

Conclusions and recommendations adopted by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its sixty-eighth meeting

I. Conclusions to be noted in the meeting report, not in the form of formal recommendations

A. Cuba

The Committee noted with appreciation that Cuba had submitted its outstanding data in accordance with the data reporting obligations under paragraph 3 of Article 7 of the Montreal Protocol and as requested in decision XXXIII/7, and that the data confirmed that the party was in compliance with the control measures for 2020. The Committee also noted with appreciation that Cuba had submitted its hydrofluorocarbon (HFC) baseline data for 2020 in accordance with the data reporting obligations under paragraph 2 of Article 7 of the Montreal Protocol and as urged in decision XXXIII/7.

B. Russian Federation

The Committee noted with appreciation that the Russian Federation had submitted its outstanding HFC baseline data in accordance with the data reporting obligations under paragraph 2 of Article 7 of the Montreal Protocol and as urged in decision XXXIII/7.

II. Formal recommendations and draft decisions forwarded by the Implementation Committee to the Thirty-Fourth Meeting of Parties to the Montreal Protocol

A. Reporting of zero in Article 7 data reporting forms

The Committee therefore agreed:

Noting with concern that some parties, when reporting Article 7 data to the Secretariat, still left incomplete or blank cells in the data reporting forms and did not provide clarification despite requests by the Secretariat to do so,

- To recall decision XXX/14, in which the Meeting of the Parties urges all parties, when reporting data on production, imports, exports or destruction of controlled substances, to enter a number in each cell in their submitted data reporting forms, including zero where appropriate, rather than leaving any cell blank, in accordance with decision XXIV/14, and to provide clarification to the Ozone Secretariat regarding blank cells when requested to do so.

Recommendation 68/1

B. Reporting information on destination countries for exports and source countries for imports of ozone-depleting substances

The Committee therefore agreed:

Recalling decisions XVII/16 and XXIV/12,

Noting with appreciation that a majority of parties exporting controlled substances regularly provided information on the countries of destination of their exports in response to decision XVII/16,

Noting also with appreciation that a number of parties importing controlled substances regularly provided information on the source countries of their imports, in response to decision XXIV/12,

Noting further that such information facilitated the exchange of information on and the identification of differences between data reported on imports and data reported on exports, which might in turn facilitate the identification of possible cases of illegal trade,

Noting, however, that a large number of importing parties and a small number of exporting parties did not provide the information requested,

- To recall decision XXX/12, in which the Meeting of the Parties urges parties exporting controlled substances to report to the Secretariat information on the destinations of their exports, as called for in decision XVII/16, and encourages parties importing controlled substances to report to the Secretariat information on the sources of their imports, as set out in decision XXIV/12.

Recommendation 68/2

C. San Marino

The Committee therefore agreed:

(a) To note with concern that San Marino had not yet submitted its HFC baseline data for the years 2011–2013 in accordance with paragraph 2 of Article 7 of the Montreal Protocol and as urged in decision XXXIII/7;

(b) To urge San Marino to report its outstanding data to the Secretariat as quickly as possible and preferably no later than 15 September 2022, in time for consideration by the Implementation Committee at its sixty-ninth meeting.

Recommendation 68/3

D. Non-adherence to the action plan to return to compliance by the Democratic People's Republic of Korea

The Committee therefore agreed:

(a) To recall decision XXXII/6, in which the Meeting of the Parties, while noting that the Democratic People's Republic of Korea was in non-compliance with the Montreal Protocol control measures for hydrochlorofluorocarbon (HCFC) production and consumption, noted with appreciation the plan of action submitted by the Democratic People's Republic of Korea to ensure its return to compliance with those measures in 2023;

(b) To note with some concern that the Democratic People's Republic of Korea had reported, for 2021, annual production of 24.81 ODP-tonnes of HCFCs and annual consumption of 58.03 ODP-tonnes of HCFCs, which is higher than its commitment, as set out in decision XXXII/6, to reduce its production and consumption of HCFCs to no greater than 24.80 ODP-tonnes and 58.00 ODP-tonnes, respectively, for that year, and thus that the Democratic People's Republic of Korea had not strictly adhered to its commitments for 2021 as set out in its plan of action;

(c) To request the Democratic People's Republic of Korea to provide an explanation for the deviations and, if appropriate, to submit a revised plan of action to ensure its return to compliance with the Protocol's control measures for HCFCs in 2023, for consideration by the Implementation Committee at its sixty-ninth meeting;

(d) To request the Democratic People's Republic of Korea to submit a progress report on the establishment, pursuant to paragraph 5 of decision XXXII/6, of additional national policies facilitating HCFC phase-out that might include, but would not be limited to, bans on imports, on production or on new installations, and certification of refrigeration technicians and companies, for consideration by the Implementation Committee at its sixty-ninth meeting;

(e) To continue to monitor closely the progress made by the Democratic People's Republic of Korea in implementing its plan of action and phasing out HCFCs.

Recommendation 68/4

E. Kazakhstan

The Committee therefore agreed:

- To request Kazakhstan to report to the Secretariat its data for 2021 on the production and consumption of controlled substances, in accordance with paragraph 3 of Article 7 of the Montreal Protocol, preferably no later than 15 September 2022, for consideration by the

Committee, at its sixty-ninth meeting, to assess the status of compliance by Kazakhstan with its commitments as set out in decision XXIX/14.

Recommendation 68/5

F. Libya

The Committee therefore agreed:

(a) To note with appreciation the submission by Libya of its Article 7 data for 2021, which indicated that Libya was in compliance with its commitment for 2021 under its plan of action as recorded in decision XXVII/11;

(b) Also to note with appreciation the submission by Libya of a further update on the progress made towards imposing a ban on the procurement of air-conditioning equipment containing HCFCs and towards considering a ban on the import of such equipment;

(c) To request Libya to submit to the Secretariat, by 15 March 2023, a further update on the progress made towards the implementation of the actions set out in paragraph 2 (b) and (c) of decision XXVII/11, for consideration by the Implementation Committee at its seventieth meeting.

Recommendation 68/6

G. Status of licensing systems for hydrofluorocarbons

The Committee therefore agreed:

(a) To take note with appreciation of the report on the status of the establishment and implementation, pursuant to Article 4B, paragraph 2 bis, of the Montreal Protocol, of licensing systems for the import and export of HFCs;

(b) To note with appreciation that 114 parties to the Kigali Amendment to the Protocol had to date reported the establishment and implementation of such licensing systems, as required under the terms of the Amendment, and that another 9 parties that had not yet ratified the Kigali Amendment had also reported the establishment and implementation of such licensing systems;

(c) To urge the 16 parties listed in the appendix to the present recommendation to provide information to the Secretariat on the establishment of licensing systems and to do so as a matter of urgency and preferably before 15 September 2022;

(d) To continue periodically reviewing, as called for in paragraph 4 of decision XXXIII/8, the status of the establishment and implementation of such licensing systems by all the parties to the Kigali Amendment, as called for in Article 4B, paragraph 2 bis, of the Protocol, and to consider any appropriate recommendations to the parties.

Appendix

Parties that have not yet reported on the establishment of licensing systems according to Article 4B, paragraph 2 bis

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|------------------|----------------|---------------------------|
| 1. Angola | 7. El Salvador | 13. San Marino |
| 2. Botswana | 8. Ethiopia | 14. Sao Tome and Principe |
| 3. Burundi | 9. Lesotho | 15. Somalia |
| 4. Cameroon | 10. Liberia | 16. Zambia |
| 5. Côte d'Ivoire | 11. Mali | |
| 6. Cuba | 12. Mozambique | |

Recommendation 68/7

H. Request by Madagascar for the revision of its hydrochlorofluorocarbon baseline data

The Committee therefore agreed:

Noting with appreciation the information submitted by Madagascar in support of its request to revise its existing consumption data for the baseline year 2009 for Annex C, group I, controlled substances (HCFCs),

Noting also that decision XV/19 sets out the methodology for the submission of requests for revision of baseline data,

Noting further with appreciation the efforts made by Madagascar to fulfil the information requirements of decision XV/19,

- To forward for consideration by the Thirty-Fourth Meeting of the Parties the draft decision set out in the annex to the present report, by which the Meeting of the Parties would approve the request by Madagascar for the revision of its consumption data for HCFCs for the baseline year 2009 to 16.49 ODP-tonnes.

Recommendation 68/8

Annex

Draft decisions forwarded by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its sixty-eighth meeting for consideration by the Thirty-Fourth Meeting of the Parties to the Montreal Protocol

The Thirty-Fourth Meeting of the Parties decides:

Draft decision XXXIV/[--]: Revision of the baseline data for Madagascar

Noting that, in decision XIII/15, the Thirteenth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decided to advise parties that request changes in reported baseline data for base years to present their requests before the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol, which in turn would work with the Secretariat of the Montreal Protocol and the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to confirm the justification for the changes and present them to the Meeting of the Parties for approval,

Noting also that decision XV/19 sets out the methodology for the submission of such requests,

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 for 2009, which is 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 hydrochlorofluorocarbons for the baseline year 2009 as indicated in the following table:

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

^a Hydrochlorofluorocarbon 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.