

**United Nations
Environment
Programme**

**Implementation Committee under the
Non-Compliance Procedure for the****Montreal Protocol****Fifty-fifth meeting**

Dubai, United Arab Emirates, 28 October 2015

Distr.: General
30 November 2015

Original: English

**Report of the Implementation Committee under the
Non-Compliance Procedure for the Montreal Protocol on the
work of its fifty-fifth meeting****I. Opening of the meeting**

1. The fifty-fifth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Conrad Hotel, Dubai, United Arab Emirates, on 28 October 2015.
2. The President of the Committee, Ms. Nancy Seymour (Canada), opened the meeting at 10 a.m.
3. Ms. Tina Birnpili, Executive Secretary, Ozone Secretariat, welcomed the members of the Committee. She observed that the agenda of the meeting was relatively light because of the progress that the Committee had made in assisting parties to remain in compliance with the Protocol. Apart from a small number of non-compliance issues to be discussed, the only items on the agenda were standard ones such as the presentation by the Secretariat of the Multilateral Fund and consideration of the report of the Ozone Secretariat on data reporting under Article 7. She concluded by thanking all the members of the Committee for their hard work, especially those who were stepping down after the current meeting, and expressed thanks in particular to Mr Janusz Kozakiewicz (Poland), who had provided invaluable advice and support to the Committee and the Secretariat over many years.

II. Adoption of the agenda and organization of work**A. Attendance**

4. Representatives of the following Committee members attended the meeting: Bosnia and Herzegovina, Canada, Cuba, Ghana, Lebanon, Mali and Poland. Representatives of Italy and Pakistan did not attend.
5. The meeting was also attended by a representative of the secretariat of the Multilateral Fund and representatives of the implementing agencies of the Multilateral Fund – the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO) and the World Bank.
6. A list of participants is set out in annex II to the present report.

B. Adoption of the agenda

7. In the discussion of the agenda it was noted that although Libya had been invited to send a representative to the meeting to provide information regarding the party's compliance situation, travel

problems had prevented the attendance of its representative. There would therefore be no discussion under item 9 of the agenda. The Committee then adopted the following agenda on the basis of the provisional agenda (UNEP/OzL.Pro/ImpCom/55/R.1):

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Presentation by the Secretariat on data and information under Articles 7 and 9 of the Montreal Protocol and on related issues.
4. Presentation by the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol on relevant decisions of the Executive Committee of the Fund and on activities carried out by implementing agencies (the United Nations Development Programme, the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank) to facilitate compliance by parties.
5. Follow-up on previous decisions of the parties and recommendations of the Implementation Committee on non-compliance-related issues: existing plans of action to return to compliance:
 - (a) Kazakhstan (decision XXVI/13 and recommendation 54/2);
 - (b) Ukraine (decision XXIV/18 and recommendation 54/3).
6. Possible non-compliance with control measures under the Protocol:
 - (a) Libya: hydrochlorofluorocarbon phase-out (recommendation 54/5);
 - (b) South Africa: methyl chloroform phase-out (recommendation 54/6).
7. Consideration of other possible non-compliance issues arising out of the data report.
8. Status of establishment of a licensing system under Article 4B of the Montreal Protocol by South Sudan (decision XXV/15 and recommendation 54/8).
9. Consideration of additional information on compliance-related submissions by parties participating in the meeting at the invitation of the Implementation Committee.
10. Other matters.
11. Adoption of the recommendations and report of the meeting.
12. Closure of the meeting.

C. Organization of work

8. The Committee agreed to follow its procedures and to meet according to its usual schedule of two 3-hour sessions, subject to adjustment as appropriate.

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

9. The representative of the Secretariat gave a presentation summarizing the report of the Secretariat on the data provided by parties in accordance with Articles 7 and 9 of the Montreal Protocol (UNEP/OzL.Pro/ImpCom/55/2 and Add.1). He explained that he would focus on new information and would not repeat the information presented to the Committee at its previous meeting, in July 2015.

10. On reporting pursuant to Article 9 for 2014, one new submission had been received, from Norway for the period 2013–2014. All submissions under Article 9 were available on the Secretariat's website.

11. On reporting of data under Article 7 for 2014, 190 out of 197 parties had reported by 26 October 2015, leaving only the Democratic Republic of Congo, Dominica, Kuwait, Liechtenstein, Qatar, Somalia and Yemen still to report. Libya and another party operating under paragraph 1 of Article 5 of the Protocol (Article 5 party) had reported data for 2014 that showed them to be in non-compliance and one non-Article 5 party had yet to clarify its compliance status for 2014; in each case the Secretariat was in the process of seeking further information and clarifying the situation. One other non-Article 5 party that had been mentioned at the last meeting of the Committee as in possible

non-compliance had confirmed that the halons it had imported had been recycled, which meant that it had zero consumption and was in compliance with its obligations under the Protocol.

12. On the reporting of exports and export destinations for 2013 and 2014 in accordance with decision XVII/16, two parties that had reported exports to a country that was a non-party for 2013 and a part of 2014 had clarified their situations. One export had in fact taken place in December 2012, and the party had corrected its data accordingly. The other export had taken place in 2014, but after the non-party had ratified the Beijing Amendment; the exporting party had submitted copies of licenses to confirm the situation. A comprehensive summary of the 2014 export data was not yet available, however; many submissions had been received very recently, and there had not yet been time to process them.

13. On the reporting of stockpiled excess production or consumption of ozone-depleting substances (decisions XVIII/17 and XXII/20), to date three parties had submitted relevant information for 2014. France had reported a quantity of carbon tetrachloride produced as a by-product and intended for destruction, Israel had reported excess production of bromochloromethane intended for export for feedstock uses and the United States of America had reported excess production of methyl bromide intended for export for critical uses.

14. Under decision XXI/3, the Secretariat was requested to bring cases of non-reporting of process-agent uses to the attention of the Implementation Committee. Three of the four parties that were still allowed such uses – China, the European Union and the United States of America – had submitted their reports for 2014; the remaining party, Israel, had not yet done so.

15. Under decision XXIV/14, Parties were requested to affirmatively specify zero quantities with zeros – instead of leaving blank cells – in their Article 7 data reporting forms. Of the 38 parties that had left blank cells in their 2014 data reports, all of them had subsequently responded to requests for clarification. That represented a significant improvement over both 2013 (60 parties leaving blank cells, of whom 17 had responded with clarifications) and 2012 (72 parties leaving blank cells, of whom 15 had responded with clarifications).

16. Members of the Committee thanked the Secretariat for its hard work in preparing a very useful document; one member approved in particular annex I of the document, which explained how production and consumption were calculated. He felt, however, that the footnote dealing with feedstock and process agent uses was not worded quite correctly; the representative of the Secretariat undertook to revise it in future versions of the document. The Committee also noted with appreciation the increases both in the number of countries reporting the destinations of their exports and in the number of countries responding to requests from the Secretariat to clarify blank cells in their data-reporting forms.

17. One member of the Committee suggested that the data-reporting forms could be revised to default to zero in each cell, thus avoiding the problem of blank cells. Other members, however, expressed the concern that in practice that might result in inaccurate or incomplete data being submitted.

18. The Committee took note of the information presented.

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

19. The representative of the Multilateral Fund secretariat reported on relevant decisions of the Executive Committee of the Multilateral Fund and on activities carried out by the Fund's implementing agencies, summarizing information provided in the annex to the note by the secretariat on country programme data and prospects for compliance (UNEP/OzL.Pro/ImpCom/55/INF/R.3).

20. As he had reported at the last meeting of the Committee, all Article 5 parties had received support from the Multilateral Fund for the phase-out of all ozone-depleting substances except HCFCs. The Executive Committee of the Fund had decided to extend the completion dates for national phase-out plans for all substances other than HCFCs for countries with political and security

challenges such as Iraq (to December 2015) and Yemen (to June 2016), of metered-dose-inhaler projects in China and India (to December 2015) and of a regional chiller project in Africa (to December 2015).

21. With regard to the phase-out of HCFC consumption, the Executive Committee had approved in principle funding of \$571 million for stage I and stage II of the HCFC phase-out management plans in 140 countries. Project preparation for stage II of the plans had been approved for 31 countries, and seven requests had been submitted for consideration at the seventy-fifth meeting of the Committee. Botswana and Libya had submitted stage I of their plans for consideration at the seventy-fifth meeting, leaving Mauritania, South Sudan and Syria to submit stage I of their plans in 2016, according to their business plans.

22. On HCFC production, a policy issue had been raised by UNIDO and the World Bank in their 2016 business plans with regard to funding for the phase-out of production where CFC infrastructure used for HCFC production had already received funding for closure. A request was before the Executive Committee's sub-group on the production sector for a technical audit of Mexico's HCFC production sector, based on the country's submission of preliminary data. Guidelines for the production sector were scheduled to be discussed by the sub-group at its next meeting.

23. On inventories and surveys of alternatives to ozone-depleting substances, which were to be conducted in response to paragraph 4 of decision XXVI/9, at its seventy-fourth meeting the Executive Committee had approved surveys in 85 Article 5 parties. Requests from a further 44 countries would be considered at the seventy-fifth meeting, along with a format for the preparation of the surveys, which had been prepared in cooperation with bilateral and implementing agencies.

24. The Executive Committee at its seventy-fifth meeting was also due to consider a revised format for country programme data reporting, eliminating some of the schedules on regulatory matters and qualitative assessments of HCFC phase-out management plans and adding requirements for reporting on quota and licensing systems and import and export bans. The document before the Implementation Committee at the current meeting (UNEP/OzL.Pro/ImpCom/55/INF/R.3) did not include a summary of 2014 country programme data because 20 parties had not reported in time for inclusion in the analysis. Funding requests for activities in Article 5 parties with outstanding country programme and Article 7 data were not being recommended for approval.

25. He presented data for total remaining consumption of HCFCs. Funding had been approved for the phase-out of a total of 8,472.37 ODP-tonnes of HCFC consumption, with the funding for the remaining 24,328.21 ODP-tonnes (74 per cent of the total) yet to be approved. Looking at the three most widely used substances, phase-out funding had been approved for 45 per cent of HCFC-141b consumption, 30 per cent of HCFC-142b consumption and 15 per cent of HCFC-22 consumption. HCFC consumption data reported in Article 7 data reports and country programme reports showed some discrepancies, a close examination of which revealed that the differences were due mainly to HCFC-141b contained in pre-blended polyols, which country programme data reported separately.

26. Looking at parties at risk of non-compliance, he reported that all Article 5 parties had licensing systems in place except South Sudan, where the current political and security situation had prevented the completion of HCFC data collection; an environmental management act including controls on ozone-depleting substances had, however, been drafted and was expected to be approved by the country's parliament before the end of 2015.

27. UNEP had reported to the Executive Committee that Dominica had amended its licensing system to include the accelerated control measures for HCFCs. UNEP was also in the process of re-establishing communications with the Government of Mauritania to assist in the preparation of stage I of its HCFC phase-out management plan.

28. All Article 5 parties also had HCFC quota systems in place except Burundi, which had been unable to finalize its formal quota system due to a change in government, although its informal system was operational.

29. Libya had submitted its HCFC phase-out management plan, indicating that it would return to compliance in 2018 in line with the action plan submitted to the Implementation Committee in accordance with recommendation 54/5. The Executive Committee was due to consider the proposal at its seventy-fifth meeting. Guatemala had not achieved its phase-out commitments for 2013 or 2014 under its agreement with the Executive Committee, and the Executive Committee was due to decide on the application of penalty clauses for these two years at its seventy-fifth meeting. The Ozone Secretariat was also seeking further clarification of the party's consumption data.

30. Members of the Committee thanked the representative of the Multilateral Fund for the hard work of the Executive Committee and the Secretariat of the Multilateral Fund, as demonstrated in his report. In response to questions about the ability of some parties reporting high levels of methyl bromide consumption to achieve total phase-out by 2015 as required by the Montreal Protocol, he observed that almost all of the parties in question had been receiving funding for assistance with phase-out for many years, and there was no indication that they would not achieve full compliance. He also confirmed that the methyl bromide production reported for China had been for controlled uses, not for quarantine and pre-shipment applications.

31. The Committee took note of the information presented.

V. Follow-up on previous decisions of the parties and recommendations of the Implementation Committee on non-compliance-related issues: existing plans of action to return to compliance

A. Kazakhstan (decision XXVI/13 and recommendation 54/2)

32. The representative of the Secretariat recalled that Kazakhstan, in accordance with its plan of action set out in decision XXVI/13, had committed itself to limiting its 2014 consumption of HCFCs to 40 ODP-tonnes and of methyl bromide to 6 ODP-tonnes. It had recently reported data showing consumption of 24.80 ODP-tonnes of HCFCs and 6.0 ODP-tonnes of methyl bromide in 2014.

33. The Committee therefore agreed to note that Kazakhstan had submitted its data for 2014 in accordance with its obligations under Article 7 of the Montreal Protocol and that the data indicated that the party was in compliance with its commitments for that year contained in decision XXVI/13.

B. Ukraine (decision XXIV/18 and recommendation 54/3)

34. The representative of the Secretariat recalled that Ukraine, in accordance with its plan of action set out in decision XXIV/18, had committed itself to reducing its HCFC consumption to 51.30 ODP-tonnes by 2014, to implementing a quota system and to introducing a gradual ban on imports of equipment containing or relying on ozone-depleting substances, together with new legislation to control the substances more closely.

35. Ukraine had recently reported data showing consumption of 49.06 ODP-tonnes of HCFCs in 2014. It had also submitted information on the mechanisms developed by the Government for licensing the import and export of ozone-depleting substances, draft legislation on the withdrawal of ozone-depleting substances from circulation and a gradual ban on the import of equipment containing or dependent on ozone-depleting substances, and mechanisms for the distribution of import quotas.

36. The Committee therefore agreed:

1. To note that Ukraine had submitted its data for 2014 in accordance with its obligations under Article 7 of the Montreal Protocol and that the data indicated that it was in compliance with its commitments for that year contained in decision XXIV/18;

2. To take note, with appreciation, of the information provided by Ukraine with regard to its implementation of the provisions of paragraphs 2 (b), (c) and (d) of decision XXIV/18.

Recommendation 55/1

VI. Possible non-compliance with control measures under the Protocol

A. Libya: hydrochlorofluorocarbon phase-out (recommendation 54/5)

37. Introducing agenda item 6 (a), the representative of the Secretariat recalled that Libya had reported excess consumption of HCFCs in 2013 and 2014. In response to Secretariat requests, prior to the fifty-fourth meeting of the Committee Libya had provided an explanation for its excess HCFC consumption in the two years, a plan of action with time-specific benchmarks for returning to compliance and a copy of its licensing system regulations. A representative of Libya had also discussed the matter with the Secretariat in the margins of the thirty-sixth meeting of the Open-ended Working Group, just prior to the current meeting, and had provided further clarification, including with regard to the revision of the time-specific benchmarks in its plan of action.

38. Libya had attributed its excess consumption in 2013 and 2014 to a lack of approved licensing and quota systems and the difficult political situation in the country, which had prevented the

implementation of any phase-out activity. The party, however, expected the necessary policy and legislative procedures to be finalized in the fourth quarter of 2015 and licensing and quota systems to be in place by 2017.

39. During its discussion of the situation at its fifty-fourth meeting, the Committee had recognized the severe political and security challenges faced by the party but had concluded that the submitted plan of action was not fully acceptable. The Committee had accordingly adopted recommendation 54/5, requesting Libya to submit a revised plan of action and inviting the party to send a representative to the current meeting to discuss the matter further. As noted earlier, although Libya had intended to send a representative to the meeting travel problems had in the end prevented his attendance.

40. In correspondence dated 9 September 2015, Libya had submitted an updated plan of action (see UNEP/OzL.Pro/ImpCom/55/INF/R.2). The key elements of the plan included the submission of stage I of its HCFC phase-out management plan for consideration by the Executive Committee of the Multilateral Fund at its seventy-fifth meeting; the finalization and implementation of policy and legislative procedures for HCFC management in the fourth quarter of 2015; the establishment and implementation of the HCFC licensing and quota system for future years in the first quarter of 2017; and the implementation of three projects in the rigid polyurethane foam sector in the fourth quarter of 2017. The plan of action contemplated that Libya would return to compliance with the Montreal Protocol in 2018.

41. Libya had also provided further details on the policies and procedures it intended to finalize by the end of 2015, including the definitions of licenses and quotas and the procedures and conditions for license application and approval. The party intended to grant some licenses before the end of 2015 to facilitate smooth operations from 1 January 2016, and it indicated that there might be a need to adjust the licensing and quota system in the future depending on the country's political stability and progress in the implementation of its investment projects. The party had also noted its intention to ban the procurement of air-conditioners containing HCFCs in the near future, to consider an eventual import ban on the equipment and to submit a request to the Multilateral Fund for funding for preparation and implementation of stage II of its HCFC phase-out management plan in 2018.

42. The representative of the Secretariat noted that the submission of stage I of Libya's HCFC phase-out management plan had been included in the 2016 business plan of the Multilateral Fund and that at its seventy-fourth meeting the Executive Committee had requested UNIDO to continue to assist the Government in putting its licensing system into operation. The Executive Committee had also approved the renewal of Libya's institutional strengthening project for one year and had encouraged its Government to work with UNIDO in order to return to compliance and to submit its request for the second year of funding in 2016.

43. In the ensuing discussion, Committee members observed that the revised plan of action was not significantly different from the original plan. The representative of the Secretariat said that she had requested clarification from Libya as to why the plan of action envisaged the establishment and implementation of the HCFC licensing and quota system in the first quarter of 2017 when it appeared to have been operating one from the end of 2015. Libya's response, which was confirmed by the representative of UNIDO, was that while the licensing system had been in operation since June 2015 the Government did not believe that it could realistically enforce a quota system at the current time but expected to do so in conjunction with the investment projects to be implemented under stage I of its HCFC phase-out management plan. The representative of the Secretariat noted that the Montreal Protocol required the implementation of a licensing system for imports and exports, but not a quota system, although he noted that a quota system was a valuable tool in implementing the licensing of exports and imports and that almost every country had adopted one.

44. The Committee therefore agreed:

Noting with concern that Libya had reported consumption of the Annex C, group I, controlled substances (hydrochlorofluorocarbons) of 144.0 ODP-tonnes in 2013 and 122.4 ODP-tonnes in 2014, both of which were inconsistent with the Protocol's requirement to limit annual consumption of those substances to no greater than 118.38 ODP-tonnes in those years,

Noting with appreciation, however, the submission by Libya of an explanation for its excess consumption of hydrochlorofluorocarbons in 2013 and 2014,

Noting also with appreciation the party's submission of a plan of action for returning to compliance with the Protocol's control measures for hydrochlorofluorocarbons in 2018,

1. To urge the party to establish and implement a national import quota system for hydrochlorofluorocarbons as soon as possible;

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

Recommendation 55/2

B. South Africa: methyl chloroform phase-out (recommendation 54/6)

45. Introducing agenda item 6 (b), the representative of the Secretariat recalled that South Africa had reported excess consumption of methyl chloroform in 2011 and 2012. At the fifty-fourth meeting of the Committee, the representative of the Secretariat had reported that the Secretariat had discussed the issue with the representative of South Africa during the thirty-sixth meeting of the Open-Ended Working Group, and the problem had appeared to arise from possible errors in the use of customs codes during the recording of imports; the Government had committed to investigating the issue further and providing a definitive response. The Committee had accordingly adopted recommendation 54/6, requesting South Africa to submit an explanation for its excess consumption and, if appropriate, a plan of action with time-specific benchmarks for ensuring the party's prompt return to compliance.

46. The representative of the Secretariat reported that South Africa had subsequently confirmed that the apparent excess consumption was indeed due to transcription errors in respect of customs codes when recording imports and that the correct figure for 2011 and 2012 should have been zero in each year. The Government was continuing to investigate the issue in order to determine how the error had occurred and to ensure that similar errors did not take place in the future.

47. The Committee therefore agreed to note the explanation by the Government of South Africa of its situation in relation to methyl chloroform consumption in 2011 and 2012 and its confirmation that there was zero consumption of that substance in the country in those years, which indicated that the party was in compliance with its methyl chloroform consumption obligations under the Protocol.

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

A. Data reporting for 2014 under Article 7 of the Protocol

48. The representative of the Secretariat, recalling his presentation under item 3 of the agenda, noted that seven parties had as yet failed to report their consumption and production data for 2014, in breach of their obligation, under Article 7 of the Montreal Protocol, to report annual data by no later than 30 September of the following year.

49. The Committee therefore agreed to forward for consideration by the Twenty-Seventh Meeting of the Parties the draft decision contained in section B of annex I to the present report, which would, among other things, record and note with appreciation the number of parties that had reported ozone-depleting-substance data for the year 2014 and list the parties that were in non-compliance with their data-reporting obligations under the Montreal Protocol.

Recommendation 55/3

B. Reporting on process agent uses

50. The representative of the Secretariat further recalled that under decision XXI/3, the Secretariat was requested to bring cases of non-reporting of process-agent uses to the attention of the Implementation Committee. As reported earlier, Israel had not yet reported its data on process-agent use for 2014.

51. The Committee therefore agreed:

Recalling paragraph 4 (a) of decision X/14, by which the Meeting of the Parties had decided that all parties should report by 30 September of each year on their use of controlled substances as process agents, the levels of emissions from those uses and the containment technologies used by them to minimize emissions of controlled substances,

Recalling also paragraph 4 of decision XXI/3, by which the Meeting of the Parties had requested the Ozone Secretariat to bring cases of non-reporting of process agent uses to the attention of the Implementation Committee,

Recalling further that Israel was permitted to use controlled substances as process agents in accordance with decision XXIII/7,

1. To note with concern that Israel had not by the time of the current meeting reported on its use of controlled substances as process agents in 2014 as required by paragraph 4 (a) of decision X/14;
2. To request the party to submit the outstanding information to the Secretariat as a matter of urgency, preferably by 31 March 2016;
3. To review the situation of Israel at its fifty-sixth meeting.

Recommendation 55/4

VIII. Status of establishment of a licensing system under Article 4B of the Montreal Protocol by South Sudan (decision XXV/15 and recommendation 54/8)

52. Introducing item 8, the representative of the Secretariat reported that South Sudan had not yet established its licensing system as called for in decision XXV/15 and recommendation 54/8. The necessary legislation to establish the licensing system was, however, expected to be approved and implemented in the near future. The decision and the recommendation had proved of value in encouraging the party to comply with the Protocol, but the party had only recently come into existence and still lacked many fully functioning governmental institutions; it was also facing political and security challenges.

53. Members of the Committee suggested that the draft recommendation should be amended to encourage the party to continue to work with relevant implementing agencies of the Multilateral Fund in introducing its licensing system. The representative of UNEP welcomed the proposal, saying that while it had proved difficult to provide full assistance to South Sudan and that the country had not participated in a recent Africa regional network meeting, UNEP would continue to strive to provide assistance.

54. The Committee therefore agreed:

Noting with concern that South Sudan had not yet established the system for licensing the import and export of ozone-depleting substances called for in Article 4B of the Montreal Protocol, decision XXV/15 and recommendation 54/8,

1. To urge South Sudan again to establish a licensing system for controlling the import and export of ozone-depleting substances as a matter of urgency and to submit to the Secretariat, no later than 31 March 2016, information on the status of that system for consideration by the Implementation Committee at its fifty-sixth meeting and by the Twenty-Eighth Meeting of the Parties;

2. To request South Sudan to work with the relevant implementing agencies in establishing and implementing its licensing system.

Recommendation 55/5

IX. Consideration of additional information on compliance-related submissions by parties participating in the meeting at the invitation of the Implementation Committee.

55. As previously noted, the representative of Libya had been invited to attend but had been unable to do so. There was therefore no discussion under the item.

X. Other matters

56. The Committee took up no other matters.

XI. Adoption of the recommendations and report of the meeting

57. The Committee approved the recommendations set out in the present report and agreed to entrust the approval of the report to the President and the Vice-President, who also served as Rapporteur for the meeting, working in consultation with the Secretariat.

XII. Closure of the meeting

58. Following the customary exchange of courtesies, the President declared the meeting closed at 3.15 p.m. on Wednesday, 28 October 2015.

Annex I

Draft decisions approved by the Implementation Committee at its fifty-fifth meeting for consideration by the Meeting of the Parties

The Twenty-Seventh Meeting of the Parties decides:

A. Draft decision XXVII/-: Non-compliance with the Montreal Protocol by Libya

Noting that Libya ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 11 July 1990, the London Amendment on 12 July 2001, the Copenhagen Amendment on 24 September 2004 and the Montreal Amendment and Beijing Amendment on 15 April 2014, and is classified as a party operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Executive Committee has approved \$6,502,199 from the Multilateral Fund for the Implementation of the Montreal Protocol in accordance with Article 10 of the Protocol to enable Libya to achieve compliance with the Protocol,

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;

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

Noting with appreciation that [191] parties of the 197 that should have reported data for 2014 have done so and that 84 of those parties reported their data by 30 June 2015 in accordance with decision XV/15,

Noting that 140 of those parties reported their data by 30 September 2015 as required under paragraph 3 of Article 7 of the Montreal Protocol,

Noting with concern, however, that the following parties have not reported 2014 data: [Democratic Republic of Congo, Dominica, Kuwait, Qatar, Somalia and Yemen],

Noting that their failure to report their 2014 data in accordance with Article 7 places those parties in non-compliance with their data-reporting obligations under the Montreal Protocol until such time as the Secretariat receives their outstanding data,

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

Noting further that reporting by 30 June each year greatly facilitates the work of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol in assisting parties operating under paragraph 1 of Article 5 of the Protocol to comply with the Protocol's control measures,

1. To urge [Democratic Republic of Congo, Dominica, Kuwait, Qatar, 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.

Annex II

List of participants

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