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**Montreal Protocol  
on Substances that  
Deplete the Ozone Layer**

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**Implementation Committee under the Non-Compliance  
Procedure for the Montreal Protocol**  
**Sixty-ninth meeting**  
Montreal, Canada, 29 October 2022

**Report of the Implementation Committee under the  
Non-Compliance Procedure for the Montreal Protocol on the  
work of its sixty-ninth meeting**

**I. Introduction**

1. The sixty-ninth meeting of the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol on Substances that Deplete the Ozone Layer was held at the headquarters of the International Civil Aviation Organization in Montreal, Canada, on Saturday, 29 October 2022.

**II. Opening of the meeting**

2. As Guo Xiaolin (China), President of the Implementation Committee, was unable to attend in person owing to travel restrictions in place in China in relation to the coronavirus disease (COVID-19) pandemic, the Vice-President of the Committee acted as President in her stead, as called for by the rules of procedure. The acting President of the Committee, Gene Smilansky (United States of America), opened the meeting at 10 a.m. on Saturday, 29 October 2022.

3. Megumi Seki, Executive Secretary, Ozone Secretariat, welcomed the members of the Committee and the representatives of the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol and its implementing agencies. She observed that since no new compliance issues had arisen since the sixty-eighth meeting of the Committee, the current meeting would consider updates on data reporting, licensing systems and information from the Executive Committee of the Multilateral Fund. The Committee would also be able to discuss and approve recommendations and draft decisions to be forwarded to the Thirty-Fourth Meeting of the Parties; the Vice President would report on the work of the Committee under item 13 of the agenda of that meeting. The Secretariat was, as always, available to assist the work of the Committee, with the Multilateral Fund secretariat and implementing agencies providing any additional information required.

**III. Adoption of the agenda and organization of work**

**A. Attendance**

4. Representatives of the following Committee members attended the meeting: Chile, China, Costa Rica, Egypt, European Union, North Macedonia, Poland, Senegal, and the United States of America.

5. The meeting was also attended by representatives of the secretariat of the Multilateral Fund and representatives of the implementing agencies of the Fund: United Nations Environment Programme, United Nations Industrial Development Organization, and the World Bank.

6. The 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/69/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 submitted 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 the implementing agencies to facilitate compliance by parties.
  5. Follow-up on previous decisions of the parties and recommendations of the Implementation Committee on issues related to non-compliance:
    - (a) Data reporting obligations under Article 7 (decision XXXIII/7 and recommendation 68/3): San Marino;
    - (b) Existing plans of action to return to compliance:
      - (i) Democratic People's Republic of Korea (decision XXXII/6 and recommendation 68/4);
      - (ii) Kazakhstan (decision XXIX/14 and recommendation 68/5).
  6. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol (Article 4B of the Protocol and recommendation 68/6).
  7. Other matters.
  8. Adoption of the recommendations and the report of the meeting.
  9. Closure of the meeting.

## **C. Organization of work**

8. The Committee agreed to follow its usual procedures.

## **IV. Presentation by the Secretariat on data and information submitted 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 information provided by parties in accordance with Articles 7 and 9 of the Montreal Protocol (UNEP/OzL.Pro.34/6–UNEP/OzL.Pro/ImpCom/69/2). He explained that he would not repeat the information presented to the Committee at its sixty-eighth meeting and would provide only updates and new information.

10. With regard to reporting of data under Article 7, 193 parties that were required to report data for 2021 had done so, and 175 of those parties had met the deadline of 30 September 2022. A total of 106 parties had used the online reporting system for all or most of their data. Five parties – Afghanistan, the Democratic Republic of the Congo, Israel, the Russian Federation and the Syrian Arab Republic – were in non-compliance with their obligations to report annual data for 2021, though the Democratic Republic of the Congo had sent a communication to the Secretariat explaining the reason for the delay, and Israel had promised to submit its data before the end of the Thirty-Fourth Meeting of the Parties.

11. Regarding reporting of hydrofluorocarbon (HFC) data, one party operating under paragraph 1 of Article 5 of the Protocol (Article 5 party), Somalia, and one party not so doing (non-Article 5 party), San Marino, had not reported all the data they were required to. In the case of San Marino, although the party had reported HFC data for 2021, it had still not reported its baseline data, which meant that it was impossible to assess its compliance status.

12. Regarding cases of non-compliance and possible non-compliance with the control measures for the consumption and production of controlled substances under the Protocol, for 2020, Mauritania had submitted the final revised data which confirmed that the party was in compliance with the control measures for 2020. For 2021, clarifications were pending for three non-Article 5 Parties – France, Germany and the Netherlands – and, as he had noted, San Marino’s status of compliance could not be assessed as its HFC baseline had not yet been reported. Among Article 5 parties, the Democratic People’s Republic of Korea had exceeded the consumption and production benchmarks set out in its plan of action; the Committee would consider that issue under agenda item 5. For a further two parties, clarifications were pending, and a few other parties’ submissions had yet to be recorded. It was clear, however, that a very large majority of parties were in compliance with their obligations under the Protocol.

13. With regard to reporting of excess production and consumption of ozone-depleting substances attributable to stockpiling, pursuant to decisions XVIII/17 and XXII/20, the European Union, France and Germany had reported excess production of carbon tetrachloride in 2021. In the case of the European Union’s production and some of France’s production, the stockpiles comprised unintentionally produced by-products that were intended for destruction. The remainder of the stockpiles in France and all of those in Germany were intended for future export for feedstock uses.

14. With regard to the reporting of process agent uses (decisions X/14 and XXI/3), China, the European Union and the United States had reported information on their process agent uses for 2021, while Israel had failed to do so by 30 September 2022.

15. With regard to the matter of the reporting of zero quantities, pursuant to decisions XXIV/14 and XXIX/18, by which parties had, respectively, been requested and urged to ensure that all cells in their Article 7 data reporting forms were completed with numbers, including zero, where appropriate, rather than being left blank, 13 parties had submitted forms containing blank cells when reporting data for 2020. Twelve of them had provided clarifications in response to the request of the Secretariat, while Botswana had yet to respond.

16. At the sixty-eighth meeting of the Committee, it had been pointed out that some parties had reported imports or exports of HFC-134, which was not, in fact, a commonly consumed substance. The Secretariat had been informed that the data probably related to HFC-134a, and it had contacted the relevant parties with a request to check their data. Most parties had responded accordingly, and, as a consequence, HFC data for the baseline years had been updated for Australia, Cuba, Lesotho, Maldives, Panama, Saint Vincent and the Grenadines, Venezuela and Zambia.

17. The Kigali Amendment to the Montreal Protocol, along with decision XXVIII/2, made available an exemption for parties with high-ambient-temperature conditions for specific subsectors where suitable alternatives did not exist. Parties were required to notify the Secretariat of their intention to use the exemption no later than one year before the date of their obligation to freeze production and consumption. For high-ambient-temperature parties in group 1, the deadline for notification was therefore 1 January 2023. Although the Secretariat had made several efforts to inform parties of the deadline, including through regional network meetings as well as direct communication, so far only two parties out of 26 had notified the Secretariat of their intention to use the exemption.

18. Members of the Committee thanked the representative of the Secretariat for his comprehensive report and presentation. The member from the European Union explained that data reporting on the apparent overproduction of carbon tetrachloride in the member States of the European Union was proving challenging, largely because of trade within the European single market. Various approaches to data reporting had been tried, and the party was still working to put appropriate systems in place, in communication with the Secretariat. All such production was closely monitored, and there was no question of any non-compliance with the obligations of the Montreal Protocol. He hoped to be able to provide a comprehensive overview of the situation at the Committee’s next meeting.

19. Some members of the Committee suggested that the failure of Botswana to clarify whether blank cells in its data report should be filled in with zeros, despite repeated requests, was serious enough to warrant the inclusion of an additional paragraph in the draft decision on data reporting that the Committee would forward to the Meeting of the Parties. Others thought that that was not necessary, and that the Committee could instead adopt a recommendation calling on Botswana to clarify its data report as a matter of urgency. At a later stage of the meeting, however, the representative of the Secretariat reported that Botswana had just responded with the necessary clarification, so that the matter had now been resolved.

20. One member of the Committee raised the matter of the continued reporting by the United States of its data on process agent use in ODP-tonnes, when reporting in metric tonnes had been requested in decision XXXII/5 in 2020 and in recommendation 67/2 in 2021. Observing that, as matters stood, the Secretariat was unable to assess whether the reported uses were actually within the limits established by the Meetings of the Parties, he suggested that the Committee adopt a recommendation on the matter. The Committee member from the United States said that the data had been submitted in ODP-tonnes in accordance with domestic regulations. However, his Government was in the process of proposing changes to those regulations. It was developing a proposed rule on the matter, and the final rule was expected to be published in late 2023, after a period of public consultation. He hoped that it would be in place by the time of the Thirty-Fifth Meeting of the Parties. In the light of the information provided, the Committee agreed that no formal recommendation was necessary and requested the United States to provide an update on the matter to the Committee at its next meeting.

21. The Committee agreed to forward for consideration by the Thirty-Fourth Meeting of the Parties the draft decision on data and information reporting set out in section A of annex I to the present report.

#### **Recommendation 69/1**

22. The Committee also agreed:

(a) To note with concern that by the time of the Committee's sixty-ninth meeting Israel had not reported on its use of controlled substances as process agents in 2021 as called for in paragraph 4 (a) of decision X/14;

(b) To request Israel to submit the outstanding information to the Secretariat as soon as possible, and no later than 15 March 2023, for consideration by the Committee at its seventieth meeting.

#### **Recommendation 69/2**

## **V. 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 the implementing agencies to facilitate compliance by parties**

23. The Chief Officer of the secretariat of the Multilateral Fund reported on relevant decisions of the Executive Committee of the Fund taken at its eighty-ninth and ninetieth meetings and on activities carried out by bilateral and implementing agencies, summarizing the information provided in the annex to the note by the Secretariat on country programme data and prospects for compliance (UNEP/OzL.Pro/ImpCom/69/INF/R.3).

24. Regarding hydrochlorofluorocarbon (HCFC) consumption by Article 5 parties, based on the latest Article 7 data reports submitted to the Secretariat, the level of HCFCs consumed had fallen to 46.8 per cent of the HCFC consumption baseline. By the time of the ninetieth meeting of the Executive Committee, the cumulative amount of HCFCs that would be phased out once approved HCFC phase-out management plans had been completed had been over 23,828 ODP-tonnes, representing 73.1 per cent of the starting point and 71.9 per cent of baseline consumption. While most of the foam manufacturing sector and a large portion of the refrigeration and air-conditioning manufacturing sector were now undergoing conversion, mainly to low-global-warming-potential technologies, the availability and/or penetration of some alternative technologies in local markets continued to pose challenges. All countries were engaged in addressing HCFC phase-out in the refrigeration servicing sector.

25. Regarding HCFC production by Article 5 parties, stage I of China's phase-out plan for production had been completed. Additional funding had been approved at the eighty-first meeting of the Executive Committee and stage II had been approved at the eighty-sixth meeting.

26. At its ninety-first meeting, in December 2022, the Executive Committee was due to consider stage II HCFC phase-out management plans for four countries and stage III plans for two countries; tranches of approved HCFC phase-out management plans for 17 countries and an HCFC production phase-out management plan for one country; preparations for a stage II HCFC phase-out management plan for one country and stage III plans for three countries; stage I of a Kigali HFC implementation plan for one country; HFC investment project preparation for one country; an HFC investment project

for one country; preparations for Kigali HFC implementation plans for 13 countries and one region; and the renewal of institutional strengthening projects in 26 countries. She was particularly pleased to see the submission of the first Kigali HFC implementation plan, by an African country. While funding guidelines for Kigali HFC implementation plans had not yet been agreed on, progress had been made.

27. Data on HFC consumption had been reported for 2021 by 105 countries through their country programmes. In metric tonnes, HFC-134a, R-410A, HFC-32, HFC-227ea and R-404A were the top five HFCs consumed, accounting for 87.1 per cent of total HFC consumption by weight and 82.9 per cent by CO<sub>2</sub> equivalent. Refrigeration, air-conditioning and heat-pump manufacturing, refrigeration, air-conditioning and heat-pump servicing, and fire-fighting applications were the top three uses, accounting for more than 85 per cent of total HFC consumption by weight and 88 per cent by CO<sub>2</sub> equivalent. For the 64 countries that had reported data for the years 2019, 2020 and 2021, total HFC consumption had fallen by 16 per cent from 2019 to 2021, though it had increased slightly between 2020 and 2021, probably as a result of recovery from the COVID-19 pandemic.

28. HFC data reporting posed a number of challenges, including blends being reported under trade names, with information on their composition provided only in a few countries, and sometimes a combination of pure substances and blends being reported; the secretariat of the Multilateral Fund continued to engage in discussions with the Ozone Secretariat about means of addressing this. The Executive Committee had approved a revised format for data reporting to include manufacturing of blends, on the understanding that such reporting would be on a voluntary basis. At its first meeting in 2023, the Executive Committee would review the country programme data reporting format based on the experience gained over the previous three years, and the Secretariat would update the practical manual on country programme data.

29. Issues to be discussed at the ninety-first meeting of the Executive Committee, in December 2022, included, among others, draft criteria for funding of the phase-down of HFCs, including consideration of operationalizing paragraph 24 of decision XXVIII/2 on disposal; an analysis of the level and modalities of funding for HFC phase-down in the refrigeration servicing sector; a review of institutional strengthening projects, including levels of funding; criteria for pilot projects on energy-efficiency-related activities while phasing down HFCs; an operational framework relating to energy efficiency and a report on consultations with the secretariats of the Global Environment Facility and the Green Climate Fund and other funding institutions on that matter; criteria for a funding window for an inventory of banks of used or unwanted controlled substances; and a plan for the collection, transport, and disposal of such substances.

30. Finally, while fewer projects than expected had been submitted for review in 2020 and 2021, probably because of the impact of the COVID-19 pandemic, the situation had improved in 2022, and activities were progressing with additional efforts from the implementing agencies and national ozone units. The secretariat of the Multilateral Fund continued to work with implementing and bilateral agencies to identify processes for expediting the implementation of ongoing projects, to the extent feasible, keeping in view country-specific situations.

31. Responding to a question about the “other” category in the table in the report on HFC use in different sectors, the representative of the secretariat of the Multilateral Fund explained that the category probably related mainly to blends used in refrigeration and in air-conditioning servicing and to substances used in manufacturing blends. He hoped that the revised data reporting format to be introduced in 2023 would capture the data by different uses, more precisely.

32. The Committee took note of the information presented.

## **VI. Follow-up on previous decisions of the parties and recommendations of the Implementation Committee on issues related to non-compliance**

33. The representative of the Secretariat presented information on cases related to compliance with obligations under the Montreal Protocol (UNEP/OzL.Pro/ImpCom/69/R.3), along with the list of compliance issues to be considered by the Implementation Committee at its sixty-ninth meeting (UNEP/OzL.Pro/ImpCom/69/INF/R.1) and the information submitted by parties for consideration by the Committee at its sixty-ninth meeting (UNEP/OzL.Pro/ImpCom/69/INF/R.2).

## **A. Data reporting obligations under Article 7 (decision XXXIII/7 and recommendation 68/3): San Marino**

34. The representative of the Secretariat reminded participants that, as was noted under agenda item 3, at the time of the Thirty-Third Meeting of the Parties, San Marino, a non-Article 5 party, had already been a party to the Kigali Amendment but had not yet submitted its baseline data for HFCs for the years 2011, 2012 and 2013. In decision XXXIII/7, the Meeting of the Parties had noted the non-compliance by San Marino with its data reporting obligations and had requested the Committee to review the party's situation at its sixty-eighth meeting. As San Marino had still not reported its HFC consumption and production data for the baseline years by that meeting, the Committee had adopted recommendation 68/3 urging the party 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. However, San Marino had still not reported its baseline data and thus remained in non-compliance with its data reporting obligations.

35. 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 note that the failure by San Marino to report its HFC baseline data maintained the party in non-compliance with its data reporting obligations under the Montreal Protocol until such time as the Secretariat received the outstanding data;

(c) To urge San Marino to report its outstanding data to the Secretariat as a matter of urgency and no later than 15 March 2023, in time for consideration by the Implementation Committee at its seventieth meeting.

### **Recommendation 69/3**

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

### **1. Democratic People's Republic of Korea (decision XXXII/6 and recommendation 68/4)**

36. The representative of the Secretariat recalled that in decision XXXII/6 the Meeting of the Parties, noting the party's non-compliance with the HCFC control measures for production and consumption, had noted with appreciation the submission of a plan of action to return to compliance in 2023. However, the data reported by the party for 2021 showed that both its production and consumption of HCFCs slightly exceeded the commitment limits set out in the plan of action.

37. The plan of action had also included a commitment to establish additional national policies to facilitate the HCFC phase-out, including but not limited to bans on imports, production and new installations, along with certification of refrigeration technicians and companies. The party had not yet, however, submitted an update regarding progress in implementing those or other measures.

38. The Committee therefore agreed:

(a) To note with concern that the Democratic People's Republic of Korea had not yet provided an explanation, as requested in recommendation 68/4 of the Implementation Committee, for the deviations between its reported Article 7 data for annual production of 24.81 ODP-tonnes of HCFCs and annual consumption of 58.03 ODP-tonnes of HCFCs in 2021 and its commitment, as set out in decision XXXII/6, to reducing its production and consumption of HCFCs to no greater than 24.80 ODP-tonnes and 58.00 ODP-tonnes, respectively, for that year;

(b) To request the party to provide an explanation for the deviations as a matter of urgency and no later than 15 March 2023, and, if appropriate, to submit a revised plan of action to ensure its return to compliance with the control measures of the Montreal Protocol for HCFCs in 2023, for consideration by the Implementation Committee at its seventieth meeting;

(c) To request the party 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, production and new installations, along with certification of refrigeration technicians and companies, no later than 15 March 2023 and in time for consideration by the Implementation Committee at its seventieth meeting;

(d) To continue to monitor closely the progress made by the party in implementing its plan of action and phasing out HCFCs.

#### Recommendation 69/4

#### 2. Kazakhstan (decision XXIX/14 and recommendation 68/5)

39. The representative of the Secretariat recalled that in decision XXIX/14 the Meeting of the Parties had noted that Kazakhstan had reported HCFC consumption data inconsistent with its commitments for 2015 and 2016 under its previously submitted plan of action to return to compliance with the control measures for HCFC consumption by 2016. In the same decision the Meeting of the Parties had adopted the party's revised plan of action to ensure its return to compliance with the Protocol's HCFC control measures up to 2030. The revised plan of action included the party's commitment to 2021 HCFC consumption of no more than 3.95 ODP-tonnes. The data reported by the party for 2021 showed that its HCFC consumption was within that limit.

40. The Committee therefore agreed to note with appreciation the submission by Kazakhstan of its Article 7 data for 2021, which indicated that the party was in compliance with its commitment for 2021 under its plan of action as recorded in decision XXIX/14.

### VII. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol (Article 4B of the Protocol and recommendation 68/7)

41. Introducing the item, the representative of the Secretariat drew attention to the report of the Secretariat (UNEP/OzL.Pro/ImpCom/69/R.4) providing updated information on the status of licensing systems for HFCs pursuant to Article 4B, paragraph 2 bis, of the Protocol, under which each party was required to establish and implement a system for licensing the import and export of HFCs within three months of the entry into force of that provision for it. Paragraph 3 of Article 4B required each party, within three months of the date of introducing its licensing system, to report to the Secretariat on the establishment and operation of the system, while paragraph 4 required the Secretariat to periodically prepare and circulate to all parties a list of the parties that had reported on their licensing systems and to forward that information to the Implementation Committee for consideration and appropriate recommendations to the parties.

42. By 29 October 2022 a total of 139 parties had ratified the Kigali Amendment, and 117 of those parties had confirmed the establishment and implementation of their licensing systems. In addition, eight countries that were not parties to the Kigali Amendment had reported on the establishment of licensing systems for HFCs.

43. Out of those 139 parties, 22 had yet to report on the establishment of licensing systems. For two of them – Brazil and Zimbabwe – the Amendment had not yet entered into force; for three – the Congo, Solomon Islands and Tajikistan – the three-month deadline for establishing licensing systems was yet to expire; and for two – Morocco and the United Republic of Tanzania – the time frame of three additional months within which parties were required to report on the establishment of licensing systems had not yet expired.

44. The remaining 15 parties – Angola, Botswana, Burundi, Côte d'Ivoire, El Salvador, Ethiopia, Lesotho, Liberia, Mali, Mozambique, San Marino, Sao Tome and Principe, Somalia, Türkiye and Zambia – ought to have reported on the establishment of licensing systems but had not yet done so. That number was expected to fall considerably by 2023; parties were finding it quite straightforward to add HFCs to their existing licensing systems.

45. The Committee therefore agreed:

(a) To forward for consideration by the Thirty-Fourth Meeting of the Parties to the Montreal Protocol the draft decision contained in section B of the annex to the present report, which, among other things, records the number of parties to the Kigali Amendment that have reported to the Secretariat on the establishment and operation of systems for licensing the import and export of Annex F controlled substances, in accordance with paragraph 3 of Article 4B of the Montreal Protocol;

(b) To urge the 15 parties listed in the annex to the draft decision set out in the annex to the present report to provide information to the Secretariat, as a matter of urgency and no later than 15 March 2023, on the establishment and operation of such licensing systems, for consideration by the Implementation Committee at its seventieth meeting;

(c) 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 parties to the Kigali Amendment pursuant to Article 4B, paragraph 2 bis, of the Montreal Protocol, and to consider any appropriate recommendations to the parties.

#### **Recommendation 69/5**

### **VIII. Other matters**

46. The Executive Secretary of the Ozone Secretariat informed the Committee that since Gilbert Bankobeza, Senior Legal Officer in the Secretariat, was due to retire in six months, the current meeting of the Committee represented his last one. She recalled that he had joined the Secretariat in 1991, when the non-compliance procedure was being agreed on and the Implementation Committee was being established. Thanking him warmly for his dedicated service over more than 30 years, she added that the Secretariat and the Committee would miss his knowledge and expertise.

47. All members of the Committee and all representatives of the secretariat of the Multilateral Fund and implementing agencies who took the floor expressed their regret at Mr. Bankobeza's departure and their warm appreciation for the help and guidance he had provided over the years, not just to the Committee but to meetings of the parties and to individual parties. They would remember with respect and fondness the critical role he had played in the "ozone family", his professionalism, his knowledge and his sense of humour. They wished him the very best in his retirement and hoped that he would still be able to offer advice if called upon.

48. Thanking the Committee, Mr. Bankobeza said that he would have many fond memories of his work with the Committee, which had included every one of its meetings since its establishment. He would retire feeling proud of the small part he had been able to play not just in the success of the Montreal Protocol but also in ensuring that it served as an inspiration and as a model for many other multilateral environmental agreements, particularly through the success of its non-compliance procedure. While there would always be room for improvement, he felt that he was leaving on a high note, as the Kigali Amendment was playing a crucial role in combating climate change. He looked forward with confidence to the Protocol's ultimate success in restoring the ozone layer to full health and contributing to a significant reduction in global warming.

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

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

### **X. Closure of the meeting**

50. Following the customary exchange of courtesies, the acting President declared the meeting closed at 3 p.m. on Saturday, 29 October 2022.



## Annex I

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

*The Thirty-Fourth Meeting of the Parties decides:*

#### **A. Draft decision XXXIV/[--]: Data and information provided by the parties in accordance with Article 7 of the Montreal Protocol**

1. To note that [193] 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 118 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 [five] parties, namely [Afghanistan, the Democratic Republic of the Congo, Israel, the Russian Federation and the Syrian Arab Republic], 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 non-Article 5 party, namely San Marino, that is a party to the Kigali Amendment and should have submitted baseline data for Annex F substances (hydrofluorocarbons) 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 hydrofluorocarbons;]

5. [To further note with concern that one party operating under paragraph 1 of Article 5 of the Protocol, namely Somalia, that is a party to the Kigali Amendment and should have submitted baseline data for Annex F substances (hydrofluorocarbons) for the year 2021 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 2021 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 paragraph[s] 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 seventieth 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.

#### **B. Draft decision XXXIV/[--]: Status of the establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol**

*Noting* that Article 4B, paragraph 2 bis, of the Montreal Protocol on Substances that Deplete the Ozone Layer requires each party, by 1 January 2019 or within three months of the date of entry into force of that paragraph for the party, whichever is later, to establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances listed in Annex F to the Protocol,

*Noting with appreciation* that 117 of the 139 parties to the Kigali Amendment to the Montreal Protocol have established import and export licensing systems for Annex F controlled substances as required, and that eight parties that have not yet ratified the Kigali Amendment have also reported the establishment and implementation of such licensing systems,

*Noting*, however, that the 15 parties listed in the annex to the present decision have not yet reported to the Secretariat on the establishment and operation of their licensing systems pursuant to Article 4B, paragraph 3,

*Recognizing* that licensing systems provide for data collection and verification, the monitoring of imports and exports of controlled substances, and the prevention of illegal trade,

*Recognizing also* that the successful phase-out of most controlled substances by parties is largely attributable to the establishment and implementation of licensing systems to control the import and export of ozone-depleting substances,

1. To take note with appreciation of the efforts made by the parties in the establishment and implementation of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol for the import and export of new, used, recycled and reclaimed controlled substances listed in Annex F to the Montreal Protocol;

2. To urge the 15 parties listed in the annex to the present decision to provide information to the Secretariat on the establishment and implementation of licensing systems as a matter of urgency, and no later than 15 March 2023, for consideration by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its seventieth meeting;

3. To urge all remaining parties to the Kigali Amendment that have not yet established and implemented the licensing systems referred to in paragraph 1 of the present decision to do so, and to report that information to the Secretariat within three months of doing so;

4. To request the Secretariat to review periodically the status of the establishment and implementation of the licensing systems referred to in paragraph 1 of the present decision by all parties to the Protocol.

#### **Annex to draft decision XXXIV/[--]**

##### **Parties that have not yet reported on the establishment and implementation of licensing systems pursuant to Article 4B, paragraph 2 bis**

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

### C. 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 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 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<sup>a</sup></i>	<i>2009</i>	<i>2010</i>	<i>Baseline<sup>a</sup></i>
Madagascar	33	16.8	<b>24.9</b>	16.49	16.8	<b>16.6</b>

<sup>a</sup> 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.

## Annex II\*

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\* The annex has not been formally edited.

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