

**United Nations  
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**Implementation Committee under the  
Non-Compliance Procedure for the  
Montreal Protocol  
Fifty-seventh meeting  
Kigali, Rwanda, 9 October 2016**

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

1. The fifty-seventh meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol was held at the Radisson Blu Hotel & Convention Centre, Kigali, on 9 October 2016.
2. The President of the Committee, Mr. Iftikhar Ul-Hassan Shah (Pakistan), opened the meeting at 10 a.m.
3. Ms. Tina Birmpili, Executive Secretary, Ozone Secretariat, welcomed the members of the Committee and representatives of the Multilateral Fund Secretariat and its implementing agencies. She observed that the agenda for the meeting encompassed relatively few matters, which was a sign of the good progress that Parties were making in adhering to their commitments and obligations under the Montreal Protocol. The Committee at the current meeting would deal with a number of issues that it had considered at its fifty-sixth meeting but could not conclude then due to a lack of relevant information. It would also have the chance to clarify any issues related to Fiji's request for a change in its baseline data with a representative of Fiji, who would be available at the invitation of the Committee. She thanked the President of the Committee, whose term would end in 2016, for his work in chairing the Committee, and she welcomed Ms. Katherine Theotocatos, who would shortly take up the post of Compliance and Monitoring Officer with the Secretariat. She concluded by drawing attention to the documents for the meeting, which had been prepared by the Secretariat, and in some cases with the input of the secretariat of the Multilateral Fund and the implementing agencies.

**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, Haiti, Kenya, Mali, Pakistan and the United Kingdom of Great Britain and Northern Ireland. The representatives of Bangladesh and Romania were unable to attend.
5. The meeting was also attended by representatives 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. The meeting was also attended by the vice-chair of the Executive Committee of the Multilateral Fund.

6. A list of participants is set out in annex II to the present report.

## **B. Adoption of the agenda**

7. The Committee adopted the following agenda on the basis of the provisional agenda (UNEP/OzL.Pro/ImpCom/57/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:
  - (a) Yemen: Data reporting obligations (decision XXVII/9 and recommendation 56/1);
  - (b) Existing plans of action to return to compliance:
    - (i) Kazakhstan (decision XXVI/13 and recommendation 56/2);
    - (ii) Libya (decision XXVII/11 and recommendation 56/3);
    - (iii) Ukraine (decision XXIV/18 and recommendation 56/4);
  - (c) Israel: Non-reporting of process agent uses for 2014 (recommendation 56/5) and excess production of bromochloromethane (recommendation 56/7).
6. Consideration of other possible non-compliance issues arising out of the data report.
7. Consideration of additional information on compliance-related submissions by parties participating in the meeting at the invitation of the Implementation Committee.
8. Other matters.
9. Adoption of the recommendations and report of the meeting.
10. 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/57/2), explaining that he would not repeat information presented to the Committee at its fifty-sixth meeting but would provide only updates and new information.

10. On reporting pursuant to Article 9, one new submission had been received since the last meeting of the Committee, from Lithuania covering the period 2014–2015. All submissions under Article 9 were available on the Secretariat website.

11. On reporting of data under Article 7 for 2015, 189 out of 197 parties – 145 parties operating under paragraph 1 of (Article 5 parties) and 44 non-Article 5 parties – had reported by 9 October 2016. The eight outstanding parties were Central African Republic, Hungary, Iceland, Israel, Latvia, Romania, Uzbekistan and Yemen. A total of 169 Parties had reported by 30 September, as required under Article 7.

12. For earlier years, every party had reported all required data for all years up to and including 2014. Yemen, which had been listed in decision XXVII/9 and noted at the last meeting of the Committee as still having to report 2014 data, had since then done so.

13. On possible cases of non-compliance with the production and consumption control measures by parties for 2015, three parties (two Article 5 parties and one non-Article 5 party) had yet to clarify their compliance status. The non-compliance procedure provided for a minimum period of three months for the Secretariat to seek further information from a party in possible non-compliance before bringing their case to the Committee. The Secretariat was in communication with the parties in question and would bring to the attention of the Committee any cases that could not be resolved.

14. Under decision XXI/3, the Secretariat had been requested to bring cases of non-reporting of process-agent uses to the attention of the 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 and 2015; the remaining party, Israel, had not yet reported for either year.

15. Under decision XXIV/14, parties had been requested affirmatively to specify zero quantities with zeros – instead of leaving blank cells – in their Article 7 data reporting forms. In response to a request from the Secretariat, all parties that had submitted 2014 reporting forms with blank cells had subsequently clarified whether those cells indicated zero amounts, and just eight Parties still had to provide similar clarification with regard to their 2015 data reports.

16. One party, Fiji, had requested a change in its baseline data for HCFCs, reducing its current baseline from 8.4 ODP-tonnes to 5.73 ODP tonnes. Since the information in support of the request had not reached the Secretariat in time to allow inclusion of the matter on the meeting agenda, the issue would be considered under item 8, “Other matters”.

17. 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**

18. The representative of the secretariat of the Multilateral Fund reported on relevant decisions of the Executive Committee of the Multilateral Fund and on activities carried out by the Fund bilateral and implementing agencies, summarizing information provided in the annex to the note by the Executive Committee secretariat on country programme data and prospects for compliance (UNEP/OzL.Pro/ImpCom/56/INF/R.3). He noted that the document was the one presented to the Implementation Committee at its fifty-sixth meeting, as the Executive Committee had not met since then. He would therefore focus in his presentation on new and updated information.

19. He noted that country programme data was the only source of sectoral data for substances controlled by the Montreal Protocol and was therefore essential for analysing funding requests and performing full analyses of consumption. By 5 October 2016, 124 out of 144 countries had reported their country programme data for 2015; the remaining 20, however, included a few of the largest consuming countries.

20. On countries at risk of non-compliance, he reported that Yemen had not submitted country programme data since 2014. In Mauritania, a survey of hydrochlorofluorocarbon (HCFC) use was under way as part of the preparation of the country’s HCFC phase-out management plan, and UNEP had indicated that the country was planning to amend its licensing system to include the accelerated control measures for HCFCs before submitting its plan. All Article 5 parties apart from Burundi had HCFC quota systems in place; Burundi had been unable to finalize its formal quota system due to a change in its Government and ongoing security issues, but an informal system was operational.

21. The Executive Committee had noted Fiji's request to the Parties to the Montreal Protocol to revise its HCFC consumption baseline from 8.4 ODP-tonnes to 5.77 ODP-tonnes<sup>1</sup> after excluding HCFCs used for servicing foreign-flagged ships. Fiji's country programme data for 2015 indicated that consumption of HCFCs had been 3.87 ODP-tonnes, below the maximum allowable consumption of 5.19 ODP-tonnes (a 10 per cent reduction from baseline) included in its revised agreement with the Executive Committee.

22. Turning to financial support for the phase-out of ozone-depleting substances, he reported that all Article 5 parties had received support for the phase-out of all ozone-depleting substances other than HCFCs, and phase-out had been achieved for all CFCs, halons and carbon tetrachloride. The total cumulative amount of HCFCs to be phased out once the HCFC phase-out management plans were completed – 9,513 ODP-tonnes – was equivalent to 29 per cent of the starting point for the phase-out of aggregate HCFC consumption. That included 51 per cent of HCFC-141b, 30 per cent of HCFC-142b and 17 per cent of HCFC-22, the three most commonly used HCFCs.

23. The stage II HCFC phase-out management plans submitted to the Executive Committee at its seventy-seventh meeting, in November 2016, would address an additional 8,904 ODP-tonnes of HCFC consumption. When this quantity was phased out, the cumulative aggregate reduction would increase from 29 per cent of the aggregated starting point for aggregate reduction of HCFC consumption to 56-per cent, including 88 per cent of HCFC-141b, 59 per cent of HCFC-142b and 30 per cent of HCFC-22. All the submissions received for the stage II HCFC management plans had included proposals for conversions to low-GWP alternatives.

24. All but three countries had received funding for stage I of their HCFC phase-out management plans with regard to HCFC consumption. South Sudan had submitted its stage I request for consideration at the seventy-seventh meeting of the Executive Committee; the Syrian Arab Republic had not submitted a proposal but had received funding for HCFC phase-out in the refrigeration and air-conditioning sector; and project preparation for Mauritania's plan was currently under way.

25. Total phase-out of HCFC production in China had been agreed and stage I of the HCFC production phase-out management plan had been fully funded; a proposal for stage II was expected to be submitted in 2017. All other producing countries except the Democratic People's Republic of Korea were scheduled to phase out HCFC production as part of their agreements with the Executive Committee to phase out CFCs. Project preparation for the HCFC production phase-out management plan in the Democratic People's Republic of Korea had been included in the business plan for submission in 2017.

26. 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**

### **A. Yemen: Data reporting obligations (decision XXVII/9 and recommendation 56/1)**

27. The representative of the Secretariat recalled that by the time of the Twenty-Seventh Meeting of the Parties in November 2015 Yemen had not reported its data for the production and consumption of ozone-depleting substances for 2014. In its decision XXVII/9, the Meeting of the Parties had urged Yemen to report the required data as a matter of urgency. The data had still not been reported by the fifty-sixth Meeting of the Implementation Committee in July 2016 so the Committee had adopted recommendation 56/1, again urging Yemen to report its data as soon as possible.

28. Yemen had since then reported its data. The Committee therefore agreed to note that Yemen had submitted its outstanding data for 2014 in accordance with its data reporting obligations under Article 7 of the Protocol, decision XXVII/9 and recommendation 56/1 and that the data confirmed that the party was in compliance with the Protocol's control measures for 2014.

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<sup>1</sup> In its request, Fiji had indicated 5.77 ODP-tonnes as its proposed new baseline, and that amount was recorded in the documents of the Executive Committee. Based on the Party's new reported data, however, the proposed baseline is calculated at 5.73 ODP-tonnes.

## B. Existing plans of action to return to compliance

### 1. Kazakhstan (decision XXVI/13 and recommendation 56/2)

29. 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 reducing its HCFC consumption to 9.9 ODP-tonnes and its methyl bromide consumption to zero ODP-tonnes in 2015. By the time of the fifty-sixth meeting of the Implementation Committee in July 2016 it had not, however, submitted data for 2015. The Committee therefore adopted recommendation 56/2, urging the party to submit its 2015 data no later than 15 September 2016.

30. Since then the party had submitted data showing consumption of 12.78 ODP-tonnes of HCFCs for 2015; an amount that exceeded the party's maximum allowable consumption under the Protocol of no greater than 90 per cent of its consumption baseline for that substance, or 3.95 ODP-tonnes, as well as its commitment in its plan of action to limit consumption to no greater than 9.9 ODP-tonnes. The party had also reported methyl bromide consumption of zero ODP-tonnes for 2015, in line with its commitments and obligations.

31. The Committee therefore agreed:

1. To note that the data reported by Kazakhstan on its consumption of methyl bromide confirmed that the party was in compliance with its commitment in decision XXVI/13 to limit its consumption of that substance to no more than zero ODP-tonnes for 2015;

2. To note with concern that Kazakhstan had reported 2015 consumption of 12.78 ODP-tonnes of HCFCs, an amount inconsistent with both the Protocol's requirement to limit consumption to no greater than 3.95 ODP-tonnes and the requirement in Kazakhstan's plan of action in decision XXVI/13 to limit consumption to no more than 9.9 ODP-tonnes;

3. To request Kazakhstan to submit to the Secretariat as a matter of urgency and no later than 31 March 2017 an explanation for its deviation and, if relevant, a plan of action for ensuring its prompt return to compliance;

4. To invite Kazakhstan, if necessary, to send a representative to the Committee's fifty-eighth meeting.

### Recommendation 57/1

### 2. Libya (decision XXVII/11 and recommendation 56/3)

32. The representative of the Secretariat recalled that Libya, in accordance with its plan of action set out in decision XXVII/11, had committed itself to reducing its HCFC consumption to 122.3 ODP-tonnes in 2015. By the time of the fifty-sixth meeting of the Implementation Committee in July 2016, however, it had not submitted its data for 2015. The Committee accordingly adopted recommendation 56/3, urging the party to submit its 2015 data no later than 15 September 2016.

33. Since then the party had submitted data showing consumption of 119.81 ODP-tonnes of HCFCs, which was in line with its commitments. The Committee therefore agreed to note that Libya had submitted its data for 2015 in accordance with its obligations under Article 7 of the Protocol and that the data confirmed that the party was in compliance with its commitments in decision XXVII/11 to reduce HCFC consumption to no more than 122.3 ODP-tonnes in 2015.

### 3. Ukraine (decision XXIV/18 and recommendation 56/4)

34. The representative of the Secretariat recalled that, in accordance with paragraphs 2 (b), (c) and (d) of decision XXIV/18, Ukraine was required to report information concerning its implementation of its HCFC control measures, including its quota system, its introduction of a gradual ban on imports of equipment containing or relying on ozone-depleting substances and new legislation to control ozone-depleting substances more closely.

35. The party had subsequently submitted the required information but had done so only shortly before the fifty-sixth meeting of the Implementation Committee. The Committee had therefore agreed, in recommendation 56/4, to postpone substantive discussion of Ukraine's situation until Committee members had had a chance to review the information and to return to the issue at the current meeting.

36. The information submitted showed that except for the legislative and regulatory process for controlling imports and exports of ozone-depleting substances, with regard to which a draft law was still being negotiated, the actions set out in decision XXIV/18 had been implemented. One member of the Committee pointed out that the proposed new legislation drew on a regulation of the European

Union that had been repealed in 2009. The representative of the Secretariat agreed to communicate that fact to Ukraine, in case they were unaware of it.

37. The Committee therefore *agreed*:

1. To note with appreciation Ukraine's submission of information:

(a) On its implementation, through a Cabinet decree adopted in 2015, of a licensing system for the import and export of ozone-depleting substances and, through a ministerial order in 2015, a quota system;

(b) On its introduction, through a ministerial order, of a gradual ban on imports of equipment containing or relying on ozone-depleting substances;

(c) On its drafting of new legislation, to enter into force in 2017, for strengthening its control of ozone-depleting substances and for gradually reducing its consumption of HCFCs;

2. To encourage Ukraine to complete the legislative and regulatory process for controlling imports and exports of ozone-depleting substances and to update the Secretariat on its progress by 31 March 2017 so that the Committee might consider the issue at its fifty-eighth meeting.

#### Recommendation 57/2

### C. Israel: Non-reporting of process agent uses for 2014 (recommendation 56/5) and excess production of bromochloromethane (recommendation 56/7)

38. The representative of the Secretariat recalled that in decision XXIII/7 Israel had been permitted the use of ozone-depleting substances for process agent uses and should have reported on those uses in 2014 by 30 September 2015. By the time of the fifty-fifth meeting of the Committee, in October 2015, Israel had not submitted the required report to the Secretariat. The Committee had therefore adopted recommendation 55/4, requesting the party to submit the outstanding information to the Secretariat as a matter of urgency and noting that Israel's failure to report placed it in non-compliance with its reporting obligations under decision XXIII/7.

39. Israel had still not reported on its 2014 process agent uses by the time of the fifty-sixth meeting of the Committee in July 2016; the Committee at that meeting had therefore adopted recommendation 56/5, noting Israel's non-compliance with its reporting obligations, urging it to report as quickly as possible and no later than 15 September 2016 so that the Committee might review its situation at its fifty-seventh meeting, and inviting it to send a representative to the meeting to explain its situation. By the time of the fifty-seventh meeting Israel had still not reported on its 2014 process agent uses and had not responded to the Committee's invitation to send a representative to the meeting to explain its situation. In addition, the party by that time should have reported on its process agent uses for 2015, for which the deadline had been 30 September 2016, but had not yet done so.

40. Israel had also reported 17.3 ODP-tonnes of excess production of bromochloromethane in 2014, which was expected to be exported in future years for feedstock uses as permitted under decisions XVIII/17 and XXII/20. Israel, however, had not included information on the measures it had in place to avoid diversion of the excess production to unauthorized uses. By the time of the fifty-sixth meeting of the Committee Israel had not reported, as required under decision XXII/20, on the measures in place, nor had it confirmed whether the excess production had in fact been exported for feedstock use. In its recommendation 56/7 the Committee had accordingly noted its concern and had called on Israel to submit the outstanding information as soon as possible, and no later than 15 September 2016, for consideration by the Committee at its fifty-seventh meeting. By the time of the fifty-seventh meeting Israel had not provided this information and had also failed to respond to an invitation to send a representative to the meeting.

41. Members of the Committee expressed concern at Israel's failure to engage with the Secretariat in reporting the required information and to respond to the invitations to send a representative to the meetings of the Committee. The representative of the Secretariat confirmed that the Secretariat was aware, through informal channels, that the invitation to attend the fifty-seventh meeting had been received by the appropriate people in the Government.

42. The Committee therefore agreed:

1. To note with concern that Israel had not yet reported on its use of controlled substances as process agents in 2014 and 2015, as required by paragraph 4 (a) of decision X/14;

2. To note also with concern that Israel had not yet provided the information required under paragraph 3 of decision XXII/20 on the measures it had in place to avoid the diversion of any of the 17.3 ODP-tonnes of excess production of bromochloromethane;

3. To express its concern at Israel's repeated failure to respond to the requests for information recorded in recommendations 55/4, 56/5 and 56/7;

4. In the absence of Israel's submission of the required information, to forward for consideration by the Twenty-Eighth Meeting of the Parties the draft decision set out in section A of annex I to the present report, which would, among other things, request the party to submit the outstanding information to the Secretariat as soon as possible, and no later than 31 March 2017, to enable the Committee to review the situation of Israel at its fifty-eighth meeting.

#### **Recommendation 57/3**

## **VI. Consideration of other possible non-compliance issues arising out of the data report**

43. The representative of the Secretariat, recalling his presentation under item 3 of the agenda, recalled that eight parties had as yet failed to report their consumption and production data for 2015, in breach of their obligation, under Article 7 of the Montreal Protocol, to report data for each year by no later than 30 September of the following year.

44. The Committee therefore agreed to forward for consideration by the Twenty-Eighth Meeting of the Parties the draft decision set out 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 2015 and list the parties that were in non-compliance with their data-reporting obligations under the Montreal Protocol.

#### **Recommendation 57/4**

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

45. At the invitation of the Committee, the representative of Fiji attended part of the meeting to present information regarding his Government's request for a change in its HCFC consumption baseline data. His presentation and related discussion by members of the Committee is summarized in section VIII below under other matters.

## **VIII. Other matters**

46. The representative of the Secretariat reported that in August 2016 Fiji had requested the revision of its baseline data for the consumption of HCFCs from 8.4 ODP-tonnes to 5.73 ODP-tonnes.<sup>2</sup> The party had explained that from 1 January 2013 it had adopted a new policy of treating sales of HCFCs to foreign-flagged vessels as exports rather than as domestic consumption. Fiji's current baseline figure, which had been calculated on the basis of consumption reported in 2009 and 2010, included such sales to foreign ships as part of its domestic consumption.

47. The Secretariat had notified Fiji that the review of requests for the revision of baseline data was guided by decisions XIII/15 and XV/19. In decision XIII/15, parties that requested changes in reported baseline data were advised to present their requests to the Implementation Committee, which would in turn work with the Secretariat and the Executive Committee to confirm the justification for the changes and present them to the Meeting of the Parties for approval. Decision XV/19 set out the methodology for the submission of such requests, including the information required.

48. The representative of the Secretariat drew attention to supporting documents supplied by Fiji in September 2016, including the party's HCFC phase-out management plan, prepared in July 2011, details of HCFCs supplied to foreign vessels in 2009 and 2010, relevant legislation and regulations and an HCFC phase-out management plan verification report for 2013. The Secretariat had also made available to the Committee an extract regarding Fiji from the report of the seventy-third meeting of the Executive Committee, where the issue had also been discussed.

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<sup>2</sup> *Ibid.*

49. In analysing the information supplied by Fiji, the Secretariat had found that it exhibited a high degree of consistency when cross-checked and demonstrated that Fiji had the policies and regulations in place to allow the collection of the information that had been supplied; furthermore, the statistical data contained in the documents, e.g., the relative amounts consumed in the various sectors, was consistent with the proposed change in baseline data. Since the supporting documents had been prepared at different times between 1998 and 2013 and for different purposes, it was unlikely that they had been doctored to exhibit the observed consistency to support the request. He drew attention to a summary by the Secretariat of the key information and statistics provided by Fiji set out in document UNEP/OzL.Pro/ImpCom/57/R.3/Add.1.

50. The representative of the secretariat of the Multilateral Fund reported that the Executive Committee, after discussing the issue at its seventy-third meeting, had agreed to Fiji's request to change the HCFC consumption level against which its consumption reductions would be measured.

51. Members of the Committee said that since the substantial volume of information provided by Fiji had been made available only a few days before the current meeting it had been impossible to review it in detail. Particularly since the Executive Committee had already taken action, there seemed to be no reason why the Committee should not defer consideration of the matter to its next meeting. It was important, Committee members said, to avoid setting a precedent whereby decisions were taken without a proper opportunity for the members to review all necessary information.

52. Responding to questions from members of the Committee about setting a deadline in advance of each meeting after which information would not be considered by the Committee, the representative of the Secretariat explained that under the rules of the Montreal Protocol information was to be circulated at least two months in advance of the meeting at which it would be considered. Since the annual deadline for data reporting was 30 September, however, strictly following that rule would mean that the Committee could not consider data submitted close to that deadline until December. Since the meetings of the parties took place earlier than December in each year, that in turn would prevent the Committee from proposing any draft decisions to the meeting of the parties until the following year. In practice, the Committee had always been flexible in respect of information submitted shortly before its meetings, considering it when it was practical to do so.

53. Members of the Committee expressed appreciation both for the efforts of Fiji to provide comprehensive information to support its request and for the work of the Secretariat in processing the information for the benefit of the Committee in the short time available before the current meeting.

54. The Committee then heard a presentation by a representative of the Government of Fiji, who attended the meeting at the invitation of the Committee to provide additional information pertaining to his Government's request for the revision of its baseline data. Thanking the Committee for its invitation, he explained that the survey of baseline data conducted in 2009 and 2010 had treated HCFCs supplied to foreign-flagged ships as domestic consumption. Such HCFCs represented a significant volume because, as in many Pacific island States, the fishing industry was an important and growing economic sector for Fiji, and if counted as domestic consumption would pose a challenge to the party's efforts to phase out HCFCs. The Government had therefore decided to treat supplies of HCFCs to foreign-flagged vessels as exports rather than domestic consumption from 1 January 2013 and had subsequently reported data on that basis. At its seventy-third meeting, the Executive Committee had agreed to this adjustment of consumption data for the purposes of the Multilateral Fund, and he hoped that the Implementation Committee would similarly agree to the requested revision of its baseline.

55. Responding to questions from members of the Committee, he clarified that Fiji had both a licensing and a quota system in place for HCFCs and that HCFCs supplied to Fiji-flagged vessels were treated as domestic consumption. He reiterated his party's commitment to adhere to the decision of the Implementation Committee whatever it was.

56. The Committee agreed to note with appreciation Fiji's submission of information in support of its request for a change in its baseline data for HCFCs and to note with appreciation that Fiji's representative had attended the current meeting to provide additional information in relation to its request. The Committee also agreed, in view of the late submission of the information, and also of the volume of information needing to be reviewed, to defer consideration of Fiji's request for the revision of its HCFC consumption baseline to its fifty-eighth meeting.

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**IX. Adoption of the recommendations and report of the meeting**

57. The Committee agreed to approve the recommendations set out in the present report by electronic mail or other remote means after the closure of the meeting. It also agreed to entrust the preparation of the meeting report to the President and the Vice-President, the latter of whom also served as Rapporteur for the meeting, working in consultation with the Secretariat.

**X. Closure of the meeting**

58. Following the customary exchange of courtesies, the President declared the meeting closed at 12.35 p.m. on Sunday, 9 October 2016.

## Annex I

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

*The Twenty-Eighth Meeting of the Parties decides:*

#### **A. Draft decision XXVIII/...: Non-compliance with its data and information reporting obligations by Israel**

*Noting* that Israel ratified the Montreal Protocol on Substances that Deplete the Ozone Layer and the London Amendment on 30 June 1992, the Copenhagen Amendment on 5 April 1995, the Montreal Amendment on 28 May 2003 and the Beijing Amendment on 15 April 2004, and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

1. To note with concern that Israel has not reported on its use of controlled substances as process agents in 2014 and 2015, as required by paragraph 4 (a) of decision X/14, and to note that Israel's failure to report the required information places the party in non-compliance with its reporting obligations under that decision;

2. Also to note with concern that Israel has not yet provided the information required under decision XXII/20 on the measures that it has in place to avoid the diversion to unauthorized uses of the stockpiled excess production of 17.3 ODP-tonnes of bromochloromethane in 2014;

3. To express its concern at Israel's repeated failure to respond to the requests for information recorded in recommendations 55/4, 56/5 and 56/7 of the Implementation Committee;

4. To request Israel to submit to the Secretariat as soon as possible, and no later than 31 March 2017, the outstanding information on:

(a) Its use of controlled substances as process agents in 2014 and 2015, as required by paragraph 4 (a) of decision X/14;

(b) The information required under paragraph 3 of decision XXII/20 on the measures it has put in place to avoid the diversion to unauthorized uses of its stockpiled excess production in 2014 of 17.3 ODP-tonnes of bromochloromethane;

5. To request the Implementation Committee to review the situation of Israel at its fifty-eighth meeting;

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

1. To note that 189 parties of the 197 that should have reported data for 2015 have done so, and that 169 of those parties had 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 had 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 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 [8] parties, namely [Central African Republic, Hungary, Iceland, Israel, Latvia, Romania, Uzbekistan 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 these parties to report the required data to the Secretariat as quickly as possible, and also to urge [Central African Republic and 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 those parties 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;

## Annex II

### List of participants

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