1. to record that Barbados, Cook Islands, Eritrea, Haiti, Kiribati, Nauru, Niue, Sao tome and Principe, Somalia, Tonga, United Republic of Tanzania and Uzbekistan are Parties to the Montreal Amendment to the Protocol, that they have not yet established import and export licensing systems for ozone-depleting substances and are therefore in non-compliance with Article 4B of the Protocol and that financial assistance has been approved for all of them;
2. to request each of the 12 Parties listed in paragraph 1 to submit to the Secretariat as a matter of urgency and no later than 29 February 2008, for consideration by the Implementation Committee under the Non-Compliance Procedure of the Montreal Protocol at its fortieth meeting, a plan of action to ensure the prompt establishment and operation of an import and export licensing system for ozone depleting substances;
3. to encourage all remaining Parties to the Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems for ozone-depleting substances if they have not yet done so;
4. to urge all Parties that already operate licensing systems for ozone-depleting substances to ensure that they are structured in accordance with Article 4B of the Protocol and that they are implemented and enforced effectively;
5. to review periodically the status of the establishment of import and export licensing systems for ozone depleting substances by all Parties to the Protocol, as called for in Article 4B of the Protocol.

*(UNEP/OzL.Pro.19/7, Decision XIX/26).*

The Twentieth Meeting of the Parties decided:

1. to encourage all remaining Parties to the Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems for ozone depleting substances if they have not yet done so;
2. to urge all Parties that already operate licensing systems for ozone-depleting substances to ensure that they are structured in accordance with Article 4B of the Protocol and that they are implemented and enforced effectively;
3. to review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all Parties to the Protocol, as called for in Article 4B of the Protocol.

*(UNEP/OzL.Pro.20/9, Decision XX/14).*

The Twenty-first Meeting of the Parties decided:

1. To encourage all remaining Parties to the Protocol that have not yet ratified the Montreal Amendment to ratify it and to establish import and export licensing systems for ozone depleting substances if they have not yet done so;
2. To urge all Parties that already operate licensing systems for ozone-depleting substances to ensure that they are structured in accordance with Article 4B of the Protocol and that they are implemented and enforced effectively;
3. To review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all Parties to the Protocol, as called for in Article 4B of the Protocol;

*(UNEP/OzL.Pro.21/8, Decision XXI/12).*

The Twenty-second Meeting of the Parties decided:

1. To urge Brunei Darussalam, Ethiopia, Lesotho, San Marino and Timor-Leste, which are the remaining parties to the Montreal Amendment to the Protocol that have not yet established import and export licensing systems for ozone-depleting substances, to do so and to report to the Secretariat by 31 May 2011 in time for the

Implementation Committee and the Twenty-Third Meeting of the Parties, in 2011, to review their compliance situation;

2. To encourage Angola, Botswana and Vanuatu, which are the remaining parties to the Protocol that have neither ratified the Montreal Amendment nor established import and export licensing systems for ozone depleting substances, to do so;
3. To urge all parties that already operate licensing systems for ozone-depleting substances to ensure that they are structured in accordance with Article 4B of the Protocol and that they are implemented and enforced effectively;
4. To review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all parties to the Protocol, as called for in Article 4B of the Protocol;

*(UNEP/OzL.Pro.22/9, Decision XXII/19).*

The Twenty-third Meeting of the Parties decided:

1. To request Bolivia, the Democratic Republic of Korea, Dominica, Ecuador, Ghana, the Holy See, Tajikistan and Thailand, which are parties to the Montreal Amendment, and Guinea and Papua New Guinea, which are non-parties to the Montreal Amendment, none of which have yet provided disaggregated information on their licensing systems, to submit such information to the Secretariat as a matter of urgency, and no later than 31 March 2012, for consideration by the Committee at its forty-eighth meeting;
2. To urge Ethiopia, San Marino and Timor-Leste to complete the establishment and operation of licensing systems as soon as possible and to report to the Secretariat thereon no later than 31 March 2012;
3. To encourage Botswana, which is non-party to the Montreal Amendment to the Protocol and has not yet established a licensing system, to ratify the Amendment and to establish a licensing system to control imports and exports of ozone-depleting substances;
4. To urge Chad, Comoros, the Gambia, the Federated States of Micronesia, Solomon Islands, Sudan and Tonga, which operate licensing systems for ozone-depleting substances that do not include export controls, to ensure that they are structured in accordance with Article 4B of the Protocol and that they provide for the licensing of exports and to report there on to the Secretariat;
5. To urge Honduras and Togo, whose licensing systems do not regulate substances in Annex C, Group I (hydrochlorofluorocarbons), to ensure that those systems include import and export controls for the above mentioned substances and to report thereon to the Secretariat;
6. To review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all parties to the Protocol, as called for in Article 4B of the Protocol;

*(UNEP/OzL.Pro.23/11, Decision XXIII/31).*

The Twenty-fourth Meeting of the Parties decided:

1. To congratulate South Sudan for having recently ratified all amendments to the Montreal Protocol, and to request the party to establish an import and export licensing system for ozone-depleting substances consistent with Article 4 B of the Protocol and to report to the Secretariat by 30 September 2013 on the establishment of that system;
2. To urge the Gambia, which operates a licensing system for ozone-depleting substances that does not include export controls, to ensure that that system is structured in accordance with Article 4 B of the Protocol and that it provides for the licensing of exports and to report thereon to the Secretariat;
3. To encourage Botswana, which is non-party to the Montreal Amendment to the Protocol and has not yet established a licensing system to control imports and exports of ozone depleting substances, to ratify the Amendment and to establish such a licensing system;
4. To review periodically the status of the establishment of import and export licensing systems for ozone-depleting substances by all parties to the Protocol as called for in Article 4 B of the Protocol;

*(UNEP/OzL.Pro.24/10, Decision XXIV/17).*

The Twenty-fifth Meeting of the Parties decided:

1. To request Botswana and South Sudan to establish an import and export licensing system for ozone-depleting substances consistent with Article 4B of the Protocol and to report to the Secretariat by 31 March 2014 on the

establishment of that system;

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

*(UNEP/OzL.Pro.25/9, Decision XXV/15).*

The Thirty-first Meeting of the Parties decided:

1. To urge all parties to the Montreal Protocol that have ratified, approved or accepted the Kigali Amendment and that already operate licensing systems for controlled substances under Annex F to the Protocol to ensure that those licensing systems include the import and export of new, used, recycled and reclaimed controlled substances, in accordance with Article 4B, paragraph 2 bis of the Protocol, and that they are implemented and enforced effectively;
2. To remind all parties to the Montreal Protocol that have ratified, approved or accepted the Kigali Amendment and that have not yet done so to establish and implement import and export licensing systems consistent with Article 4B, paragraph 2 bis for controlled substances listed in Annex F to the Protocol;
3. To review periodically the status of the establishment and implementation of import and export licensing systems for controlled substances under Annex F to the Protocol by all parties to the Protocol that have ratified, approved or accepted the Kigali Amendment, as called for in Article 4B, paragraph 2 bis.

*(UNEP/OzL.Pro.31/9/Add.1, Decision XXXI/10).*

### **Customs codes**

The Ninth Meeting of the Parties decided:

1. to express appreciation to the Multilateral Fund, UNEP and the Stockholm Environmental Institute for the useful information on the problems and possibilities of using customs codes for tracking imports of ozone-depleting substances (ODS) contained in the book *Monitoring Imports of Ozone-Depleting Substances: A Guidebook*;
2. to recommend this book as a guide to Parties seeking more information on this issue;
3. in order to facilitate co-operation between customs authorities and the authorities in charge of ODS control and ensure compliance with licensing requirements, to request the Executive Director of UNEP:
  - (a) to request the World Customs Organization (WCO) to revise its decision of 20 June 1995, recommending one joint national code on all HCFCs under subheading 2903.49, by instead recommending separate national codes under subheading 2903.48 for the most commonly used HCFCs (e.g., HCFC-21; HCFC-22; HCFC-31; HCFC-123; HCFC-124; HCFC-133; HCFC-141b; HCFC-142b; HCFC-225; HCFC-225ca; HCFC-225cb);
  - (b) to further ask the World Customs Organization to work with major ODS suppliers to develop and provide the Parties to the Montreal Protocol, through UNEP, with a check-list of relevant customs codes for ODS that are commonly marketed as mixtures, for use by national customs authorities and authorities in charge of control of ODS to ensure compliance with import licensing requirements;
4. to request all Parties with ODS production facilities to urge their producing companies to co-operate fully with WCO in the preparation of this check-list.

*(UNEP/OzL.Pro.9/12, Decision IX/22).*

The Tenth Meeting of the Parties decided:

1. to request the Ozone Secretariat to continue discussions with the World Customs Organization on:
  - (a) the possibility of revising the Harmonized System to allow the inclusion of appropriate codes for mixtures containing HCFCs, especially those used for refrigeration;
  - (b) the confirmation of the proper classification of methyl bromide that contains 2 per cent chloropicrin as a pure substance and not as a mixture, as suggested in the illustrative list of methyl-bromide mixtures provided earlier to the Parties by the Ozone Secretariat;
2. to convene a group of five interested experts to provide advice to the Ozone Secretariat out of session on possible amendments to the Harmonized System;

3. to request the Ozone Secretariat to report to the nineteenth meeting of the Open-ended Working Group on progress towards this end.

*(UNEP/OzL.Pro.10/9, Decision X/18).*

The Eleventh Meeting of the Parties decided:

1. to note, with appreciation, the actions undertaken so far by the World Customs Organization on the further extension of the Harmonized System customs nomenclature of ozone-depleting substances and products containing ozone-depleting substances;
2. to note the summary of the draft recommendation of the World Customs Organization concerning the insertion in national statistical nomenclatures of Harmonized System subheadings for ozone-depleting substances and products containing ozone-depleting substances and the clarification of the classification under the Harmonized System Convention of methyl bromide containing small amounts of chloropicrin provided in annex II to the report of the nineteenth meeting of the Open-ended Working Group (UNEP/OzL.Pro/WG.1/19/7);
3. to note that the group of experts convened in accordance with decision X/18 will conduct further work on recommendations relating to the Harmonized System codes for mixtures and products containing ozone-depleting substances in collaboration with the World Customs Organization.

*(UNEP/OzL.Pro.11/10, Decision XI/26).*

#### **Use of the Globally Harmonized System for classification and labeling of ODSs**

The Fourteenth Meeting of the Parties decided to request the Ozone Secretariat to contact the Sub-committee of Experts of the Economic and Social Council once the GHS has been adopted by Council in order to clarify whether ozone-depleting substances are included in its programme of work and, if they are not included:

- (a) to evaluate the possibilities for and feasibility of including ozone-depleting substances on its work programme; and
- (b) to report to the twenty-third meeting of the Open-ended Working Group of the Parties.

*(UNEP/OzL.Pro.14/9, Decision XIV/8).*

The Twenty-sixty Meeting of the Parties decided:

1. To request the Ozone Secretariat to liaise with the World Customs Organization to examine the possibility of designating individual Harmonized System codes for the most commonly traded fluorinated substitutes for HCFCs and chlorofluorocarbons (CFCs) classified under Harmonized System code 2903.39, explaining thereby the importance of a dedicated customs classification for those substances for the sole purpose of preventing the illegal trade in HCFCs and CFCs, and to communicate to the parties the results of those consultations as soon as possible, but not later than at the thirty-sixth meeting of the Open-ended Working Group, to be held in 2015;
2. To encourage parties that are contracting parties to the International Convention on the Harmonized Commodity Description and Coding System to undertake at their earliest convenience the necessary steps, following World Customs Organization procedures, to recommend the consideration of the customs classifications referred to in paragraph 1 of the present decision;
3. To encourage parties that are in a position to do so to consider establishing, on a voluntary basis, domestic customs codes for those substitutes referred to in paragraph 1;

*(UNEP/OzL.Conv.10/7-UNEP/OzL.Pro.26/10, Decision XXVI/8).*

#### **Customs training and licensing**

The Twenty-seventh Meeting of the Executive Committee decided:

- (a) that no funds should be expended on customs-training projects until either the relevant legislation was already in place or substantial progress had been made towards promulgating such legislation;
- (b) to request Implementing Agencies to transfer to countries that were in the process of preparing legislation information on ODS issues of relevance to customs authorities so that, as stakeholders, they would be able to provide informed inputs into the legislation preparation process;
- (c) to examine, mindful of its decision 25/32, customs-training projects on a case-by-case basis in order to determine whether or not chemical-identification equipment should be included in them.

*(UNEP/OzL.Pro/ExCom/27/48, Decision 27/19, para. 44).*

The Executive Committee also decided:

- (a) no funds should be expended on customs-training projects until either the relevant legislation was already in place or substantial progress had been made towards promulgating such legislation;
- (b) UNEP is requested to transfer to countries in the process of preparing legislation, information on ODS issues of relevance to customs authorities so that, as stakeholders, they would be able to provide informal inputs into the legislation-preparation process.

*(UNEP/OzL.Pro/ExCom/27/48, Decision 27/35, para. 62).*

The Thirty-second Meeting of the Executive Committee decided that it was prepared to approve project proposals for the development of implementation of licensing schemes. In that process, the Secretariat would be requested, in each case, to seek information from countries on the status of their ratification of the Montreal Amendment, as well as whether they had a licensing system in place, and to report such information to the Executive Committee.

*(UNEP/OzL.Pro/ExCom/32/44, Decision 32/27, para. 39).*

### **Report on the evaluation of customs officers training and licensing system projects**

The Forty-fifth Meeting of the Executive Committee decided:

- (a) to take note of the report on the evaluation of customs officers training and licensing system projects contained in document UNEP/OzL.Pro/ExCom/45/11, including the recommendations in Section V of the document;
- (b) to request the Senior Monitoring and Evaluation Officer to revise the language of the recommendations to make them less prescriptive and more general and to include a section on conclusions;
- (c) to request the Secretariat:
  - (i) to draft a covering note, for submission to the Parties, reflecting the comments on the report made by members of the Executive Committee at the 45th Meeting, to which the revised report would be annexed;
  - (ii) to post a revised version of the report on its intranet to enable the members to review the text and send in their comments; and
  - (iii) to submit the revised report and the covering note, after approval by the Chair of the Executive Committee, to the 25th Meeting of the Open-ended Working Group.

*(UNEP/OzL.Pro/ExCom/45/55, Decision 45/10, para. 66).*

*(Supporting document: UNEP/OzL.Pro/ExCom/45/11).*

### **Strategic framework for national, subregional and regional customs training**

The Thirty-third Meeting of the Executive Committee decided:

- (a) national customs training for each country should continue to be funded. However, UNEP should look for opportunities to implement regional and subregional customs training as a cost-effective substitute for national customs training, wherever appropriate, and should look for opportunities to make use of existing regional customs training facilities;
- (b) in order to reach the large number of customs officers, in the countries concerned in a cost-effective manner, national customs training should be through the “train the trainers” approach and be followed by training of customs officers by trainers;
- (c) for demonstration purposes, additional subregional or regional training programmes might be considered for funding where regional trading blocs or trading agreements containing relevant regulatory mechanisms were in place, and after the results of already approved regional and subregional training programmes had been presented to the Executive Committee for review;
- (d) regional and subregional customs training activities and the regional ozone officers networks should be used to conduct outreach to representatives of regional trading blocs and customs associations with a view to encouraging the formation of informal networks for information dissemination and data management.

*(UNEP/OzL.Pro/ExCom/33/32, Decision 33/51, para. 77).*

*(Supporting document: UNEP/OzL.Pro/ExCom/33/27).*

### **Monitoring of trade and prevention of illegal trade in ODSs, mixtures and products containing ODSs**

The Twelfth Meeting of the Parties decided:



1. to request the Ozone Secretariat, in consultation, as appropriate, with the Technology and Economic Assessment Panel, the United Nations Environment Programme, the discussion group on customs codes for ozone-depleting substances and international trade and customs organizations, to examine the options for studying the following issues and to report on these options at the twenty-first meeting of the Open-ended Working Group for consideration by the Parties in 2001:
  - (a) current national legislation on the labeling of ozone-depleting substances, mixtures containing ozone-depleting substances and products containing ozone-depleting substances;
  - (b) the need for, scope of and cost of implementation of a universal labeling and/or classification system for ozone-depleting substances, mixtures containing ozone-depleting substances and products containing ozone-depleting substances, including the feasibility of the introduction of a producer-specific marker, identifier or identification methodology;
  - (c) methods for sharing experience between Parties on issues related to classification, labeling, compliance and incidents of illegal trade;
  - (d) the differences between products containing ozone-depleting substances and mixtures containing ozone-depleting substances, and the possibility of the creation of a list of categories of products containing ozone-depleting substances with the corresponding Harmonized System/Combined Nomenclature classification;
  - (e) possible guidance for customs authorities on how to proceed with the illegally traded ozone-depleting substances seized on the border;
2. to express appreciation for the activities of the Division of Technology, Industry and Economics of the United Nations Environment Programme and to encourage further work with regard to providing information on the above to Article 5 Parties and countries with economies in transition, specifically through customs training at the regional and/or national level.

*(UNEP/OzL.Pro/12/9, Decision XII/110).*

The Thirteenth Meeting of the Parties decided:

1. to request the Ozone Secretariat, in consultation, as appropriate, with the Technology and Economic Assessment Panel, the World Customs Organization, the United Nations Environment Programme Division of Technology, Industry and Economics (UNEP/DTIE) and the World Trade Organization to undertake a study and present a report with practical suggestions on the issues contained in decision XII/10 to the Open-ended Working Group at its 22nd meeting, in 2002, for consideration by the Parties in 2002;
2. that in preparing the study, the Secretariat should use decision XII/10 as terms of reference and should study solely those issues discussed in that decision.

*(UNEP/OzL.Pro/13/10, Decision XIII/12).*

The Fourteenth Meeting of the Parties decided:

1. to encourage each Party to consider means and continued efforts to monitor international transit trade;
2. to encourage all Parties to introduce economic incentives that do not impair international trade but which are appropriate and consistent with international trade law, to promote the use of ODS substitutes and products (including equipment) containing them or designed for them, and technologies utilizing them; and to consider demand control measures in addressing illegal trade;
3. to urge each Party that has not already done so to introduce in its national customs classification system the separate sub-divisions for the most commonly traded HCFCs and other ODS contained in the World Customs Organization recommendation of 25 June 1999 and request that Parties provide a copy to the Secretariat; and to urge all Parties to take due account of any new recommendations by the World Customs Organization once they are agreed;
4. to provide the following further clarification of the difference between a controlled substance, or a mixture containing a controlled substance, and a product containing a controlled substance contained in Article 1 of the Montreal Protocol and further explained in Decision I/12A:
  - (a) no matter which customs code is allocated to a controlled substance or mixture containing a controlled substance, such substance or mixture, when in a container used for transportation or storage as defined in Decision I/12A, shall be considered to be a “controlled substance” and thus shall be subject to the

phase-out schedules agreed upon by the Parties;

(b) the clarification contained in subparagraph (a) above concerns, in particular, controlled substances or mixtures containing controlled substances classified under customs codes related to their function and sometimes wrongly considered to be “products”, thus avoiding any controls resulting from the Montreal Protocol phase-out schedules;

5. to encourage all Parties to exchange information and intensify joint efforts to improve means of identification of ODS and prevention of illegal ODS traffic. In particular those Parties concerned should make even greater use of the UNEP regional networks and other networks in order to increase co-operation on illegal trade issues and enforcement activities;
6. to request the Division of Technology, Industry and Economics of the United Nations Environment Programme through the Executive Committee to report to the Sixteenth Meeting of the Parties on the activities of the regional networks with regard to means of combating illegal trade; to request the Executive Committee to consider making an evaluation of customs officers training and licensing systems projects a priority and, if possible, report to the Sixteenth Meeting of the Parties;
7. to invite Parties, in order to facilitate exchange of information, to report to the Ozone Secretariat fully proved cases of illegal trade in ozone-depleting substances. The illegally traded quantities should not be counted against a Party’s consumption provided the Party does not place the said quantities on its own market. The Secretariat is requested to collect any information on illegal trade received from the Parties and to disseminate it to all Parties. The Secretariat is also requested to initiate exchanges with countries to explore options for reducing illegal trade;
8. to request the Executive Committee of the Multilateral Fund to continue to provide financial and technical assistance to Article 5 Parties to introduce, develop and apply inspection technologies and equipment in customs to combat illegal ODS traffic and to monitor ODS trade, and to report to the Sixteenth Meeting of the Parties to the Montreal Protocol on activities to date.

*(UNEP/OzL.Pro.14/9, Decision XIV/7).*

The Forty-third Meeting of the Executive Committee decided:

- (a) to forward Part I, Sections 1 and 2, of document UNEP/OzL.Pro/ExCom/43/58/Corr.1, as amended and updated, to the Sixteenth Meeting of the Parties; and
- (b) to report to the Parties that the Executive Committee would undertake a new evaluation of projects on customs officers training and on licensing systems, to be presented to the Seventeenth Meeting.

*(UNEP/OzL.Pro/ExCom/43/61, Decision 43/41, para. 160).*

The Sixteenth Meeting of the Parties decided:

1. to note with appreciation the notes by the Secretariat on information reported by the Parties on illegal trade in ozone-depleting substances and on streamlining the exchange of information on reducing illegal trade in ozone-depleting substances;
2. further to note with appreciation the report by the Division of Technology, Industry and Economics of the United Nations Environment Programme on activities of the regional networks with regard to means of combating illegal trade;
3. to note the need for coordination of efforts by Parties at national and international level to suppress illegal trade in ozone-depleting substances;
4. to request the Ozone Secretariat to gather further ideas from the Parties on further areas of cooperation between Parties and other bodies in combating illegal trade such as development of a system of tracking trade in ozone-depleting substances and improvement of communications between exporting and importing countries in the light of the information provided in the note by the Secretariat on streamlining the exchange of information on reducing illegal trade in ozone-depleting substances and the report by the Division of Technology, Industry and Economics of the United Nations Environment Programme on activities of the regional networks with regard to means of combating illegal trade;
5. further to request the Ozone Secretariat to produce draft terms of reference for a study on the feasibility of developing a system of tracking trade in ozone-depleting substances and the cost implications of carrying out such a study, taking into account the proposal presented by Sri Lanka;

6. to request in addition the Executive Secretary of the Ozone Secretariat to convene in the first half of 2005, and provided that funds are available, a workshop of experts from Parties to the Montreal Protocol to develop specific areas and a conceptual framework of cooperation in the light both of information already available and of the reports to be produced by the Secretariat pursuant to paragraphs 4 and 5 above and make appropriate proposals to the Meeting of the Parties;
7. to consider the information on the outcome of the workshop to be convened by the Ozone Secretariat at the Seventeenth Meeting of the Parties.  
(*UNEP/OzL.Pro.16/17, Decision XVI/33*).

**Preventing illegal trade in controlled ozone-depleting substances**

The Seventeenth Meeting of the Parties decided:

1. to approve the terms of reference for a study on the feasibility of developing an international system of monitoring the transboundary movement of controlled ozone-depleting substances between Parties, as presented in Annex VI.3 to the present report, and to request the Ozone Secretariat to undertake such a study, to initiate the necessary tenders and to present the results to the Eighteenth Meeting of the Parties to the Montreal Protocol in 2006;
2. to invite the Ozone Secretariat to consult with other conventions or organizations who might benefit from the outcome of that study to contribute towards its work;
3. to urge all Parties, including regional economic integration organizations, to implement fully their obligations under Article 4B of the Montreal Protocol, in particular, the licensing systems for the control of imports, exports, re-exports (re-exports mean exports of previously imported substances) and, if technically and administratively feasible, transit of all controlled ozone-depleting substances, including mixtures containing them, regardless of whether the Party concerned is or is not recognized as the producer and/or importer, exporter or re-exporter of the particular substance or group of substances;
4. to request the Ozone Secretariat to revise the reporting format resulting from decision VII/9 to cover exports (including re-exports) of all controlled ozone-depleting substances, including mixtures containing them, and to urge the Parties to implement the revised reporting format expeditiously. The Ozone Secretariat is also requested to report back aggregated information related to the controlled substance in question received from the exporting/re-exporting Party to the importing Party concerned;
5. to invite Parties to submit information to the Ozone Secretariat by 30 June 2006 on any existing systems for exchanging information on import and export licenses between importing and exporting Parties;
6. to consider additional control measures with regard to the use of controlled ozone depleting substances in particular sectors or in particular applications, as this approach may effectively diminish illegal trade activities;
7. to encourage further work on the Green Customs initiative of the United Nations Environment Programme in combating illegal trade in controlled ozone depleting substances as well as further networking and twinning activities in the framework of regional networks aimed at the exchange of information and experience on both licit and illicit trade in controlled ozone depleting substances between the Parties, including enforcement agencies;
8. to request the Executive Committee to consider at its forty-eighth meeting the recommendations contained in the report of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol on the Evaluation of Customs Officers Training and Licensing System Projects to the twenty-fifth meeting of the Open-ended Working Group”, in particular where they relate to customs training and other elements of capacity building that are needed in combating illegal trade in controlled ozone-depleting substances;
9. to approve a maximum amount of \$200,000 from the Trust Fund of the Vienna Convention as a one-time measure to facilitate the feasibility study on developing a system for monitoring the transboundary movement of controlled ozone-depleting substances between the Parties.

(*UNEP/OzL.Pro.17/11, Decision XVII/16*).

The Forty-eighth Meeting of the Executive Committee decided:

- (a) to take note of the recommendations contained in the report of the Executive Committee on the evaluation

of customs officers training and licensing system projects to the Twenty fifth Meeting of the Open ended Working Group (follow up to decision XVII/16, paragraph 8, of the Seventeenth Meeting of the Parties to the Montreal Protocol), as contained in document UNEP/OzL.Pro/ExCom/48/13;

- (b) to submit the recommendations listed under paragraph 8(b) in document UNEP/OzL.Pro/ExCom/48/13, as amended to include the phrase “where feasible” before the words “in cooperation with other relevant government ministries/agencies:” to the Ozone Secretariat in the context of the ongoing studies and discussions on how best to deal with illegal trade in ODS;
- (c) to request implementing agencies and bilateral agencies to prepare and implement national phase-out plans and terminal phase-out management plans in a manner that would ensure, where feasible, implementation of the recommendations listed under paragraph 8(b), and to implement the recommendations listed under paragraph 8(c) in document UNEP/OzL.Pro/ExCom/48/13; and
- (d) to request UNEP to implement the recommendations under paragraph 8(d) in document UNEP/OzL.Pro/ExCom/48/13.

*(UNEP/OzL.Pro/ExCom/48/45, Decision 48/11, para. 81).*

*(Supporting document: UNEP/OzL.Pro/ExCom/48/13).*

The Eighteenth Meeting of the Parties decided:

1. to urge all Parties to implement fully Article 4B of the Protocol as well as to take into account recommendations contained in existing decisions of the Parties, notably decisions IX/8, XIV/7, XVII/12 and XVII/16;
2. to encourage all Parties to consider taking effective action to improve monitoring of transboundary movement of controlled ozone-depleting substances including, as appropriate, a better utilization of existing systems under other multilateral agreements for tracking trade in chemicals and to exchange relevant information specifically in the context of trade in ozone-depleting substances between Parties operating under paragraph 1 of Article 5 of the Protocol and Parties not so operating;
3. to encourage all Parties which have experience in using the United Nations commodity trade statistics database, commonly known as “UNComtrade”, and the publicly available software Global Risk Identification and Detection, commonly known as “eGRID”, which are used to monitor trade in ozone-depleting substances, to provide information on the suitability and costs of those tools to the Ozone Secretariat, which will report such information at the twenty-seventh meeting of the Open ended Working Group and subsequently at the Nineteenth Meeting of the Parties in 2007;
4. to encourage the United Nations Environment Programme’s Compliance Assistance Programme to continue its efforts to train ozone officers and customs officers on best practices and to raise awareness and to disseminate examples of best practices for national licensing systems and regional cooperation to combat illegal trade;
5. to invite all Parties to submit written comments by 31 March 2007 to the Ozone Secretariat on the report, focusing in particular on their priorities with respect to the medium- and longer term options listed in the study and/or all other possible options with a view to identifying those cost-effective actions which could be given priority by the Parties both collectively through further action to be considered under the Protocol and at the regional and national levels;
6. to request the Ozone Secretariat to provide a compilation of those comments for consideration at the twenty-seventh meeting of the Open-ended Working Group and subsequently at the Nineteenth Meeting of the Parties in 2007.

*(UNEP/OzL.Pro.18/10, Decision XVIII/18).*

The Nineteenth Meeting of the Parties decided:

1. to remind all Parties of their obligation under Article 4B of the Protocol to establish an import and export licensing system for all controlled ozone-depleting substances;
2. to urge all Parties to fully and effectively implement and actively enforce their systems for licensing the import and export of controlled ozone depleting substances as well as recommendations contained in existing decisions of the Parties, notably decisions IX/8, XIV/7, XVII/12, XVII/16 and XVIII/18;
3. that Parties wishing to improve implementation and enforcement of their licensing systems in order to combat illegal trade more effectively may wish to consider implementing domestically on a voluntary basis

the following measures:

- (a) sharing information with other Parties, such as by participating in an informal prior informed consent procedure or similar system;
  - (b) establishing quantitative restrictions, for example import and/or export quotas;
  - (c) establishing permits for each shipment and obliging importers and exporters to report domestically on the use of such permits;
  - (d) monitoring transit movements (trans-shipments) of ozone-depleting substances, including those passing through duty-free zones, for instance by identifying each shipment with a unique consignment reference number;
  - (e) banning or controlling the use of non-refillable containers;
  - (f) establishing appropriate minimum requirements for labelling and documentation to assist in the monitoring of trade of ozone-depleting substances;
  - (g) cross-checking trade information, including through private-public partnerships;
  - (h) including any other relevant recommendations from the ozone-depleting substances tracking study;
4. to request the Ozone Secretariat to continue to collaborate with the World Customs Organization in relation to possible actions by Parties on any new amendments to the Harmonized Commodity Description and Coding System with respect to ozone depleting substances and to report to the Meeting of the Parties on actions taken at the World Customs Organization.

*(UNEP/OzL.Pro.19/7, Decision XIX/12).*

The Thirty-fourth Meeting of the Parties decided:

1. To urge parties that have not already done so to introduce into their national customs classification systems the separate subdivisions for HFCs and blends contained in the amendments to the Harmonized Commodity Description and Coding System adopted by the World Customs Organization in 2019 that entered into force on 1 January 2022, and to use more specific classifications for controlled substances and blends containing controlled substances, where possible, to better identify and track imports and exports of controlled substances;
2. To encourage all parties to exchange information and strengthen joint efforts to improve means of identification, prevention and combating of illegal trade in controlled substances, including addressing the mislabelling of containers of controlled substances as other chemicals;
3. To encourage parties to facilitate the exchange of information to prevent illegal trade of controlled substances by reporting to the Secretariat fully proved cases of illegal trade and, to the extent that parties are able to do so, to provide additional information about illegal trade situations;
4. To request the Secretariat to:
  - (a) Compile and regularly summarize the practices of illegal trade reported under paragraph 3 of the present decision, as well as the approaches taken by national authorities to identify and address such cases;
  - (b) Identify common features of licensing systems to assist parties wishing to improve their national licensing systems for controlled substances;
  - (c) Organize a one-day workshop on further strengthening effective implementation and enforcement of the Montreal Protocol, back to back with the forty-fifth meeting of the Open-ended Working Group of the Parties to the Montreal Protocol;
  - (d) Prepare a background information paper outlining issues to be discussed at the workshop and reflecting discussions at the forty-fourth meeting of the Open-ended Working Group and the Thirty-Fourth Meeting of the Parties for consideration at the forty-fifth meeting of the Open ended Working Group.

*(UNEP/OzL.Pro.34/9/Add.1, Decision XXXIV/8).*

#### **CHANGES IN BASELINE DATA**

##### **Methodology for submission of requests for revision of baseline data**

The Fifteenth Meeting of the Parties decided:

1. to recall decisions XIII/15 (paragraph 5) and XIV/27, on Parties' requests for changes in reported baseline data;
2. to recognize that Parties adopt different approaches to the collection and verification of data and that there may be some special circumstances where original documentation may no longer be available, and therefore to accept the following methodology:
  - (a) Parties submitting requests to change baseline data are requested to provide the following information:
    - (i) identification of which of the baseline year's or years' data are considered incorrect and provision of the proposed new figure for that year or those years;
    - (ii) explanation as to why the existing baseline data is incorrect, including information on the methodology used to collect and verify that data, along with supporting documentation where available;
    - (iii) explanation as to why the requested changes should be considered correct, including information on the methodology used to collect and verify the accuracy of the proposed changes;
    - (iv) documentation substantiating collection and verification procedures and their findings, which could include:
      - a. copies of invoices (including ODS production invoices), shipping and customs documentation from either the requesting Party or its trading partners (or aggregation of those with copies available upon request);
      - b. copies of surveys and survey reports;
      - c. information on country's gross domestic product, ODS consumption and production trends, business activity in the ODS sectors concerned;
  - (b) where relevant, the Implementation Committee may also request the Secretariat to consult with the Multilateral Fund secretariat and the Implementing Agencies involved in both the original data collection exercises and any exercises that resulted in the baseline revision request to comment, and where considered appropriate, to endorse the explanation provided. (The Parties may themselves request the Implementing Agencies to provide their comments so that they can be submitted along with their requests to the Implementation Committee);
  - (c) Following review of an initial request submission, if the Implementation Committee requires further information from a Party, the Party will be invited to take advantage of clause 7 (e) of the non-compliance procedure to invite an Implementation Committee representative, or other authorized representative, to their country to identify and/or review the outstanding information.

*(UNEP/OzL.Pro.15/9, Decision XV/19).*

**Parties that had requested changes in reported baseline data**

The Fourteenth Meeting of the Parties decided:

1. to note that in accordance with decision XIII/15 of the Thirteenth Meeting of the Parties, Parties that had requested changes in reported baseline data for the base years were asked to present their requests before the Implementation Committee, which would in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval;
2. to note that the following Parties have presented sufficient information to justify their requests for a change in their baseline consumption of the relevant substances:
  - (a) Bulgaria to change baseline consumption data for Annex E substances in 1991 from zero to 51.78 ODP-tonnes,
  - (b) Sri Lanka to change its baseline consumption data for Annex A, Group I substances from 400.4 to 445.6 ODP-tonnes,
  - (c) Belize to change its baseline consumption data for Annex A, Group I substances from 16 to 24.4 ODP-tonnes;
  - (d) Paraguay to change its baseline consumption data for Annex A, Group I substances from 157.4 to 210.6 ODP-tonnes;

3. to accept these requests for changes in the respective baseline data.

*(UNEP/OzL.Pro.14/9, Decision XIV/27).*

The Sixteenth Meeting of the Parties decided:

1. to note that, in accordance with decision XIII/15 of the Thirteenth Meeting of the Parties, Parties that had requested changes in reported baseline data for the base years were asked to submit their requests to the Implementation Committee, which would in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval;
2. to note further that decision XV/19 of the Fifteenth Meeting of the Parties set out the methodology for the submission of these requests;
3. to note that the following Parties have presented sufficient information, in accordance with decisions XIII/15 and XV/19, to justify their requests for a change in their baseline consumption of the relevant substances:
  - (a) Lebanon, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 152.4 to 236.4 ODP tonnes;
  - (b) Philippines, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 8.0 to 10.3 ODP tonnes;
  - (c) Thailand, to change its baseline consumption data for the controlled substance in Annex E (methyl bromide) from 164.9 to 183.0 ODP tonnes;
  - (d) Yemen, to change its baseline consumption data for Annex A, group I, substances (CFCs) from 349.1 to 1,796.1 ODP tonnes; for Annex A, group II, substances (halons) from 2.8 to 140.0 ODP tonnes; and for the controlled substance in Annex E (methyl bromide) from 1.1 to 54.5 ODP tonnes;
5. to accept these requests for changes in the respective baseline data;
6. to note that these changes in baseline data place the Parties in compliance with their respective control measures for 2003.

*(UNEP/OzL.Pro.16/17, Decision XVI/31).*

The Eighteenth Meeting of the Parties decided:

1. to note that the Mexico has presented sufficient information, in accordance with decision XV/19 of the Fifteenth Meeting of the Parties, to justify its request to change its baseline data for the year 1998 for the consumption of the controlled substance in Annex B, group II, (carbon tetrachloride) from zero ODP-tonnes to 187.517 ODP tonnes;
2. to therefore accept the Party's request to change its baseline data;
3. to note that the revised baseline data will be used to calculate the Party's consumption baseline for carbon tetrachloride for the year 2005 and beyond.

*(UNEP/OzL.Pro.18/10, Decision XVIII/29).*

The Nineteenth Meeting of the Parties decided:

1. that Turkmenistan has presented sufficient information in accordance with decision XV/19 to justify its request to change its baseline data on the consumption of methyl bromide;
2. to change the baseline consumption data of Turkmenistan for methyl bromide for the year 1998 from zero to 14.3 ODP tonnes.

*(UNEP/OzL.Pro.19/7, Decision XIX/24).*

The Twentieth Meeting of the Parties decided:

1. that Saudi Arabia has presented sufficient information, in accordance with decision XV/19, to justify its request to change its baseline consumption data for methyl bromide;
2. to change the baseline consumption data of Saudi Arabia for methyl bromide for the years 1995–1998 from 0.7 to 204.1 ODP tonnes based on the average calculated level of consumption for the following four years: 1995 – 161.8 ODP tonnes; 1996 – 222.5 ODP tonnes; 1997 – 210.4 ODP tonnes; 1998 – 221.7 ODP tonnes.

*(UNEP/OzL.Pro.20/9, Decision XX/17).*

The Twenty-third Meeting of the Parties decided:

## VI. ARTICLE 5 PARTIES

*Policies, procedures, guidelines and criteria (as at July 2023)*

1. That Tajikistan has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its baseline consumption data for hydrochlorofluorocarbons;
2. To revise the baseline consumption data of Tajikistan for hydrochlorofluorocarbons for the year 1989 from 6.0 ODP-tonnes to 18.7 ODP-tonnes;

*(UNEP/OzL.Pro.23/11, Decision XXIII/28).*

The Twenty-third Meeting of the Parties decided:

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

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

*(UNEP/OzL.Pro.23/11, Decision XXIII/28).*

The Twenty-fourth Meeting of the Parties decided:

1. That Algeria, Ecuador, Equatorial Guinea, Eritrea, Haiti, the Niger, the former Yugoslav Republic of Macedonia and Turkey have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for hydrochlorofluorocarbons for 2009, 2010 or both, which are part of the baseline for parties operating under paragraph 1 of Article 5;
2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the respective years as indicated in the following table:



## VI. ARTICLE 5 PARTIES

*Policies, procedures, guidelines and criteria (as at July 2023)*

Party	Previous HCFC data				New HCFC data			
	(metric tonnes)		(ODP-tonnes)		(metric tonnes)		(ODP-tonnes)	
	2009	2010	2009	2010	2009	2010	2009	2010
1. Algeria	497.75	497.75	30.2	30.2	1 061.6	1 122.5	60.35	63.88
2. Ecuador	379.89	261.8	20.7	14.3	469.01	386.45	25.74	21.24
3. Equatorial Guinea	253	-	13.9	-	113	-	6.22	-
4. Eritrea	1.8	1.9	0.1	0.1	19.1	20.31	1.05	1.12
5. Haiti	35.308	33.41	1.9	1.8	70	62	3.85	3.41
6. Niger	660	-	36.3	-	290	-	15.95	-
7. The former Yugoslav Republic of Macedonia <sup>a</sup>	57.332	-	4	-	41.632	-	2.29	-
8. Turkey	-	8 900.721	-	606.0	-	7 041.25	-	493.03

<sup>a</sup> The request for a revision of baseline data from the former Yugoslav Republic of Macedonia relates only to the exclusion of HCFCs contained in imported pre-blended polyols from its HCFC consumption.

(UNEP/OzL.Pro.24/10, Decision XXIV/16).

The Twenty-fifth Meeting of the Parties decided:

1. That the Congo, the Democratic Republic of the Congo, Guinea-Bissau and Saint Lucia have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for hydrochlorofluorocarbons for 2009, 2010 or both, which are part of the baseline for parties operating under paragraph 1 of Article 5;
2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the respective years as indicated in the following table:

Party	Previous hydrochlorofluorocarbon data (ODP-tonnes)		New hydrochlorofluorocarbon data (ODP-tonnes)	
	2009	2010	2009	2010
1. Congo	7.1	-	9.68	-
2. Democratic Republic of the Congo	85.7	-	55.82	-
3. Guinea-Bissau	0	-	2.75	-
4. Saint Lucia	0.4	0	1.37	0.81

(UNEP/OzL.Pro.25/9, Decision XXV/13).

The Twenty-sixth Meeting of the Parties decided:

1. That Libya and Mozambique have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for hydrochlorofluorocarbons for 2010 and 2009, respectively, which are part of the baseline for parties operating under paragraph 1 of Article 5;
2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the respective years as indicated in the following table:

Party	Previous hydrochlorofluorocarbon data (ODP-tonnes)		New hydrochlorofluorocarbon data (ODP-tonnes)	
	2009	2010	2009	2010
1. Libya	-	131.91	-	139.26
2. Mozambique	4.3	-	8.68	-

(UNEP/OzL.Conv.10/7-UNEP/OzL.Pro.26/10, Decision XXVI/14).

The Twenty-ninth Meeting of the Parties decided:

1. That Fiji has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its consumption data for hydrochlorofluorocarbons for the years 2009 and 2010, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the request by Fiji, and to revise its consumption data for hydrochlorofluorocarbons for the baseline years 2009 and 2010, as indicated in the following table:

Previous hydrochlorofluorocarbon data (ODP-tonnes)			New hydrochlorofluorocarbon data (ODP-tonnes)		
2009	2010	Baseline <sup>a</sup>	2009	2010	Baseline <sup>a</sup>
7.6	9.2	8.4	5.00	6.46	5.73

<sup>a</sup> Hydrochlorofluorocarbon baselines established after the Twenty-Third Meeting of the Parties are presented using two decimal places whereas those established before are presented using one decimal place (see decision XXIII/30).

3. To note that the change in baseline data confirmed that Fiji was in non-compliance with the control measures under the Montreal Protocol on Substances that Deplete the Ozone Layer for 2013 and 2014, but that as at 2015 the party had returned to compliance;

4. Also to note that no further action is needed in view of the return to compliance and the party's affirmation that it has taken the new baseline into account for 2015 and 2016;

5. To monitor closely progress by Fiji with regard to the phase-out of hydrochlorofluorocarbons, and that, to the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing;

UNEP/OzL.Pro.29/8, Decision XXIX/15)

The Twenty-ninth Meeting of the Parties decided:

1. That Pakistan has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its consumption data for hydrochlorofluorocarbons for the years 2009 and 2010, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the request by Pakistan, and to revise its consumption data for hydrochlorofluorocarbons for the baseline years 2009 and 2010, as indicated in the following table:

Substance	Previous hydrochlorofluorocarbon data (ODP-tonnes)			New hydrochlorofluorocarbon data (ODP-tonnes)		
	2009	2010	Baseline <sup>a</sup>	2009	2010	Baseline <sup>a</sup>
HCFC-141b	134.2	142.8		134.20	142.80	
HCFC-142b	–	–		4.62	4.68	
HCFC-22	105.6	112.2		101.69	108.22	
<b>Total</b>	<b>239.8</b>	<b>255.0</b>	<b>247.4</b>	<b>240.51</b>	<b>255.70</b>	<b>248.11</b>

<sup>a</sup> Hydrochlorofluorocarbon baselines established after the Twenty-Third Meeting of the Parties are presented using two decimal places whereas those established before are presented using one decimal place (see decision XXIII/30).

UNEP/OzL.Pro.29/8, Decision XXIX/16)

The Twenty-ninth Meeting of the Parties decided:

1. That the Philippines has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its consumption data for hydrochlorofluorocarbons for both 2009 and 2010, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the request by the Philippines, and to revise its consumption data for hydrochlorofluorocarbons for the baseline years 2009 and 2010, as indicated in the following table:

Previous hydrochlorofluorocarbon data (ODP-tonnes)			New hydrochlorofluorocarbon data (ODP-tonnes)		
2009	2010	Baseline <sup>a</sup>	2009	2010	Baseline <sup>a</sup>
194.7	222.0	208.4	162.98	160.98	161.98

<sup>a</sup> Hydrochlorofluorocarbon baselines established after the Twenty-Third Meeting of the Parties are presented using two decimal places whereas those established before are presented using one decimal place (see decision XXIII/30).

UNEP/OzL.Pro.29/8, Decision XXIX/17)

The Thirty-fourth Meeting of the Parties decided:

1. That Madagascar has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its consumption data for hydrochlorofluorocarbons (HCFCs) for 2009, which are part of the baseline for parties operating under paragraph 1 of Article 5 of the Montreal Protocol;
2. To approve the request by Madagascar and to revise its consumption data for HCFCs for the baseline year 2009 as indicated in the following table:

Party	Previous hydrochlorofluorocarbon data (ODP-tonnes)			New hydrochlorofluorocarbon data (ODP-tonnes)		
	2009	2010	Baseline <sup>a</sup>	2009	2010	Baseline <sup>a</sup>
Madagascar	33	16.8	<b>24.9</b>	16.49	16.8	<b>16.6</b>

<sup>a</sup> HCFC baselines established after the Twenty-Third Meeting of the Parties are presented to two decimal places, whereas those established earlier are presented to one decimal place (see decision XXIII/30).

Abbreviation: ODP – ozone-depleting potential

(UNEP/OzL.Pro.34/9/Add.1, Decision XXXIV/16).

#### DATA AND INFORMATION PROVIDED BY THE PARTIES IN ACCORDANCE WITH ARTICLE 7

The First Meeting of the Parties decided:

- (a) that each Party is required to report its annual production, imports and exports of each individual controlled substance;
- (b) that Parties submitting data on controlled substances deemed to be confidential by that Party shall, in submitting the data to the Secretariat, require a guarantee that the data will be treated with professional secrecy and maintained confidential;
- (c) that the Secretariat in preparing reports on data of controlled substances shall aggregate the data from several Parties in such a way as to ensure that data from Parties deemed to be confidential is not disclosed. The Secretariat shall also publish total data aggregated over all Parties for each individual controlled substance;
- (d) that Parties wishing to exercise their rights under article 12, paragraph b of the Protocol may have access from the Secretariat to confidential data from other Parties, provided that they send an application in writing guaranteeing that such data will be treated with professional secrecy and not disclosed or published in any way.
- (e) that data submitted under article 7 shall when necessary be made available on a confidential basis to resolve disputes under article 11 of the Convention.

(UNEP/OzL.Pro.1/5, Decision I/11).

The Second Meeting of the Parties decided:

1. to establish an ad hoc group of experts to consider the reasons leading to the difficulties faced by some countries in reporting data as required by Article 7 of the Protocol and to recommend possible solutions to the Parties concerned and to report on its progress to the Third Meeting of the Parties; and
2. to confirm that any data on consumption of the controlled substances that are submitted to the Secretariat as required by Article 7 of the Protocol are not to be confidential.

(UNEP/OzL.Pro.2/3, Decision II/9).

The Second Meeting of the Parties also decided:

1. to ask the Secretariat to determine from the data available to it the exact quantities of the controlled substances required by developing countries operating under paragraph 1 of Article 5 and the possible sources of supply to assist developed countries to authorize their companies to produce the additional amounts needed within the percentages authorized by Article 2 and Articles 2A to 2E of the Protocol;
2. to request the Secretariat to publish in its annual report on data an updated list of developing countries which, on the basis of complete data submissions, are considered to be operating under paragraph 1 of Article 5. The Secretariat shall also publish a list of developing countries that, having submitted incomplete or estimated data, appear to qualify as Parties operating under paragraph 1 of Article 5. In accordance with the

provisions of Article 5 of the Protocol, no Party will be eligible for paragraph 1 of Article 5 treatment until it submits complete data to the Secretariat establishing that its annual calculated per capita level of consumption is below 0.3 kg.

*(UNEP/OzL.Pro.2/3, Decision II/10).*

The Third Meeting of the Parties decided:

- (a) to note the report of the Ad Hoc Group of Experts on the Reporting of Data and the suggestions that it contains, especially the recommendation that developing countries should inform the Secretariat of any difficulties they face in reporting data, and to invite any Party experiencing such difficulties to inform the Secretariat, so that suitable measures can be taken to rectify the situation;
- (b) developing countries with a per capita consumption figure which the Secretariat estimates at below 0.3 kilograms should be able to meet their obligation to report 1986 data by informing the Secretariat that they accept its estimate (UNEP/OzL.Pro/WG.2/1/4, paragraph 14 (e)).

*(UNEP/OzL.Pro.3/11, Decision III/7).*

#### **Earlier reporting of consumption and production data**

The Fifteenth Meeting of the Parties decided:

1. to encourage the Parties to forward data on consumption and production to the Secretariat as soon as the figures are available, and preferably by 30 June each year, rather than 30 September each year as currently required by paragraph 3 of Article 7 of the Protocol;
2. to request the Secretariat to report to the Parties on the response to the above encouragement as well as its beneficial effect on the work of the Implementation Committee, with a view to helping the Parties to decide on the usefulness of an amendment to the Protocol to give legal effect to paragraph 1 of the present decision at the earliest opportunity.

*(UNEP/OzL.Pro.15/9, Decision XV/15).*

#### **Differences between data reported on imports and data reported on exports**

The Twenty-fourth Meeting of the Parties decided:

1. To request the Ozone Secretariat to revise, before 1 January 2013, the reporting format resulting from decision XVII/16 to include in the data forms an annex indicating the exporting party for the quantities reported as import, and noting that the annex is excluded from the reporting requirements under Article 7 and that the provision of the information in the annex would be done on a voluntary basis;
2. To request the Ozone Secretariat to compile every January aggregated information on controlled substances by annex and group received from the importing/re-importing party and to provide this uniquely and solely to the exporting party concerned when requested, in a manner that will maintain information deemed to be confidential in accordance with decision I/11;
3. To invite parties to enhance cooperation with the view to clarifying any differences in import and export data as provided by the Ozone Secretariat in accordance with paragraph 2 above;
4. To invite parties to consider participation in the informal Prior Informed Consent (iPIC) scheme as a means to improve information about their potential imports of controlled substances;

*(UNEP/OzL.Pro.24/10 Decision XIV/12).*

#### **Reporting information on destination countries for exports and source countries for imports of ozone-depleting substances**

The Thirtieth Meeting of the Parties decided:

1. To urge parties exporting controlled substances to report to the Secretariat information on the destinations of their exports, as called for in decision XVII/16;
2. To encourage parties importing controlled substances to report to the Secretariat information on the sources of their imports, as set out in decision XXIV/12.

*(UNEP/OzL.Pro.30/11, Decision XXX/12).*

#### **Reporting of zero in Article 7 data reporting forms**

The Twenty-fourth Meeting of the Parties decided:

1. To request parties, when reporting production, imports, exports or destruction, to enter a number in each cell in the data reporting forms that they submit, including zero, where appropriate, rather than leaving the cell blank;
2. To ask the Secretariat to request clarification from any party that submits a reporting form containing a blank cell;

*(UNEP/OzL.Pro.24/10 Decision XIV/14).*

The Thirtieth Meeting of the Parties decided:

1. To note that 20 parties submitted forms for reporting data in accordance with Article 7 for 2017 containing blank cells, contrary to decisions XXIV/14 and XXIX/18, and that all of those parties provided clarification in response to the request of the Secretariat;
2. To urge all parties, when submitting forms for reporting data in accordance with Article 7, to ensure that in the future all cells in the data reporting forms are completed with a number, including zero where appropriate, rather than being left blank, in accordance with decision XXIV/14;
3. To request the Implementation Committee to review the status of adherence to paragraph 2 of the present decision at its sixty-third meeting.

*(UNEP/OzL.Pro.30/11, Decision XXX/14).*

#### **Revised data reporting forms and global-warming-potential values for HCFC-123, HCFC-124, HCFC-141 and HCFC-142**

The Thirtieth Meeting of the Parties decided:

1. To approve the revised forms and instructions for reporting data in accordance with the reporting obligations under the Protocol, as set out in annex III to the report of the Thirtieth Meeting of the Parties ;
2. To clarify that decision XXIV/14, by which parties are requested to enter a number in each cell in the data reporting forms that they submit, including zero, where appropriate, rather than leaving the cell blank, does not apply to cells where the information is to be provided on a voluntary basis;
3. To instruct the Ozone Secretariat to use the global-warming-potential values listed for HCFC 123 and HCFC-124 in Annex C for HCFC-123\*\* and HCFC-124\*\*, respectively, when calculating the hydrofluorocarbon baselines of parties with consumption or production of HCFC 123\*\* and HCFC-124\*\* in their respective baseline years;
4. Also to instruct the Ozone Secretariat to use the global-warming-potential values of HCFC-141b and HCFC 142b for HCFC-141 and HCFC-142, respectively, when calculating the hydrofluorocarbon baselines of parties with past consumption or production of HCFC-141 and HCFC-142 in their respective baseline years.

*(UNEP/OzL.Pro.30/11, Decision XXX/10).*

#### **Timeline for reporting of baseline data for hydrofluorocarbons by parties operating under paragraph 1 of Article 5 of the Montreal Protocol**

The Thirtieth Meeting of the Parties decided, in order to allow parties operating under paragraph 1 of Article 5 to report actual baseline data for hydrofluorocarbons, to request the Implementation Committee and the meeting of the parties to defer, for each year of the applicable baseline period, consideration of the status of the reporting of hydrofluorocarbon baseline data under paragraph 2 of Article 7 until nine months after the end of each baseline year as applicable to the group of parties operating under paragraph 1 of Article 5 in question.

*(UNEP/OzL.Pro.30/11, Decision XXX/11).*

#### **Collecting data to understand potential impacts of the coronavirus disease (COVID-19) pandemic on hydrofluorocarbon consumption for Group 1 parties operating under paragraph 1 of Article 5**

The Thirty-fourth Meeting of the Parties decided:

1. To encourage parties operating under paragraph 1 of Article 5 that believe that their reduced consumption of HFCs during the baseline years of 2020–2022, stemming from the effects of the coronavirus disease (COVID-19) pandemic, could hinder their ability to comply with the freeze in the consumption of HFCs in 2024 under the Kigali Amendment, to submit to the Ozone Secretariat as soon as possible, and no later than 1 May 2023, their HFC consumption data for 2022, in time for consideration at the forty-fifth meeting of the Open ended Working Group of the Parties to the Montreal Protocol;

2. For parties that provide to the Ozone Secretariat by 1 May 2023 their HFC consumption data for 2022, in accordance with paragraph 1 of the present decision, to request the Ozone Secretariat to prepare for consideration at the forty-fifth meeting of the Open-ended Working Group:
  - (a) Information on the HFC consumption for the years 2020, 2021, and 2022 and the calculated baselines of Group 1 parties operating under paragraph 1 of Article 5 that have reported relevant data;
  - (b) Information on HFC consumption for the years 2018 and 2019 of Group 1 parties operating under paragraph 1 of Article 5 where information is available;
3. To request the Executive Committee, at its ninety-first meeting, to consider requesting the secretariat of the Multilateral Fund to provide to the Ozone Secretariat any HFC consumption data it has available that could assist the Ozone Secretariat in preparing the information requested under paragraph 2 of the present decision.

*(UNEP/OzL.Pro.34/9/Add.1, Decision XXXIV/13).*

**MONTREAL PROTOCOL TREATMENT OF OZONE-DEPLETING SUBSTANCES USED TO SERVICE SHIPS, INCLUDING SHIPS FROM OTHER FLAG STATES**

The Twenty-third Meeting of the Parties decided:

1. To request the Ozone Secretariat to prepare a document that collects current information about the sale of ozone depleting-substances to ships, including ships from other flag States, for onboard servicing and other onboard uses, including on how parties calculate consumption with regard to such sales, and that identifies issues relevant to the treatment of the consumption of ozone-depleting substances used to service ships, including flag ships, for onboard uses for submission to the Open-ended Working Group at its thirty-second meeting to enable the Twenty Fourth Meeting of the Parties to take a decision on the matter;
2. To include in the document any guidance and/or information on ozone depleting substances previously provided to the parties regarding sales to ships for onboard uses;
3. To request the Ozone Secretariat in preparing the document referred to in paragraph 1 to consult as deemed necessary with relevant international bodies, in particular the International Maritime Organization and the World Customs Organization, to include in the document information on whether and how those bodies address:

- (a) Trade in ozone-depleting substances for use onboard ships;
- (b) Use of ozone-depleting substances onboard ships;

and to provide a general overview on the framework applied by those bodies to manage relevant activities;

4. To request that the document be made available to all parties at least six weeks before the thirty-second meeting of the Open-ended Working Group;
5. To request parties to provide to the Ozone Secretariat, by 1 April 2012, information on the current system used by the parties, if any, to regulate and report on ozone-depleting substances supplied for the purpose of servicing ships, including ships from other flag States, for onboard use, on how they calculate consumption with regard to such ozone-depleting substances, and on any relevant cases in which they have supplied, imported or exported such ozone-depleting substances;
6. Requests the Secretariat to include the information provided pursuant to the preceding paragraph in an annex to the document called for in paragraph 1;
7. To request the Technology and Economic Assessment Panel to provide in its 2012 progress report a summary on the available data concerning the use of ozone-depleting substances on ships, including the quantities typically used on different types of ships, the estimated refrigerant bank on ships and an estimation of emissions;
8. To invite parties in a position to do so to provide, to the extent possible, relevant data concerning the use of ozone-depleting substances on ships, including the quantities typically used on different types of ships, the estimated refrigerant bank on ships and an estimation of emissions to the Panel by 1 March 2012;

*(UNEP/OzL.Pro.23/11, Decision XXIII/11).*

The Twenty-fourth Meeting of the Parties decided:

1. To request the Technology and Economic Assessment Panel to provide together with its 2013 progress report an updated version of the information provided in its previous progress reports on transport refrigeration in the maritime sector;
2. To invite parties to encourage relevant stakeholders to minimize the use of controlled substances in newly built ships and to consider environmentally benign and energy-efficient alternatives wherever they are available;
3. To revisit the issue at the thirty-third meeting of the Open-ended Working Group;

*(UNEP/OzL.Pro.24/10, Decision XXIV/9).*

**SPECIAL CONSIDERATIONS FOR THE CARIBBEAN ISLANDS AFFECTED BY HURRICANES**

The Eightieth Meeting of the Executive Committee decided:

- (a) To approve the provision, on an exceptional basis, of a sum of US \$20,000 as additional emergency assistance for institutional strengthening for Dominica, taking into consideration the circumstances facing the national ozone unit after the devastation of the country's infrastructure by the hurricane in September 2017; and
- (b) To request UNEP as lead agency to present, to the 81<sup>st</sup> meeting, a strategy and action plan to assist the country in returning to its pre-hurricane implementation levels.

*(UNEP/OzL.Pro/ExCom/80/59, Decision 80/82, para 260)*

The Twenty-ninth Meeting of the Parties decided:

1. To encourage all parties to assist Antigua and Barbuda, the Bahamas, Cuba, Dominica and the Dominican Republic by controlling the export of products, equipment, and technologies that rely on ozone-depleting substances through the control of trade, as appropriate, in accordance with decision X/9 and decision XXVII/8;
2. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, when considering project proposals over the coming year for the above mentioned countries, to take into account their exceptional situation and the special difficulties that that situation may pose with regard to the implementation of activities to comply with their obligations in the coming year;
3. To request the implementing agencies to consider providing appropriate assistance to the above-mentioned countries in the areas of institutional strengthening, capacity-building, data collection and monitoring and control of trade of controlled substances to support continued reporting to the Secretariat on the consumption of controlled substances;
4. That the Implementation Committee under the Non Compliance Procedure for the Montreal Protocol should, in its deliberations in 2018, take into consideration the difficulties faced by the above-mentioned countries as a result of the hurricanes experienced in 2017, in the event of cases of non compliance by those countries;
5. To recognize that the exceptional situation of the above-mentioned countries may extend beyond one year, and to request the relevant parties to provide an update on the situation at the Thirtieth Meeting of the Parties;

*UNEP/OzL.Pro.29/8, Decision XXIX/19)*

**NON-COMPLIANCE ISSUES****Non-compliance with data reporting requirement under Article 7**

The Fourth Meeting of the Parties decided:

1. to note with satisfaction that all the Parties that reported data met or exceeded their obligations for control measures under Article 2 of the Protocol;
2. to urge all Parties that have not reported their data to the Secretariat to do so as soon as possible;
3. to encourage all Parties to adhere strictly to the reporting requirement under paragraph 3 of Article 7 of the amended Protocol which provides, inter alia, that data shall be provided not later than nine months after the end of the year to which the data relate;
4. to urge all Parties to insert further subdivisions to the recommended Harmonized System subheadings so that imports and exports of each of the substances listed in the annexes of the Protocol as well as each of the mixtures containing these substances can be accurately monitored in order to facilitate reporting of data

under Article 7 of the Protocol.

*(UNEP/OzL.Pro.4/15, Decision IV/9).*

The Fifth Meeting of the Parties decided:

1. to note with satisfaction that all the Parties that reported data have met or exceeded their obligations for control measures under Article 2 of the Protocol;
2. to urge all Parties that have not yet done so to report their data to the Secretariat as soon as possible;
3. to encourage all Parties to adhere strictly to the reporting requirement under paragraph 3 of Article 7 of the amended Protocol which provides, inter alia, that data shall be provided not later than nine months after the end of the year to which the data relate;
4. to take note of the information provided by some Parties on the implementation of Article 4 of the Protocol and to encourage further those Parties that have not yet done so to provide the information to the Secretariat as soon as possible.

*(UNEP/OzL.Pro.5/12, Decision V/5).*

The Sixth Meeting of the Parties decided:

1. to note with satisfaction the implementation of the provisions of the Protocol by the Parties which have so far reported data and information under Articles 7 and 9 of the Protocol;
2. to note that the timely reporting of data and any other required information is a legal obligation for each Party and to request all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

*(UNEP/OzL.Pro.6/7, Decision VI/2).*

The Seventh Meeting of the Parties decided:

1. to note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. to note with regret that only 82 Parties out of 126 that should have reported data for 1993 have reported and that only 60 Parties have reported data for 1994;
3. to note that the timely reporting of data and any other required information is a legal obligation for each Party and to request all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

*(UNEP/OzL.Pro.7/12, Decision VII/14).*

The Eighth Meeting of the Parties decided:

1. to note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. to note with regret that only 104 Parties out of 141 that should have reported data for 1994 have reported to date and that only 61 Parties have to date reported data for 1995;
3. to remind all Parties of the requirement to comply with the provisions of Articles 7 and 9 of the Protocol.

*(UNEP/OzL.Pro.8/12, Decision VIII/2).*

The Ninth Meeting of the Parties decided:

1. to note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. to note with regret that only 113 Parties out of 152 that should have reported data for 1995 have reported to date and that only 43 Parties have to date reported data for 1996;
3. to remind all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

*(UNEP/OzL.Pro.9/12, Decision IX/11).*

The Tenth Meeting of the Parties decided:

1. to note with regret that, as of 31 October 1998, only 88 of the 164 Parties that should have reported data for 1997 had done so;
2. to remind all Parties to comply with the provisions of Articles 7 and 9 of the Protocol.

*(UNEP/OzL.Pro.10/9, Decision X/2).*

The Eleventh Meeting of the Parties decided:

1. to note with satisfaction the large number of countries that have ratified the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer;
2. to note that 136 Parties have ratified the London Amendment to the Montreal Protocol, while only 101



Parties have ratified the Copenhagen Amendment to the Montreal Protocol and only 29 Parties have ratified the Montreal Amendment to the Montreal Protocol as of 15 November 1999;

3. to urge all States that have not yet done so to ratify, approve or accede to the Vienna Convention and the Montreal Protocol and its Amendments, taking into account that universal participation is necessary to ensure the protection of the ozone layer.

*(UNEP/OzL.Pro.11/10, Decision XI/11).*

The Twelfth Meeting of the Parties decided:

1. to note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. to note with regret that 21 Parties out of the 175 that should have reported data for 1998 have not reported to date;
3. to note further with regret that 59 Parties out of the 175 that should have reported data for 1999 by 30 September 2000 have not reported to date;
4. to remind all Parties to comply with the provisions of Article 7 and 9 of the Protocol as well as relevant decisions of the Parties on data and information reporting.

*(UNEP/OzL.Pro.12/9, Decision XII/6).*

The Thirteenth Meeting of the Parties decided:

1. to note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. to note with regret that 16 Parties out of the 170 that should have reported data for 1999 have not reported to date;
3. to strongly urge Parties to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September;
4. to urge Parties that have not already done so to report baseline data for 1986, 1989 and 1991 or the best possible estimates of such data where actual data are not available;
5. to advise Parties that request changes in reported baseline data for the base years to present their requests before the Implementation Committee which will in turn work with the Ozone Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval.

*(UNEP/OzL.Pro.13/10, Decision XIII/15).*

The Fourteenth Meeting of the Parties decided:

1. to note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. to note with regret that 49 Parties out of the 180 that should have reported data for 2001 have not reported to date;
3. to note further that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;
4. to strongly urge Parties to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September every year;
5. to remind Parties operating under Article 5(1) that for the purposes of reporting data, under the provisions of Article 2A paragraph 2 and Article 5 paragraph 8 bis (a) the current control period extends from 1 July 2001 to 31 December 2002.

*(UNEP/OzL.Pro.14/9, Decision XIV/13).*

The Fourteenth Meeting of the Parties also decided:

1. to note that several Parties operating under Article 5 have not reported data for one or more of the base years (1986, 1989 or 1991) for one or more groups of controlled substances, as required by Article 7 paragraphs 1 and 2 of the Montreal Protocol;
2. to note that Article 7 paragraphs (1) and (2) of the Protocol provides for Parties to submit best possible estimates of the data referred to in those provisions where actual data is not available;
3. to request that the Secretariat should communicate with the Parties referred to in paragraph 1 above and offer assistance in reporting such estimates in accordance with Article 7 paragraphs (1) and (2).

## **VI. ARTICLE 5 PARTIES**

*Policies, procedures, guidelines and criteria (as at July 2023)*

*(UNEP/OzL.Pro.14/9, Decision XIV/15).*

The Fifteenth Meeting of the Parties decided:

1. to note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. to note with appreciation that 160 Parties out of the 183 that should have reported data for 2002 have now done so, but that 23 have still not reported to date;
3. to note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;
4. to urge Parties strongly to report consumption and production data as soon as the figures are available, rather than waiting until the final deadline of 30 September every year.

*(UNEP/OzL.Pro.15/9, Decision XV/15).*

The Fifteenth Meeting of the Parties also decided:

1. to recall decision XIV/15 of the Fourteenth Meeting of the Parties, on non compliance with data reporting requirements for the purpose of reporting data for base years;
2. to note with appreciation that several Parties have submitted data for their base years following the adoption of decision XIV/15;
3. to note, however, that the following Parties operating under Article 5, paragraph 1, have still not reported data for one or more of the base years (1986, 1989 or 1991) for one or more groups of controlled substances, as required by Article 7, paragraphs 1 and 2 of the Montreal Protocol: Cape Verde, China, Guinea-Bissau, Haiti, Honduras, Liberia, Libyan Arab Jamahiriya, Mali, Marshall Islands, Micronesia (Federated States of), Nauru, Nigeria, São Tomé and Príncipe, Somalia and Suriname;
4. to note further that Article 7, paragraphs 1 and 2 of the Protocol provide for Parties to submit best possible estimates of the data referred to in those provisions where actual data are not available;
5. to request the relevant Implementing Agencies of the Multilateral Fund to make available to the Secretariat any data they have obtained which may be relevant;
6. to request the Secretariat to communicate with the Parties referred to in paragraph 3 above and to offer assistance in reporting such estimates in accordance with Article 7, paragraphs 1 and 2.

*(UNEP/OzL.Pro.15/9, Decision XV/16).*

The Sixteenth Meeting of the Parties decided:

1. to note that the implementation of the Protocol by those Parties that have reported data is satisfactory;
2. to note with appreciation that 175 Parties out of the 184 that should have reported data for 2003 have now done so, but that the following Parties have still not reported to date: Botswana, Lesotho, Liberia, Micronesia (Federated States of), Nauru, Russian Federation, Solomon Islands, Turkmenistan and Tuvalu;
3. to note further that the Federated States of Micronesia has also still not reported data for 2001 and 2002;
4. to note that this places those Parties in non-compliance with their data reporting obligations under the Montreal Protocol and to urge them, where appropriate, to work closely with the Implementing Agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties at its next meeting;
5. to note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;
6. to recall decision XV/15, which encouraged the Parties to forward data on consumption and production to the Secretariat as soon as the figures were available, and preferably by 30 June each year, in order to enable the Implementation Committee to make recommendations in good time before the Meeting of the Parties;
7. to note further with appreciation that 92 Parties out of the 184 that could have reported data by 30 June 2004 succeeded in meeting that deadline;
8. to note also that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund in assisting Parties operating under paragraph 1 of Article 5 to comply with the control measures of the Montreal Protocol;
9. to encourage Parties to continue to report consumption and production data as soon as the figures are

available, and preferably by 30 June each year, as agreed in decision XV/15.

*(UNEP/OzL.Pro.16/17, Decision XVI/17).*

The Seventeenth Meeting of the Parties decided:

1. to note with appreciation that 185 Parties out of the 188 that should have reported data for 2004 have done so, and that 114 of those Parties reported their data by 30 June 2005 in conformance with decision XV/15;
2. to note, however, that the following Parties have still not reported 2004 data: Cook Islands, Mozambique, Nauru;
3. to note that this places the Parties listed in paragraph 2 in non-compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;
4. to urge the Parties listed in paragraph 2, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties at its next meeting;
5. to note also that lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol;
6. to note further that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting Parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures;
7. to encourage Parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

*(UNEP/OzL.Pro.17/11, Decision XVII/20).*

The Nineteenth Meeting of the Parties decided:

1. to urge the Parties that have yet to report their data for 2006 to report the required data to the Secretariat in accordance with the provisions of Article 7 of the Montreal Protocol, working closely with the implementing agencies where appropriate;
2. to request the Implementation Committee to review at its next meeting the situation of those Parties that have not submitted their 2006 data by that time;
3. to encourage Parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

*(UNEP/OzL.Pro.19/7, Decision XIX/25).*

The Twentieth Meeting of the Parties decided:

1. to note with appreciation that 189 Parties out of the 191 which should have reported data for 2007 have now done so and that 75 of those Parties reported their data by 30 June 2008 in conformity with decision XV/15;
2. to note, however, that the following Parties have to date not reported data for 2007: Solomon Islands and Tonga;
3. to note that their non-reporting of data places the Parties named above in non compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;
4. to urge those Parties, where appropriate, to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency and to request the Implementation Committee to review the situation of those Parties at its next meeting;
5. to note that a lack of timely data reporting by Parties impedes effective monitoring and assessment of Parties' compliance with their obligations under the Montreal Protocol by the Implementation Committee and the Meeting of the Parties;
6. to note further that reporting data by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting Parties operating under paragraph 1 of Article 5 to comply with the control measures of the Montreal Protocol;
7. to encourage Parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

*(UNEP/OzL.Pro.20/9, Decision XX/12).*

## **VI. ARTICLE 5 PARTIES**

*Policies, procedures, guidelines and criteria (as at July 2023)*

The Twenty-second Meeting of the Parties decided to encourage parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

*(UNEP/OzL.Pro.22/9, Decision XXII/14).*

The Twenty-third Meeting of the Parties decided:

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

*(UNEP/OzL.Pro.23/11, Decision XXIII/22).*

The Twenty-fourth Meeting of the Parties decided:

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

*(UNEP/OzL.Pro.24/10, Decision XXIV/13).*

The Twenty-fifth Meeting of the Parties decided:

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

*(UNEP/OzL.Pro.25/9, Decision XXV/14).*

The Twenty-sixth Meeting of the Parties decided:

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

*(UNEP/OzL.Conv.10/7-UNEP/OzL.Pro.26/10, Decision XXVI/12).*

The Twenty-seventh Meeting of the Parties decided:

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

*(UNEP/OzL.Pro.27/13, Decision XXVII/9).*

The Twenty-eighth Meeting of the Parties decided:

1. To note that 195 parties of the 197 that should have reported data for 2015 have done so and that 169 of those parties reported their data by 30 September 2016 as required under paragraph 3 of Article 7 of the

Montreal Protocol;

2. To note with appreciation that 119 of those parties reported their data by 30 June 2016 in accordance with decision XV/15 and that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol (Article 5 parties) to comply with the Protocol's control measures;
3. To note further that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;
4. To note with concern that two parties, namely, Iceland and Yemen, have not reported their 2015 data as required under Article 7 of the Montreal Protocol and that this places them in non compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;
5. To urge the parties listed in the preceding paragraph to report the required data to the Secretariat as quickly as possible and to urge the one Article 5 party, namely, Yemen, where appropriate, to work closely with the implementing agencies in reporting the required data;
6. To request the Implementation Committee to review the situation of the parties listed in the preceding paragraphs at its fifty-eighth meeting;
7. To encourage parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

*(UNEP/OzL.Pro.28/11, Decision XXVIII/9).*

The Twenty-ninth Meeting of the Parties decided:

1. To note with appreciation that all 197 parties that should have reported data for 2016 have done so and that 180 of those parties had reported their data by 30 September 2017 as required under paragraph 3 of Article 7 of the Montreal Protocol on Substances that Deplete the Ozone Layer;
2. To note with appreciation that 130 of those parties had reported their data by 30 June 2017 in accordance with decision XV/15 and that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the control measures under the Protocol;
3. To encourage parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15;

*(UNEP/OzL.Pro.29/8, Decision XXIX/13)*

The Thirtieth Meeting of the Parties decided:

1. To note that 195 parties of the 197 parties that should have reported data for 2017 have done so, and that 190 of those parties had reported their data by 30 September 2018 as required under paragraph 3 of Article 7 of the Montreal Protocol;
2. To note with appreciation that 133 of those parties had reported their data by 30 June 2018, in accordance with the encouragement in decision XV/15, and that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures;
3. To note that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;
4. To note with concern that two parties, namely the Central African Republic and Yemen, have not reported their 2017 data as required under Article 7 of the Montreal Protocol, and that this places them in non-compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;
5. To urge the Central African Republic and Yemen to report the required data to the Secretariat as quickly as possible;

6. To request the Implementation Committee to review the situation of those parties at its sixty second meeting;
7. To encourage parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

*(UNEP/OzL.Pro.30/11, Decision XXX/13).*

The Thirty-first Meeting of the Parties decided:

1. To note that all parties which should have reported data to date under Article 7 of the Montreal Protocol have done so, and that 169 of those parties had reported their 2018 data by 30 September 2019, as required under paragraph 3 of Article 7 of the Montreal Protocol;
2. To note with appreciation that 103 of those parties had reported their data by 30 June 2019, in accordance with the encouragement in decision XV/15, and that reporting by 30 June each year greatly facilitates the work of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol and the Meeting of the Parties;
3. To encourage parties to continue to report consumption and production data as soon as figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

*(UNEP/OzL.Pro.31/9/Add.1, Decision XXXI/9).*

The Thirty-third Meeting of the Parties decided:

1. To note that 197 parties of the 198 parties that should have reported data for 2020 have done so, and that 181 of those parties had reported their data by 30 September 2021 as required under paragraph 3 of Article 7 of the Montreal Protocol;
2. To note with appreciation that 115 of those parties had reported their data by 30 June 2021, in accordance with the encouragement in decision XV/15, and that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures;
3. To note with concern that one party, namely Cuba, has not reported its 2020 data as required under paragraph 3 of Article 7 of the Montreal Protocol, and that this places it in non-compliance with its data reporting obligations under the Protocol until such time as the Secretariat receives its outstanding data;
4. To also note with concern that two parties not operating under paragraph 1 of Article 5 of the Montreal Protocol, namely the Russian Federation and San Marino, that are parties to the Kigali Amendment and should have submitted baseline data for Annex F substances (hydrofluorocarbons) for the years 2011 to 2013 have not done so as required under paragraph 2 of Article 7 of the Montreal Protocol, and that this places them in non-compliance with their data reporting obligations under the Protocol until such time as the Secretariat receives their outstanding baseline data for hydrofluorocarbons;
5. To further note with concern that one party operating under paragraph 1 of Article 5 of the Protocol, namely Cuba, which is party to the Kigali Amendment and should have submitted baseline data for Annex F substances (hydrofluorocarbons) for the year 2020 has not done so as required under paragraph 2 of Article 7 of the Montreal Protocol, and that this places it in non-compliance with its data reporting obligations under the Protocol until such time as the Secretariat receives its outstanding baseline data for 2020 for hydrofluorocarbons;
6. To note that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;
7. To urge the parties listed in paragraphs 3, 4 and 5 of the present decision to report the required data to the Secretariat as soon as possible;
8. To request the Implementation Committee to review the situation of those parties at its sixty-eighth meeting;
9. To encourage parties to continue to report consumption and production data as soon as the figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

*(UNEP/OzL.Pro.33/8/Add.1, Decision XXXIII/7).*

The Thirty-fourth Meeting of the Parties decided:

1. To note that 194 parties of the 198 parties that should have reported data for 2021 have done so, and that 175 of those parties had reported their data by 30 September 2022 as required under paragraph 3 of Article 7 of the Montreal Protocol on Substances that Deplete the Ozone Layer;
2. To note with appreciation that 117 of those parties had reported their data by 30 June 2022, in accordance with the encouragement in decision XV/15, and that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures;
3. To note with concern that four parties, namely Afghanistan, the Democratic Republic of the Congo, Israel and the Russian Federation, have not reported their 2021 data as required under paragraph 3 of Article 7 of the Montreal Protocol, and that this places them in non-compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;
4. To also note with concern that one party not operating under paragraph 1 of Article 5, namely San Marino, that is a party to the Kigali Amendment and should have submitted baseline data for Annex F substances (HFCs) for the years 2011 to 2013, has not done so as required under paragraph 2 of Article 7 of the Montreal Protocol, and that this places it in non-compliance with its data reporting obligations under the Montreal Protocol until such time as the Secretariat receives its outstanding baseline data for HFCs;
5. To note that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;
6. To urge the parties listed in paragraphs 3 and 4 of the present decision to report the required data to the Secretariat as soon as possible;
7. To request the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to review the situation of those parties at its seventieth meeting;
8. To encourage parties to continue to report consumption and production data as soon as the figures are available, and preferably by 30 June each year, as agreed in decision XV/15.

*UNEP/OzL.Pro.34/9/Add.1, Decision XXXIV/14).*

#### **Non-compliance with data reporting for the purpose of establishing baselines under Article 5**

The Fourteenth Meeting of the Parties decided:

1. to note that the following Parties have not reported data for one or more of the years which are required for the establishment of baselines for Annex A and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):
  - (a) for Annex A: Angola, Cambodia, Cape Verde, Djibouti, Haiti, Liberia, Micronesia (Federated States of), Nauru, Palau, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Suriname and Vanuatu;
  - (b) for Annex E: Cape Verde, Democratic Republic of Congo, Djibouti, Micronesia (Federated States of), Haiti, Democratic People's Republic of Korea, Liberia, Maldives, Nigeria, Palau, Saint Kitts and Nevis, Sao Tome and Principe, Sierra Leone, Somalia, Vanuatu;
2. to note that this places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
3. to stress that compliance by these Parties with the Montreal Protocol cannot be determined without knowledge of this data;
4. to note that 18 out of 20 of these Parties are receiving assistance with data collection from the Multilateral Fund through the Implementing Agencies;
4. to urge these Parties to work closely with the Agencies concerned to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

*(UNEP/OzL.Pro.14/9, Decision XIV/16).*

The Fifteenth Meeting of the Parties decided:

1. to note with appreciation the fact that, as requested under decision XIV/16 of the Fourteenth Meeting of the

Parties, the following Parties have reported baseline data, thus bringing themselves into compliance with the provisions of Article 5, paragraphs 3 and 8 ter (d): Angola, Cambodia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Haiti, Maldives, Micronesia (Federated States of), Nauru, Nigeria, Palau, Rwanda, Saint Kitts and Nevis, Sierra Leone, Suriname and Vanuatu;

2. to note nevertheless that the following Parties have still not reported data for one or more of the years which are required for the establishment of baselines for Annexes A, B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d):
  - (a) for Annex A: Cape Verde, Djibouti, Guinea-Bissau, São Tomé and Príncipe, and Somalia;
  - (b) for Annex B: Cape Verde, Djibouti, Grenada, Guinea-Bissau, Liberia, São Tomé and Príncipe, and Somalia;
  - (c) for Annex E: Cape Verde, Djibouti, Guinea-Bissau, India, Liberia, Mali, São Tomé and Príncipe, and Somalia;
3. to note that that places those Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
4. to stress that compliance by those Parties with the Montreal Protocol cannot be determined without knowledge of those data;
5. to note that all those Parties are receiving assistance with data collection from the Multilateral Fund through the Implementing Agencies;
6. to note also that some of those Parties have only recently ratified various amendments to the Montreal Protocol and consequently may be in the process of collecting the required baseline data;
7. to urge those Parties to work closely with the Implementing Agencies concerned to report the required data to the Secretariat as a matter of urgency, and to request the Implementation Committee to review the situation of those Parties with respect to data reporting at its next meeting.

*(UNEP/OzL.Pro.15/9, Decision XV/18).*

The Seventeenth Meeting of the Parties decided:

1. to note that Serbia and Montenegro has not reported data for one or more of the years which are required for the establishment of baselines for Annexes B and E to the Protocol, as provided for by Article 5, paragraphs 3 and 8 ter (d);
2. to note that that places Serbia and Montenegro in non-compliance with its data reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data;
3. to stress that compliance by Serbia and Montenegro with the Montreal Protocol cannot be determined without knowledge of those data;
4. to acknowledge that Serbia and Montenegro has only recently ratified the amendments to the Protocol to which the data-reporting obligation relates, but also to note that its has received assistance with data collection from the Multilateral Fund for the Implementation of the Montreal Protocol through the Fund's implementing agencies;
5. to urge Serbia and Montenegro to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as a matter of urgency to the Secretariat and to request the Implementation Committee to review the situation of Serbia and Montenegro with respect to data reporting at its next meeting.

*(UNEP/OzL.Pro.17/11, Decision XVII/22).*

### **Non-compliance with data reporting by Parties temporarily classified as Article 5**

The Fourteenth Meeting of the Parties decided:

1. to note that the following Parties, temporarily classified as operating under Article 5, have not reported any consumption or production data to the Secretariat: Cambodia, Cape Verde, Djibouti, Liberia, Micronesia (Federated States of), Nauru, Palau, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Suriname and Vanuatu;
2. to note that this situation places these Parties in non-compliance with their data reporting obligations under the Montreal Protocol;



3. to acknowledge that many of these Parties have only recently ratified the Montreal Protocol but also to note that twelve of them have received assistance with data collection from the Multilateral Fund through the Implementing Agencies;
4. to urge these Parties to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other Implementing Agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of these Parties with respect to data reporting at its next meeting.

*(UNEP/OzL.Pro.14/9, Decision XIV/14).*

The Fifteenth Meeting of the Parties decided:

1. to note with appreciation the fact that, as requested under decision XIV/14 of the Fourteenth Meeting of the Parties, the following Parties have reported data, thus bringing themselves into compliance with the provisions of Article 7 and enabling their temporary classification as Article 5 Parties to be removed: Cambodia, Nauru, Rwanda, Sierra Leone and Suriname;
2. to note nevertheless that the following Parties, temporarily classified as operating under Article 5, have still not reported any consumption or production data to the Secretariat: Cape Verde, Guinea-Bissau, São Tomé and Príncipe and Somalia;
3. to note that that situation places those Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
4. to acknowledge that many of those Parties have only recently ratified the Montreal Protocol but also to note that all of them have received assistance with data collection from the Multilateral Fund through the Implementing Agencies;
5. to urge those Parties to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other Implementing Agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of those Parties with respect to data reporting at its next meeting.

*(UNEP/OzL.Pro.15/9, Decision XV/17).*

#### **Non-compliance with data-reporting by Parties recently ratifying the Montreal Protocol**

The Sixteenth Meeting of the Parties decided:

1. to note that the following Parties, temporarily classified as operating under paragraph 1 of Article 5, have not reported any consumption or production data to the Secretariat: Afghanistan and Cook Islands;
2. to note that that situation places those Parties in non-compliance with their data reporting obligations under the Montreal Protocol;
3. to acknowledge that all those Parties have only recently ratified the Montreal Protocol and also to note that Cook Islands has not yet received assistance with data collection from the Multilateral Fund through the Implementing Agencies;
4. to urge those Parties to work together with the United Nations Environment Programme under the compliance assistance programme and with other Implementing Agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat, and to request the Implementation Committee to review the situation of those Parties with respect to data reporting at its next meeting.

*(UNEP/OzL.Pro.16/17, Decision XVI/18).*

The Seventeenth Meeting of the Parties decided:

1. to note that Eritrea, temporarily classified as operating under paragraph 1 of Article 5 of the Montreal Protocol, has not reported any consumption or production data to the Secretariat;
2. to note that that situation places that Party in non-compliance with its data reporting obligations under the Montreal Protocol until such time as the Secretariat receives the outstanding data;
3. to acknowledge that Eritrea has only recently ratified the Montreal Protocol and has received approval for data collection assistance from the Multilateral Fund for the Implementation of the Montreal Protocol through the latter's implementing agencies;
4. to note with appreciation Eritrea's commitment to submit its outstanding data no later than the first quarter

of 2006;

5. to urge Eritrea to work together with the United Nations Environment Programme under the Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report data as quickly as possible to the Secretariat and to request the Implementation Committee to review the situation of that Party with respect to data-reporting at its next meeting.

*(UNEP/OzL.Pro.17/11, Decision XVII/21).*

The Twentieth Meeting of the Parties decided:

1. to urge all Parties to assist Iraq, as a new Party, in controlling the export of ozone depleting substances and ozone-depleting substance based technologies into Iraq through the control of trade as per the provisions of the Montreal Protocol and relevant decisions of the Meeting of the Parties and to encourage Iraq to participate in an informal prior informed consent process as referred to in decision XIX/12;
2. to request the Executive Committee when considering project proposals for Iraq to phase out ozone-depleting substances to take into account the special situation of this new Party, which may face difficulties in the phase out of ozone-depleting substances in annexes A and B, and to be flexible in considering the project proposals, without prejudice to the possible review of the non-compliance situation of Iraq by the Parties;
3. to request the implementing agencies to provide appropriate assistance to Iraq in developing its country programme and national phase out plans and in continuing its efforts to report to the Secretariat, as soon as possible, data on consumption of ozone-depleting substances in accordance with the Montreal Protocol requirements;
4. to request the Implementation Committee to report on the compliance situation of Iraq to the Open-ended Working Group preceding the Twenty-Third Meeting of the Parties, during which the present decision will be reconsidered.

*(UNEP/OzL.Pro.20/9, Decision XX/15).*

The Twenty-first Meeting of the Parties decided:

1. To urge all Parties to assist Timor-Leste, as a new Party, in controlling the export of ozone-depleting substances and ozone-depleting substance-based technologies into Timor-Leste through the control of trade as per the provisions of the Montreal Protocol and relevant decisions of the Meeting of the Parties and to encourage Timor-Leste to participate in an informal prior informed consent process as referred to in decision XIX/12;
2. To request the Executive Committee when considering project proposals for Timor-Leste to phase out ozone-depleting substances to take into account the special situation of this new Party, which may face difficulties in the phase out of ozone-depleting substances in annexes A, B and E, and to be flexible in considering the project proposals, without prejudice to the possible review of the non-compliance situation of Timor-Leste by the Parties;
3. To request the implementing agencies to provide appropriate assistance to Timor-Leste in institutional strengthening, capacity building, data collection, development of its country programme and national phase-out plans and in continuing its efforts to report to the Secretariat next year, data on consumption of ozone-depleting substances in accordance with the Montreal Protocol requirements;
4. To request the Implementation Committee to consider difficulties faced by Timor-Leste when addressing any possible non-compliance situations faced by Timor-Leste after the date on which the Protocol and its Amendments enter into force for Timor-Leste and report on the compliance situation of Timor-Leste to the Open-ended Working Group preceding the Twenty-Fourth Meeting of the Parties, during which the present decision will be reconsidered.

*(UNEP/OzL.Pro.21/8, Decision XXI/24).*

### **Potential non-compliance with the freeze on CFC consumption**

The Thirteenth Meeting of the Parties decided:

1. to note that, in accordance with decision X/29 of the 10th Meeting of the Parties, the Implementation Committee requested the Secretariat to write to the following Article 5 Parties, Bangladesh, Chad, Comoros, Dominican Republic, Honduras, Kenya, Mongolia, Morocco, Niger, Nigeria, Oman, Papua New Guinea, Paraguay, Samoa and Solomon Islands, that had reported data on CFC consumption for either the year 1999 and/or 2000 that was above their individual baselines;

2. that since none of the above Parties has responded to the request from the Secretariat for data for the control period from 1 July 1999 to 30 June 2000, all are presumed to be in non-compliance with the control measures under the Protocol in the absence of further clarification;
3. to closely monitor the progress of these Parties with regard to the phase-out of ozone-depleting substances. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them 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 these Parties, in accordance with item B of the indicative list of measures, that in the event that any country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro/13/10, Decision XIII/16).*

The Fourteenth Meeting of the Parties decided:

1. to note that, pursuant to decision X/29 of the Tenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to those Parties operating under Article 5 that had reported data on CFC consumption for either the year 2000 and/or 2001 that was above their individual baselines;
2. to note that Guatemala, Malta, Pakistan and Papua New Guinea have failed to report data for the control period from 1 July 2000 to 30 June 2001, and have reported annual data for either 2000 or 2001 which is above their baseline. In the absence of further clarification, these Parties are presumed to be in non-compliance with the control measures under the Protocol;
3. to urge these Parties to report data for the control period from 1 July 2000 to 30 June 2001 as a matter of urgency;
4. to closely monitor the progress of these Parties with regard to the phase-out of ozone-depleting substances. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them to meet their 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 these Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.14/9, Decision XIV/17).*

#### **Potential non-compliance with consumption of Annex A, group I by Article 5 Parties for the control period 1 July 2001-31 December 2002**

The Fifteenth Meeting of the Parties decided:

1. To note that the following Article 5 Parties have failed to report data for consumption of Annex A, group I, substances for the control period from 1 July 2001 to 31 December 2002, and have reported annual data for 2001 and/or 2002 which are above their requirement for a freeze in consumption: Dominica, Haiti, Saint Kitts and Nevis, and Sierra Leone. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. to urge those Parties to report data for Annex A, group I, substances for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency and, in addition, for consideration at the next meeting of the Implementation Committee, explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. to note also, however, the special situation of Haiti, which has only recently ratified the Montreal Protocol and begun to implement its refrigerant management plan;
4. to monitor closely the progress of those Parties with regard to the phase-out of CFCs. to the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution those Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.15/9, Decision XV/21).*

**Potential non-compliance with consumption of Annex A, Group II by Article 5 Parties in 2002**

The Fifteenth Meeting of the Parties decided:

1. to note that the following Article 5 Parties have reported annual data for Annex A, group II substances for 2002 which are above their requirement for a freeze in consumption: Malaysia, Mexico, Nigeria and Pakistan. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. to request those Parties to submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule; policy and regulatory instruments that will ensure progress in achieving the phase-out; and work with Implementing Agencies to identify alternatives to Annex A, group II, substances;
3. to monitor closely the progress of those Parties with regard to the phase-out of halons. to the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution those Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.15/9, Decision XV/22).*

**Potential non-compliance with consumption of the ozone-depleting substance in Annex E by Article 5 Parties in 2002**

The Fifteenth Meeting of the Parties decided:

1. to note that the following Article 5 Parties have reported annual data for the controlled substance in Annex E for 2002 which are above their requirement for a freeze in consumption: Barbados, Egypt, Paraguay, Philippines, Saint Kitts and Nevis, and Thailand. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol;
2. to request those Parties to submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, an explanation for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

3. to monitor closely the progress of those Parties with regard to the phase-out of methyl bromide. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution those Parties, in accordance with item B of the indicative list of measures, that in the event that any Party fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.15/9, Decision XV/25).*

### **Potential non-compliance with consumption of the controlled substance in Annex B, group III in 2003**

The Sixteenth Meeting of the Parties decided:

1. to note that the following Parties operating under paragraph 1 of Article 5 of the Montreal Protocol have reported annual data for the controlled substance in Annex B, group III (methyl chloroform), for 2003 which is above their requirement for a freeze in consumption: Bangladesh, Bosnia and Herzegovina, Ecuador and the Islamic Republic of Iran. In the absence of further clarification, those Parties are presumed to be in non-compliance with the control measures under the Protocol. To note, however, that the Islamic Republic of Iran has submitted a request for a change in its baseline data for methyl chloroform that will be considered by the Implementation Committee at its next meeting;
2. to request those Parties, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting explanations for their excess consumption, together with plans of action with time-specific benchmarks to ensure a prompt return to compliance. Those Parties may wish to consider including in their plans of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. to monitor closely the progress of those Parties with regard to the phase-out of methyl chloroform. To the degree that those Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In that regard, those Parties should continue to receive international assistance to enable them to meet their commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions those Parties, in accordance with item B of the indicative list of measures, that, in the event that any Party fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.16/17, Decision XVI/20).*

### **Non-compliance issues related to specific Article 5 Parties**

The Thirteenth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Argentina, Belize, Cameroon, Ethiopia and Peru (Annex VI.4).

*(UNEP/OzL.Pro/13/10, Decisions XIII/21, XIII/22, XIII/23, XIII/24, XIII/25).*

The Fourteenth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Albania, Armenia, Bahamas, Bangladesh, Belize, Bolivia, Bosnia and Herzegovina, Cameroon, Ethiopia, Libya, Maldives, Namibia, Nepal, Nigeria, Saint Vincent and the Grenadines (Annex VI.4).

*(UNEP/OzL.Pro/14/9, Decisions XIV/18, XIV/19, XIV/20, XIV/21, XIV/22, XIV/23, XIV/24, XIV/25 XIV/26 XIV/27 XIV/29, XIV/30, XIV/31, XIV/32, XIV/33, XIV/34).*

The Fifteenth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Albania, Armenia, Bolivia, Bosnia and Herzegovina, Botswana, Cameroon, Democratic Republic of Congo, Guatemala, Honduras, Libyan Arab Jamahiriya, Maldives, Morocco, Namibia, Nepal, Papua New Guinea, Qatar, Saint Vincent and the Grenadines, Uganda, Uruguay, Vietnam (Annex VI.4).

*(UNEP/OzL.Pro.15/9, Decisions XV/23, XV/26, XV/29, XV/30, XV/31, XV/32, XV/33, XV/34, XV/35, XV/36, XV/37, XV/38, XV/39, XV/40,*

*XV/41, XV/42, XV/43, XV/44, XV/45).*

The Sixteenth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Chile, Fiji, Guinea-Bissau, Lesotho, Libyan Arab Jamahiriya, Nepal, Oman, Pakistan, Saint Vincent and the Grenadines, Somalia (Annex VI.4).

*(UNEP/OzL.Pro.16/17, Decisions XVI/19, XVI/22, XVI/23, XVI/24, XVI/25, XVI/26, XVI/27, XVI/28, XVI/29, XVI/30).*

The Seventeenth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Armenia, Bangladesh, Bosnia and Herzegovina, Chile, China, Ecuador, Fiji, Honduras, Kyrgyzstan, Libyan Arab Jamahiriya, Micronesia, Sierra Leone, Uruguay (Annex VI.4).

*(UNEP/OzL.Pro.17/11, Decisions XVII/25, XVII/27, XVII/28, XVII/29, XVII/30, XVII/31, XVII/32, XVII/33, XVII/34, XVII/36, XVII/37, XVII/38, XVII/39).*

The Eighteenth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Armenia, Democratic Republic of Congo, Dominica, Ecuador, Eritrea, Guatemala, Islamic Republic of Iran, Kenya, Mexico, Pakistan, Paraguay, Serbia (Annex VI.4).

*(UNEP/OzL.Pro.18/10, Decisions XVIII/20, XVIII/21, XVIII/22, XVIII/23, XVIII/24, XVIII/26, XVIII/27, XVIII/28, XVIII/30, XVIII/31, XVIII/32, XVIII/33).*

The Nineteenth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Islamic Republic of Iran, Paraguay, Saudi Arabia (Annex VI.4).

*(UNEP/OzL.Pro.19/7, Decisions XIX/27, XIX/22, XIX/23).*

The Twentieth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Ecuador, Solomon Islands and Somalia (Annex VI.4).

*(UNEP/OzL.Pro.20/9, Decisions XX/16, XX/18, XX/19).*

The Twenty-first Meeting of the Parties decided on compliance issues with the Montreal Protocol by Bangladesh, Bosnia and Herzegovina, the Federated States of Micronesia, Mexico, Saudi Arabia, Solomon Islands, Somalia, Turkmenistan and Vanuatu (Annex VI.4).

*(UNEP/OzL.Pro.21/8, Decisions XXI/17, XXI/18, XXI/19, XXI/20, XXI/21, XXI/22, XXI/23, XXI/25 and XXI/26).*

The Twenty-second Meeting of the Parties decided:

1. To encourage all parties to assist Haiti by controlling the export of ozone depleting substances and technologies dependent on ozone-depleting substances to Haiti through the control of trade in accordance with decision X/9 and other relevant decisions;
2. To request the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, when considering project proposals for Haiti, to take into account the special situation of Haiti and the special difficulties that it may pose in respect of the phase-out of ozone depleting substances, including in particular the accelerated phase-out of hydrochlorofluorocarbons, in accordance with the requirements of the Montreal Protocol;
3. To request the implementing agencies to consider providing appropriate assistance to Haiti in the areas of institutional strengthening, capacity-building, data collection and monitoring and control of trade in ozone-depleting substances;
4. Also to request the implementing agencies to consider providing appropriate assistance for the development of a strategy to achieve the reorganization of Haiti's national ozone unit and in the continuation of its efforts to report to the Ozone Secretariat data on consumption of ozone depleting substances in accordance with the requirements of the Montreal Protocol;
5. That recommendations made by the Implementation Committee under the Non Compliance Procedure for the Montreal Protocol are to be considered in the light of the difficulties faced by Haiti as a result of the earthquake;

*(UNEP/OzL.Pro.22/9, Decision XXII/12).*

The Twenty-second Meeting of the Parties decided on compliance issues with the Montreal Protocol by Singapore, Saudi Arabia, Republic of Korea and Vanuatu (Annex VI.4).

*(UNEP/OzL.Pro.22/9, Decisions XXII/13, XXII/15, XXII/16 and XXII/18).*

The Twenty-third Meeting of the Parties decided on compliance issues with the Montreal Protocol by Libya, and Yemen. (Annex VI.4).

*(UNEP/OzL.Pro.23/11, Decisions XXIII/23 and XXIII/25.).*

The Twenty-third Meeting of the Parties decided:

## **VI. ARTICLE 5 PARTIES**

*Policies, procedures, guidelines and criteria (as at July 2023)*

1. To urge all exporting countries to liaise with the Government of Iraq, as feasible, prior to the export of any ozone-depleting substances to Iraq in order to support the local authorities in controlling the import of ozone-depleting substances and combating illegal trade;
2. To note the need for extra security and attention to logistical difficulties in the implementation of phase-out projects in Iraq, including resources adequate to enable implementing agency personnel to operate in the country;
3. To request the implementing agencies to continue to take into account Iraq's special situation and to provide it with appropriate assistance;

*(UNEP/OzL.Pro.23/11, Decision XXIII/24).*

The Twenty-fourth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Ukraine. (Annex VI.4).

*(UNEP/OzL.Pro.24/10, Decision XXIV/18).*

The Twenty-fifth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Azerbaijan, France and Kazakhstan. (Annex VI.4).

*(UNEP/OzL.Pro.25/9, Decisions XXV/10, XXV/11 and XXV/12).*

The Twenty-sixth Meeting of the Parties decided on compliance issues with the Montreal Protocol by the Democratic People's Republic of Korea and Guatemala. (Annex VI.4).

*(UNEP/OzL.Pro.25/9, Decisions XXVI/15 and XXVI/16).*

The Twenty-seventh Meeting of the Parties decided on compliance issues with the Montreal Protocol by Bosnia and Herzegovina and Libya. (Annex VI.4).

*(UNEP/OzL.Pro.27/13, Decisions XXVII/10 and XXVII/11).*

The Twenty-eighth Meeting of the Parties decided on compliance issues with the Montreal Protocol by Bosnia and Herzegovina and Libya. (Annex VI.4).

*UNEP/OzL.Pro.28/11, Decision XXVIII/11).*





**ANNEX VI.1: ADJUSTED FUNDING POLICIES OF THE MULTILATERAL FUND****Adjustment of the current funding policy**

1. Emphasizing the impact of individual projects largely assisted the Fund in achieving the goal of maximizing the global reduction of ODS in Article 5 countries during the grace period. However, recognizing that all Article 5 countries have to achieve compliance simultaneously, the Executive Committee has now directed that the Fund's goal will have to shift to assisting individual Article 5 countries to implement time-bound compliance targets. This would necessitate an adjustment of the funding policy from emphasizing impact of individual projects to putting greater emphasis on demonstrated relevance of such projects to compliance. The key to the adjustment is the demonstrated relevance to compliance, as distinct from the current practice because, as noted in the strategic planning framework agreed at the last meeting, "Funding must be predicated on a commitment by the country to achieve sustainable, permanent aggregate reductions in consumption and production, as relevant."
2. Demonstrated relevance to compliance is defined as a direct and, if applicable, quantifiable linkage between the funded activities and the specific Montreal Protocol compliance target to be achieved.

**Modalities to implement the adjusted funding policy**

3. Depending on the preference and readiness of the country concerned, there could be two modalities to implement the adjusted funding policy of ensuring demonstrated relevance to compliance: funding of performance-based group-wide phase-out agreements; and funding of individual projects or stand-alone sector phase-out plans based on national phase-out strategies. These two modalities are discussed in the following paragraphs.

Performance-based substance-wide phase-out agreements

4. Scope: A group-wide phase-out agreement will encompass the total remaining consumption of the concerned controlled substance (e.g.: halons, CFCs) in all its user sectors in the country. Depending on the residual consumption in each of these sectors, the agreement could consist of more than one sector strategy or if the residual consumption is exclusively in the refrigeration servicing sector, which is usually the case towards the completion of the CFC phase-out in the relevant manufacturing sectors, the agreement can be detailed as part of a refrigerant management plan, as elaborated in Decision 31/48.
5. Features: A performance-based group-wide agreement would need to include an action plan and a schedule of implementation of well-coordinated activities of industry and government, a level of funding to be agreed with the Executive Committee, a disbursement schedule by the Multilateral Fund against national ODS reduction targets, and a national management structure to ensure achievement of the objective of the agreements.
6. Advantages: The proposed agreements could offer the best chance to implement the funding policy of demonstrated relevance to compliance because funding would be tied to the compliance targets stipulated in the agreement (either according to the Montreal Protocol or, an accelerated schedule preferred by the country), and disbursement of resources would be tied to performance milestones.
7. The agreements would offer an alternative to the sometimes cumbersome project-by-project submission and approval process. They would also provide an assurance of predictable funding by the Multilateral Fund over a period of time, and would offer the country concerned with a flexibility to use the agreed funds to implement the activities to achieve the goals of the agreement.
8. Experience to date: The modality has been applied to the phase-out of ODS in the production and other sectors and also followed to a certain extent in funding of RMPs in low-volume-consuming countries. The sector agreements approved so far are being implemented as planned, however, most of them were prepared and negotiated on a case-by-case basis over a long period of time.
9. Operational guidelines: It is time to review the need for standard guidelines, based on the experience of the Multilateral Fund, for the preparation, implementation and management of such agreements if this modality will be increasingly adopted.
10. Recommended further steps: It is recommended that in order to enable countries which are ready to adopt the modality of performance-based substance-wide agreement, the Secretariat should work with Article 5 countries, bilateral agencies and the Implementing Agencies to develop draft guidelines for the preparation, implementation and management of performance-based substance-wide phase-out agreements.

Funding of individual projects (including umbrella or terminal phase-out projects) and stand-alone sector phase-out plans based on national compliance strategy

11. The current modality of funding of individual projects can continue to be applied however such funding should be made on condition that the requested project demonstrate its position in the national compliance strategy of phasing out the concerned controlled substance. It is understood that, until national compliance strategies have been developed, nothing will prevent the funding of individual projects or stand-alone sector phase-out plans, in accordance with the guidelines and procedures of the Fund, to the extent that these projects should indicate:

- (a) the impact of requested project on the compliance target (for instance, the CFC freeze, the 50 per cent reduction in 2005 and others);
- (b) the impact of the on-going projects on the balance of a consumption level of the substance to be determined by the Executive Committee in the discussion on the remaining ODS consumption eligible for funding and the mandatory consumption level for compliance with the specific target;
- (c) the impact of the requested project on remaining national consumption of the substance(s) concerned.

12. The same requirement should be applied to a stand-alone sector phase-out plan. These sector phase-out plans may include the total consumption of the concerned controlled substance, a plan of action by both industry and government and agreed funding level and disbursement schedule, as in the case of a substance-wide agreement. Since a controlled substance could be used in more than one sector, it is important to establish the direct impact of such projects on the national compliance targets of the controlled substance concerned.

13. Advantages: Requiring that funding requests be put in the context of a national compliance strategy provides the possibility of determining the impact of funding on the specific compliance target and of assessing the urgency of such requests, and therefore the funding priority. Funding projects according to the national compliance strategy provides the government the possibility of determining the pace of phase-out according to its domestic demand and supply of the controlled substances and readiness of its consumers. The steps that are proposed in the above Table for analyzing the demonstrated relevance of projects to compliance will make up for the inadequacy in the current funding policy which does not link project impact with country compliance. These steps are also being proposed in the draft guidelines for the preparation of country programme updates. The proposed guidelines are intended to assist countries in the preparation of their national compliance strategies.

14. Operational guidelines: The proposed guidelines for the preparation of country programme updates which are being submitted by the Secretariat to the 34th Meeting could serve as operational guidelines for the preparation of national compliance strategies. This was also noted by the Executive Committee which decided that “updates to country programmes and refrigerant management plans would provide Article 5 countries with a mechanism for national phase-out strategies and to encourage Article 5 countries to take advantage of that opportunity” (Decision 33/54).

15. Until these strategies are prepared, it is recommended that the sector context currently included in the project document be revised to provide an analysis of the demonstrated relevance of the requested funding to compliance. (UNEP/OzL.Pro/ExCom/35/67, Decision 35/56, Annex XVI).  
(Supporting document: UNEP/OzL.Pro/ExCom/34/53).

## ANNEX VI.2: REMAINING UNFUNDED CONSUMPTION

Country	Option 1: Montreal Protocol baseline	Option 2: Very recent consumption
<b>Non-LVCC</b>		
Algeria**	1,052.6	856.2
Argentina**	2,564.3	1,118.2
Bangladesh*	444.2	664.4
Brazil**	4,270.2	6,228.9
Chile*	828.7	657.5
China*	29,092.8	26,490.1
Colombia**	1,456.9	800.6
Cuba**	585.7	497.4
Dominican Republic**	350.8	296.7
Egypt**	681.9	784.6
India**	1,089.5	2,244.3
Indonesia*	3,951.4	2,506.6
Iran**	1,858.0	2,511.5
Jordan**	-272.9	-72.1
Korea DPR*	291.7	106.0
Lebanon**	59.9	237.3
Macedonia**	97.2	11.0
Malaysia**	1,744.4	1,447.4
Mexico**	3,436.5	2,752.6
Morocco**	49.8	-96.1
Nigeria*	1,798.1	2,883.3
Pakistan*	487.1	250.9
Panama**	299.2	207.9
Philippines**	2,527.4	2,854.6
Romania*	-319.9	145.8
Sri Lanka**	348.1	211.1
Sudan**	359.2	194.0
Syria**	280.5	485.2
Thailand**	3,396.5	2,925.8
Tunisia**	110.5	177.8
Turkey*	1,939.3	806.0
Venezuela**	2,518.2	2,235.9
Vietnam*	242.1	143.0
Yugoslavia*	640.1	394.1
Zimbabwe**	430.2	140.0
<b>Sub-Total</b>	<b>68,690.1</b>	<b>64,098.4</b>
<b>LVCC</b>		
Antigua and Barbuda**	9.7	4.0
Bahamas**	52.3	65.9
Bahrain*	97.9	112.0
Barbados*	21.5	16.5
Belize**	14.3	7.1
Benin**	19.7	27.3
Bolivia*	56.9	53.4
Botswana**	5.3	1.0
Brunei Darussalam**	78.2	46.6
Burkina Faso*	17.8	22.4
Burundi**	53.6	48.4
Cameroon*	-108.2	111.5
Chad**	25.8	27.7
Comoros**	2.5	2.7
Congo**	-7.3	-7.8
Costa Rica**	152.9	82.7

**ANNEX VI.2**
*Policies, procedures, guidelines and criteria (as at July 2023)*

Cote D'Ivoire*	182.6	141.4
Croatia*	168.7	115.9
Dominica*	1.5	1.1
Ecuador**	225.3	154.4
El Salvador**	247.9	62.8
Ethiopia**	33.8	39.2
Fiji*	28.2	4.2
Gabon**	-1.9	1.5
Gambia**	5.1	6.1
Georgia*	18.8	17.8
Ghana**	-296.1	31.3
Guatemala*	93.7	191.1
Guinea*	29.5	39.9
Guyana**	39.5	10.7
Honduras**	317.4	158.1
Jamaica**	2.0	59.8
Kenya*	190.2	232.6
Lao, PDR**	44.6	44.6
Lesotho**	1.5	2.4
Madagascar**	35.9	1.9
Malawi*	24.7	17.9
Mali**	82.3	3.4
Mauritania*	13.7	11.4
Mauritius**	5.1	11.1
Moldova**	51.4	9.8
Mongolia**	10.6	13.9
Mozambique*	11.3	13.8
Myanmar**	54.3	26.3
Namibia**	16.5	16.7
Nepal*	21.0	19.0
Nicaragua*	60.4	39.8
Niger**	26.2	34.1
Oman**	235.4	269.1
Paraguay**	59.3	121.4
Peru*	26.8	261.0
Qatar**	88.4	72.8
Saint Kitts and Nevis*	1.7	0.6
Saint Lucia*	5.3	0.2
Samoa*	4.5	4.8
Senegal**	114.7	111.5
Seychelles**	2.8	0.8
Swaziland**	20.6	-3.9
Tanzania*	93.7	-71.3
Togo**	39.8	37.5
Trinidad and Tobago*	73.5	35.2
Uganda*	12.8	12.2
Uruguay**	137.5	89.5
Zambia**	27.4	23.3
<b>Sub-total</b>	<b>3,182.7</b>	<b>3,120.1</b>
<b>Grand total</b>	<b>71,872.8</b>	<b>67,218.5</b>

\* 1999

\*\* 2000

(UNEP/OzL.Pro/ExCom/35/67, Decision 35/57, para. 112(c)).

(Supporting document: UNEP/OzL.Pro/ExCom/35/61 and 35/61/Corr.1).

**ANNEX VI.3: TERMS OF REFERENCE FOR A FEASIBILITY STUDY ON DEVELOPING A SYSTEM FOR MONITORING THE TRANSBOUNDARY MOVEMENT OF CONTROLLED OZONE-DEPLETING SUBSTANCES BETWEEN THE PARTIES**

1. Describe the logistical and regulatory steps which could be applied to the movement of controlled ozone-depleting substances that are produced and exported for final use in another Party.
2. Describe important components that could usefully be included in an effective system for monitoring the transboundary movement of controlled ozone-depleting substances between the country of export or re-export and the country of import.
3. Describe potential actions that could be used by Parties to assist in monitoring the transboundary movement of controlled ozone-depleting substances as they move between Parties.
4. Assess whether any national or international systems already monitor transboundary movement of controlled ozone-depleting substances, including transit trade, and examine information on existing systems for exchanging information on import and export licenses between exporting and importing Parties referred to in the operative paragraph 5, and assess advantages and disadvantages of the systems in question.
5. Examine how tracking mechanisms operate in other international agreements (such as the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, the Convention on the International Trade in Endangered Species of Wild Flora and Fauna) and how they may or may not be useful models for the development of a system for monitoring the transboundary movement of controlled ozone-depleting substances in a manner that would assist in the efforts to reduce illegal trade. Examine the costs and practical difficulties associated with developing and operating tracking systems under the above mentioned international agreements in order to provide an estimate of the practical difficulties and costs with regard to implementation of a tracking system for controlled ozone-depleting substances. Examine the possibilities for securing synergies with related international agreements in tracking illegal trade. Compare the results of the work described in this paragraph with a similar analysis on the possibilities of using existing international trade statistics databases to monitor transboundary movement of controlled ozone-depleting substances between Parties.
6. Describe sources of information, information requirements (such as: carrier, port of import/export/re-export/transit or transshipment, customs information on ozone-depleting substances being shipped including, inter alia, country of origin and declared producer name, country of final destination and declared purchaser/receiver name) and information flows that would be needed to enable an ozone-depleting substances tracking system to be successful in reducing illegal trade. Describe also the functional governmental or non-governmental units that would need to be involved in providing and monitoring such information, considering both centralized and decentralized systems. Examine relevant international law including international trade rules that may assist in or govern the release of such information including the Trade Related Aspects of Intellectual Property Rights agreements.
7. Communicate with five to seven producing country Governments and producers and international distributors in those countries as well as with five to seven re-exporting country Governments and international distributors in those countries (representing Parties operating under Article 5 and Parties not operating under Article 5) to get their views on the feasibility and cost of obtaining needed information for implementing a transboundary movements monitoring system, and their views on whether such a system would impact on legitimate trade. Also communicate with the Governments and primary distributors in the two or three countries (representing Parties operating under Article 5 and Parties not operating under Article 5) responsible for the majority of the transit and transshipment of controlled ozone-depleting substances to discuss the same matters.
8. Taking into account the above, describe, in an overview fashion, two or three likely workable options for transboundary movements monitoring systems that would be useful in reducing illegal trade in controlled ozone-depleting substances. Those options should describe the steps and actions that could have to be taken at the producer, distributor, governmental and Secretariat level to better monitor transboundary movements of controlled ozone-depleting substances. Finally, estimates of the annual user (Government, exporter/importer, Secretariat) costs and system-wide costs for implementation should be provided for each option.

*(UNEP/OzL.Pro.17/11, Decision XVII/16).*



**ANNEX VI.4: COMPLIANCE WITH THE MONTREAL PROTOCOL BY SOME ARTICLE 5 PARTIES**Non-reporting of 2021 data under Article 7 of the Montreal Protocol by Afghanistan

3. To note with concern that four parties, namely Afghanistan, [the Democratic Republic of the Congo, Israel and the Russian Federation], have not reported their 2021 data as required under paragraph 3 of Article 7 of the Montreal Protocol, and that this places them in non-compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;
5. To note that a lack of timely data reporting by parties impedes the effective monitoring and assessment of parties' compliance with their obligations under the Montreal Protocol;
6. To urge the parties listed in paragraphs 3 and 4 of the present decision to report the required data to the Secretariat as soon as possible;
7. To request the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to review the situation of those parties at its seventieth meeting;

Non-compliance with the Montreal Protocol by Albania

1. to note that Albania ratified the Montreal Protocol on 8 October 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol but has not had its country programme approved by the Executive Committee. However, the Executive Committee has approved \$215,060 from the Multilateral Fund to facilitate compliance in accordance with Article 10 of the Protocol;
2. Albania's baseline for Annex A, Group I substances is 41 ODP tonnes. It reported consumption of 62 and 69 ODP tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 58 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Albania was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Albania submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Albania may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to closely monitor the progress of Albania with regard to the phase-out of ozone-depleting substances. To the degree that Albania is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Albania 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 Albania, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.14/9, Decision XIV/18).*

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to note that, in accordance with decision XIV/18 of the Fourteenth Meeting of the Parties, Albania was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. to note with appreciation Albania's submission of its plan of action, and to note further that, under the plan, Albania specifically commits itself:
  - (a) to reducing CFC consumption from 69 ODP tonnes in 2001 as follows:
    - (i) to 68.0 ODP tonnes in 2003;
    - (ii) to 61.2 ODP tonnes in 2004;
    - (iii) to 36.2 ODP tonnes in 2005;
    - (iv) to 15.2 ODP tonnes in 2006;

- (v) to 6.2 ODP tonnes in 2007;
  - (vi) to 2.2 ODP tonnes in 2008;
  - (vii) to phasing out CFC consumption by 1 January 2009, as provided in the plan for reduction and phase out of CFC consumption, save for essential uses that may be authorized by the Parties;
- (b) to establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (c) to banning, by 2004, imports of ODS-using equipment;
3. to note that the measures listed in paragraph 2 above should enable Albania to return to compliance by 2006, and to urge Albania to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
  4. to monitor closely the progress of Albania with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Albania is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Albania should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Albania, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.15/9, Decision XV/26).

#### Non-compliance with the Montreal Protocol by Argentina

1. to note that Argentina ratified the Montreal Protocol on 18 September 1990, the London Amendment on 4 December 1992, the Copenhagen Amendment on 20 April 1995, and the Montreal Amendment on 15 February 2001. The country is classified as a Party operating under Article 5 (1) of the Protocol and its country programme was approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved \$43,287,750 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Argentina's production baseline for Annex A, Group I substances is 2,745.3 ODP tonnes. Argentina reported production of 3,101 and 3,027 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Argentina responded to the Ozone Secretariat's request for data regarding the control period 1 July 1999 to 30 June 2000. Argentina reported production of 3,065 ODP tonnes of Annex A, Group I controlled substances for the production freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Argentina was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Argentina submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Argentina may wish to consider including in its plan actions to establish production quotas that will freeze production at baseline levels and support the phase-out;
4. to closely monitor the progress of Argentina with regard to the phase-out of ozone-depleting substances. To the degree that Argentina is working towards and meeting the specific Protocol control measures, Argentina should continue to be treated in the same manner as a Party in good standing. In this regard, Argentina 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 Argentina, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro/13/10, Decision XIII/21).



Non-compliance with the Montreal Protocol by Armenia

1. to note that Armenia has reported data on consumption of substances in Annex A to the Montreal Protocol in 2000 above control levels as provided in Article 2 of the Protocol, and therefore that Armenia is in non-compliance with the control measures under Article 2 of the Montreal Protocol in 2000;
2. to note that, in accordance with Decision XIII/18 of the Thirteenth Meeting of the Parties, Armenia was requested to ratify the London Amendment as a precondition for Global Environment Facility (GEF) funding, and that this has not occurred;
3. to further note that since Armenia has applied for reclassification as a developing country operating under Article 5 of the Montreal Protocol, the Implementation Committee should review the situation of Armenia after this matter is resolved.

*(UNEP/OzL.Pro.14/9, Decision XIV/31).*

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to note that Armenia has now been reclassified as a developing country under decision XIV/2 of the Fourteenth Meeting of the Parties;
2. to note that ratification of the London Amendment is a precondition for Multilateral Fund funding, and therefore to call upon Armenia expeditiously to complete its process of ratification of the London Amendment;
3. to note further, however, that despite the absence of financial assistance, Armenia has reported data showing it to be in compliance with the freeze on CFC consumption, and to congratulate Armenia on its achievements.

*(UNEP/OzL.Pro.15/9, Decision XV/27).*

The Seventeenth Meeting of the Parties decided:

1. to note that Armenia ratified the Montreal Protocol on 1 October 1999 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol, and that the Council of the Global Environment Facility has approved \$2,090,000 to enable Armenia's compliance;
2. to note further that Armenia has reported annual consumption for the controlled substance in Annex E (methyl bromide) for 2004 of 1.020 ODP tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP tonnes for that controlled substance for that year, and that Armenia is therefore in non compliance with the control measures for methyl bromide under the Protocol;
3. to request Armenia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Armenia may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to monitor closely the progress of Armenia with regard to the phase-out of the controlled substance in Annex E (methyl bromide). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Armenia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Armenia, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substance in Annex E (methyl bromide) that is the substance that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.17/11, Decision XVII/25).*

The Eighteenth Meeting of the Parties decided:

1. to note that Armenia ratified the Montreal Protocol on 1 October 1999 and the London and Copenhagen Amendments to the Protocol on 26 November 2003 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol;

2. to note also that the Council of the Global Environment Facility has approved \$2,090,000 to enable Armenia's compliance with the Protocol;
3. to note further that Armenia has reported annual consumption for the Annex E controlled substance (methyl bromide) for 2004 of 1.020 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP tonnes for that controlled substance for that year, and that Armenia is therefore in non compliance with the control measures for methyl bromide under the Protocol;
4. to note with appreciation Armenia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Armenia specifically commits itself:
  - (a) to maintain methyl bromide consumption at no more than zero ODP-tonnes from 2007, save for critical uses that may be authorized by the Parties after 1 January 2015;
  - (b) to introduce by 1 July 2007 a system for licensing the import and export of ozone depleting substances that includes import quotas;
5. to note that Armenia has reported methyl bromide consumption for 2005 that demonstrates its return to compliance in that year and to congratulate the Party on that achievement, but also to note the Party's concern that, until the measures contained in subparagraph 4 (b) of the present decision come into force, the Party cannot be confident of its ability to sustain its return to compliance, and therefore to urge Armenia to work with the relevant implementing agencies to implement the remainder of the plan of action to sustain its phase-out of consumption of methyl bromide;
6. to monitor closely the progress of Armenia with regard to the implementation of its plan of action and the phase-out of methyl bromide. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Armenia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Armenia, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.18/10, Decision XVIII/20).*

#### Non-compliance with the Montreal Protocol by Bahamas

1. to note that Bahamas ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 4 May 1993. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$658,487 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Bahamas' baseline for Annex A, Group I substances is 65 ODP tonnes. It reported consumption of 66 ODP tonnes of Annex A, Group I substances in 2000 and consumption of 87 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bahamas was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Bahamas submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bahamas may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to closely monitor the progress of Bahamas with regard to the phase-out of ozone-depleting substances. To the degree that Bahamas is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In this regard, Bahamas 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 Bahamas, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/19).

#### Non-compliance with the Montreal Protocol by Bangladesh

1. to note that, in accordance with Decision XIII/16 of the Thirteenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to Bangladesh since it had reported data on CFC consumption for either the year 1999 and/or 2000 that was above its baseline, and was therefore in a state of potential non-compliance;
2. to further note that Bangladesh's baseline for Annex A, Group I substances is 580 ODP tonnes. It reported consumption of 805 ODP tonnes of Annex A, Group I substances in 2000, and consumption of 740 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bangladesh was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to note, however, that the information provided to the Implementation Committee by both Bangladesh and UNDP shows that Bangladesh is expected to return to compliance in the control period 1 July 2001-31 December 2002;
4. to closely monitor the progress of Bangladesh with regard to the phase-out of ozone-depleting substances. To the degree that Bangladesh is working towards and meeting the specific Protocol control measures, Bangladesh should continue to be treated in the same manner as a Party in good standing. In this regard, Bangladesh 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 Bangladesh, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/29).

The Seventeenth Meeting of the Parties decided:

1. to note that Bangladesh ratified the Montreal Protocol on 2 August 1990, the London Amendment on 18 March 1994, the Copenhagen Amendment on 27 November 2000 and the Montreal Amendment on 27 July 2001 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in September 1994. The Executive Committee has approved \$1,852,164 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note also that Bangladesh's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 0.8667 ODP tonnes. As the Party reported consumption of 0.892 ODP tonnes of methyl chloroform in 2003, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;
3. to note with appreciation Bangladesh's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Bangladesh specifically commits itself:
  - (a) to maintain methyl chloroform consumption at no more than the 2004 level of 0.550 ODP tonnes from 2005 until 2009, and then to reduce methyl chloroform consumption as follows:
    - (i) to 0.2600 ODP tonnes in 2010;
    - (ii) to zero ODP tonnes in 2015, as required under the Montreal Protocol, save for essential uses that

may be authorized by the Parties after that date;

- (b) to monitor its existing system for licensing imports and exports of ozone-depleting substances, which includes import quotas;
4. to note that the measures listed in paragraph 3 above have already enabled Bangladesh to return to compliance in 2004, to congratulate the country on that progress and to urge it to work with the relevant implementing agencies to implement the remainder of the plan of action and to phase out consumption of the controlled substance in Annex B, group III;
  5. to monitor closely the progress of Bangladesh with regard to the implementation of its plan of action and the phase-out of methyl chloroform. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bangladesh should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Bangladesh, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.17/11, Decision XVII/27).

The Twenty-first Meeting of the Parties decided:

1. That Bangladesh reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), of 154.9 ODP-tonnes for 2007 and 158.3 ODP-tonnes for 2008, which exceeds the Party's maximum allowable consumption of 87.2 ODP-tonnes for those controlled substances for those years, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for those years;
2. To note with appreciation Bangladesh's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Bangladesh specifically commits itself:
  - (a) To reducing chlorofluorocarbon consumption to no greater than:
    - (i) 140 ODP-tonnes in 2009;
    - (ii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;
  - (b) To monitoring its system for licensing the import and export of ozone-depleting substances, including import quotas;
3. To urge Bangladesh to work with the relevant implementing agencies to implement its plan of action to phase out consumption of chlorofluorocarbons;
4. To monitor closely the progress of Bangladesh with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bangladesh should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;
5. To caution Bangladesh, in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance, that in the event that it fails to return to compliance the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.21/8, Decision XXI/17).

#### Non-compliance with the Montreal Protocol by Belize

1. to note that Belize ratified the Montreal Protocol, London Amendment, and Copenhagen Amendment on 9

January 1998. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$327,841 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Belize's consumption baseline for Annex A, Group I substances is 16 ODP tonnes. Belize reported consumption of 25 and 9 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Belize responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Belize reported consumption of 20 ODP tonnes of Annex A, Group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Belize was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Belize submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Belize may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. to closely monitor the progress of Belize with regard to the phase-out of ozone-depleting substances. To the degree that Belize is working towards and meeting the specific Protocol control measures, Belize should continue to be treated in the same manner as a Party in good standing. In this regard, Belize 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 Belize, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro/13/10, Decision XIII/22).*

Subsequently, the Fourteenth Meeting of the Parties decided:

1. to note that, in accordance with Decision XIII/22 of the Thirteenth Meeting of the Parties, Belize was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. Belize's baseline for Annex A, Group I substances is 24.4 ODP tonnes, having been modified in accordance with Decision XIV/27. It reported consumption of 16 ODP tonnes in 2000 and 28 ODP tonnes in 2001, and consumption of 40 ODP tonnes for the control period 1 July 2000 to 30 June 2001, placing Belize clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to express concern about Belize's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the Parties note, after reviewing the plan of action submitted by Belize, that Belize specifically commits itself:
  - (a) to reduce CFC consumption from the current level of 28 ODP tonnes in 2001 as follows:
    - (i) to 24.4 ODP tonnes in 2003;
    - (ii) to 20 ODP tonnes in 2004;
    - (iii) to 12.2 ODP tonnes in 2005;
    - (iv) to 10 ODP tonnes in 2006;
    - (v) to 3.66 ODP tonnes in 2007; and
    - (vi) to phase-out CFC consumption by 1 January 2008 as provided under the Montreal Protocol save for essential uses that might be authorized by the Parties;
  - (b) to establish, by 1 January 2003, a system for licensing imports and exports of ODS;
  - (c) to ban, by 1 January 2004, imports of ODS-using equipment;
4. to note that the measures listed in paragraph 3 above should enable Belize to return to compliance by 2003. In this regard, the Parties urge Belize to work with relevant Implementing Agencies to phase-out

consumption of ozone-depleting substances in Annex A Group I;

5. to closely monitor the progress of Belize with regard to the phase-out of ozone-depleting substances. To the degree that Belize is working towards and meeting the specific commitments noted above in paragraph 3, Belize should continue to be treated in the same manner as a Party in good standing. In this regard, Belize 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 Belize, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/33).

#### Non-compliance with the Montreal Protocol by Bolivia

1. to note that Bolivia ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 3 October 1994, and the Montreal Amendment on 12 April 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved \$1,428,767 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Bolivia's baseline for Annex A, Group I substances is 76 ODP tonnes. It reported consumption of 79 and 77 ODP tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 78 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Bolivia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Bolivia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bolivia may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. to closely monitor the progress of Bolivia with regard to the phase-out of ozone-depleting substances. To the degree that Bolivia is working towards and meeting the specific Protocol control measures, Bolivia should continue to be treated in the same manner as a Party in good standing. In this regard, Bolivia 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 Bolivia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/20).

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to note that, in accordance with decision XIV/20 of the Fourteenth Meeting of the Parties, Bolivia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. to note with appreciation Bolivia's submission of its plan of action, and to note further that under the plan, Bolivia specifically commits itself:
  - (a) to reducing CFC consumption from 65.5 ODP tonnes in 2002 as follows:
    - (i) to 63.6 ODP tonnes in 2003;
    - (ii) to 47.6 ODP tonnes in 2004;

- (iii) to 37.84 ODP tonnes in 2005;
  - (iv) to 11.35 ODP tonnes in 2007;
  - (v) to phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
- (b) to monitoring its system for licensing imports and exports of ODS, including quotas, introduced in 2003;
  - (c) to monitoring its ban on imports of ODS-using equipment, introduced in 1997 for CFC-12 and extended to other ODS in 2003;
3. to note that the measures listed in paragraph 2 above have already enabled Bolivia to return to compliance, to congratulate Bolivia on that progress, and to urge Bolivia to work with the relevant Implementing Agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
  4. to monitor closely the progress of Bolivia with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Bolivia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bolivia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Bolivia, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.15/9, Decision XV/29).*

#### Non-compliance with the Montreal Protocol by Bosnia and Herzegovina

1. to note that Bosnia and Herzegovina ratified the Montreal Protocol on 6 March 1992. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$1,308,472 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Bosnia and Herzegovina's baseline for Annex A, Group I substances is 24 ODP tonnes. It reported consumption of 176 and 200 ODP tonnes of Annex A, Group I substances in 2000 and 2001 respectively. As a consequence, Bosnia and Herzegovina was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Bosnia and Herzegovina submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Bosnia and Herzegovina may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to closely monitor the progress of Bosnia and Herzegovina with regard to the phase-out of ozone-depleting substances. To the degree that Bosnia and Herzegovina is working towards and meeting the specific Protocol control measures, Bosnia and Herzegovina should continue to be treated in the same manner as a Party in good standing. In this regard, Bosnia and Herzegovina 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 Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.14/9, Decision XIV/21).*

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to note that, in accordance with decision XIV/21 of the Fourteenth Meeting of the Parties, Bosnia and Herzegovina was requested to submit to the Implementation Committee a plan of action, with time-specific benchmarks to ensure a prompt return to compliance;
2. to note with appreciation Bosnia and Herzegovina's submission of its plan of action, and to note further that, under the plan, Bosnia and Herzegovina specifically commits itself:
  - (a) to reducing CFC consumption from 243.6 ODP tonnes in 2002 as follows:
    - (i) to 235.3 ODP tonnes in 2003;
    - (ii) to 167 ODP tonnes in 2004;
    - (iii) to 102.1 ODP tonnes in 2005;
    - (iv) to 33 ODP tonnes in 2006;
    - (v) to 3 ODP tonnes in 2007;
    - (vi) to phasing out CFC consumption by 1 January 2008, as provided in the plan for reduction and phase-out of CFC consumption, save for essential uses that may be authorized by the Parties;
  - (b) to reducing methyl bromide consumption from 11.8 ODP tonnes in 2002, as follows:
    - (i) to 5.61 ODP tonnes in 2005 and in 2006;
    - (ii) to phasing out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;
  - (c) to establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (d) to banning, by 2006, imports of ODS-using equipment;
3. to note that the measures listed in paragraph 2 above should enable Bosnia and Herzegovina to return to compliance by 2008, and to urge Bosnia and Herzegovina to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I and Annex E;
4. to monitor closely the progress of Bosnia and Herzegovina with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Bosnia and Herzegovina is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.15/9, Decision XV/30).*

The Seventeenth Meeting of the Parties decided:

1. to note that Bosnia and Herzegovina ratified the Montreal Protocol on 1 September 1993 and the London, Copenhagen and Montreal amendments on 11 August 2003, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in March 1999. The Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved \$2,900,771 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note also that Bosnia and Herzegovina's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 1.548 ODP tonnes. As the Party reported consumption of 3.600 ODP tonnes of methyl chloroform in 2003 and consumption of 2.44 ODP tonnes of methyl chloroform in 2004, it was in non compliance with its obligations under Article 2E of the Montreal Protocol;
3. to note with appreciation Bosnia and Herzegovina's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures, and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Bosnia and Herzegovina



specifically commits itself:

- (a) to reduce methyl chloroform consumption from 2.44 ODP tonnes in 2004 as follows:
    - (i) to 1.3 ODP tonnes in 2005;
    - (ii) to zero ODP tonnes in 2006, save for essential uses that may be authorized by the Parties after 1 January 2015;
  - (b) to establish a system for licensing imports and exports of ozone-depleting substances, which includes import quotas, by the end of January 2006;
4. to note that the measures listed in paragraph 3 above should enable Bosnia and Herzegovina to return to compliance in 2006 and to urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement its plan of action and phase out consumption of the controlled substance in Annex B, group III;
  5. to monitor closely the progress of Bosnia and Herzegovina with regard to the implementation of its plan of action and the phase-out of methyl chloroform. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Bosnia and Herzegovina, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.17/11, Decision XVII/28).

The Twenty-first Meeting of the Parties decided:

1. That Bosnia and Herzegovina reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), of 22.1 ODP-tonnes for 2007 and 8.8 ODP-tonnes for 2008, which exceeds the Party's maximum allowable consumption of 3.6 ODP-tonnes for those controlled substances for those years, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for those years;
2. To note with appreciation Bosnia and Herzegovina's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Bosnia and Herzegovina specifically commits itself:
  - (a) To reducing chlorofluorocarbon consumption to no greater than:
    - (i) Zero ODP-tonnes in 2009;
    - (ii) Zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;
  - (b) To monitoring its system for licensing the import and export of ozone-depleting substances, including import quotas;
3. To urge Bosnia and Herzegovina to work with the relevant implementing agencies to implement its plan of action to phase out consumption of chlorofluorocarbons;
4. To monitor closely the progress of Bosnia and Herzegovina with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Bosnia and Herzegovina should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;
5. To caution Bosnia and Herzegovina in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance, that, in the event that it fails to return to compliance, the Parties will consider measures consistent with item C of the indicative list of measures.

Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.21/8, Decision XXI/18)

The Twenty-seventh Meeting of the Parties decided:

1. That Bosnia and Herzegovina reported annual consumption for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), for 2013 of 5.13 ODP-tonnes, which exceeds the party's maximum allowable consumption of 4.7 ODP-tonnes for those controlled substances for that year, and was therefore in non compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;
2. To note with appreciation the submission by Bosnia and Herzegovina of a plan of action to ensure its return to compliance with the Protocol's hydrochlorofluorocarbon consumption control measures in 2014 and subsequent years;
3. To note also with appreciation that the party submitted an explanation for its non compliance, which confirmed that it had introduced a comprehensive set of measures necessary to ensure future compliance;
4. That the party's submission of ozone-depleting-substance data for 2014 showed that Bosnia and Herzegovina was in compliance with its hydrochlorofluorocarbon consumption obligations under the control measures of the Protocol;
5. That no further action is necessary in view of the party's return to compliance with the hydrochlorofluorocarbon phase out in 2014 and its implementation of regulatory and administrative measures to ensure compliance with the Protocol's control measures for hydrochlorofluorocarbons for subsequent years;
6. To monitor closely the party's progress with regard to the implementation of its obligations under the Protocol;

(UNEP/OzL.Pro.27/13, Decision XXVII/10).

#### Non-compliance with the Montreal Protocol by Botswana

1. to note that Botswana ratified the Montreal Protocol on 4 December 1991, and the London and Copenhagen Amendments on 13 May 1997. Botswana is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved \$438,340 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Botswana's baseline for the controlled substance in Annex E is 0.1 ODP tonnes. It reported consumption of 0.6 ODP tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Botswana was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. to note with appreciation Botswana's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Botswana specifically commits itself:
  - (a) to reducing methyl bromide consumption from 0.6 ODP tonnes in 2002 as follows:
    - (i) to 0.4 ODP tonnes in 2003;
    - (ii) to 0.2 ODP tonnes in 2004;
    - (iii) to phasing out methyl bromide consumption by 1 January 2005, as provided by the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;
  - (b) to establishing a system for licensing imports and exports of methyl bromide, including quotas;
4. to note that the measures listed in paragraph 3 above should enable Botswana to return to compliance by 2005, and to urge Botswana to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;
5. to monitor closely the progress of Botswana with regard to the phase out of methyl bromide. To the degree that Botswana is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Botswana should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the

indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Botswana, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.15/9, Decision XV/31).

#### Non-compliance with the Montreal Protocol by Cameroon

1. to note that Cameroon ratified the Montreal Protocol on 30 August 1989, the London Amendment on 8 June 1992, and the Copenhagen Amendment on 25 June 1996. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$5,640,174 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Cameroon's baseline for Annex A, Group I substances is 256.9 ODP tonnes. Cameroon reported consumption of 362 ODP tonnes of Annex A, Group I substances in 1999. Cameroon responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Cameroon reported consumption of 368.7 ODP tonnes of Annex A, Group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Cameroon was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Cameroon submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Cameroon may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. to closely monitor the progress of Cameroon with regard to the phase-out of ozone-depleting substances. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, Cameroon should continue to be treated in the same manner as a Party in good standing. In this regard, Cameroon 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 Cameroon, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro/13/10, Decision XIII/23).

Subsequently, the Fourteenth Meeting of the Parties decided:

1. to note that, in accordance with Decision XIII/23 of the Thirteenth Meeting of the Parties, Cameroon was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. to further note that Cameroon's baseline for Annex A, Group I substances is 257 ODP tonnes. It reported consumption of 369 ODP tonnes in 2000 and 364 ODP tonnes in 2001, placing Cameroon clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to note with regret that Cameroon has not fulfilled the requirements of Decision XIII/23 and to request that it should provide a plan of action to the Secretariat as soon as possible, and in time for it to be considered by the Implementation Committee at its next meeting in December 2003, in order for the Committee to monitor its progress towards compliance;
4. to further request the United Nations Environment Programme to submit to the Implementation Committee a progress report on implementation of its policy and technical assistance project currently under way in Cameroon, and for the United Nations Industrial Development Organization to submit to the Implementation Committee confirmation of the completion of its two foam projects, which might have significantly reduced

consumption of ozone-depleting substances in Annex A Group I;

5. to stress to the Government of Cameroon its obligations under the Montreal Protocol to phase-out the consumption of ozone-depleting substances, and the accompanying need for it to establish and maintain an effective governmental policy and institutional framework for the purposes of implementing and monitoring the national phase-out strategy;
6. to closely monitor the progress of Cameroon with regard to the phase-out of ozone-depleting substances. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, Cameroon should continue to be treated in the same manner as a Party in good standing. In this regard, Cameroon 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 Cameroon, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/32).

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to note that, in accordance with decision XIV/32 of the Fourteenth Meeting of the Parties, Cameroon was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with regard to its consumption of Annex A, group I substances;
2. to note also that Cameroon has reported data for 2002 suggesting that it may now be in compliance with the freeze on CFC consumption, but that it has still not submitted data for the control period 1 July 2001-31 December 2002;
3. to urge Cameroon, accordingly, to report data for the control period 1 July 2001–31 December 2002 as a matter of urgency;
4. to note further that Cameroon's baseline for Annex A, group II substances is 2.38 ODP tonnes. It reported consumption of 9 ODP tonnes for Annex A, group II substances in 2002. As a consequence, for 2002 Cameroon was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
5. to note with appreciation Cameroon's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group II substances, and to note also that, under the plan, Cameroon specifically commits itself:
  - (a) to reducing halon consumption from 9 ODP tonnes in 2002 as follows:
    - (i) to 3 ODP tonnes in 2003;
    - (ii) to 2.38 ODP tonnes in 2004;
    - (iii) to phasing out halon consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) to monitoring its existing system for licensing imports and exports of ODS, including quotas introduced in 2003;
  - (c) to monitoring its existing ban on imports of ODS-using equipment, introduced in 1996;
6. to note that the measures listed in paragraph 5 above should enable Cameroon to return to compliance, with respect to consumption of halons, by 2005, and to urge Cameroon to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group II;
7. to note also that Cameroon's baseline for the controlled substance in Annex E is 18.09 ODP tonnes. It reported consumption of 25.38 ODP tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Cameroon was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
8. to request Cameroon to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance with respect to consumption of the controlled substance

in Annex E;

9. to monitor closely the progress of Cameroon with regard to the implementation of its plan of action and the phase-out of halons and methyl bromide. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Cameroon should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons and methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.15/9, Decision XV/32).

#### Non-compliance with the Montreal Protocol by Chile

1. to note that Chile has reported annual data for the controlled substances in Annex B, group I (other fully halogenated CFCs), Annex B, group III (methyl chloroform), and Annex E (methyl bromide) for 2003 which are above its requirements for those substances. As a consequence, for 2003, Chile was in non-compliance with its obligations under Articles 2C, 2E and 2H of the Montreal Protocol;
2. to request Chile, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Chile may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. to monitor closely the progress of Chile with regard to the phase-out of other CFCs, methyl chloroform and methyl bromide. to the degree that Chile is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as Parties in good standing. In that regard, Chile should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of other CFCs, methyl chloroform and methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.16/17, Decision XVI/22).

The Seventeenth Meeting of the Parties decided:

1. to note that Chile ratified the Montreal Protocol on 26 March 1990, the London Amendment on 9 April 1992, the Copenhagen Amendment on 14 January 1994, the Montreal Amendment on 17 June 1998 and the Beijing Amendment on 3 May 2000, and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1992. The Executive Committee has approved \$10,388,451 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note also that Chile's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 6.445 ODP tonnes and its baseline for the controlled substance in Annex E (methyl bromide) is 212.510 ODP tonnes. As the Party reported consumption of 6.967 ODP tonnes of methyl chloroform and 274.302 ODP tonnes of methyl bromide in 2003 and consumption of 3.605 ODP tonnes of methyl chloroform and consumption of 262.776 ODP tonnes of methyl bromide in 2004, it was in non compliance with its obligations under Article 2E of the Montreal Protocol in 2003 and under Article 2H of the Montreal Protocol in 2003 and 2004;
3. to note with appreciation Chile's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform and methyl bromide control measures, and to note that under the

plan, without prejudice to the operation of the financial mechanism of the Protocol, Chile specifically commits itself:

- (a) to maintain methyl chloroform consumption at no more than 4.512 ODP tonnes from 2005 until 2009, and then to reduce methyl chloroform consumption as follows:
    - (i) to 1.934 ODP tonnes in 2010;
    - (ii) to zero ODP tonnes by 1 January 2015, save for essential uses that may be authorized by the Parties after that date;
  - (b) to reduce methyl bromide consumption from 262.776 ODP tonnes in 2004 as follows:
    - (i) to 170 ODP tonnes in 2005;
    - (ii) to zero ODP tonnes by 1 January 2015, save for critical uses that may be authorized by the Parties after that date;
  - (c) to introduce an enhanced ozone-depleting substances licensing and import quota system from the moment the bill is approved in Parliament and to ensure compliance in the interim period by adopting regulatory measures that the Government is entitled to apply;
4. to note that Chile has reported data for 2004 that indicate that it has already returned to compliance with the Protocol's methyl chloroform control measures, to congratulate Chile on that progress, and to urge the Party to work with the relevant implementing agencies to implement the remainder of the plan of action to achieve total phase-out of methyl chloroform;
  5. to note also that the measures listed in paragraph 3 above should enable Chile to return to compliance with the Protocol's methyl bromide control measures by 2005, and to urge Chile to work with the relevant implementing agencies to implement the plan of action to achieve total phase-out of methyl bromide;
  6. to monitor closely the progress of Chile with regard to the implementation of its plan of action and the phase-out of methyl chloroform and methyl bromide. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Chile should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform and methyl bromide that is the substances that are the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.17/11, Decision XVII/29).

#### Non-compliance with the Montreal Protocol by China

The Seventeenth Meeting of the Parties decided:

1. to note that China ratified the Montreal Protocol and the London Amendment on 14 June 1991 and the Copenhagen Amendment on 22 April 2003, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for Implementation of the Montreal Protocol in March 1993. The Executive Committee has approved \$623,438,283 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note further that China has reported annual consumption for the controlled substances in Annex B, group I (other CFCs), for 2004 of 20.539 ODP tonnes, which exceeds the Party's maximum allowable consumption level of 20.5336 ODP tonnes for those controlled substances for that year, and that, in the absence of further clarification, China is presumed to be in non-compliance with the control measures of the Protocol;
3. to request China, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. China may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule;

4. to monitor closely the progress of China with regard to the phase out of the controlled substances in Annex B, group I (other CFCs). to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, China should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions China, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substances in Annex B, group I (other CFCs), that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.17/11, Decision XVII/30).

#### Non-compliance with the Montreal Protocol by the Democratic People's Republic of Korea

1. That annual consumption by the Democratic People's Republic of Korea of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 90.6 ODP-tonnes for 2013 exceeds the party's maximum allowable consumption of 78.0 ODP-tonnes for those controlled substances for that year and that the party was therefore in non compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;
2. That the annual production by the Democratic People's Republic of Korea of hydrochlorofluorocarbons of 31.8 ODP-tonnes in 2013 exceeds the party's maximum allowable production of 27.6 ODP-tonnes for those controlled substances for that year and that the party was therefore in non compliance with the production control measures under the Protocol for hydrochlorofluorocarbons;
3. To note with appreciation the submission by the Democratic People's Republic of Korea of a plan of action to ensure its return to compliance with the Protocol's hydrochlorofluorocarbon consumption control measures in 2015 and production control measures in 2016;
4. To note that under that plan of action, without prejudice to the operation of the financial mechanism of the Protocol, the Democratic People's Republic of Korea specifically commits itself:
  - (a) To reducing its consumption of hydrochlorofluorocarbons from 90.6 ODP-tonnes in 2013 to no greater than:
    - (i) 80.0 ODP-tonnes in 2014;
    - (ii) 70.16 ODP-tonnes in 2015, 2016 and 2017;
    - (iii) Levels allowed under the Montreal Protocol in 2018 and subsequent years;
  - (b) To reducing its production of hydrochlorofluorocarbons from 31.8 ODP-tonnes in 2013 to no greater than:
    - (i) 29.0 ODP-tonnes in 2014;
    - (ii) 27.6 ODP-tonnes in 2015;
    - (iii) 24.84 ODP-tonnes in 2016 and 2017;
    - (iv) Levels allowed under the Montreal Protocol in 2018 and subsequent years;
  - (c) To monitoring its system for licensing imports and exports of ozone-depleting substances;
5. To urge the Democratic People's Republic of Korea to work with the relevant implementing agencies to implement its plan of action to phase out consumption and production of hydrochlorofluorocarbons;
6. To closely monitor the progress of the Democratic People's Republic of Korea with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures it should continue to be treated in the same manner as a party in good standing. In that regard, the Democratic People's Republic of Korea should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non compliance;

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

(UNEP/OzL.Pro.25/9, Decisions XXVI/15).

#### Non-compliance with the Montreal Protocol by the Democratic Republic of the Congo

1. to note that the Democratic Republic of the Congo ratified the Montreal Protocol and the London and Copenhagen Amendments on 30 November 1994. The Democratic Republic of the Congo is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$1,037,518 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that the baseline of the Democratic Republic of the Congo for Annex A, group II substances is 218.67 ODP tonnes. It reported consumption of 492 ODP tonnes of Annex A, group II substances in 2002. As a consequence, for 2002 the Democratic Republic of the Congo was in non compliance with its obligations under Article 2B of the Montreal Protocol;
3. to request the Democratic Republic of the Congo to submit to the Implementation Committee as a matter of urgency, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Democratic Republic of the Congo may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to monitor closely the progress of the Democratic Republic of the Congo with regard to the implementation of its plan of action and the phase-out of halons. To the degree that the Democratic Republic of the Congo is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Democratic Republic of the Congo should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution the Democratic Republic of the Congo, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.15/9, Decision XV/33).

The Eighteenth Meeting of the Parties decided:

1. to note that the Democratic Republic of the Congo ratified the Montreal Protocol and the London and Copenhagen Amendments on 30 November 1994 and the Montreal and Beijing Amendments on 23 March 2005, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in March 1999. The Executive Committee has approved \$2,974,819.30 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note also that the Democratic Republic of the Congo has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 16.500 ODP tonnes, which exceeds the Party's maximum allowable consumption level of 2.288 ODP tonnes for that controlled substance for that year, and that the Party is therefore in non compliance with the carbon tetrachloride control measures under the Protocol;
3. to note further that the Democratic Republic of the Congo has reported annual consumption for the controlled substance in Annex B, group III, (methyl chloroform) for 2005 of 4.000 ODP-tonnes, which



- exceeds the Party's maximum allowable consumption level of 3.330 ODP tonnes for that controlled substance for that year, and that the Democratic Republic of the Congo is therefore in non compliance with the methyl chloroform control measures under the Protocol;
4. to note with appreciation the Democratic Republic of the Congo's submission of a plan of action to ensure its prompt return to compliance with the Protocol's carbon tetrachloride and methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, the Party specifically commits itself:
    - (a) to maintain carbon tetrachloride consumption in 2006 at no more than 16.500 ODP tonnes and then to reduce it as follows:
      - (i) to 2.2 ODP-tonnes in 2007;
      - (ii) to zero in 2008;
    - (b) to maintain methyl chloroform consumption in 2006 at no more than 4.000 ODP tonnes and then to reduce it as follows:
      - (i) to 3.3 ODP-tonnes in 2007;
      - (ii) to zero in 2008;
    - (c) to monitor its system for licensing the import and export of ozone depleting substances, which includes import quotas;
  5. to note that the measures listed in paragraph 3 above should enable the Democratic Republic of the Congo to return to compliance with the Protocol in 2007 and to urge the Party to work with the relevant implementing agencies to implement the plan of action to phase out consumption of carbon tetrachloride and methyl chloroform;
  6. to monitor closely the progress of the Democratic Republic of the Congo with regard to the phase-out of carbon tetrachloride and methyl chloroform. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Party should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Democratic Republic of the Congo, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride and methyl chloroform that are the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.18/10, Decision XVIII/21).

#### Non-compliance with the Montreal Protocol by Dominica

The Eighteenth Meeting of the Parties decided:

1. to note that Dominica ratified the Montreal Protocol and the London Amendment on 31 March 1993 and the Copenhagen, Montreal and Beijing Amendments on 7 March 2006, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in November 1998. The Executive Committee has approved \$232,320 from the Multilateral Fund to enable Dominica's compliance in accordance with Article 10 of the Protocol;
2. to note further that Dominica has reported annual consumption for the Annex A, group I, controlled substances (CFCs) for 2005 of 1.388 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 0.740 ODP tonnes for those controlled substances for that year, and that Dominica is therefore in non compliance with the control measures for CFCs under the Protocol;
3. to note with appreciation Dominica's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Dominica specifically commits itself:
  - (a) to reduce CFC consumption from 1.388 ODP-tonnes in 2005 as follows:

- (i) to 0.45 ODP-tonnes in 2006;
  - (ii) to zero ODP-tonnes from 2007, save for essential uses that may be authorized by the Parties after 1 January 2010;
- (b) to introduce by 31 December 2006 a system for licensing the import and export of ozone depleting substances that includes import quotas for all ozone-depleting substances listed under the Protocol. With regard to CFCs, Dominica would set annual quotas consistent with the levels stated in paragraph 3 (a) of the present decision, except to meet the needs of any national disasters and resulting emergencies, in which case Dominica will ensure that the annual quotas do not exceed its maximum allowable levels of consumption as prescribed by Article 2A of the Protocol or such levels as may be otherwise authorized by the Parties;
- (c) to monitor its ban on the import of equipment requiring the supply of ozone-depleting substances, noting that the ban excludes equipment for medical purposes;
4. to note that the measures listed in paragraph 3 above should enable Dominica to return to compliance in 2006 and to urge Dominica to work with the relevant implementing agencies to implement the plan of action to phase out consumption of CFCs;
5. to monitor closely the progress of Dominica with regard to the implementation of its plan of action and the phase-out of CFCs. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Dominica should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Dominica, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs that are the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.18/10, Decision XVIII/22).

#### Non-compliance with the Montreal Protocol by Ecuador

The Seventeenth Meeting of the Parties decided:

1. to note that Ecuador ratified the Montreal Protocol on 10 April 1990 and the London Amendment on 30 April 1990, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved \$5,493,045 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note also that Ecuador's baseline for the controlled substance in Annex B, group III (methyl chloroform), is 1.997 ODP tonnes. As the Party reported consumption of 3.484 ODP tonnes of methyl chloroform in 2003, it was in non-compliance with its obligations under Article 2E of the Montreal Protocol;
3. to note with appreciation Ecuador's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl chloroform control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Ecuador specifically commits itself:
  - (a) to reduce methyl chloroform consumption from 2.50 ODP tonnes in 2004 to 1.3979 ODP tonnes in 2005;
  - (b) to monitor its existing system for licensing imports and exports of ozone-depleting substances, which includes import quotas;
4. to note that the measures listed in paragraph 3 above should enable Ecuador to return to compliance in 2005 and to urge Ecuador to work with the relevant implementing agencies to implement the plan of action to phase out consumption of the controlled substance in Annex B, group III (methyl chloroform);
5. to monitor closely the progress of Ecuador with regard to the implementation of its plan of action and the phase-out of methyl chloroform. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Ecuador should continue to receive international assistance to enable it to meet those

commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Ecuador, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform that is, the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.17/11, Decision XVII/31).

The Eighteenth Meeting of the Parties decided:

1. to note that Ecuador ratified the Montreal Protocol on 10 April 1990, the London Amendment on 30 April 1990 and the Copenhagen Amendment on 24 November 1993, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved \$5,737,500 from the Multilateral Fund to enable Ecuador's compliance in accordance with Article 10 of the Protocol;
2. to note further that Ecuador has reported annual consumption of the controlled substance in Annex E (methyl bromide) for 2005 of 153.000 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 52.892 ODP tonnes for that controlled substance for that year, and that Ecuador is therefore in non compliance with the methyl bromide control measures under the Protocol;
3. to request Ecuador, as a matter of urgency and no later than 31 March 2007, to submit to the Secretariat, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, a plan of action with time specific benchmarks to ensure a prompt return to compliance. Ecuador may wish to consider including in its plan of action the establishment of policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to monitor closely the progress of Ecuador with regard to the phase-out of methyl bromide. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Ecuador should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Ecuador, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.18/10, Decision XVIII/23).

The Twentieth Meeting of the Parties decided:

1. to record with appreciation Ecuador's submission of a plan of action to ensure its prompt return to compliance with the Protocol's methyl bromide control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Ecuador specifically commits itself:
  - (a) to reducing methyl bromide consumption to no greater than:
    - (i) 52.8 ODP tonnes in 2008 and in each subsequent calendar year until 2014;
    - (ii) zero ODP tonnes in 2015, save for critical uses that may be authorized by the Parties;
  - (b) to monitoring its import and export licensing system for ozone depleting substances;
2. to urge Ecuador to work with the relevant implementing agencies to implement its plan of action to phase out consumption of methyl bromide;
3. to monitor closely the progress of Ecuador with regard to the implementation of its plan of action and the phase-out of methyl bromide. to the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Ecuador should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in

respect of non compliance;

4. to caution Ecuador in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the methyl bromide that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.20/9, Decision XX/16).

#### Non-compliance with the Montreal Protocol by Eritrea

The Eighteenth Meeting of the Parties decided:

1. to note that Eritrea ratified the Montreal Protocol on 10 March 2005 and the London, Copenhagen, Montreal and Beijing Amendments on 5 July 2005 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol. The Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol has approved \$106,700 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note that Eritrea has reported annual consumption for the controlled substances in Annex A, group I, (CFCs) for 2005 of 30.220 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 20.574 ODP tonnes for those controlled substances for that year, and that in the absence of further clarification Eritrea is therefore presumed to be in non compliance with the control measures under the Protocol;
3. to request Eritrea to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Eritrea may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of ozone depleting substance using equipment and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to monitor closely the progress of Eritrea with regard to the phase-out of CFCs. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Eritrea should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Meeting of the Parties cautions Eritrea, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs that are the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.18/10, Decision XVIII/24).

#### Non-compliance with the Montreal Protocol by Ethiopia

1. to note that Ethiopia ratified the Montreal Protocol on 11 October 1994 and has not ratified the London and Copenhagen Amendments. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$330,844 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Ethiopia's baseline for Annex A, Group I substances is 33.8 ODP tonnes. Ethiopia reported consumption of 39 and 39 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Ethiopia responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Ethiopia reported consumption of 39.2 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Ethiopia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;

3. to request that Ethiopia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Ethiopia may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. to closely monitor the progress of Ethiopia with regard to the phase-out of ozone-depleting substances. To the degree that Ethiopia is working towards and meeting the specific Protocol control measures, Ethiopia should continue to be treated in the same manner as a Party in good standing. In this regard, Ethiopia 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 Ethiopia, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro/13/10, Decision XIII/24).*

Subsequently, the Fourteenth Meeting of the Parties decided:

1. to note that, in accordance with Decision XIII/24 of the 13th Meeting of the Parties, Ethiopia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. Ethiopia's baseline for Annex A, Group I substances is 34 ODP tonnes. It reported consumption of 39 ODP tonnes in 2000 and 35 ODP tonnes for the control period 1 July 2000 to 30 June 2001, placing Ethiopia clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to express concern about Ethiopia's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the Parties note, after reviewing the plan of action submitted by Ethiopia, that Ethiopia specifically commits itself to reduce CFC consumption from the current level of 35 ODP tonnes in 2001 as follows:
  - (a) to 34 ODP tonnes in 2003;
  - (b) to 17 ODP tonnes in 2005;
  - (c) to 5 ODP tonnes in 2007; and
  - (d) to phase-out CFC consumption by 1 January 2010 as required under the Montreal Protocol save for essential uses that might be authorized by the Parties;
4. to note that the measures listed in paragraph 3 above should enable Ethiopia to return to compliance by 2003. In this regard, the Parties urge Ethiopia to work with relevant Implementing Agencies to phase-out consumption of ozone-depleting substances in Annex A Group I;
5. to closely monitor the progress of Ethiopia with regard to the phase-out of ozone-depleting substances. To the degree that Ethiopia is working towards and meeting the specific commitments noted above in paragraph 3, Ethiopia should continue to be treated in the same manner as a Party in good standing. In this regard, Ethiopia 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 Ethiopia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.14/9, Decision XIV/34).*

#### Non-compliance with the Montreal Protocol by Fiji

1. to note that Fiji has reported annual data for the controlled substances in Annex E (methyl bromide) for 2003 that is above its requirement for that substance. As a consequence, for 2003, Fiji was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

2. to request Fiji, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Fiji may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. to monitor closely the progress of Fiji with regard to the phase-out of methyl bromide. to the degree that Fiji is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Fiji should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Meeting of the Parties cautions Fiji, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.16/17, Decision XVI/23).

The Seventeenth Meeting of the Parties decided:

1. to note that Fiji ratified the Montreal Protocol on 23 October 1989, the London Amendment on 9 December 1994 and the Copenhagen Amendment on 17 May 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1993. The Executive Committee has approved \$542,908 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note also that Fiji's baseline for the controlled substance in Annex E (methyl bromide) is 0.6710 ODP tonnes. As the Party reported consumption of methyl bromide of 1.506 ODP tonnes in 2003 and 1.609 ODP tonnes in 2004, it was in non-compliance with its obligations under Article 2H of the Montreal Protocol in those years;
3. to note with appreciation Fiji's submission of a plan of action to ensure a prompt return to compliance with the Protocol's methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Fiji specifically commits itself:
  - (a) to reduce methyl bromide consumption from 1.609 ODP tonnes in 2004 as follows:
    - (i) to 1.5 ODP tonnes in 2005;
    - (ii) to 1.3 ODP tonnes in 2006;
    - (iii) to 1.0 ODP tonnes in 2007;
    - (iv) to 0.5 ODP tonnes in 2008;
  - (b) to monitor its existing system for licensing imports and exports of ozone-depleting substances;
  - (c) to commence implementation of a methyl bromide import quota system in 2006;
4. to note that the measures listed in paragraph 3 above should enable Fiji to return to compliance in 2008, and to urge Fiji to work with the relevant implementing agencies to implement the plan of action and phase out consumption of methyl bromide;
5. to monitor closely the progress of Fiji with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Fiji should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Fiji, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the substance that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.17/11, Decision XVII/33).*

*(UNEP/OzL.Pro.25/9, Decision XXV/11).*

#### Non-compliance with the Montreal Protocol by Guatemala

1. to note that Guatemala ratified the Montreal Protocol on 7 November 1989 and the London, Copenhagen, Montreal and Beijing Amendments on 21 January 2002. Guatemala is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$6,302,694 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Guatemala's baseline for Annex A, group I substances is 224.6 ODP tonnes. It reported consumption of 239.6 ODP tonnes of Annex A, group I substances in 2002. Guatemala's baseline for the controlled substance in Annex E is 400.7 ODP tonnes. It reported consumption of 709.4 ODP tonnes of the controlled substance in Annex E in 2002. As a consequence, for 2002 Guatemala was in non-compliance with its obligations under Articles 2A and 2H of the Montreal Protocol;
3. to note with appreciation Guatemala's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group I and Annex E substances, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Guatemala specifically commits itself:
  - (a) to reducing CFC consumption from 239.6 ODP tonnes in 2002 as follows:
    - (i) to 180.5 ODP tonnes in 2003;
    - (ii) to 120 ODP tonnes in 2004;
    - (iii) to 85 ODP tonnes in 2005;
    - (iv) to 50 ODP tonnes in 2006;
    - (v) to 20 ODP tonnes in 2007;
    - (vi) to phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) to reducing methyl bromide consumption from 709.4 ODP tonnes in 2002, as follows:
    - (i) to 528 ODP tonnes in 2003;
    - (ii) to 492 ODP tonnes in 2004;
    - (iii) to 360 ODP tonnes in 2005;
    - (iv) to 335 ODP tonnes in 2006;
    - (v) to 310 ODP tonnes in 2007;
    - (vi) to 286 ODP tonnes in 2008;
    - (vii) to phasing out methyl bromide consumption by 1 January 2015, as required under the Montreal Protocol, save for critical uses that may be authorized by the Parties;
  - (c) to establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (d) to banning, by 2005, imports of ODS-using equipment;
4. to note that the measures listed in paragraph 3 above should enable Guatemala to return to compliance by 2005 (CFCs) and 2007 (methyl bromide), and to urge Guatemala to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I and Annex E;
5. to monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Guatemala is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Guatemala should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Guatemala, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.15/9, Decision XV/34).

The Eighteenth Meeting of the Parties decided:

1. to note that Guatemala ratified the Montreal Protocol on 7 November 1989 and the London, Copenhagen, Montreal and Beijing Amendments on 21 January 2002. Guatemala is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1993. Since approval of the country programme, the Executive Committee has approved \$6,366,065 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to recall decision XV/34, which noted that Guatemala was in non-compliance in 2002 with its obligations under Article 2H of the Protocol to freeze its consumption of the controlled substance in Annex E (methyl bromide) at its baseline level of 400.7 ODP-tonnes but also noted with appreciation the plan of action submitted by Guatemala to ensure its prompt return to compliance in 2007 with the Protocol's methyl bromide consumption control measures;
3. to note with concern, however, that Guatemala has reported consumption of methyl bromide for 2005 of 522.792 ODP-tonnes, which is inconsistent with the Party's commitment contained in decision XV/34 to reduce its methyl bromide consumption to 360 ODP tonnes in 2005;
4. to note further the advice of Guatemala that all relevant stakeholders have committed to phase out methyl bromide in accordance with the revised time-specific consumption reduction benchmarks contained in paragraph 5 of the present decision, which provide the Party with one additional year to overcome the technical, economic and political challenges that were the cause of the Party's deviation from its commitments contained in decision XV/34;
5. to note also with appreciation that Guatemala has submitted a revised plan of action for methyl bromide phase-out in controlled uses and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Guatemala specifically commits itself:
  - (a) to reduce methyl bromide consumption from 709.4 ODP-tonnes in 2002 as follows:
    - (i) to 400.70 ODP-tonnes in 2006;
    - (ii) to 361 ODP-tonnes in 2007;
    - (iii) to 320.56 ODP-tonnes in 2008;
    - (iv) to phase out methyl bromide consumption by 1 January 2015, as required under the Protocol, save for critical uses that may be authorized by the Parties;
  - (b) to monitor its system for licensing imports and exports of ozone-depleting substances, including quotas;
6. to note that the measures listed in paragraph 5 above should enable Guatemala to return to compliance with the Protocol's methyl bromide control measures in 2008 and to urge Guatemala to work with the relevant implementing agencies to implement the plan of action and phase out consumption of methyl bromide;
7. to monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of methyl bromide. to the degree that Guatemala is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Guatemala should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Guatemala, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.18/10, Decision XVIII/26).

The Twenty-sixth Meeting of the Parties decided:

1. That Guatemala's annual consumption of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 11.3 ODP-tonnes for 2013 exceeds the party's maximum allowable consumption of 8.3 ODP-tonnes for those controlled substances for that year and that the party was therefore in non compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;



2. To note with appreciation the submission by Guatemala of a plan of action to ensure its return to compliance with the Protocol's hydrochlorofluorocarbon control measures and its decision to reduce its hydrochlorofluorocarbon consumption in 2014 below its allowable consumption by the excess amount consumed in 2013;
3. To note that under that plan of action, without prejudice to the operation of the financial mechanism of the Protocol, Guatemala specifically commits itself:
  - (a) To reducing its consumption of hydrochlorofluorocarbons from 11.3 ODP-tonnes in 2013 to no greater than:
    - (i) 4.35 ODP-tonnes in 2014;
    - (ii) Levels allowed under the Montreal Protocol in 2015 and subsequent years;
  - (b) To monitoring its system for licensing imports and exports of ozone-depleting substances;
4. To urge Guatemala to continue to work with the relevant implementing agencies to implement its plan of action to phase out consumption of hydrochlorofluorocarbons;
5. To monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures it should continue to be treated in the same manner as a party in good standing. In that regard, Guatemala should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non compliance;
6. To caution Guatemala, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that Guatemala fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of hydrochlorofluorocarbons that are the subject of non compliance is ceased so that exporting parties are not contributing to a continuing situation of non compliance;

*(UNEP/OzL.Conv.10/7-UNEP/OzL.Pro.26/10, Decisions XXVI/16).*

The Twenty-eighth Meeting of the Parties decided:

1. That the annual consumption reported by Guatemala for the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 4.74 ODP-tonnes in 2014 was inconsistent with its commitment set out in decision XXVI/16 to reduce consumption of hydrochlorofluorocarbons to no greater than 4.35 ODP-tonnes in that year and that the party was therefore in non-compliance with the consumption control measures for that substance under the Protocol for that year;
2. To note with appreciation the submission by Guatemala of an explanation for its compliance situation and its correction of its hydrochlorofluorocarbon consumption to 9.84 ODP-tonnes in 2013 and 4.74 ODP-tonnes in 2014, attributing the previous incorrect data to a technical error in computing the consumption of that substance in the country for those two years;
3. To note also that despite the revision of its 2013 data the party remained in non-compliance with its hydrochlorofluorocarbon consumption obligations under the Protocol for 2013;
4. To agree that the data corrections for 2013 and 2014 will not vary any of the benchmarks already recorded and agreed in decision XXVI/16;
5. To note that Guatemala has reported data for 2015 that indicate that it has already returned to compliance with the Protocol's hydrochlorofluorocarbon control measures and to congratulate Guatemala on that progress;
6. To urge Guatemala to work with the relevant implementing agencies to implement the remainder of the plan of action in decision XXVI/16;
7. To continue to monitor closely the progress of Guatemala with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing. In that regard, Guatemala should continue to receive international assistance to

enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non compliance.

*(UNEP/OzL.Pro.28/11, Decisions XXVIII/11).*

#### Non-compliance with the Montreal Protocol by Guinea-Bissau

1. to note that Guinea-Bissau ratified the Montreal Protocol and the London, Copenhagen and Beijing amendments on 12 November 2002. Guinea-Bissau is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 2004. The Executive Committee has approved \$669,593 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Guinea-Bissau's baseline for the controlled substances in Annex A, group I (CFCs), is 26.275 ODP tonnes. It reported consumption of 29.446 ODP tonnes of CFCs in 2003. As a consequence, for 2003, Guinea-Bissau was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to note with appreciation Guinea-Bissau's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group I (CFCs), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Guinea-Bissau specifically commits itself:
  - (a) to reducing CFC consumption from 29.446 ODP tonnes in 2003 as follows:
    - (i) to 26.275 ODP tonnes in 2004;
    - (ii) to 13.137 ODP tonnes in 2005;
    - (iii) to 13.137 ODP tonnes in 2006;
    - (iv) to 3.941 ODP tonnes in 2007;
    - (v) to 3.941 ODP tonnes in 2008;
    - (vi) to 3.941 ODP tonnes in 2009;
    - (vii) to phasing out CFC consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) to introduce a system for licensing imports and exports of ozone depleting substances, including quotas by the end of 2004;
4. to note that the measures listed in paragraph 3 above should enable Guinea-Bissau to return to compliance by 2004, and to urge Guinea-Bissau to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of CFCs;
5. to monitor closely the progress of Guinea-Bissau with regard to the implementation of its plan of action and the phase-out of CFCs. to the degree that Guinea-Bissau is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Guinea-Bissau should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Guinea-Bissau, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.16/17, Decision XVI/24).*

#### Non-compliance with the Montreal Protocol by Honduras

1. to note that Honduras ratified the Montreal Protocol on 14 October 1993 and the London and Copenhagen Amendments on 24 January 2002. Honduras is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$2,912,410 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Honduras's baseline for the controlled substance in Annex E is 259.43 ODP tonnes. It reported consumption of 412.52 ODP tonnes of the controlled substance in Annex E in 2002. As a

consequence, for 2002 Honduras was in non-compliance with its obligations under Article 2H of the Montreal Protocol;

3. to recognize the devastation and disruption to agriculture caused by Hurricane Mitch in October 1998, which contributed to the increase in use of methyl bromide, and to applaud Honduras's efforts to recover from the situation;
4. to note with appreciation Honduras's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Honduras specifically commits itself:
  - (a) to reducing methyl bromide consumption from 412.52 ODP tonnes in 2002 as follows:
    - (i) to 370.0 ODP tonnes in 2003;
    - (ii) to 306.1 ODP tonnes in 2004;
    - (iii) to 207.5 ODP tonnes in 2005;
  - (b) to monitoring its system for licensing imports and exports of ODS, including quotas, in force since May 2003;
  - (c) to monitoring its ban on imports of ODS-using equipment, in force since May 2003;
5. to note that the measures listed in paragraph 4 above should enable Honduras to return to compliance by 2005, and to urge Honduras to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of the ozone-depleting substance in Annex E;
6. to monitor closely the progress of Honduras with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Honduras is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Honduras should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Honduras, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.15/9, Decision XV/35).

The Seventeenth Meeting of the Parties decided:

1. to note that Honduras ratified the Montreal Protocol on 14 October 1993 and the London and Copenhagen Amendments on 24 January 2002, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1996. Since approval of the country programme, the Executive Committee has approved \$3,342,025 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to recall decision XV/35, which noted that Honduras was in non-compliance in 2002 with its obligations under Article 2H of the Montreal Protocol to freeze its consumption of the controlled substance in Annex E (methyl bromide) at its baseline level of 259.43 ODP tonnes, but also noted with appreciation the plan of action submitted by Honduras to ensure its prompt return to compliance in 2005;
3. to note with concern, however, that while Honduras has reported consumption of methyl bromide for 2004 of 340.80 ODP tonnes that is less than its reported consumption for 2003, it is still inconsistent with the Party's commitment contained in decision XV/35 to reduce its methyl bromide consumption to 306.1 ODP tonnes in 2004;
4. Further to note the advice of Honduras that its stakeholders remain committed to methyl bromide phase out and that an additional two years would be required to overcome the technical difficulties that were the cause of the Party's deviation from its commitments contained in decision XV/35;
5. to note with appreciation that Honduras has submitted a revised plan of action for methyl bromide phase-out in controlled uses, and to note, without prejudice to the operation of the financial mechanism of the

Protocol, that under the revised plan Honduras specifically commits itself:

- (a) to reduce methyl bromide consumption from 340.80 ODP tonnes in 2004 as follows:
    - (i) to 327.6000 ODP tonnes in 2005;
    - (ii) to 295.8000 ODP tonnes in 2006;
    - (iii) to 255.0000 ODP tonnes in 2007;
    - (iv) to 207.5424 ODP tonnes in 2008;
  - (b) to monitor its system for licensing imports and exports of ozone-depleting substances, including quotas, in force since May 2003;
  - (c) to monitor its ban on imports of equipment using ozone depleting substances, in force since May 2003;
6. to note that the measures listed in paragraph 5 above should enable Honduras to return to compliance with the Protocol's methyl bromide control measures in 2008 and to urge Honduras to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E (methyl bromide);
  7. to monitor closely the progress of Honduras with regard to the implementation of its plan of action and the phase-out of the controlled substance in Annex E (methyl bromide). to the degree that Honduras is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Honduras should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Honduras, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.17/11, Decision XVII/34).

#### Non-compliance with the Montreal Protocol by the Islamic Republic of Iran

The Eighteenth Meeting of the Parties decided:

1. to note that the Islamic Republic of Iran ratified the Montreal Protocol on 3 October 1990, the London and Copenhagen Amendments on 4 August 1997 and the Montreal Amendment on 17 October 2001, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in June 1993. The Executive Committee has approved \$59,507,714 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note that the Islamic Republic of Iran has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 13.640 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 11.550 ODP tonnes for that controlled substance for that year, and that in the absence of further clarification the Islamic Republic of Iran is therefore presumed to be in non compliance with the control measures under the Protocol;
3. to request the Islamic Republic of Iran to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, an explanation for its excess consumption, together with a plan of action with time specific benchmarks to ensure a prompt return to compliance. The Islamic Republic of Iran may wish to consider including in its plan of action the establishment of import quotas to support the phase out schedule, a ban on imports of ozone depleting substance using equipment and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to monitor closely the progress of the Islamic Republic of Iran with regard to the phase out of carbon tetrachloride. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Islamic Republic of Iran should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting

of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Islamic Republic of Iran, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.18/10, Decision XVIII/27).

The Nineteenth Meeting of the Parties decided:

1. that the Islamic Republic of Iran reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 13.6 ODP tonnes, which exceeds the Party's maximum allowable consumption of 11.6 ODP tonnes for that controlled substance for that year, but that the Party's excess consumption was for laboratory and analytical uses;
2. to record with appreciation the submission by the Islamic Republic of Iran of a plan of action to ensure its prompt return to compliance with the Protocol's carbon tetrachloride control measures, under which, without prejudice to the operation of the financial mechanism of the Protocol, the Islamic Republic of Iran specifically commits itself:
  - (a) to reducing consumption to no greater than:
    - (i) 11.6 ODP tonnes in 2007;
    - (ii) zero ODP tonnes in 2008, save for essential uses that may be authorized by the Parties;
  - (b) to monitoring its existing system for licensing imports and exports of ozone depleting substances, including import quotas;
3. to urge the Islamic Republic of Iran to work with the relevant implementing agencies to implement its plan of action to phase out consumption of carbon tetrachloride;
4. to monitor closely the progress of the Islamic Republic of Iran with regard to the implementation of its plan of action and the phase-out of carbon tetrachloride. to the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Islamic Republic of Iran should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance;
5. to caution the Islamic Republic of Iran in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the carbon tetrachloride that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.19/7, Decision XIX/27).

#### Non-compliance with the Montreal Protocol by Kenya

The Eighteenth Meeting of the Parties decided:

1. to note that Kenya ratified the Montreal Protocol on 9 November 1988, the London and Copenhagen Amendments on 27 September 1994 and the Montreal Amendment on 12 July 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in July 1994. The Executive Committee has approved \$4,579,057 from the Multilateral Fund to enable Kenya's compliance in accordance with Article 10 of the Protocol;
2. to note also that Kenya has reported annual consumption for the controlled substances in Annex A, group I, (CFCs) for 2005 of 162.210 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 119.728 ODP tonnes for those controlled substances for that year, and that Kenya is therefore in non compliance with the control measures for CFCs under the Protocol;
3. to note with appreciation Kenya's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan, without prejudice to the operation

of the financial mechanism of the Protocol, Kenya specifically commits itself:

- (a) to reduce CFC consumption from 162.210 ODP-tonnes in 2005 to 60.00 ODP tonnes in 2006;
  - (b) to further reduce CFC consumption from 60.00 ODP-tonnes in 2006 to 30.00 ODP tonnes in 2007;
  - (c) to further reduce CFC consumption from 30.00 ODP-tonnes in 2007 to 10.00 ODP tonnes in 2008;
  - (d) to further reduce CFC consumption from 10.00 ODP-tonnes in 2008 to zero (0.00) ODP tonnes in 2009, save for essential uses that may be authorized by the Parties after 1 January 2010;
  - (e) to monitor its system for licensing the import and export of ozone depleting substances, which includes import quotas;
4. to urge Kenya to gazette the ozone depleting substances regulations required to establish and implement its system for licensing the import and export of ozone depleting substances, which includes import quotas, as soon as possible and preferably no later than 31 December 2006;
  5. to note that the measures listed in paragraph 3 above should enable Kenya to return to compliance with the Protocol in 2006 and to urge Kenya to work with the relevant implementing agencies to implement the plan of action to phase out consumption of CFCs;
  6. to monitor closely the progress of Kenya with regard to the implementation of its plan of action and the phase-out of CFCs. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Kenya should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Kenya, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs that are the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.18/10, Decision XVIII/28).

#### Non-compliance with the Montreal Protocol by Kyrgyzstan

The Seventeenth Meeting of the Parties decided:

1. to note that Kyrgyzstan ratified the Montreal Protocol on 31 May 2000, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in July 2002. The Executive Committee has approved \$1,206,732 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note further that Kyrgyzstan has reported annual consumption for the controlled substances in Annex A, group II (halons), for 2004 of 2.40 ODP tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP tonnes for those controlled substances for that year, and that Kyrgyzstan is therefore in non-compliance with the control measures under the Protocol;
3. to note with appreciation Kyrgyzstan's submission of a plan of action to ensure a prompt return to compliance with the Protocol's halon control measures, and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Kyrgyzstan specifically commits itself:
  - (a) to maintain consumption of the controlled substances in Annex A, group II (halons), at no more than the 2004 level of 2.40 ODP tonnes in 2005, and then to reduce halon consumption as follows:
    - (i) to 1.20 ODP tonnes in 2006;
    - (ii) to 0.60 ODP tonnes in 2007;
    - (iii) to phase out consumption of these controlled substances by 1 January 2008, save for essential uses that may be authorized by the Parties;
  - (b) to monitor its existing system for licensing imports and exports of ozone-depleting substances;
  - (c) to introduce a ban on the import of equipment containing halons and equipment that uses halons by 1 January 2006;

- (d) to introduce an import quota system to limit annual consumption of the controlled substances in Annex A, group II (halons), by the beginning of 2006;
4. to note that the measures listed in paragraph 3 above should enable Kyrgyzstan to return to compliance in 2008 and to urge Kyrgyzstan to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substances in Annex A, group II (halons);
  5. to monitor closely the progress of Kyrgyzstan with regard to the implementation of its plan of action and the phase-out of Annex A, group II, controlled substances (halons). to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Kyrgyzstan should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Kyrgyzstan, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of Annex A, group II, controlled substances (halons) that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.17/11, Decision XVII/36).

#### Non-compliance with the Montreal Protocol by Lesotho

1. to note that Lesotho ratified the Montreal Protocol on 25 March 1994. Lesotho is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1996. The Executive Committee has approved \$311,332 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Lesotho's baseline for the controlled substances in Annex A, group II (halons), is 0.2 ODP tonnes. It reported consumption of 1.8 ODP tonnes of halons in 2002. As a consequence, for 2002, Lesotho was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
3. to note with appreciation Lesotho's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substances in Annex A, group II (halons), and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Lesotho specifically commits itself:
  - (a) to reducing halon consumption from 1.8 ODP tonnes in 2002 as follows:
    - (i) to 0.8 ODP tonnes in 2004;
    - (ii) to 0.2 ODP tonnes in 2005;
    - (iii) to 0.1 ODP tonnes in 2006;
    - (iv) to 0.1 ODP tonnes in 2007;
    - (v) to zero ODP tonnes in 2008, save for essential uses that may be authorized by the Parties after 1 January 2010;
  - (b) to introduce a quota system for the import of halons;
  - (c) to introduce a ban on the import of halon-based equipment and systems in 2005;
4. to note that the measures listed in paragraph 3 above should enable Lesotho to return to compliance by 2006, and to urge Lesotho to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of halons;
5. to monitor closely the progress of Lesotho with regard to the implementation of its plan of action and the phase-out of halons. to the degree that Lesotho is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Lesotho should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Meeting of the Parties cautions Lesotho, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as

ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.16/17, Decision XVI/25).

#### Non-compliance with the Montreal Protocol by Libya

1. to note that Libyan Arab Jamahiriya ratified the Montreal Protocol on 11 July 1990 and the London Amendment on 12 July 2001. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 2000. Since approval of the country programme, the Executive Committee has approved \$2,794,053 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Libyan Arab Jamahiriya's baseline for Annex A, Group I substances is 717 ODP tonnes. It reported consumption of 985 ODP tonnes in 2000 and 985 ODP tonnes in 2001, placing Libyan Arab Jamahiriya clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Libyan Arab Jamahiriya submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Libyan Arab Jamahiriya may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to closely monitor the progress of Libyan Arab Jamahiriya with regard to the phase-out of ozone-depleting substances. To the degree that Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, Libyan Arab Jamahiriya should continue to be treated in the same manner as a Party in good standing. In this regard, Libyan Arab Jamahiriya 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 Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/25).

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to note that, in accordance with decision XIV/25 of the Fourteenth Meeting of the Parties, the Libyan Arab Jamahiriya was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. to note with appreciation the Libyan Arab Jamahiriya's submission of its plan of action, and to note also that, under the plan, the Libyan Arab Jamahiriya specifically commits itself:
  - (a) to reducing CFC consumption from 985 ODP tonnes in 2001 as follows:
    - (i) to 710.0 ODP tonnes in 2003;
    - (ii) to 610.0 ODP tonnes in 2004;
    - (iii) to 303.0 ODP tonnes in 2005;
    - (iv) to 107 ODP tonnes in 2007;
    - (v) to phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) to establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (c) to monitoring its ban on imports of ODS-using equipment, introduced in 2003;
3. to note that the measures listed in paragraph 2 above should enable the Libyan Arab Jamahiriya to return to compliance by 2003, and to urge the Libyan Arab Jamahiriya to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
4. to monitor closely the progress of the Libyan Arab Jamahiriya with regard to the implementation of its plan



of action and the phase-out of CFCs. To the degree that the Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.15/9, Decision XV/36).

Subsequently, the Sixteenth Meeting of the Parties decided:

1. to note that the Libyan Arab Jamahiriya has reported annual data for the controlled substances in Annex A, group II (halons), for 2003 which is above its requirements for those substances. As a consequence, for 2003, the Libyan Arab Jamahiriya was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
2. to request the Libyan Arab Jamahiriya, as a matter of urgency, to submit a plan of action with time-specific benchmarks to ensure a prompt return to compliance. The Libyan Arab Jamahiriya may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on the import of ozone-depleting-substances-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. to monitor closely the progress of the Libyan Arab Jamahiriya with regard to the phase out of halons. to the degree that the Libyan Arab Jamahiriya is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.16/17, Decision XVI/26).

The Seventeenth Meeting of the Parties decided:

1. to note that the Libyan Arab Jamahiriya ratified the Montreal Protocol on 11 July 1990, the London Amendment on 12 July 2001 and the Copenhagen Amendment on 24 September 2004, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in December 2000. The Executive Committee has approved \$5,198,886 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note further that the Libyan Arab Jamahiriya's baseline for Annex A, group II, controlled substances (halons) is 633.067 ODP tonnes. It reported consumption in 2003 and 2004 of 714.500 ODP tonnes of those substances. The Libyan Arab Jamahiriya's baseline for the controlled substance in Annex E (methyl bromide) is 94.050 ODP tonnes. It reported consumption in 2004 of 96.000 ODP tonnes of that substance. As a consequence, in 2003 the Libyan Arab Jamahiriya was in non-compliance with its obligations under Article 2A of the Montreal Protocol, while in 2004 it was in non-compliance with its obligations under Articles 2A and 2H of the Protocol;
3. to note with appreciation the Libyan Arab Jamahiriya's submission of a plan of action to ensure a prompt return to compliance with the Protocol's halon and methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, the Libyan Arab

Jamahiriya specifically commits itself:

- (a) to maintain consumption of the controlled substances in Annex A, group II (halons), at no more than the 2004 level of 714.500 ODP tonnes in 2005 and then to reduce halon consumption as follows:
  - (i) to 653.910 ODP tonnes in 2006;
  - (ii) to 316.533 ODP tonnes in 2007;
  - (iii) to phase out halon consumption by 1 January 2008, save for essential uses that may be authorized by the Parties;
- (b) to maintain consumption of the controlled substance in Annex E (methyl bromide) at no more than the 2004 level of 96.000 ODP tonnes in 2005 and 2006 and then to reduce methyl bromide consumption as follows:
  - (i) to 75.000 ODP tonnes in 2007;
  - (ii) to phase out methyl bromide consumption by 1 January 2010, save for critical uses that may be authorized by the Parties;
4. to recall the commitment of the Libyan Arab Jamahiriya, contained in decision XV/36, to establish a system for licensing imports and exports of ozone-depleting substances, including quotas, and to monitor its ban on imports of equipment using ozone depleting substances, introduced in 2003;
5. to note that the measures listed in paragraph 3 above should enable the Libyan Arab Jamahiriya to return to compliance with the Protocol's halon and methyl bromide control measures in 2007, and to urge the Libyan Arab Jamahiriya to work with the relevant implementing agencies to implement the plan of action and phase out consumption of halon and methyl bromide;
6. to monitor closely the progress of the Libyan Arab Jamahiriya with regard to the implementation of its plan of action and the phase-out of Annex A, group II, controlled substances (halons) and the controlled substance in Annex E (methyl bromide). to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, the Libyan Arab Jamahiriya should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution the Libyan Arab Jamahiriya, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of Annex A, group II, controlled substances (halons) and the controlled substance in Annex E (methyl bromide) that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.17/11, Decision XVII/37).*

The Twenty-third Meeting of the Parties decided:

1. To request Libya to submit to the Secretariat, as a matter of urgency and no later than 31 March 2012, for consideration by the Implementation Committee at its forty-eighth meeting an explanation for its excess consumption of halons, together with a plan of action with time specific benchmarks to ensure the party's prompt return to compliance;
2. To monitor closely Libya's progress with regard to the phase-out of halons: to the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing and, in that regard, Libya should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non compliance;
3. To caution Libya, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures, which may include the possibility of actions available under Article 4, such as ensuring that the supply of halons that is the subject of non compliance is ceased so that exporting parties are not contributing to a continuing situation of non compliance;

*(UNEP/OzL.Pro.23/11, Decision XXIII/23).*

The Twenty-seventh Meeting of the Parties decided:

1. That the annual consumption reported by Libya of the controlled substances in Annex C, group I (hydrochlorofluorocarbons), of 144.0 ODP tonnes for 2013 and 122.4 ODP-tonnes for 2014 exceeds the party's maximum allowable consumption of 118.38 ODP-tonnes for those controlled substances for those years and that the party was therefore in non compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons,
2. To note with appreciation the submission by Libya of a plan of action to ensure its return to compliance with the Protocol's hydrochlorofluorocarbon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Libya specifically commits itself:
  - (a) To reducing its consumption of hydrochlorofluorocarbons from 122.4 ODP-tonnes in 2014 to no greater than:
    - (i) 122.3 ODP-tonnes in 2015;
    - (ii) 118.4 ODP-tonnes in 2016 and 2017;
    - (iii) 106.5 ODP-tonnes in 2018 and 2019;
    - (iv) 76.95 ODP-tonnes in 2020 and 2021;
    - (v) Levels allowed under the Montreal Protocol in 2022 and subsequent years;
  - (b) To monitoring the enforcement of its system for licensing imports and exports of ozone-depleting substances;
  - (c) To imposing a ban on the procurement of air-conditioning equipment containing hydrochlorofluorocarbons in the near future and to considering a ban on the import of such equipment;
3. To urge Libya to work with the relevant implementing agencies to implement its plan of action to phase out the consumption of hydrochlorofluorocarbons;
4. To monitor closely the progress of Libya with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures it should continue to be treated in the same manner as a party in good standing. In that regard, Libya should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non compliance;
5. To caution Libya, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that Libya fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of hydrochlorofluorocarbons that are the subject of non compliance is ceased so that exporting parties are not contributing to a continuing situation of non compliance;

*(UNEP/OzL.Pro.27/13, Decision XXVII/11).*

#### Non-compliance with the Montreal Protocol by Maldives

1. to note that Maldives ratified the Montreal Protocol on 16 May 1989, the London Amendment on 31 July 1991 and the Copenhagen Amendment and the Montreal Amendment on 27 September 2001. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$370,516 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Maldives' baseline for Annex A, Group I substances is 5 ODP tonnes. It reported consumption of 5 ODP tonnes in 2000 and 14 ODP tonnes in 2001, placing Maldives clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Maldives submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Maldives may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;

4. to closely monitor the progress of Maldives with regard to the phase-out of ozone-depleting substances. To the degree that Maldives is working towards and meeting the specific Protocol control measures, Maldives should continue to be treated in the same manner as a Party in good standing. In this regard, Maldives 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 Maldives, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/26).

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to note that, in accordance with decision XIV/26 of the Fourteenth Meeting of the Parties, Maldives was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. to note with appreciation Maldives' submission of its plan of action, and to note also that, under the plan, Maldives specifically commits itself:
  - (a) to reducing CFC consumption from 2.8 ODP tonnes in 2002 as follows:
    - (i) to 0 ODP tonnes in 2003, 2004 and 2005;
    - (ii) to 2.3 ODP tonnes in 2006;
    - (iii) to 0.69 ODP tonnes in 2007;
    - (iv) to 0 ODP tonnes in 2008 and 2009;
    - (v) to phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) to monitoring its existing system for licensing imports of ODS, including quotas, introduced in 2002;
  - (c) to banning, by 2004, imports of ODS-using equipment;
3. to note that the measures listed in paragraph 2 above have already enabled Maldives to return to compliance, to congratulate Maldives on that progress and to urge Maldives to work with the relevant Implementing Agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
4. to monitor closely the progress of Maldives with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Maldives is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Maldives should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Maldives, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.15/9, Decision XV/37).

#### Non-compliance with the Montreal Protocol by Mexico

The Eighteenth Meeting of the Parties decided:

1. to note that Mexico ratified the Montreal Protocol on 31 March 1988, the London Amendment on 11 October 1991 and the Copenhagen Amendment on 16 September 1994, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1992. The Executive Committee has approved \$83,209,107 from the Multilateral Fund to enable Mexico's compliance in accordance with Article 10 of the Protocol;

2. to note further that Mexico has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 89.540 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 9.376 ODP tonnes for that controlled substance for that year, and that Mexico is therefore in non compliance with the carbon tetrachloride control measures under the Protocol;
3. to note with appreciation Mexico's submission of a plan of action to ensure a prompt return to compliance with the Protocol's carbon tetrachloride control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Mexico specifically commits itself:
  - (a) to reduce carbon tetrachloride consumption from 89.540 ODP-tonnes in 2005 as follows:
    - (i) to 9.376 ODP-tonnes in 2008;
    - (ii) to zero ODP-tonnes in 2009;
  - (b) to monitor its system for licensing the import and export of ozone depleting substances, which includes import quotas;
4. to note that the measures listed in paragraph 3 above should enable Mexico to return to compliance with the Protocol in 2008 and to urge Mexico to work with the relevant implementing agencies to implement the plan of action to phase out consumption of carbon tetrachloride;
5. to monitor closely the progress of Mexico with regard to the phase-out of carbon tetrachloride. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Mexico should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Mexico, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.18/10, Decision XVIII/30).*

The Twenty-first Meeting of the Parties decided:

1. That Mexico reported annual consumption for the controlled substances in Annex B, group II (carbon tetrachloride), of 88.0 ODP-tonnes in 2008, an amount inconsistent with its commitment contained in decision XVIII/30 to reduce carbon tetrachloride consumption to no greater than 9.376 ODP-tonnes in that year, and that the Party is therefore in non-compliance with the control measures for that substance under the Protocol for that year;
2. To record with appreciation the submission by Mexico of a plan of action to ensure its prompt return to compliance with the Protocol's carbon tetrachloride consumption control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Mexico specifically commits itself:
  - (a) To reducing carbon tetrachloride consumption to no greater than zero ODP-tonnes in 2009 and thereafter;
  - (b) To monitoring its system for licensing the import and export of ozone-depleting substances, including import quotas;
3. To urge Mexico to work with the relevant implementing agencies to implement its plan of action to phase out consumption of carbon tetrachloride;
4. To monitor closely the progress of Mexico with regard to the implementation of its plan of action and the phase-out of carbon tetrachloride. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Mexico should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;
5. To caution Mexico, in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance, that in the event that it fails to return to compliance the

Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.21/8, Decision XXI/20).

#### Non-compliance with the Montreal Protocol by Micronesia

The Seventeenth Meeting of the Parties decided:

1. to note that Federated States of Micronesia ratified the Montreal Protocol on 6 September 1995 and the London, Copenhagen, Montreal and Beijing amendments on 27 November 2001, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in March 2002. The Executive Committee has approved \$74,680 from the Multilateral Fund to enable the Party's compliance in accordance with Article 10 of the Protocol;
2. to note further that the Federated States of Micronesia has reported annual consumption of the controlled substances in Annex A, group I (CFCs), for 2002, 2003 and 2004 of 1.876, 1.691 and 1.451 ODP tonnes respectively, which exceed the Party's maximum allowable consumption level of 1.219 ODP tonnes for those controlled substances in each of those years, and that Federated States of Micronesia is therefore in non compliance with the control measures under the Protocol;
3. to note with appreciation Federated States of Micronesia's submission of a plan of action to ensure a prompt return to compliance with the Protocol's CFC control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Federated States of Micronesia specifically commits itself:
  - (a) to reduce consumption of the controlled substances in Annex A, group I (CFCs), from 1.451 ODP tonnes in 2004 as follows:
    - (i) to 1.351 ODP tonnes in 2005;
    - (ii) to phase out consumption of the controlled substances in Annex A, group I (CFCs), by 1 January 2006, save for essential uses that may be authorized by the Parties;
  - (b) to introduce a system for licensing imports and exports of ozone-depleting substances, including a quota system, by 1 January 2006;
4. to note that the measures listed in paragraph 3 above should enable Federated States of Micronesia to return to compliance in 2006, and to urge Federated States of Micronesia to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substances in Annex A, group I (CFCs);
5. to monitor closely the progress of Federated States of Micronesia with regard to the implementation of its plan of action and the phase-out of the controlled substances in Annex A, group I (CFCs). to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Federated States of Micronesia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Federated States of Micronesia, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substances in Annex A, group I (CFCs), that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.17/11, Decision XVII/32).

The Twenty-first Meeting of the Parties decided:

1. That the Federated States of Micronesia reported annual consumption of the controlled substances in Annex A, group I (chlorofluorocarbons), of 0.5 ODP-tonnes for 2007, which exceeds the Party's maximum allowable consumption of 0.2 ODP-tonnes for those controlled substances for that year, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for that

year;

2. To note, however, that in response to the request for an explanation for its excess consumption, the Federated States of Micronesia has reported that it had begun to enforce its licensing system, which took effect in November 2007;
3. To note further the Federated States of Micronesia's return to compliance in 2008 and its commitment to ban imports of chlorofluorocarbons from 2009 onward;
4. To monitor closely the progress of the Party with regard to its implementation of its obligations under the Protocol.

(UNEP/OzL.Pro.21/8, Decision XXI/19).

#### Non-compliance with the Montreal Protocol by Morocco

1. to note that Morocco has reported annual data for Annex C, group II, for 2002 which are above its requirement for a 100 per cent phase-out. In the absence of further clarification, Morocco is presumed to be in non-compliance with the control measures under the Protocol;
2. to request Morocco to submit to the Implementation Committee, for consideration at its next meeting, an explanation for its excess consumption, and a plan of action with time specific benchmarks to ensure a prompt return to compliance;
3. to monitor closely the progress of Morocco with regard to the phase-out of hydrobromofluorocarbons. To the degree that Morocco is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Morocco should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Morocco, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures.

(UNEP/OzL.Pro.15/9, Decision XV/23).

#### Non-compliance with the Montreal Protocol by Namibia

1. to note that Namibia ratified the Montreal Protocol on 20 September 1993 and the London Amendment on 6 November 1997. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved \$406,147 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Namibia's baseline for Annex A, Group I substances is 22 ODP tonnes. It reported consumption of 22 and 24 ODP tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 23 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Namibia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Namibia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Namibia may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
5. to closely monitor the progress of Namibia with regard to the phase-out of ozone-depleting substances. To the degree that Namibia is working towards and meeting the specific Protocol control measures, Namibia should continue to be treated in the same manner as a Party in good standing. In this regard, Namibia 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 Namibia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a

continuing situation of non-compliance.  
(*UNEP/OzL.Pro.14/9, Decision XIV/22*).

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to note that, in accordance with decision XIV/22 of the Fourteenth Meeting of the Parties, Namibia was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
2. to note with appreciation Namibia's submission of its plan of action, and to note also that, under the plan, Namibia specifically commits itself:
  - (a) to reducing CFC consumption from 20 ODP tonnes in 2002 as follows:
    - (i) to 19.0 ODP tonnes in 2003;
    - (ii) to 14.0 ODP tonnes in 2004;
    - (iii) to 10.0 ODP tonnes in 2005;
    - (iv) to 9.0 ODP tonnes in 2006;
    - (v) to 3.2 ODP tonnes in 2007;
    - (vi) to 2.0 ODP tonnes in 2008;
    - (vii) to 1.0 ODP tonnes in 2009;
    - (viii) to phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) to establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (c) to banning, by 2004, imports of ODS-using equipment;
3. to note that the measures listed in paragraph 2 above have already enabled Namibia to return to compliance, to congratulate Namibia on that progress and to urge Namibia to work with the relevant Implementing Agencies to implement the remainder of the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
4. to monitor closely the progress of Namibia with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Namibia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Namibia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Namibia, in accordance with item B of the indicative list of measures, that in the event that it fails to remain in compliance the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(*UNEP/OzL.Pro.15/9, Decision XV/38*).

#### Non-compliance with the Montreal Protocol by Nepal

1. to note that Nepal ratified the Montreal Protocol and the London Amendment on 6 July 1994. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1998. Since approval of the country programme, the Executive Committee has approved \$432,137 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Nepal's baseline for Annex A, Group I substances is 27 ODP tonnes. It reported consumption of 94 ODP tonnes of Annex A, Group I substances in 2000, and consumption of 94 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Nepal was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Nepal submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Nepal may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure



progress in achieving the phase-out;

4. to closely monitor the progress of Nepal with regard to the phase-out of ozone-depleting substances. To the degree that Nepal is working towards and meeting the specific Protocol control measures, Nepal should continue to be treated in the same manner as a Party in good standing. In this regard, Nepal 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 Nepal, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/23).

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to recall that in its decision XIV/23 the Fourteenth Meeting of the Parties noted that Nepal's baseline for Annex A, group I substances is 27 ODP tonnes. Nepal reported consumption of 94 ODP tonnes of Annex A, group I substances in 2000 and consumption of 94 ODP tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000-June 2001 control period Nepal was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
2. to note that Nepal has subsequently reported that 74 ODP tonnes of imports of CFCs have been detained by its customs authorities as the shipment lacked an import license, and that Nepal therefore wished to report the quantity as illegal trade under the terms of decision XIV/7;
3. to congratulate Nepal on its actions in seizing the shipment and in reporting the fact to the Secretariat;
4. to note also, however, that paragraph 7 of decision XIV/7 provides that "the illegally traded quantities should not be counted against a Party's consumption provided the Party does not place the said quantities on its own market";
5. to conclude, therefore, that if Nepal decides to release any of the seized quantity of CFCs into its domestic market, it would be considered to be in non-compliance with its obligations under Article 2A of the Montreal Protocol and would therefore be required to fulfill the terms of decision XIV/23, including submitting to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
6. to request the Implementation Committee to review the situation of Nepal at its next meeting.

(UNEP/OzL.Pro.15/9, Decision XV/39).

Subsequently, the Sixteenth Meeting of the Parties decided:

1. to note that Nepal ratified the Montreal Protocol and the London Amendment on 6 July 1994. Nepal is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1998. The Executive Committee has approved \$453,636 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to recall that in its decision XV/39, the Fifteenth Meeting of the Parties had congratulated Nepal on seizing 74 ODP tonnes of imports of CFCs that had been imported in 2000 without an import license, and on reporting the quantity as illegal trade under the terms of decision XIV/7;
3. to recall that, in paragraph 5 of decision XV/39, the Parties had stated that, if Nepal decided to release any of the seized quantity of CFCs on to its domestic market, it would be considered to be in non-compliance with its obligations under Article 2A of the Montreal Protocol and would therefore be required to fulfil the terms of decision XIV/23, including submitting to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
4. to clarify the meaning of paragraph 5 of decision XV/39 to mean that Nepal would only be considered to be in non-compliance if the amount of CFCs released on to the market in any one year exceeded its permitted consumption level under the Protocol for that year;

5. to note further that Nepal's baseline for CFCs is 27 ODP tonnes;
6. to note with appreciation Nepal's submission of its plan of action to manage the release of the seized CFCs, and to note further that, under the plan, Nepal specifically commits itself:
  - (a) to release no more than the following amount of CFCs in each year as follows:
    - (i) 27.0 ODP tonnes in 2004;
    - (ii) 13.5 ODP tonnes in 2005;
    - (iii) 13.5 ODP tonnes in 2006;
    - (iv) 4.05 ODP tonnes in 2007;
    - (v) 4.05 ODP tonnes in 2008;
    - (vi) 4.00 ODP tonnes in 2009;
    - (vii) zero in 2010, save for essential uses that may be authorized by the Parties;
  - (b) to monitor its existing system for licensing imports of ozone-depleting substances, including quotas, introduced in 2001, which includes a commitment not to issue import licenses for CFCs, in order to remain in compliance with its plan of action;
  - (c) to report annually on the quantity of CFCs released pursuant to paragraph 6 (a) above;
  - (d) to ensure that any quantities of CFCs remaining after 2010 are not released on to its market except in compliance with Nepal's obligations under the Montreal Protocol;
7. to note that the measures listed in paragraph 6 above will enable Nepal to remain in compliance;
8. to monitor closely the progress of Nepal with regard to the implementation of its plan of action and the phase-out of CFCs.

*(UNEP/OzL.Pro.16/17, Decision XVI/27).*

#### Non-compliance with the Montreal Protocol by Nigeria

1. to note that, in accordance with Decision XIII/16 of the Thirteenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to Nigeria since it had reported data on CFC consumption for either the year 1999 and/or 2000 that was above its baseline, and was therefore in a state of potential non-compliance;
2. Nigeria's baseline for Annex A, Group I substances is 3,650 ODP tonnes. It reported consumption of 4,095 ODP tonnes in 2000 and 3,666 ODP tonnes in 2001, placing Nigeria clearly in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to express concern about Nigeria's non-compliance but to note that it has submitted a plan of action with time-specific benchmarks to ensure a prompt return to compliance. It is with that understanding that the Parties note, after reviewing the plan of action submitted by Nigeria, that Nigeria specifically commits itself:
  - (a) to reduce Annex A consumption from the current level of 3,666 ODP tonnes in 2001 as follows:
    - (i) to 3,400 ODP tonnes in 2003;
    - (ii) to 3,200 ODP tonnes in 2004;
    - (iii) to 1,800 ODP tonnes in 2005;
    - (iv) to 1,100 ODP tonnes for 2006;
    - (v) to 510 ODP tonnes in 2007;
    - (vi) to 300 ODP tonnes in 2008;
    - (vii) to 100 ODP tonnes in 2009; and
    - (viii) to phase-out CFC consumption by 1 January 2010 as provided under the Montreal Protocol save for essential uses that might be authorized by the Parties;
  - (b) to report periodically on the operation of the system for licensing imports and exports of ODS as required for all Parties under Article 4 B paragraph 4 of the Montreal Protocol;
  - (c) to ban, by 1 January 2008, imports of ODS-using equipment;
4. to note that the measures listed in paragraph 3 above should enable Nigeria to return to compliance by 2003. In this regard, the Parties urge Nigeria to work with relevant Implementing Agencies to phase-out consumption of ozone-depleting substances in Annex A Group I;
5. to closely monitor the progress of Nigeria with regard to the phase-out of ozone-depleting substances. To

the degree that Nigeria is working towards and meeting the specific commitments noted above in paragraph 3, Nigeria should continue to be treated in the same manner as a Party in good standing. In this regard, Nigeria 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 Nigeria, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/30).

#### Non-compliance with the Montreal Protocol by Oman

1. to note that Oman has reported annual data for the controlled substance in Annex B, group III (methyl chloroform), for 2003 which are above its requirements for that substance. As a consequence, for 2003, Oman was in non-compliance with its obligations under Article 2E of the Montreal Protocol;
2. to note that, in response to a request from the Implementation Committee for an explanation for its excess consumption and a plan of action to return it to compliance, Oman has introduced a ban on the import of methyl chloroform;
3. that no action is required on this incident of non-compliance, but that Oman should ensure that a similar case does not occur again.

(UNEP/OzL.Pro.16/17, Decision XVI/28)

#### Non-compliance with the Montreal Protocol by Pakistan

1. to note that Pakistan ratified the Montreal Protocol and the London Amendment on 18 December 1992 and the Copenhagen Amendment on 17 February 1995. Pakistan is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1996. The Executive Committee has approved \$18,492,150 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note that, in accordance with decision XV/22 of the Fifteenth Meeting of the Parties, Pakistan was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
3. to note with appreciation Pakistan's submission of its plan of action, and to note also that, under the plan, Pakistan specifically commits itself:
  - (a) to reducing halon consumption from 15.0 ODP tonnes in 2003 as follows:
    - (i) to 14.2 ODP tonnes in 2004;
    - (ii) to 7.1 ODP tonnes in 2005;
    - (iii) to phasing out halon consumption by 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) to monitor its enhanced system for licensing imports and exports of ozone-depleting substances, including quotas, introduced in 2004;
4. to note that the measures listed in paragraph 3 above should enable Pakistan to return to compliance by 2004, and to urge Pakistan to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group II (halons);
5. to monitor closely the progress of Pakistan with regard to the implementation of its plan of action and the phase-out of halons. to the degree that Pakistan is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Pakistan should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Meeting of the Parties cautions Pakistan, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as

ensuring that the supply of halon (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.16/17, Decision XVI/29).*

The Eighteenth Meeting of the Parties decided:

1. to note that Pakistan ratified the Montreal Protocol and the London Amendment on 18 December 1992, the Copenhagen Amendment on 17 February 1995 and the Montreal and Beijing Amendments on 2 September 2005, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1996. The Executive Committee has approved \$20,827,626 from the Multilateral Fund to enable Pakistan's compliance in accordance with Article 10 of the Protocol;
2. to note further that Pakistan has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 148.500 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 61.930 ODP tonnes for that controlled substance for that year, and that Pakistan is therefore in non compliance with the control measures for carbon tetrachloride under the Protocol;
3. to note with appreciation Pakistan's submission of a plan of action to ensure a prompt return to compliance with the Protocol's carbon tetrachloride control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Pakistan specifically commits itself:
  - (a) to reduce carbon tetrachloride consumption from 148.500 ODP-tonnes in 2005 to 41.800 ODP tonnes in 2006;
  - (b) to monitor its system for licensing the import and export of ozone depleting substances, which includes import quotas;
4. to note that the measures listed in paragraph 3 above should enable Pakistan to return to compliance with the Protocol in 2006 and to urge Pakistan to work with the relevant implementing agencies to implement its plan of action to phase out consumption of carbon tetrachloride;
5. to monitor closely the progress of Pakistan with regard to the implementation of its plan of action and the phase-out of carbon tetrachloride. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Pakistan should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Pakistan, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

*(UNEP/OzL.Pro.18/10, Decision XVIII/31).*

#### Non-compliance with the Montreal Protocol by Papua New Guinea

1. to note that Papua New Guinea ratified the Montreal Protocol on 27 October 1992, the London Amendment on 4 May 1993 and the Copenhagen Amendment on 7 October 2003. Papua New Guinea is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$704,454 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Papua New Guinea's baseline for Annex A, group I substances is 36.3 ODP tonnes. It reported consumption of 44.3 ODP tonnes of Annex A, group I substances for the control period 1 July 2000-30 June 2001. As a consequence, for the July 2000-June 2001 control period Papua New Guinea was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to note with appreciation Papua New Guinea's submission of its plan of action to ensure a prompt return to compliance with the control measures for Annex A, group I substances and to note further that, under the plan, Papua New Guinea specifically commits itself:
  - (a) to reducing CFC consumption from 35 ODP tonnes in 2002 as follows:

- (i) to 35 ODP tonnes in 2003;
  - (ii) to 26 ODP tonnes in 2004;
  - (iii) to 17 ODP tonnes in 2005;
  - (iv) to 8 ODP tonnes in 2006;
  - (v) to 4.5 ODP tonnes in 2007;
  - (vi) to phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
- (b) to establishing, by 2004, a system for licensing imports and exports of ODS, including quotas;
  - (c) to banning, on or before 31 December 2004, imports of ODS-using equipment;
4. to note that the measures listed above in paragraph 3 should enable Papua New Guinea to return to compliance by 1 January 2004, and to urge Papua New Guinea to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of ozone-depleting substances in Annex A, group I;
  5. to monitor closely the progress of Papua New Guinea with regard to the implementation of its plan of action and the phase-out of CFCs. To the degree that Papua New Guinea is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Papua New Guinea should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Papua New Guinea, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.15/9, Decision XV/40).

#### Non-compliance with the Montreal Protocol by Paraguay

The Eighteenth Meeting of the Parties decided:

1. to note that Paraguay ratified the Montreal Protocol and its London Amendment on 3 December 1992, the Copenhagen and Montreal Amendments on 27 April 2001 and the Beijing Amendment on 18 July 2006, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in February 1997. The Executive Committee has approved \$1,768,840 from the Multilateral Fund to enable Paraguay's compliance in accordance with Article 10 of the Protocol;
2. to note further that Paraguay has reported annual consumption for the controlled substance in Annex A, group I, (CFCs) for 2005 of 250.748 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 105.280 ODP tonnes for that controlled substance for that year, and that Paraguay is therefore in non compliance with the CFC control measures under the Protocol;
3. to note also that Paraguay has reported annual consumption for the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 6.842 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 0.090 ODP tonnes for that controlled substance for that year, and that Paraguay is therefore in non compliance with the carbon tetrachloride control measures under the Protocol;
4. to request Paraguay to submit to the Secretariat, as a matter of urgency and no later than 31 March 2007, for consideration by the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol at its next meeting, a plan of action with time specific benchmarks to ensure a prompt return to compliance. Paraguay may wish to consider including in its plan of action the establishment of import quotas to support the phase out schedule included in its plan of action and policy and regulatory instruments that will ensure progress in achieving phase-out;
5. to monitor closely the progress of Paraguay with regard to the phase-out of carbon tetrachloride and CFCs. to the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Paraguay should continue to receive international assistance to enable it to meet its commitments in accordance with item A

of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Paraguay, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride and CFCs that are the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.18/10, Decision XVIII/32).

The Nineteenth Meeting of the Parties decided:

1. That Paraguay has reported annual consumption for the controlled substances in Annex A, group I, (CFCs) for 2005 of 250.7 ODP tonnes, which exceeds the Party's maximum allowable consumption of 105.3 ODP tonnes for those controlled substances for that year, and was therefore in non compliance with the consumption control measures under the Montreal Protocol for CFCs in 2005,
2. that Paraguay has reported annual consumption of the controlled substance in Annex B, group II, (carbon tetrachloride) for 2005 of 0.7 ODP tonnes, which exceeds its maximum allowable consumption of 0.1 ODP tonnes for that controlled substance for that year, and was therefore in non compliance with the consumption control measures under the Montreal Protocol for carbon tetrachloride in 2005,
3. to record with appreciation the submission by Paraguay of a plan of action to ensure its prompt return to compliance with the Protocol's CFC and carbon tetrachloride control measures, under which, without prejudice to the operation of the financial mechanism of the Protocol, Paraguay specifically commits itself:
  - (a) to reducing CFC consumption to no greater than:
    - (i) 31.6 ODP tonnes in 2007, 2008 and 2009;
    - (ii) zero ODP tonnes in 2010, save for essential uses that may be authorized by the Parties;
  - (b) to reducing carbon tetrachloride consumption to no greater than:
    - (i) 0.1 ODP tonnes in 2007, 2008 and 2009;
    - (ii) zero ODP tonnes in 2010, save for essential uses that may be authorized by the Parties;
  - (c) to monitoring its import licensing and quota system for ozone depleting substances and to extending that system to carbon tetrachloride;
  - (d) to monitoring the implementation of its ban on the export of all ozone-depleting substances and the import of refrigeration and air conditioning equipment, whether new or used, which use CFC-11 or CFC-12;
4. to urge Paraguay to work with the relevant implementing agencies to implement its plan of action to phase out consumption of CFCs and carbon tetrachloride;
5. to monitor closely the progress of Paraguay with regard to the implementation of its plan of action and the phase-out of CFCs and carbon tetrachloride. to the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Paraguay should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance;
6. to caution Paraguay in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the CFCs and carbon tetrachloride that are the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.19/7, Decision XIX/22).

#### Non-compliance with the Montreal Protocol by Peru

1. to note that Peru ratified the Montreal Protocol and the London Amendment on 31 March 1993 and the Copenhagen Amendment on 7 June 1999. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since

approval of the country programme, the Executive Committee has approved \$4,670,309 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;

2. Peru's baseline for Annex A, Group I substances is 289.5 ODP tonnes. Peru reported consumption of 296 ODP tonnes of Annex A, Group I substances in 1999. Peru responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Peru reported consumption of 297.6 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Peru was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Peru submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Peru may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. to closely monitor the progress of Peru with regard to the phase-out of ozone-depleting substances. To the degree that Peru is working towards and meeting the specific Protocol control measures, Peru should continue to be treated in the same manner as a Party in good standing. In this regard, Peru 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 Peru, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro/13/10, Decision XIII/25).

#### Non-compliance with the Montreal Protocol by Qatar

1. to note that Qatar ratified the Montreal Protocol and the London and Copenhagen amendments on 22 January 1996. Qatar is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$698,849 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Qatar has failed to report data for consumption of Annex A, group I substances for the control period from 1 July 2001 to 31 December 2002 and has reported annual data for 2002 which is above its requirement for a freeze in consumption. In the absence of further clarification, Qatar is presumed to be in non-compliance with the control measures under the Protocol;
3. to urge Qatar, accordingly, to report data for the control period from 1 July 2001 to 31 December 2002 as a matter of urgency;
4. to note further that Qatar's baseline for Annex A, group II substances is 10.65 ODP tonnes. It reported consumption of 13.6 ODP tonnes of Annex A, group II substances in 2002. As a consequence, for 2002 Qatar was in non-compliance with its obligations under Article 2B of the Montreal Protocol;
5. to request Qatar to submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Qatar may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
6. to monitor closely the progress of Qatar with regard to the phase-out of CFCs and halons. to the degree that Qatar is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Qatar should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Qatar, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures

consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of 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.

(UNEP/OzL.Pro.15/9, Decision XV/41).

#### Non-compliance with the Montreal Protocol by the Republic of Korea

1. To note that the Republic of Korea reported the export of 37 metric tonnes of hydrochlorofluorocarbons in 2008 and 18.2 metric tonnes of hydrochlorofluorocarbons in 2009 to a State classified as not operating under paragraph 1 of Article 5 of the Montreal Protocol that is also a State not party to the Copenhagen Amendment to the Protocol, which places the party in non compliance with the trade restriction against non-parties to the Protocol;
2. To note, however, that the party has taken measures not to export hydrochlorofluorocarbons to any State not party to the Copenhagen and Beijing Amendments to the Montreal Protocol in 2010 and in subsequent years except to parties operating under paragraph 1 of Article 5 of the Protocol;
3. That no further action is necessary in view of the undertaking by the Republic of Korea not to authorize any further exports of hydrochlorofluorocarbons to any non party to the relevant amendments to the Montreal Protocol except to parties operating under paragraph 1 of Article 5 of the Protocol;
4. To monitor closely the party's progress with regard to the implementation of its obligations under the Montreal Protocol;

(UNEP/OzL.Pro.22/9, Decision XXII/16).

#### Non-compliance with the Montreal Protocol by Saint Vincent and the Grenadines

1. to note that Saint Vincent and the Grenadines ratified the Montreal Protocol, the London Amendment and the Copenhagen Amendment on 2 December 1996. The country is classified as a Party operating under Article 5 (1) of the Protocol and had its country programme approved by the Executive Committee in 1998. Since approval of the country programme, the Executive Committee has approved \$152,889 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Saint Vincent and the Grenadines' baseline for Annex A, Group I substances is 2 ODP tonnes. It reported consumption of 6 and 7 ODP tonnes of Annex A, Group I substances in 2000 and 2001 respectively, and consumption of 9 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. As a consequence, for the July 2000 to June 2001 control period, Saint Vincent and the Grenadines was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to request that Saint Vincent and the Grenadines submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Saint Vincent and the Grenadines may wish to consider including in this plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to closely monitor the progress of Saint Vincent and the Grenadines with regard to the phase-out of ozone-depleting substances. To the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, Saint Vincent and the Grenadines should continue to be treated in the same manner as a Party in good standing. In this regard, Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that exporting parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.14/9, Decision XIV/24).

Subsequently, the Fifteenth Meeting of the Parties decided:

1. to note that, in accordance with decision XIV/24 of the Fourteenth Meeting of the Parties, Saint Vincent and



the Grenadines was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;

2. to note also that the baseline of Saint Vincent and the Grenadines for Annex A, group I substances is 1.77 ODP tonnes. It reported consumption of 6.04, 6.86 and 6.02 ODP tonnes of Annex A, group I substances in 2000, 2001 and 2002 respectively, and consumption of 9 ODP tonnes of Annex A, group I substances for the consumption freeze control period of 1 July 2000 to 30 June 2001. It has failed to report data for CFC consumption for the control period of 1 July 2001 to 31 December 2002. As a consequence, for the period 2000-2002, Saint Vincent and the Grenadines was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to note with regret that Saint Vincent and the Grenadines has not fulfilled the requirements of decision XIV/24 and to request that it should submit to the Implementation Committee, as a matter of urgency, for consideration at its next meeting, a plan of action with time-specific benchmarks in order for the Committee to monitor its progress towards compliance;
4. to stress to the Government of Saint Vincent and the Grenadines its obligations under the Montreal Protocol to phase out the consumption of ozone depleting substances, and the accompanying need for it to establish and maintain an effective governmental policy and institutional framework for the purposes of implementing and monitoring the national phase-out strategy;
5. to monitor closely the progress of Saint Vincent and the Grenadines with regard to the phase-out of CFCs. to the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, Saint Vincent and the Grenadines should continue to be treated in the same manner as a Party in good standing. In that regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.15/9, Decision XV/42).*

Subsequently, the Sixteenth Meeting of the Parties decided:

1. to note that Saint Vincent and the Grenadines ratified the Montreal Protocol and the London and Copenhagen amendments on 2 December 1996. Saint Vincent and the Grenadines is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in 1998. The Executive Committee has approved \$166,019 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note that, in accordance with decision XV/42 of the Fifteenth Meeting of the Parties, Saint Vincent and the Grenadines was requested to submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance;
3. to note with appreciation the submission by Saint Vincent and the Grenadines of its plan of action, and to note also that, under the plan, Saint Vincent and the Grenadines specifically commits itself:
  - (a) to reducing CFC consumption from 3.07 ODP tonnes in 2003 as follows:
    - (i) to 2.15 ODP tonnes in 2004;
    - (ii) to 1.39 ODP tonnes in 2005;
    - (iii) to 0.83 ODP tonnes in 2006;
    - (iv) to 0.45 ODP tonnes in 2007;
    - (v) to 0.22 ODP tonnes in 2008;
    - (vi) to 0.1 ODP tonnes in 2009;
    - (vii) to phasing out CFC consumption by 1 January 2010, as required under the Montreal Protocol, save for essential uses that may be authorized by the Parties;
  - (b) to monitoring its existing system for licensing imports of ozone depleting substances and its ban on

imports of ozone-depleting-substances-using equipment, introduced in 2003;

- (c) to introducing an ozone depleting substances quota system by the last quarter of 2004, which will become effective from 1 January 2005;
4. to note that the measures listed in paragraph 3 above should enable Saint Vincent and the Grenadines to return to compliance by 2008, and to urge Saint Vincent and the Grenadines to work with the relevant Implementing Agencies to implement the plan of action and phase-out of consumption of ozone-depleting substances in Annex A, group I (CFCs);
  5. to monitor closely the progress of Saint Vincent and the Grenadines with regard to the implementation of its plan of action and the phase-out of CFCs. to the degree that Saint Vincent and the Grenadines is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Saint Vincent and the Grenadines should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Saint Vincent and the Grenadines, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.16/17, Decision XVI/30).

#### Non-compliance with the Montreal Protocol by Saudi Arabia

The Nineteenth Meeting of the Parties decided:

1. that Saudi Arabia reported annual consumption for the controlled substance in Annex E (methyl bromide) for 2005 of 27.6 ODP tonnes, which exceeds its maximum allowable consumption level of 0.5 ODP tonnes for that controlled substance for that year, and is therefore presumed in the absence of further clarification to be in non compliance in 2005 with the control measures under the Montreal Protocol for methyl bromide;
2. to request Saudi Arabia to submit to the Secretariat, as a matter of urgency and no later than 29 February 2008, for consideration by the Implementation Committee at its next meeting, an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance. Saudi Arabia may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule and policy and regulatory instruments that will ensure progress in achieving the phase-out;
3. to monitor closely the progress of Saudi Arabia with regard to the phase-out of methyl bromide. To the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Saudi Arabia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance;
4. to caution Saudi Arabia in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the methyl bromide that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.19/7, Decision XIX/23).

The Twenty-first Meeting of the Parties decided:

1. That Saudi Arabia has reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 657.8 ODP-tonnes, which exceeds the Party's maximum allowable consumption of 269.8 ODP-tonnes for those controlled substances for that year, and that the Party is therefore in non compliance with the control measures for those substances under the Protocol for that year;
2. To request Saudi Arabia to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, for consideration by the Implementation Committee at its next meeting, a plan of action with time-specific

benchmarks to ensure the Party's prompt return to compliance;

3. To monitor closely the progress of Saudi Arabia with regard to the phase-out of chlorofluorocarbons. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Saudi Arabia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;
4. To caution Saudi Arabia, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.21/8, Decision XXI/21).

The Twenty-second Meeting of the Parties decided:

1. To note with appreciation Saudi Arabia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures, under which, without prejudice to the operation of the financial mechanism of the Protocol, Saudi Arabia specifically commits itself:
  - (a) To reducing chlorofluorocarbon consumption to no greater than zero ODP-tonnes in 2010, save for essential uses that may be authorized by the parties;
  - (b) To monitoring its system for licensing the import and export of ozone-depleting substances;
2. To urge Saudi Arabia to work with the relevant implementing agencies to implement its plan of action to phase out the consumption of chlorofluorocarbons;
3. To monitor closely the progress of Saudi Arabia with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing. In that regard, Saudi Arabia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non compliance;
4. To caution Saudi Arabia, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that it fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of chlorofluorocarbons that are the subject of non compliance is ceased so that exporting parties are not contributing to a continuing situation of non compliance;

(UNEP/OzL.Pro.22/9, Decision XXII/15).

#### Non-compliance with the Montreal Protocol by Serbia

The Eighteenth Meeting of the Parties decided:

1. to note that Serbia has not reported the data required for the establishment of baselines for the controlled substances in Annex B (other CFCs, carbon tetrachloride and methyl chloroform) for the years 1998 and 1999, as provided for by paragraphs 3 and 8 ter (d) of Article 5 of the Montreal Protocol;
2. to note that the failure to report such data places Serbia in non-compliance with its data reporting obligations under the Protocol until such time as the Secretariat receives the outstanding data;
3. to stress that compliance by Serbia with the Protocol cannot be evaluated without the outstanding data;
4. to acknowledge that Serbia has only recently ratified the amendments to the Protocol that require it to report data on the controlled substances indicated in paragraph 1 of the present decision and also that Serbia has recently experienced a considerable change in its national circumstances in connection with which it has undertaken to continue the legal personality of the former Serbia and Montenegro in respect of the Protocol for the territory under its control effective 3 June 2006, but also to note that the Party has received assistance with data collection from the Multilateral Fund for the Implementation of the Montreal Protocol through the Fund's implementing agencies;

5. to urge Serbia to work together with the United Nations Environment Programme under that agency's Compliance Assistance Programme and with other implementing agencies of the Multilateral Fund to report the data, as a matter of urgency, to the Secretariat;
6. to request the Implementation Committee under the Non-compliance Procedure of the Montreal Protocol to review the situation of Serbia with respect to data reporting at its next meeting.

*(UNEP/OzL.Pro.18/10, Decision XVIII/33).*

#### Non-compliance with the Montreal Protocol by Sierra Leone

The Seventeenth Meeting of the Parties decided:

1. to note that Sierra Leone ratified the Montreal Protocol and all its amendments on 29 August 2001, is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in December 2003. The Executive Committee has approved \$660,021 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note further that Sierra Leone has reported annual consumption of the controlled substances in Annex A, group II (halons), for 2004 of 18.45 ODP tonnes, which exceeds the Party's maximum allowable consumption level of 16.00 ODP tonnes for those controlled substances for that year, and that Sierra Leone is therefore in non compliance with the control measures under the Protocol;
3. to request Sierra Leone, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Sierra Leone may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of equipment using ozone depleting substances, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to monitor closely the progress of Sierra Leone with regard to the phase-out of the controlled substances in Annex A, group II (halons). To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Sierra Leone should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Sierra Leone, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the controlled substances in Annex A, group II (halons), that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.17/11, Decision XVII/38).*

#### Non-compliance with the Montreal Protocol by Singapore

The Twenty-second Meeting of the Parties decided:

1. To note that Singapore reported the export of 32 metric tonnes of methyl bromide in 2008 to a State classified as operating under paragraph 1 of Article 5 of the Protocol that is also a State not party to the Copenhagen Amendment to the Montreal Protocol, which places the party in non compliance with the restriction on trade with non-parties to the Protocol;
2. To urge Singapore to refrain from engaging in trade in methyl bromide with States not party to the Copenhagen Amendment;
3. To monitor closely the party's progress with regard to the implementation of its obligations under the Montreal Protocol;

*(UNEP/OzL.Pro.22/9, Decision XXII/13).*

#### Non-compliance with the Montreal Protocol by Somalia

1. to note that Somalia has reported annual data for Annex A, group II, ozone depleting substances (halons) for both 2002 and 2003 which are above its requirement for a freeze in consumption;
2. to note further that, in the absence of further clarification, Somalia is presumed to be in non-compliance

with the control measures under the Protocol;

3. to request Somalia, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting explanations for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Somalia may wish to consider including in its plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ozone-depleting-substances using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to monitor closely the progress of Somalia with regard to the phase-out of halons. To the degree that Somalia is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as Parties in good standing. In that regard, Somalia should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Somalia, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.16/17, Decision XVI/19).

#### Potential non-compliance with the Montreal Protocol by Solomon Islands

The Twentieth Meeting of the Parties decided:

1. to request Solomon Islands to submit to the Secretariat, as a matter of urgency and no later than 31 March 2009, for consideration by the Implementation Committee at its next meeting, an explanation for its excess consumption in 2006, together with a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance;
2. to request Solomon Islands further to report the outstanding data for 2007 as a matter of urgency, and preferably no later than 31 March 2009, in time for consideration by the Implementation Committee at its forty-second meeting;
3. to monitor closely the progress of Solomon Islands with regard to the phase-out of chlorofluorocarbons. to the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Solomon Islands should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance;
4. to caution Solomon Islands, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the chlorofluorocarbons that is the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.20/9, Decision XX/18).

The Twenty-first Meeting of the Parties decided:

1. That Solomon Islands reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), of 1.4 ODP-tonnes for 2006, which exceeds the Party's maximum allowable consumption of 1.1 ODP-tonnes for those controlled substances for that year, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for that year;
2. To note, however, that in response to the request for an explanation for its excess consumption contained in decision XX/18 of the Twentieth Meeting of the Parties, Solomon Islands reported that its Custom and Excise Act had been amended in 2007 to include restrictions on imports of chlorofluorocarbons, which therefore had not applied formally prior to that year;
3. To note further Solomon Islands' return to compliance in 2007 and its commitment to restrict imports of chlorofluorocarbons, which had taken effect from 2008;

4. To monitor closely the progress of the Party with regard to its implementation of its obligations under the Protocol;

(UNEP/OzL.Pro.21/8, Decision XXI/22).

#### Non-compliance with the Montreal Protocol by Somalia

1. to note with appreciation Somalia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's halon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Somalia specifically commits itself:
  - (a) to reducing halon consumption to no greater than:
    - (i) 9.4 ODP tonnes in 2008;
    - (ii) 9.4 ODP tonnes in 2009;
    - (iii) Zero ODP tonnes in 2010, save for essential uses that may be authorized by the Parties;
  - (b) to introducing a system for licensing the imports and exports of ozone depleting substances, including import quotas, by the end of December 2009;
2. to request Somalia to submit to the Secretariat, as a matter of urgency and no later than 31 March 2009, for consideration by the Implementation Committee at its next meeting, a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance with its consumption of chlorofluorocarbons;
3. to urge Somalia to work with the relevant implementing agencies to implement its plan of action to phase out consumption of halons and implementation of its licensing system and to participate in regional network activities;
4. to request the Executive Committee, without prejudice to the operation of the financial mechanism, to consider innovative ways of assisting the Party, through the implementing agencies of the Multilateral Fund, to implement its plan of action to phase out halons and to implement its licensing system, including, but not limited to, awareness-raising, institutional strengthening and technical assistance;
5. to monitor closely the progress of Somalia with regard to the implementation of its plan of action to phase-out halons and the implementation of its licensing system;
6. to the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Somalia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance;
7. to caution Somalia in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4 such as ensuring that the supply of halons that are the subject of non compliance is ceased so that exporting Parties are not contributing to a continuing situation of non compliance.

(UNEP/OzL.Pro.20/9, Decision XX/19).

The Twenty-first Meeting of the Parties decided:

1. That Somalia reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 79.5 ODP-tonnes, which exceeds the Party's maximum allowable consumption of 36.2 ODP-tonnes for those controlled substances for that year and that Somalia was therefore in non-compliance with the control measures for those substances under the Protocol for that year;
2. To note, however, that Somalia's reported chlorofluorocarbon consumption for 2008 was in compliance with its obligations under the chlorofluorocarbon control measures of the Montreal Protocol for that year;
3. To note with appreciation Somalia's introduction, as called for in decision XX/19, of a system for licensing the imports and exports of ozone-depleting substances, including import quotas, which had taken effect from October 2009;
4. To note also with appreciation Somalia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Somalia specifically commits itself:

- (a) To reducing chlorofluorocarbon consumption to no greater than zero ODP-tonnes in 2010, save for essential uses that may be authorized by the Parties;
  - (b) To monitoring its system for licensing the import and export of ozone-depleting substances, including import quotas;
5. To urge Somalia to work with the relevant implementing agencies to implement its plan of action to phase out consumption of chlorofluorocarbons;
  6. To monitor closely the progress of Somalia with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Somalia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;
  7. To caution Somalia in accordance with item B of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance, that, in the event that it fails to return to compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.21/8, Decision XXI/23).

#### Non-compliance with the Montreal Protocol by Turkmenistan

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 ODS; 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 Annex 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 ODS 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.

(UNEP/OzL.Pro.11/10, Decision XI/25).

The Twenty-first Meeting of the Parties decided:

1. That Turkmenistan has reported annual consumption for the controlled substance in Annex B, group II (carbon tetrachloride), for 2008 of 0.3 ODP-tonnes, which exceeds the Party's maximum allowable consumption of zero ODP-tonnes for that controlled substance for that year, and that the Party is therefore in non compliance with the control measures for that substance under the Protocol for that year;
2. To request Turkmenistan to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, for consideration by the Implementation Committee at its next meeting, a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance;
3. To monitor closely the progress of Turkmenistan with regard to the phase-out of carbon tetrachloride. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Turkmenistan should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;
4. To caution Turkmenistan in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the carbon tetrachloride that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.21/8, Decision XXI/25).

#### Non-compliance with the Montreal Protocol by Uganda

1. to note that Uganda ratified the Montreal Protocol on 15 September 1988, the London Amendment on 20 January 1994, the Copenhagen Amendment on 22 November 1999 and the Montreal Amendment on 23 November 1999. Uganda is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved \$547,896 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Uganda's baseline for Annex A, group I substances is 12.8 ODP tonnes. It has failed to report data for either of the control periods 1 July 2000-30 June 2001 and 1 July 2001-31 December 2002, and has reported annual data for 2001 which is above its baseline. In the absence of further clarification, Uganda is presumed to be in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. to urge Uganda, accordingly, to report data for the control periods from 1 July 2000 to 30 June 2001 and 1 July 2001 to 31 December 2002, as a matter of urgency;
4. to note further that Uganda has presented sufficient information to justify its request for a change in its baseline consumption of the controlled substance in Annex E from 1.9 ODP tonnes to 6.3 ODP tonnes, and that that change is therefore approved;
5. to note that Uganda presented its request for a baseline change before the Implementation Committee had been able to recommend a standard methodology for the presentation of requests for such changes, and that all future requests should follow the methodology described in decision XV/19;
6. to note, however, that Uganda reported consumption of 30 ODP tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002, even after the revision in its baseline, Uganda was in non-compliance



with its obligations under Article 2H of the Montreal Protocol;

7. to note with appreciation Uganda's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, without prejudice to the operation of the financial mechanism of the Montreal Protocol, Uganda specifically commits itself:
  - (a) to reducing methyl bromide consumption from 30 ODP tonnes in 2002 as follows:
    - (i) to 24 ODP tonnes in 2003 and in 2004;
    - (ii) to 6 ODP tonnes in 2005;
    - (iii) to 4.8 ODP tonnes in 2006;
    - (iv) to phasing out methyl bromide consumption by 1 January 2007, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;
  - (b) to monitoring its system for licensing imports and exports of ODS introduced in 1998, which will be modified by the inclusion of quotas in the first quarter of 2004;
  - (c) to introducing a ban on imports of ODS-using equipment in the first quarter of 2004;
8. to note that the measures listed in paragraph 7 above should enable Uganda to return to compliance by 2007, and to urge Uganda to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;
9. to monitor closely the progress of Uganda with regard to the implementation of its plan of action and the phase-out of CFCs and methyl bromide. To the degree that Uganda is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Uganda should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Uganda, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs and methyl bromide (that is, the subjects of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.15/9, Decision XV/43).

#### Non-compliance with the Montreal Protocol by Uruguay

1. to note that Uruguay ratified the Montreal Protocol on 8 January 1991, the London Amendment on 16 November 1993, the Copenhagen Amendment on 3 July 1997, the Montreal Amendment on 16 February 2000 and the Beijing Amendment on 9 September 2003. The country is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$4,856,042 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Uruguay's baseline for the controlled substance in Annex E is 11.2 ODP tonnes. It reported consumption of 17.7 ODP tonnes for the controlled substance in Annex E in 2002. As a consequence, for 2002 Uruguay was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. to note with appreciation Uruguay's submission of its plan of action to ensure a prompt return to compliance with the control measures for the controlled substance in Annex E, and to note further that, under the plan, Uruguay specifically commits itself:
  - (a) to reducing methyl bromide consumption from 17.7 ODP tonnes in 2002 as follows:
    - (i) to 12 ODP tonnes in 2003;
    - (ii) to 4 ODP tonnes in 2004;
    - (iii) to phasing out methyl bromide consumption by 1 January 2005, as provided in the plan for reduction and phase-out of methyl bromide consumption, save for critical uses that may be authorized by the Parties;
  - (b) to monitoring its system for licensing imports and exports of ODS, including quotas;

4. to note that the measures listed in paragraph 3 above should enable Uruguay to return to compliance by 2004, and to urge Uruguay to work with the relevant Implementing Agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E;
5. to monitor closely the progress of Uruguay with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that Uruguay is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Uruguay should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Uruguay, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide (that is, the subject of non compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

*(UNEP/OzL.Pro.15/9, Decision XV/44).*

The Seventeenth Meeting of the Parties decided:

1. to note that Uruguay ratified the Montreal Protocol on 8 January 1991, the London Amendment on 16 November 1993, the Copenhagen Amendment on 3 July 1997, the Montreal Amendment on 16 February 2000 and the Beijing Amendment on 9 September 2003. The country is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in 1993. Since approval of the country programme, the Executive Committee has approved \$5,457,124 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to recall that Uruguay's baseline for the controlled substance in Annex E (methyl bromide) is 11.2 ODP tonnes. It reported consumption of 17.7 ODP tonnes of methyl bromide in 2002. As a consequence, for 2002 Uruguay was in non-compliance with its obligations under Article 2H of the Montreal Protocol;
3. to recall further that Uruguay had submitted a plan of action to ensure a prompt return to compliance with the Protocol's methyl bromide control measures, which was contained in decision XV/44 of the Fifteenth Meeting of the Parties;
4. to note that Uruguay reported consumption of 11.1 ODP tonnes of methyl bromide in 2004. This level of consumption, while consistent with the requirement that Parties operating under Article 5 of the Protocol freeze their methyl bromide consumption in 2004 at their baseline level, was inconsistent with the Party's commitment contained in decision XV/44 to reduce its methyl bromide consumption to a level no greater than 4 ODP tonnes in 2004;
5. to note with appreciation, however, that Uruguay submitted a revised plan of action for methyl bromide early phase-out in controlled uses, and to note, without prejudice to the operation of the financial mechanism of the Protocol, that under the revised plan Uruguay specifically commits itself:
  - (a) to reduce methyl bromide consumption from 11.1 ODP tonnes in 2004 as follows:
    - (i) to 8.9 ODP tonnes in 2005;
    - (ii) to 8.9 ODP tonnes in 2006;
    - (iii) to 8.9 ODP tonnes in 2009;
    - (iv) to 6.0 ODP tonnes in 2010;
    - (v) to 6.0 ODP tonnes in 2011;
    - (vi) to 6.0 ODP tonnes in 2012;
    - (vii) to phase out methyl bromide consumption by 1 January 2013, save for critical uses that may be authorized by the Parties;
  - (b) to monitor its system for licensing imports and exports of ozone-depleting substances, including quotas;
6. to note that the measures listed in paragraph 5 above should enable Uruguay to maintain compliance and to urge Uruguay to work with the relevant implementing agencies to implement the plan of action and phase out consumption of the controlled substance in Annex E (methyl bromide);
7. to monitor closely the progress of Uruguay with regard to the implementation of its plan of action and the

phase-out of methyl bromide. to the degree that Uruguay is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Uruguay should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non compliance. Through the present decision, however, the Parties caution Uruguay, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the substance that is the subject of non-compliance is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.17/11, Decision XVII/39).

#### Non-compliance with the Montreal Protocol by Vanuatu

The Twenty-first Meeting of the Parties decided:

1. That Vanuatu has reported annual consumption for the controlled substances in Annex A, group I (chlorofluorocarbons), for 2007 of 0.3 ODP-tonnes and for 2008 of 0.7 ODP-tonnes, which exceeds the Party's maximum allowable consumption of zero ODP-tonnes for those controlled substances for those years, and that the Party is therefore in non-compliance with the control measures for those substances under the Protocol for those years;
2. To request Vanuatu to submit to the Secretariat, as a matter of urgency and no later than 31 March 2010, for consideration by the Implementation Committee at its next meeting, a plan of action with time-specific benchmarks to ensure the Party's prompt return to compliance;
3. To monitor closely the progress of Vanuatu with regard to the phase-out of chlorofluorocarbons. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Vanuatu should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance;
4. To caution Vanuatu, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the chlorofluorocarbons that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.21/8, Decision XXI/26).

The Twenty-second Meeting of the Parties decided:

1. To note with appreciation Vanuatu's submission of a plan of action to ensure its prompt return to compliance with the Protocol's chlorofluorocarbon control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Vanuatu specifically commits itself:
  - (a) To reducing its consumption of chlorofluorocarbons to no greater than zero ODP tonnes in 2010, save for essential uses that may be authorized by the parties;
  - (b) To monitoring its import licensing system for ozone-depleting substances;
2. To urge Vanuatu to work with the relevant implementing agencies to implement its plan of action to phase out consumption of chlorofluorocarbons;
3. To monitor closely the progress of Vanuatu with regard to the implementation of its plan of action and the phase-out of chlorofluorocarbons. To the degree that the party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a party in good standing. In that regard, Vanuatu should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non compliance;
4. To caution Vanuatu, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that Vanuatu fails to return to compliance, the parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of

chlorofluorocarbons that are the subject of non compliance is ceased so that exporting parties are not contributing to a continuing situation of non compliance;

(UNEP/OzL.Pro.22/9, Decision XXII/18).

#### Non-compliance with the Montreal Protocol by Vietnam

1. to note that Vietnam ratified the Montreal Protocol and the London and Copenhagen Amendments on 26 January 1994. Vietnam is classified as a Party operating under Article 5, paragraph 1, of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$3,150,436 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. to note also that Vietnam's baseline for Annex A, group II substances is 37.07 ODP tonnes. It reported consumption of 97.60 ODP tonnes for Annex A, group II substances in 2002. As a consequence, for 2002 Vietnam was in non compliance with its obligations under Article 2B of the Montreal Protocol;
3. to request Vietnam to submit to the Implementation Committee, for consideration at its next meeting, a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Vietnam may wish to consider including in that plan of action the establishment of import quotas to freeze imports at baseline levels and support the phase-out schedule, a ban on imports of ODS-using equipment, and policy and regulatory instruments that will ensure progress in achieving the phase-out;
4. to note that Vietnam may also wish to draw upon the ongoing assistance provided by the United Nations Environment Programme Compliance Assistance Programme and the halon phase-out assistance previously provided by the United Nations Industrial Development Organization, and to consult with the Halons Technical Options Committee of the Technology and Economic Assessment Panel, to identify and introduce alternatives to the use of halon 2402 on oil vessels and platforms;
5. to monitor closely the progress of Vietnam with regard to the phase out of halons. To the degree that Vietnam is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Vietnam should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Vietnam, in accordance with item B of the indicative list of measures, that in the event that it fails to return to compliance in a timely manner, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of halons (that is, the subject of non-compliance) is ceased and that exporting Parties are not contributing to a continuing situation of non-compliance.

(UNEP/OzL.Pro.15/9, Decision XV/45).

#### Non-reporting of 2009 data on HCFCs in accordance with Article 7 of the Montreal Protocol by Yemen

1. To urge Yemen to work closely with the implementing agencies to report the required data to the Secretariat as a matter of urgency;
2. To request the Implementation Committee to review the situation of Yemen at its forty eighth meeting;

(UNEP/OzL.Pro.23/11, Decision XXIII/25).

#### Non-reporting of 2015 data under Article 7 of the Montreal Protocol by Yemen

4. To note with concern that two parties, namely, [Iceland and] Yemen, have not reported their 2015 data as required under Article 7 of the Montreal Protocol and that this places them in non-compliance with their data reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data;
5. To urge the parties listed in the preceding paragraph to report the required data to the Secretariat as quickly as possible and to urge the one Article 5 party, namely, Yemen, where appropriate, to work closely with the implementing agencies in reporting the required data;
6. To request the Implementation Committee to review the situation of the parties listed in the preceding paragraphs at its fifty-eighth meeting;

(UNEP/OzL.Pro.28/11, Decision XXVIII/9).