

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

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**Implementation Committee under  
the Non-Compliance Procedure  
for the Montreal Protocol  
Seventieth meeting**  
Bangkok, 1 July 2023

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

1. The seventieth 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 United Nations Conference Centre, Bangkok, on 1 July 2023.
2. The President of the Committee, Gene Smilansky (United States of America), opened the meeting at 10 a.m. on Saturday, 1 July 2023.
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, noting that the seventieth meeting was the first since the coronavirus disease (COVID-19) pandemic that all participants were attending in person. She reviewed the various items that the Committee would consider during the meeting, drawing particular attention to the good record of parties reporting data in response to recommendations of the Committee and to the fact that no new cases of potential non-compliance had arisen. She said that the Secretariat was updating the Implementation Committee primer, which was seriously out of date, and that a draft version was expected to be available before the seventy-first meeting of the Committee. She closed her remarks by assuring the members that the Secretariat was, as always, available to assist the Committee in its work, with the Multilateral Fund secretariat and implementing agencies ready to provide any additional information required.

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

4. Representatives of the following Committee members attended the meeting: Chile, China, Egypt, Netherlands (Kingdom of the), Suriname, and the United States of America. The representatives of Lebanon, North Macedonia, Poland and Senegal were unable to be present.
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 the annex 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/70/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 XXXIV/14):
    - (i) Afghanistan;
    - (ii) Democratic Republic of the Congo;
    - (iii) Israel (recommendation 69/2);
    - (iv) Russian Federation;
    - (v) San Marino (recommendation 69/3);
  - (b) Existing plans of action to return to compliance:
    - (i) Democratic People's Republic of Korea (decision XXXII/6 and recommendation 69/4);
    - (ii) Kazakhstan (decision XXIX/14);
    - (iii) Libya (decision XXVII/11 and recommendation 68/6).
6. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol and follow-up on decision XXXIV/15.
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.

## **III. 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/ImpCom/70/R.2).

10. With regard to reporting pursuant to Article 9, under which each party was required to submit a summary of activities relating to research, development and public awareness, the Secretariat had not received any new submissions since the Thirty-Second Meeting of the Parties to the Montreal Protocol. The most recent report was the one received from Lithuania in 2020. Those topics were often covered in the reports of the Technology and Economic Assessment Panel, which perhaps explained parties' tendency not to submit reports.

11. With regard to reporting of data under paragraph 3 of Article 7, a total of 197 parties had so far reported data for all years up to and including 2021. All the parties listed in decision XXXIV/14, which had not reported 2021 data by the Thirty-Fourth Meeting of the Parties, had since reported those

data, with the exception of Afghanistan, and of San Marino with regard to its hydrofluorocarbon (HFC) data for 2021.

12. A total of 109 parties had so far reported data for 2022, and 61 of them had used the online reporting system. The Secretariat was engaged in discussions with the United States of America, which had submitted calculated HFC production and consumption baselines. Bosnia and Herzegovina, the Congo, Nauru and Tajikistan, which had been listed in document UNEP/OzL.Pro/ImpCom/70/R.2 as not having submitted required data on HFCs, had since submitted them.

13. As for cases of non-compliance or possible non-compliance with the control measures for the consumption and production of controlled substances under the Protocol, for 2021, only the Democratic People's Republic of Korea was still under consideration; its case would be discussed under agenda item 5 (b). All other cases of excess production or consumption fell under the permitted exemptions for laboratory uses, critical uses of methyl bromide or stockpiling. The cases presented at the sixty-ninth meeting of the Committee as awaiting clarification had been resolved following the submission of complete data by the parties concerned. For 2022, the Secretariat had not thus far identified any cases of possible non-compliance among those parties that had reported data.

14. Regarding critical-use exemptions for controlled substances for 2022, Canada had submitted its accounting report. Argentina and Australia had not submitted nominations for 2023 and had therefore not submitted an accounting report for 2022.

15. With respect to reporting of exports pursuant to decision XVII/16, the Secretariat routinely sent aggregated information of reported exports to importing countries. For 2021, destinations had been specified for 93 per cent of exports (by weight). Accordingly, in March 2023, the Secretariat had sent letters to 169 importing countries informing them of the amounts reported by exporting countries for 2021 as having been destined for their countries.

16. With regard to the reporting of imports and source countries under decision XXIV/12, the Secretariat provided compiled information on reported imports to those exporting parties that requested it. For 2021, the source country had been specified for 70 per cent of reported imports (by weight). In March 2023, the Secretariat had sent letters to 62 exporting countries inviting them to submit requests for compilations of data for 2021 and had sent the information to the 18 parties that had requested it.

17. Four parties – Belgium, the European Union, France and Israel – had reported excess production and consumption of controlled substances attributable to stockpiling, pursuant to decisions XVIII/17 and XXII/20. The excess resulted mostly from unintentional production, which was destined for destruction, and from amounts intended for feedstock uses in future years. All four parties had confirmed that they had the necessary measures and regulations in place to prevent the stockpiled substances from being diverted to unauthorized uses.

18. With regard to the reporting of process agent uses, only four parties – China, the European Union, Israel and the United States of America – still reported the use of ozone-depleting substances as process agents. Their allowed limits were provided in decision XXXI/6. All four parties had reported their process agent uses for 2021, and the European Union had also reported its uses for 2022.

19. Regarding the production and use of phased-out controlled substances, 663,632 tonnes (metric tons) had been produced in 2021, most of it for feedstock uses. More than half of substances produced for feedstock were hydrochlorofluorocarbons (HCFCs), with the other significant substances being carbon tetrachloride, chlorofluorocarbons (CFCs) and hydrofluorocarbons (HFCs).

20. The consumption of methyl bromide for quarantine and pre-shipment uses had been relatively stable over the past 16 years, varying between 8,000 and 10,000 tonnes per year. The number of parties reporting destruction of controlled substances had steadily risen, while the total volume destroyed had remained more or less stable since 2010.

21. Finally, the number of parties submitting incomplete data reports, containing blank cells where zeroes should have been included, had risen slightly, to 15 in 2021. All had responded to the Secretariat's requests for clarification.

22. In response to a question from a member of the Committee about reporting of emissions of HFC-23, as required under Article 7, paragraph 3 ter of the Montreal Protocol, the representative of the Secretariat confirmed that the Secretariat had been receiving such data from parties that had ratified the Kigali Amendment, but had not included it in the data report for the Committee; the parties had never given any guidance to the Secretariat in that regard. The data had, however, been shared with the assessment panels.

23. Responding to a question about difficulties experienced in the use of the online reporting system, the representative of the Secretariat encouraged Committee members to make use of the guidance sessions that would be made available during the upcoming meeting of the Open-Ended Working Group. Parties would have the opportunity to view their own countries' reporting forms online and be shown how to complete them. A number of parties had reported difficulties in using the reporting system, and he hoped that the guidance sessions would help to resolve such difficulties.
24. Responding to further questions, he confirmed that reporting of exports was necessary even if the amounts were small or if substances had originally been imported from another country, and that reporting of quantities of controlled substances destroyed by technologies approved by the parties was required under Article 7, paragraph 3 of the Protocol.
25. The Committee took note of the report.

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

26. The Chief Officer of the secretariat of the Multilateral Fund reported on relevant decisions of the Executive Committee of the Fund 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/70/INF/R.3).
27. The latest data reported for HCFC consumption by parties operating under paragraph 1 of Article 5 of the Montreal Protocol (Article 5 parties) (mostly for 2021 but including some for 2022) showed that total consumption (16,334.2 ODP tonnes) had fallen to 45.6 per cent of the consumption baseline, indicating solid progress towards the next consumption phase-out target of no more than 32.5 per cent of the baseline by 2025. Most consumption for foam manufacturing and a large portion of consumption for refrigeration and air-conditioning manufacturing were under conversion, mainly to low-global-warming-potential technologies, though the availability and penetration of some alternative technologies in local markets continued to pose challenges. All countries were addressing consumption in the refrigeration servicing sector. Overall, 76.5 per cent of baseline consumption was covered by funding commitments for HCFC phase-out management plans, and by 2028 that proportion was expected to reach 100 per cent.
28. For HCFC production, 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 that body's eighty-sixth meeting.
29. For HFC consumption, the latest data reported through country programmes showed that HFC-134a, R-410A, HFC-32, HFC-227ea and R-404A together accounted for 88.7 per cent of total HFC consumption in tonnes, and for 84.7 per cent in carbon-dioxide-equivalent tonnes. Refrigeration, air-conditioning and heat-pump manufacturing, refrigeration, air-conditioning and heat-pump servicing, and fire-fighting applications were the largest three uses, accounting for more than 86.7 per cent of total consumption in tonnes and for 89 per cent in carbon-dioxide-equivalent tonnes.
30. HFC data were reported both as pure substances and as blends. Some blends were reported under their trade names, with information on their composition provided only in the case of a few countries. That posed challenges for reconciling the data reported in the Article 7 data reports and in country programme reports, as HFCs contained in blends needed to be reported as blends in the latter. The Executive Committee had approved a revised format for Section B of country programme data reports to include the manufacturing of blends, on the understanding that the data would be reported on a voluntary basis (under decision 92/4 (d) of the Executive Committee). An online reporting tool was being developed; she hoped to discuss with the Ozone Secretariat challenges faced by parties in reporting HFC data.
31. A total of 693.47 tonnes of HFC-23 uses had been reported by 17 countries for 2021. Three of the countries had reported the use under the "other" category. Through its decision 92/4 (e), the Executive Committee had requested the Multilateral Fund secretariat to provide additional information, to the extent possible, on those uses of HFC-23 in future documents on country programme data and prospects for compliance.

32. Projects approved at the ninety-first and ninety-second meetings of the Executive Committee included two Kigali implementation plans. The first had been approved in principle and the second, approved at the ninety-second meeting, was the first fully fledged such plan. She congratulated the country concerned – Cameroon – and the United Nations Industrial Development Organization for that achievement.

33. Topics discussed at the ninety-first meeting had also included the provision of HFC consumption data to the Ozone Secretariat for preparing information requested under paragraph 2 of decision XXXIV/13 (decision 91/7); a review of institutional strengthening projects, including funding levels, terminal report and extension request formats, and performance indicators that could be used consistently by all Article 5 parties (decision 91/63); criteria for pilot projects for maintaining and/or enhancing the energy efficiency of replacement technologies and equipment in the context of HFC phase-down (decision 91/65); criteria for a funding window for an inventory of banks of used or unwanted controlled substances and a plan for their collection, transport and disposal (decision 91/66); an analysis of the capacity of the Multilateral Fund institutions to address HFC phase-down (decision 91/67); and opportunities to further highlight how the sustainability of Fund-supported activities would be ensured. Discussion of an overview of current monitoring, reporting, verification, and enforceable licensing and quota systems developed with support from the Fund had been deferred to the ninety-third meeting.

34. At its ninety-second meeting the Executive Committee had discussed an analysis of the level and modalities of funding for HFC phase-down in the refrigeration servicing sector (decision 92/37). The Committee had agreed to pursue, at its ninety-third meeting, consideration of the draft guidelines for funding the phase-down of HFCs, including consideration of implementing paragraph 24 of decision XXVIII/2, and to use, among other information, the working text annexed to the meeting report as a basis for subsequent discussions.

35. Other topics discussed at the ninety-second meeting had included an operational framework to further elaborate on institutional aspects and projects and activities that could be undertaken by the Multilateral Fund for maintaining and/or enhancing the energy efficiency of replacement technologies and equipment in the manufacturing and servicing sectors when phasing down HFCs (decision 92/38); country programme data and prospects for compliance (decision 92/4); an update to the report on end-user incentive schemes funded under approved HCFC phase-out management plans to reassess the effectiveness of demonstration and pilot projects directed to end users (decision 92/36); a report on the local installation and assembly sub-sector, identifying, to the extent possible, the types of equipment and refrigerants that characterized that sub-sector and the challenges in transitioning to low-global-warming-potential alternatives (decision 92/39); the draft template for an agreement for stage I Kigali HFC implementation plans (the working text would be used for further discussions at the ninety-third meeting); an operational policy on gender mainstreaming for Fund-supported projects (decision 92/40); and a results framework and a scorecard appropriate for the operations of the Fund (decision 92/41).

36. Finally, she informed the Committee about the communication tool developed for the Multilateral Fund. It showcased the achievements of the Fund since its inception, and she hoped that it would prove useful.

37. One member of the Committee observed that the decision of the Executive Committee to increase funding for institutional strengthening projects, while welcome, had had the unfortunate consequence, in at least one country, of increasing the funding to be disbursed above the ceiling that could be approved by the local project manager of the implementing agency, which had then caused administrative delays in disbursement. He wondered whether requests for approval of projects could be submitted up to 12 months in advance of the project, rather than the current window of six months. In response, the Chief Officer of the Multilateral Fund said that the six-month deadline had been set by a decision of the Executive Committee, but that she would be happy to discuss the issue further with the member after the meeting.

38. The same member of the Committee asked whether the Executive Committee's decision on gender mainstreaming had any implications for increased funding. The Chief Officer of the secretariat of the Multilateral Fund said that there was no additional funding as part of the decision. However, the increased funding for institutional strengthening was also linked to gender-related indicators.

39. The Committee took note of the report.

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

40. The representative of the Secretariat presented information on cases related to compliance with obligations under the Montreal Protocol (UNEP/OzL.Pro/ImpCom/70/R.3), along with the list of compliance issues to be considered by the Committee (UNEP/OzL.Pro/ImpCom/70/INF/R.1) and the information submitted by parties (UNEP/OzL.Pro/ImpCom/70/INF/R.2).

### A. Data reporting obligations under Article 7 (decision XXXIV/14)

41. In paragraph 3 of decision XXXIV/14, the Thirty-Fourth Meeting of the Parties had noted with concern that Afghanistan, the Democratic Republic of the Congo, Israel and the Russian Federation had not reported their 2021 data as required under paragraph 3 of Article 7 of the Montreal Protocol. In paragraph 4 of that decision, the parties had noted with concern that one party not operating under paragraph 1 of Article 5 of the Protocol, namely San Marino, a party to the Kigali Amendment, had not submitted baseline data for HFCs for the years 2011–2013 as required under paragraph 2 of Article 7 of the Protocol. The Thirty-Fourth Meeting of the Parties had also noted that that situation placed those parties in non-compliance with their data reporting obligations under the Protocol until such time as the Secretariat received the outstanding data.

42. In paragraph 6 of the decision, the parties concerned had been urged to report the required data to the Secretariat as soon as possible, and in paragraph 7, the Implementation Committee had been requested to review the situation of those parties at its seventieth meeting.

#### 1. Afghanistan

43. Afghanistan had still not reported its outstanding data to the Secretariat, despite repeated requests. The Committee therefore agreed:

(a) To note with concern that Afghanistan had not yet submitted its Article 7 data for 2021 to the Secretariat and therefore remained in non-compliance with its data reporting obligations under Article 7, paragraph 3, of the Montreal Protocol;

(b) To urge Afghanistan to report to the Secretariat its data for 2021, in accordance with Article 7, paragraph 3, of the Montreal Protocol as a matter of urgency, and preferably no later than 15 September 2023, to enable the Committee to assess at its seventy-first meeting the status of compliance by the party with its data reporting obligations under the Montreal Protocol.

**Recommendation 70/1**

#### 2. Democratic Republic of the Congo

44. The Democratic Republic of the Congo had submitted its Article 7 data for 2021 and was in compliance with the control measures. The Committee therefore agreed to note with appreciation that the Democratic Republic of the Congo had submitted all outstanding data in accordance with its data reporting obligations under Article 7 of the Montreal Protocol and decision XXXIV/14, and that the data submitted confirmed that the party was in compliance with the Protocol's control measures for 2021.

#### 3. Israel (recommendation 69/2)

45. Israel had submitted its Article 7 data for 2021 and was in compliance with the control measures. In addition, at its sixty-ninth meeting the Committee had noted, in recommendation 69/2, that Israel had not reported its 2021 data on the use of controlled substances as process agents. The party had since reported that data.

46. The Committee therefore agreed to note with appreciation that Israel had submitted all outstanding data in accordance with its data reporting obligations under Article 7 of the Montreal Protocol and decision XXXIV/14 and recommendation 69/2 of the Implementation Committee, and that the data submitted confirmed that the party was in compliance with the Protocol's control measures for 2021.

#### 4. Russian Federation

47. The Russian Federation had submitted its Article 7 data for 2021 and was in compliance with the control measures. The Committee therefore agreed to note with appreciation that the Russian Federation had submitted all outstanding data in accordance with its data reporting obligations under Article 7 of the Montreal Protocol and decision XXXIV/14, and that the data submitted confirmed that the party was in compliance with the Protocol's control measures for 2021.

#### 5. San Marino (recommendation 69/3)

48. San Marino had been listed in decision XXXIV/14. In addition, the Implementation Committee, at its sixty-ninth meeting, had approved recommendation 69/3, in which it had noted with concern that San Marino had still not submitted its baseline data as urged in decision XXXIII/7, and that such failure to report maintained the party in non-compliance with its data reporting obligations under the Montreal Protocol. The Committee had urged 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 Committee at its seventieth meeting. San Marino had since submitted its HFC baseline data and therefore fulfilled its data reporting obligations under Article 7, paragraph 2.

49. The Committee therefore agreed to note with appreciation that San Marino had submitted its outstanding data in accordance with the data reporting obligations under Article 7, paragraph 2, of the Montreal Protocol, as urged in decision XXXIV/14 and recommendation 69/3.

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

#### 1. Democratic People's Republic of Korea (decision XXXII/6 and recommendation 69/4)

50. The representative of the Secretariat recalled that in decision XXXII/6 the Thirty-Second Meeting of the Parties had noted the non-compliance by the Democratic People's Republic of Korea with the HCFC control measures for production and consumption, but had also 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 had showed that the party's production and consumption of HCFCs slightly exceeded the commitment limits set out in the plan of action.

51. She reminded participants about the status of the parties' discussions regarding very small (de minimis) quantities of ozone-depleting substances relative to compliance with the Montreal Protocol and regarding the number of decimal places to which baseline and annual data should be rounded to assess compliance. In decision XXIII/30, the Meeting of the Parties had requested the Secretariat to report Article 7 data to two decimal places. However, there had been no guidance on setting a de minimis level. Therefore, the Implementation Committee had, at its sixty-eighth meeting, adopted a recommendation noting non-adherence by the Democratic People's Republic of Korea to the commitments set out in the plan of action, and had reiterated the point in recommendation 69/4.

52. The plan of action of the Democratic People's Republic of Korea 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.

53. The Committee therefore agreed:

(a) To note with concern that, notwithstanding recommendations 68/4 and 69/4 and repeated reminders, the Democratic People's Republic of Korea had not yet provided an explanation 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 for 2021 and its commitment, as set out in decision XXXII/6, to reduce its production and consumption of HCFCs to no more than 24.80 ODP tonnes and 58.00 ODP tonnes, respectively, for that year;

(b) To request the Democratic People's Republic of Korea, as a matter of urgency, to provide an explanation for the deviations, and to do so no later than 15 September 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 seventy-first meeting;

(c) To also request the party to submit its progress report on the invitation of the Thirty-Second Meeting of the Parties set out in decision XXXII/6, paragraph 5, to establish 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 seventy-first meeting;

(d) To further request the party to report to the Secretariat its data for 2022, in accordance with Article 7, paragraph 3, of the Montreal Protocol, preferably no later than 15 September 2023, to enable the Committee to assess the status of compliance by the party with its commitments for 2022 as set out in decision XXXII/6, at its seventy-first 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 70/2**

**2. Kazakhstan (decision XXIX/14)**

54. In decision XXIX/14, the Twenty-Ninth Meeting of the Parties had noted with concern 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 Twenty-Ninth Meeting of the Parties had adopted the party's revised plan of action to ensure its return to compliance with commitments up to 2030 to comply with the Protocol's HCFC control measures. Kazakhstan had not yet, however, submitted its Article 7 data for 2022 demonstrating its adherence to its commitments for that year in decision XXIX/14.

55. The Committee therefore agreed to request Kazakhstan to report to the Secretariat its data for 2022, in accordance with Article 7, paragraph 3, of the Montreal Protocol, preferably no later than 15 September 2023, to enable the Committee to assess at its seventy-first meeting the status of compliance by Kazakhstan with its commitments for 2022 as set out in decision XXIX/14.

**Recommendation 70/3**

**3. Libya (decision XXVII/11 and recommendation 68/6)**

56. In paragraphs 2 (b) and (c) of decision XXVII/11, Libya had committed itself to monitoring the enforcement of its system for licensing the imports and exports of ozone-depleting substances, to imposing a ban on the procurement of air-conditioning equipment containing HCFCs in the near future, and to considering a ban on the import of such equipment.

57. In its recommendation 62/3, the Committee had welcomed the submission by Libya of an update on the progress made towards monitoring the enforcement of its system for licensing imports and exports of ozone-depleting substances. It had also agreed to continue monitoring the progress made regarding the remaining commitments.

58. In March and April 2023 Libya had submitted two progress updates concluding that it would need more time to establish the necessary bans, owing to the insufficient readiness of stakeholders and the domestic market for such measures. The ban on the import of air-conditioning equipment containing HCFCs was expected to start in January 2024, while the ban on the procurement of air-conditioning equipment containing HCFCs was expected to start in January 2024 for new equipment and from 2025–2026 for larger installations. The final timing of the bans, however, would depend on political and security stability and on the political reconciliation and trust process in Libyan society. The details of the communication are provided in document UNEP/OzL.Pro/ImpCom/70/INF/R.2 and its two annexes.

59. The Committee therefore agreed:

(a) To note with appreciation the submission by Libya of a further update on the progress made towards implementing its commitments as set out in decision XXVII/11, including imposing a ban on the procurement of air-conditioning equipment containing HCFCs and considering a ban on the import of such equipment;

(b) To request Libya to submit to the Secretariat, by 15 March 2024, a further update on the progress made towards the implementation of the actions set out in decision XXVII/11, paragraph 2 (c), for consideration by the Implementation Committee at its seventy-second meeting.

**Recommendation 70/4**



## **VI. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol and follow-up on decision XXXIV/15**

60. Introducing the item, the representative of the Secretariat drew attention to the report of the Secretariat (UNEP/OzL.Pro/ImpCom/70/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.

61. The parties, in decision XXXIV/15, had taken note with appreciation of the efforts made by parties in the establishment and implementation of licensing systems and had urged the 15 parties listed in the annex to the 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 Committee at its seventieth meeting.

62. By 27 June 2023 a total of 150 parties had ratified the Kigali Amendment, and 132 of those parties, including 91 Article 5 parties, had confirmed the establishment and implementation of their licensing systems. In addition, five countries that were not parties to the Kigali Amendment had reported on the establishment of licensing systems for HFCs.

63. Four of the 15 parties listed in decision XXXIV/15 – Botswana, Burundi, Côte d'Ivoire and Türkiye – had reported on the establishment of their licensing systems.

64. Eighteen of the 150 parties to the Kigali Amendment had not yet reported on the establishment of licensing systems. In the case of the Bahamas, the Amendment had not yet entered into force; for the Democratic People's Republic of Korea and Eritrea, the three-month deadline for establishing a licensing system had not yet expired; and Indonesia and Venezuela were still within the time frame of three additional months within which they were expected to report on the establishment of licensing systems.

65. The remaining 13 parties had not yet reported on the establishment of licensing systems, although, under Article 4B, paragraph 3, they ought to have done so by now. They included Angola, the Congo, El Salvador, Ethiopia, Lesotho, Liberia, Mali, Mozambique, San Marino, Sao Tome and Principe, Somalia, Tajikistan and Zambia. In a letter dated 6 June 2023, Lesotho had informed the Secretariat of procedural delays, resulting from a change in government, in establishing the relevant regulation.

66. The Committee therefore agreed:

(a) To take note with appreciation of the report on the status of establishment and implementation of import and export licensing systems for Annex F controlled substances under Article 4B, paragraph 2 bis, of the Montreal Protocol;

(b) To note with appreciation that 132 parties to the Kigali Amendment to the Protocol had reported the establishment and implementation of such licensing systems in accordance with Article 4B, paragraph 3, of the Montreal Protocol, and that another five parties that had not yet ratified the Kigali Amendment had also reported the establishment and implementation of such licensing systems;

(c) To urge the 13 parties listed in the appendix to the present recommendation to provide information to the Secretariat on the establishment of their licensing systems and to do so as a matter of urgency, and preferably before 15 September 2023;

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

**Appendix to the recommendation****Parties that have not yet reported on the establishment of licensing systems according to Article 4B, paragraph 3:**

|             |                       |
|-------------|-----------------------|
| Angola      | Mozambique            |
| Congo       | San Marino            |
| El Salvador | Sao Tome and Principe |
| Ethiopia    | Somalia               |
| Lesotho     | Tajikistan            |
| Liberia     | Zambia                |
| Mali        |                       |

**Recommendation 70/5****VII. Other matters**

67. Further to the discussion about HFC-23 emissions under agenda item 3, one member of the Committee asked what guidance the Secretariat required in order to be able to include data reported on HFC-23 emissions in documents for the Committee. The representative of the Secretariat said that no formal procedure was necessary, and that the Secretariat would consult on the best way to include data on HFC-23 emissions in future reports to the Committee. The President agreed that the data could be added to the regular report on Article 7 data presented by the Secretariat at each meeting of the Committee, as that data fell within the scope of parties' Article 7 obligations.

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

68. 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 President and its Vice-President, serving as Rapporteur for the meeting, working in consultation with the Secretariat.

**IX. Closure of the meeting**

69. The representative of the Secretariat reminded the Committee members that the Secretariat intended to produce an updated draft of the primer for members before the Committee's next meeting and hoped to receive their input on the revised draft.

70. Following the customary exchange of courtesies, the President declared the meeting closed at 1.05 p.m. on Saturday, 1 July 2023.

**Annex\*****List of participants****Members of the  
Implementation Committee****China**

Ms. GUO Xiaolin  
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\* The annex has not been formally edited.

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