

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

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**Implementation Committee under
the Non-Compliance Procedure
for the Montreal Protocol
Seventy-second meeting**
Montreal, Canada, 7 July 2024**Report of the Implementation Committee under the
Non-Compliance Procedure for the Montreal Protocol on the
work of its seventy-second meeting****I. Opening of the meeting**

1. The seventy-second 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 7 July 2024.
2. The President of the Committee, Osvaldo Patricio Álvarez-Pérez (Chile), opened the meeting at 10 a.m. on Saturday, 7 July 2024. He welcomed members of the Committee to the meeting, and congratulated new members on their election.
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 briefly reviewed the items that the Committee would consider during the meeting, and informed the Committee of two new items that had arisen. The first was the increasing number of parties submitting provisional data and then amending it at a later date. The second was a request from Sri Lanka for assistance with revising its baseline data for hydrofluorocarbons (HFCs), given that the baseline year had fallen during a period of financial crisis and the economy had subsequently recovered. That was related to the broader issue of whether the Committee could provide assistance to parties self-reporting possible cases of non-compliance or whether it should wait until such non-compliance had actually been reported, as had been the practice in the past.
4. She thanked the members of the Committee for their participation in the online seminar held on the Implementation Committee primer, and invited members to make any further suggestions to improve the document. She also introduced Pablo Moscoso, the new Senior Legal Officer of the Secretariat. In closing, she assured members that 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.

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

5. Representatives of the following Committee members attended the meeting: Chile, Czechia, Kenya, Lebanon, Netherlands (Kingdom of the), Senegal, and United States of America. The representatives of Iran (Islamic Republic of), North Macedonia and Suriname were unable to attend.

6. The meeting was also attended by representatives of the secretariat of the Multilateral Fund and representatives of the implementing agencies of the Fund: the United Nations Environment Programme, the United Nations Industrial Development Organization and the World Bank.
7. The list of participants is set out in annex II to the present report.

B. Adoption of the agenda

8. The Committee adopted the following agenda on the basis of the provisional agenda (UNEP/OzL.Pro/ImpCom/72/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 XXXV/17):
 - (i) Democratic People's Republic of Korea;
 - (ii) Kazakhstan;
 - (iii) San Marino;
 - (iv) Eritrea;
 - (b) Existing plans of action to return to compliance:
 - (i) Democratic People's Republic of Korea (decisions XXXII/6 and XXXV/18);
 - (ii) Kazakhstan (decision XXIX/14 and recommendation 71/3);
 - (iii) Libya (decision XXVII/11 and recommendation 70/4).
 6. Requests for changes in baseline data for hydrofluorocarbons (decisions XIII/15 and XV/19).
 7. Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol and follow-up on decision XXXV/19 and recommendation 71/4.
 8. Other matters.
 9. Adoption of the recommendations and the report of the meeting.
 10. Closure of the meeting.
9. The Committee agreed that the issue of parties' submission of provisional data would be considered under agenda item 3 and the request by Sri Lanka for assistance with revising its baseline data for HFCs would be considered under agenda item 8.

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

10. A representative of the Secretariat gave a presentation summarizing the report of the Secretariat on information provided by parties in accordance with Articles 7 and 9 of the Protocol (UNEP/OzL.Pro/ImpCom/72/R.2).
11. With regard to reporting pursuant to Article 9, under which each party was required to submit every two years a summary of activities on their cooperation in promoting activities on research, development and public awareness, the Secretariat had not received any new submissions since the

Thirty-Fourth Meeting of the Parties to the Montreal Protocol. The most recent report was the one received from Lithuania in 2020.

12. With regard to reporting of data under paragraph 3 of Article 7, all 198 parties had reported data for all the years up to and including 2022. The three parties listed in decision XXXV/17, namely the Democratic People's Republic of Korea, Kazakhstan and San Marino, which had not reported 2022 data by the time of the Thirty-Fifth Meeting of the Parties, had since reported. However, Eritrea had not submitted HFC baseline data for 2020, 2021 or 2022, and San Marino had not submitted annual HFC data for 2021 or 2022. In addition to the data report, Egypt, having ratified the Kigali Amendment to the Montreal Protocol on 22 August 2023, should have submitted its baseline data by 20 February 2024, but had not yet done so. Two further parties that had recently ratified the Kigali Amendment had not yet submitted their HFC baseline data, but were still within their deadlines. The Secretariat was in communication with all of those parties, and expected the relevant data to be available for the Committee to review at its next meeting. A total of 96 parties had so far reported data for 2023, of which 49 had used the online reporting system.

13. As had been noted by the Executive Secretary, 16 parties had submitted data that they categorized as provisional, which was a matter of concern to the Secretariat. Parties that submitted provisional data might be considered to have met their annual data reporting requirements, but since the data was not final, such provisional data had not been used in the past to follow up on situations of possible non-compliance with the control measures for the consumption and production of controlled substances under the Protocol. In one previous case in which a party had reported provisional data that appeared to place it in non-compliance, the Committee had decided not to consider the case because the data was only provisional. As no deadline had been established by which parties were obliged to confirm finalized data, the situation of only provisional data being available could last for several years.

14. In addition, the number of parties submitting provisional data was rising. The Secretariat had written to the parties concerned asking them to finalize their data: five had done so, but three further parties had also submitted provisional data. Accordingly, the Secretariat asked the Committee to provide guidance on the matter. The Committee might like to consider options such as: setting a time limit for which data could remain provisional, which could be longer if the data was submitted earlier in the year; deciding that the Committee should consider possible cases of non-compliance on the basis of provisional data and requiring parties that requested changes to their provisional baseline data to go through the normal procedure rather than merely updating the data; and prohibiting the submission of provisional data at all. He said that the Committee might also be able to devise other options.

15. On the matter of cases of non-compliance or possible non-compliance with the control measures, for 2022, all cases of excess production or consumption had fallen under the permitted uses, such as exemptions for laboratory uses, critical uses or quarantine and pre-shipment uses of methyl bromide or stockpiling of by-production to be destroyed or for feedstock uses. For 2023, the Secretariat had yet to identify any cases of possible non-compliance amongst those parties that had reported data.

16. Regarding accounting for critical-use exemptions for controlled substances for 2023, Canada had submitted its accounting report; Argentina and Australia had not submitted nominations for 2024 and had therefore not submitted accounting reports for 2023; and Israel had used the emergency-use exemption provision for methyl bromide for which there was no requirement for an accounting report.

17. No cases had been detected of trade with non-parties from the reported data for 2022 and 2023. With respect to reporting of exports pursuant to decision XVII/16, the Secretariat had sent letters to 158 importing countries informing them of the amounts reported by exporting countries as having been destined for their countries in 2022. For the reporting of imports and source countries under decision XXIV/12, the Secretariat provided information on reported imports only to those exporting parties that requested it. Out of the 53 countries that had been listed as exporters by importing countries, 27 countries had confirmed their interest in the information, which the Secretariat had provided.

18. Four parties had reported excess production and consumption in 2022 of controlled substances attributable to stockpiling, pursuant to decisions XVIII/17 and XXII/20. The European Union, Spain and the United Kingdom had reported that the cases related to unintentional production which was destined for destruction. Israel had reported that the excess production was intended for export for feedstock or quarantine and pre-shipment 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.

19. With regard to the reporting of process-agent uses, only four parties (China, European Union, Israel and United States of America) still reported the use of ozone-depleting substances as process agents. They had all reported their process-agent uses for 2022, and the European Union had also reported for 2023.
20. On the production of phased-out controlled substances, volumes had grown slightly in recent years. The bulk of the production was for internal feedstock uses, which was allowed under the Protocol. All reported production of phased-out substances was for uses permitted under the Protocol. Production for feedstock uses of all controlled substances, including those yet to be phased out, had also risen in recent years, reaching 2.1 million metric tons in 2022. The bulk of that production, and most of the increase, related to hydrochlorofluorocarbons (HCFCs); however, the production of carbon tetrachloride had also risen, and the production of HFCs for feedstock was emerging.
21. The consumption of methyl bromide for quarantine and pre-shipment uses had been relatively stable, varying between 8,000 and 11,000 metric tons per year since 2008, until 2022, when it had fallen slightly. The number of parties reporting the destruction of controlled substances had steadily risen, while the total volume destroyed had remained roughly stable.
22. The number of parties submitting incomplete data reports containing blank cells in place of zeros had fallen in 2022. All but one of those that had submitted incomplete reports had so far responded to the Secretariat's requests for clarification.
23. Finally, at the Committee's last meeting, the Secretariat had been requested to provide information on emissions of HFC-23 reported by parties in a manner that would allow for more complete accounting of total HFC-23 production. The data presented in document UNEP/OzL.Pro/ImpCom/72/R.2 was incomplete owing to the voluntary nature of the requirement to report some of the information. The data submitted on the production of HFC-23 under data form 3 of the Article 7 data reports was significantly higher than the voluntary data submitted under data form 6 on HFC-23 generation. For that reason, it was the Secretariat's view that that was not a useful exercise and could be discontinued.
24. The Committee took note of the report.
25. Responding to questions on the submission of provisional data, the representatives of the Secretariat confirmed that the issue was not covered in the non-compliance procedure under the Protocol or in any decision taken by a Meeting of the Parties to the Protocol. In the only previous case of a situation of possible non-compliance arising from provisional data and brought before the Committee, the Committee had decided not to consider the case because the data was only provisional. Increasing numbers of parties were submitting to the Secretariat provisional data, and the Secretariat would be grateful to receive guidance from the Committee on the matter.
26. Committee members agreed that there was a need for clear guidance on the matter. Some members of the Committee pointed out that parties could face a number of difficulties in collecting the necessary data on HFCs, particularly on blends, and suggested that the Committee should display flexibility in allowing the submission of provisional data. That was especially true of baseline data, which had to be submitted within six months of ratification of the Kigali Amendment. Parties might fear being penalized if they submitted data that was incorrect, and the process of revising baseline data could be onerous. Some Committee members suggested setting a cut-off point after which provisional data had to be finalized.
27. Other members, however, recalled that, since it was possible to correct data after it had been submitted, as set out in decision VI/5, there was no need for data to be categorized as provisional: parties should submit the data they had and correct it at a later date, if necessary. With several months between the 30 September deadline for the submission of data and the following year's meeting of the Committee, plenty of time was available for data to be corrected. Parties should not fear submitting data that showed them to be in a state of possible non-compliance; the Protocol's non-compliance procedure was facilitative, not punitive. If the data related to baseline years, however, any change should follow the procedure set out in decision XV/19. They did not want to see procedures emerge that had not been set out in the Protocol or approved by the parties.
28. Some members agreed, but said that efforts should be made to remind parties that their data could be corrected after submission. Some members said that they needed more information before they could reach a decision on the matter. Accordingly, the Committee agreed to consider the issue further at its seventy-third meeting. The Committee requested the Secretariat, in advance of that meeting, to circulate a document containing an analysis of trends in the submission of provisional data together with any previous discussions and decisions of the Committee on the matter and any other relevant information.

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

29. 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/72/INF/R.3).

30. The latest data reported for HCFC consumption by Article 5 parties showed that, with 46.8 per cent of the baseline still needing to be phased out, parties were on track to meet the 2025 phase-out target of the Protocol. The work of the Fund and the implementing agencies focused mainly on phasing out HCFC-22 and HCFC-123. Most of the consumption in the foam manufacturing sector and a large proportion of the consumption in refrigeration and air-conditioning manufacturing were currently under conversion to low-global-warming-potential technologies. All countries were addressing the refrigeration servicing sector, but some were experiencing challenges in regard to the availability of some alternative technologies in local markets.

31. The cumulative amount of HCFCs to be phased out once approved HCFC phase-out management plans were completed was 83 per cent of starting point consumption and 82 per cent of baseline consumption; that included total phase-out of the consumption of HCFC-21 and HCFC-141. The remaining quantity, of 5,500 ozone-depleting-potential (ODP) tonnes, would be addressed in the near future, and more work needed to be done with regard to HCFC-22, HCFC-123 and HCFC-142b in the servicing sector. For HCFCs in pre-blended polyols, commitments had already been made to phase out 90.7 per cent of starting point consumption.

32. In terms of HCFC production, stage I of the phase-out plan of China 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 of that body.

33. Regarding HFC consumption, the latest data reported through country programmes showed that HFC-134a, R-410A, HFC-32, HFC-227ea and R-404A were the five substances most consumed, accounting for 85.3 per cent of total consumption in metric tons and 81.9 per cent in carbon-dioxide-equivalent (CO₂-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 86.2 per cent of total consumption in metric tons.

34. HFC data was reported as pure substances and as blends; some blends were reported under trade names, with their composition only provided by a few countries. That data had sometimes caused reporting errors needing correction, and had complicated the process of reconciling country programme data with Article 7 data. The Fund secretariat and the Ozone Secretariat had discussed the issue at length.

35. A total of \$96 million of funding for projects had been approved by the Executive Committee at the ninety-third meeting and \$61.3 million at the ninety-fourth meeting. A total of 23 Kigali implementation plans had been submitted to the Committee at the ninety-third meeting and 15 at the ninety-fourth meeting. The secretariat was encouraging implementing agencies and national ozone units to submit more Kigali implementation plan projects.

36. Approvals also covered new stages of HCFC phase-out management plans in six countries at each meeting; energy efficiency pilot projects, including preparatory funding, for 15 countries at the ninety-third meeting and 8 countries, plus one global project submitted by the United Nations Development Programme, at the ninety-fourth meeting; preparation of national action plans for inventories of banks of controlled substances for 33 countries at the ninety-third meeting, and 25 at the ninety-fourth meeting; and one HFC-23 emissions project at the ninety-fourth meeting.

37. Three low-volume-consuming countries, namely Armenia, El Salvador and Honduras, had requested changes in the baseline HFC consumption data included in their Kigali implementation plans. The Executive Committee had approved the projects based on the original HFC consumption data submitted to the Ozone Secretariat, and would consider the revised baseline data for project funding assessment only after it had been approved by the Meeting of the Parties.

38. At its ninety-third and ninety-fourth meetings, the Executive Committee had also taken a large number of new policy decisions or decisions requesting information and analysis on specific issues. At the ninety-third meeting, decisions had been taken on, among other matters, the mapping of reporting

requirements and streamlining of reporting; approval of revised performance indicators; terms of reference for the desk study for the evaluation of the Compliance Assistance Programme; energy efficiency pilot projects; additional funding approved for implementing agencies to provide additional support to low-volume-consuming countries; the voluntary provision of information on the local installation and assembly subsector; the results framework and a scorecard to measure the performance of the Fund over time; the organization of a dedicated half-day session prior to the ninety-fourth meeting for an informal discussion on strategic approaches to Kigali Amendment implementation; and a report pursuant to decision XXXV/11 on life-cycle refrigerant management for presentation to the Executive Committee at its ninety-seventh meeting.

39. Policy decisions taken at the ninety-fourth meeting had addressed: the operational framework for enhancing energy efficiency while phasing down HFCs, with a funding window of \$100 million (augmentable) for the manufacturing sector, which represented a major breakthrough, with an additional report on certain energy efficiency related activities and revolving fund, for consideration at the ninety-fifth meeting; harmonization of the timing of tranches of Kigali implementation plans and HCFC phase-out management plans, in order to align submissions and reduce the burdens of reporting and work; and the polyurethane foam manufacturing sector, in particular with regard to spray and insulating foam applications, with a focus on small and medium-sized enterprises. The Executive Committee had also considered draft guidelines for funding the phase-down of HFCs in Article 5 parties; to date, guidelines had been agreed only for the servicing sector, but good progress had been made on the manufacturing sector, and she expressed the hope that the Executive Committee would reach a conclusion on the matter at its ninety-fifth meeting.

40. Finally, she provided information on the informal dialogue that had been organized by the Executive Committee in May 2024 on strategic approaches to Kigali Amendment implementation. Among other matters, discussions had addressed potential motivations for Article 5 parties to take early action to phase down HFCs, the mechanisms through which the Multilateral Fund could fund energy efficiency projects; the further development of approaches to leverage impact at the sectoral level, such as support for policy change or strategic demonstration programmes; lessons learned from the work of the Fund; how best practices could be shared; how small and medium-sized enterprises could be supported in the context of the Kigali Amendment; and the need for institutional support and cooperation among different stakeholders at the national level. The Executive Committee had agreed to continue discussions on the matter, beginning with a half-day session immediately following its ninety-fifth meeting, to be held in December 2024.

41. The Committee took note of the information provided.

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

42. A representative of the Secretariat presented information on cases related to compliance with obligations under the Protocol (UNEP/OzL.Pro/ImpCom/72/R.3), along with the list of compliance issues to be considered by the Committee (UNEP/OzL.Pro/ImpCom/72/INF/R.1) and the information submitted by parties (UNEP/OzL.Pro/ImpCom/72/INF/R.2 and its annex).

A. Data reporting obligations under Article 7 (decision XXXV/17)

43. Under paragraph 3 of decision XXXV/17, the Democratic People's Republic of Korea, Kazakhstan and San Marino had been placed in non-compliance with their data reporting obligations under the Protocol for 2022. In addition, Eritrea had ratified the Kigali Amendment in 2023 but had not yet submitted baseline data for HFCs for the years 2020 to 2022, as required under paragraph 2 of Article 7 of the Montreal Protocol, by the time of the Thirty-Fifth Meeting of the Parties. San Marino had ratified the Kigali Amendment in 2020 but had not submitted data on HFCs for 2021, as required under paragraph 3 of Article 7 of the Montreal Protocol, by the time of the Thirty-Fifth Meeting of the Parties. In paragraph 7 of decision XXXV/17, the parties had been urged to report the required data to the Secretariat as soon as possible, and in paragraph 8 of the same decision, the Implementation Committee had been requested to review the situation of those parties at its seventy-second meeting.

1. Democratic People's Republic of Korea

44. The Democratic People's Republic of Korea had submitted its outstanding data for 2022 to the Secretariat, thereby fulfilling its data reporting obligations. The data reported also confirmed the party's adherence to its commitments for production and consumption of HCFCs in 2022, as set out in

the plan of action to return to compliance, contained in decision XXXII/6. However, in view of the party's ongoing non-compliance with the control measures for HCFC production and consumption in 2019 and 2021 and its non-adherence to the commitments for 2021 as set out in the plan of action, the Committee agreed to give further consideration to the country's compliance issues under agenda item 5 (b) (i).

2. **Kazakhstan**

45. Kazakhstan had submitted its outstanding data for 2022, thereby fulfilling its data reporting obligations. The data reported also confirmed the party's compliance with its obligations in relation to the control measures under the Protocol for 2022. However, in view of the party's non-compliance with the control measures for HCFC production and consumption in 2015 and 2016 and the plan of action to return to compliance contained in decision XXIX/14, the Committee agreed to give further consideration to the country's compliance issues under agenda item 5 (b) (ii).

3. **San Marino**

46. San Marino, a party not operating under paragraph 1 of Article 5 of the Protocol (non-Article 5 party), had submitted its Article 7 data for 2022 for all substances except HFCs, as urged in paragraph 7 of decision XXXV/17. The reported data confirmed the party's compliance with its obligations in relation to the control measures under the Protocol for those substances for 2022. However, San Marino had also not yet submitted its outstanding HFC data for 2021. The Committee therefore agreed:

(a) To note with concern that San Marino had not yet submitted required Article 7 data on Annex F substances for 2021 and 2022 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 San Marino to report to the Secretariat its outstanding data for 2021 and 2022 for Annex F substances (hydrofluorocarbons), in accordance with paragraph 3 of Article 7 of the Montreal Protocol, as a matter of urgency, and preferably no later than 15 September 2024, to enable the Committee to assess at its seventy-third meeting the status of compliance by San Marino with its data reporting obligations.

Recommendation 72/1

4. **Eritrea**

47. Eritrea, a party operating under paragraph 1 of Article 5 of the Protocol (Article 5 party), had submitted its Article 7 data for 2022 for all substances except HFCs but had not yet submitted its baseline data for HFCs for the years 2020 to 2022, as required under paragraph 2 of Article 7 of the Protocol and urged in paragraph 7 of decision XXXV/17. The Committee therefore agreed:

(a) To note with concern that Eritrea had not yet submitted required Article 7 data on Annex F substances for baseline years 2020, 2021 and 2022 to the Secretariat and therefore remained in non-compliance with its data reporting obligations under Article 7, paragraph 2, of the Montreal Protocol;

(b) To urge Eritrea to report to the Secretariat its outstanding data on hydrofluorocarbons for baseline years 2020, 2021 and 2022, as a matter of urgency and preferably no later than 15 September 2024, to enable the Committee to assess at its seventy-third meeting the status of compliance by Eritrea with its data reporting obligations under paragraph 2 of Article 7 of the Montreal Protocol.

Recommendation 72/2

B. Existing plans of action to return to compliance

1. Democratic People's Republic of Korea (decisions XXXII/6 and XXXV/18)

48. The representative of the Secretariat recalled that, in decision XXXII/6, the Thirty-Second Meeting of the Parties had taken note of the plan of action for the Democratic People's Republic of Korea to return to compliance with its annual reduction commitments for the consumption and production of HCFCs up to 2023. The party had also committed to establishing additional national policies to facilitate HCFC phase-out, including but not limited to bans on imports, on production or on new installations, and certification of refrigeration technicians and companies. The data it had submitted for HCFCs for 2021 had shown levels of production and consumption slightly above its

commitments for 2021, and the party had not yet submitted any update regarding progress on implementing its plan of action.

49. Accordingly, in decision XXXV/18, the Thirty-Fifth Meeting of the Parties had noted with concern 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 to return to compliance contained in decision XXXII/6, and that the party was in non-compliance with control measures for that substance under the Montreal Protocol for 2021. The parties had also expressed great concern about the lack of communication from the party, despite several requests by the Implementation Committee in its recommendations 68/4, 69/4 and 70/2 and repeated reminders by the Secretariat, and had called on the party to provide an explanation for the deviations as a matter of urgency, together with production and consumption data for 2022, 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 the present meeting; to submit a progress report on its efforts to establish additional national policies; and to send a representative to the Committee's seventy-second meeting, if necessary.

50. In an in-person exchange between the Secretariat and two representatives of the Democratic People's Republic of Korea in March 2024, the party had explained the deviation as a calculation error, expressed their intention to send a delegation to the forty-sixth meeting of the Open-Ended Working Group and provided a new email address for correspondence. As noted above in paragraph 44, the party had subsequently submitted its outstanding data for 2022, as urged in decision XXXV/17, which showed that it was in compliance with its commitments for production and consumption of HCFCs in 2022, in accordance with the plan of action to return to compliance. However, the party had not submitted other necessary information on its deviation from the control schedules in 2021, and it had been unable to send representatives to attend the meeting of the Open-Ended Working Group.

51. The Committee therefore agreed:

Recalling decisions XXXII/6, XXXV/17 and XXXV/18 of the Meeting of the Parties and recommendations 68/4, 69/4 and 70/2 of the Implementation Committee,

(a) To note with appreciation that the Democratic People's Republic of Korea had submitted all outstanding data for 2022 in accordance with its data reporting obligations under Article 7 of the Montreal Protocol. The data submitted confirmed that the party had adhered to the commitments contained in the plan of action to return to compliance for 2022, as set out in decision XXXII/6;

(b) To note with great concern, however, that the Democratic People's Republic of Korea had not yet provided an explanation for the deviations between its reported Article 7 data for production of 24.81 ozone-depleting-potential tonnes (ODP-tonnes) of hydrochlorofluorocarbons and annual consumption of 58.03 ODP-tonnes of hydrochlorofluorocarbons for 2021 and its commitment, as set out in decision XXXII/6, to reduce its production and consumption of hydrochlorofluorocarbons to no more than 24.80 ODP-tonnes and 58.00 ODP-tonnes, respectively, for that year;

(c) To urge the party to provide an explanation for the deviations, as a matter of urgency, and no later than 15 September 2024, 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 hydrochlorofluorocarbons in 2023, for consideration by the Implementation Committee at its seventy-third meeting;

(d) To urge the party to submit its progress report on efforts to establish additional national policies, as set out in its plan of action to return to compliance adopted in decision XXXII/6, facilitating phase-out of hydrochlorofluorocarbons 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-third meeting;

(e) To continue to monitor closely the progress made by the party in implementing its plan of action and phasing out hydrochlorofluorocarbons;

(f) To remind the party of decision XXXV/18.

Recommendation 72/3

2. Kazakhstan (decision XXIX/14 and recommendation 71/3)

52. The representative of the Secretariat recalled that, in decision XXIX/14, the Twenty-Ninth Meeting of the Parties had noted a revised plan of action to ensure the return to compliance of

Kazakhstan, with commitments up to 2030 to comply with the Protocol's HCFC consumption control measures. In recommendation 71/3, the Implementation Committee had reminded Kazakhstan to submit to the Secretariat its 2022 data as soon as possible and no later than 15 March 2024, so that the Committee could assess the status of the party's compliance at its seventy-second meeting. The recommendation of the Committee had been communicated to the party on 13 December 2023.

53. As is noted in paragraph 45 above, Kazakhstan had submitted its outstanding data for 2022, thereby fulfilling its data reporting obligations. The data reported also confirmed the party's compliance with its obligations in relation to the commitments for 2022, as set out in the plan of action, and also with the control measures of the Montreal Protocol for HCFC consumption for 2022.

54. The Committee therefore agreed:

(a) To note with appreciation that Kazakhstan had submitted all outstanding data in accordance with its data reporting obligations under Article 7 of the Montreal Protocol, as urged in paragraph 3 of decision XXXV/17. The data submitted confirmed that the party was in compliance with its commitments contained in the plan of action to return to compliance, as set out in decision XXIX/14, and with the Protocol's control measures for 2022;

(b) To continue monitoring closely the progress made by Kazakhstan in implementing its plan of action and phasing out hydrochlorofluorocarbons.

Recommendation 72/4

3. Libya (decision XXVII/11 and recommendation 70/4)

55. The representative of the Secretariat recalled that, in paragraph 2 (b) and (c) of decision XXVII/11 of the Twenty-Seventh Meeting of the Parties, Libya, an Article 5 party, had committed itself 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.

56. In recommendation 70/4, the Committee had noted with appreciation the submission by Libya of an 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. It had also agreed to continue monitoring the progress made regarding those commitments, as set out in paragraph 2 (c) of decision XXVII/11.

57. As was requested in the recommendation, Libya had submitted a progress update on 12 March 2024. Since January 2024, the ban on the procurement of equipment containing HCFCs had been introduced gradually for each sector; most ministries and institutions had indicated the possibility of implementing the ban on the local purchase of such equipment. On the ban on imports, the party had said that a larger quantity of equipment and appliances relying on alternatives to HCFCs was now available in the market, with more competitive prices encouraging the acquisition of equipment with alternative refrigerants. The party had noted, however, that ongoing political and economic instability had had a significant impact on the state of the local economy, delaying the transition to non-HCFC alternatives. No specific details had been submitted on the country's plans in relation to the introduction of the ban on the import of equipment using HCFCs.

58. The Committee therefore agreed:

(a) To note with appreciation the submission by Libya of a further update on its progress towards imposing a ban on the procurement of air-conditioning equipment containing hydrochlorofluorocarbons and towards considering a ban on the import of such equipment, which had not yet been put in place;

(b) To request Libya to submit to the Secretariat, before 15 September 2024, a further update on the progress made in the implementation of the actions, stating specific steps to be taken towards achieving the goal set up in the plan of action and indicative time frame set out in paragraph 2 (c) of decision XXVII/11, for consideration by the Implementation Committee at its seventy-third meeting.

Recommendation 72/5

VI. Requests for changes in baseline data for hydrofluorocarbons (decisions XIII/15 and XV/19)

59. Recalling the methodology for submitting requests for the revision of baseline data set out in decision XV/19 of the Fifteenth Meeting of the Parties, the representative of the Secretariat said that the Committee would consider four of the six requests made by parties for in the revision of their HFC baseline data.

60. Honduras had requested a revision of its data for the baseline year 2022, which, along with 2020 and 2021, was used for determining the HFC production and consumption baselines for Article 5 parties, and classified as Group 1, Article 5, parties under the Kigali Amendment. The revised baseline would represent a reduction of 10,951 CO₂-equivalent tonnes (0.75 per cent) from the current baseline level of 1,460,674 CO₂-equivalent tonnes.

61. The need for the revision had emerged from the survey conducted for the preparation of the party's Kigali implementation plan, which had identified a number of inconsistencies in the way data had been recorded by customs, mainly in terms of inconsistent rounding of decimals and typographical errors. The details had been recorded in the project proposal of the Kigali implementation plan, which the Secretariat had reviewed, and Honduras had submitted additional documentation to support its request for revision, which was available on the meeting portal. As the Chief Officer of the secretariat of the Multilateral Fund had noted during her presentation, the Kigali implementation plan submitted by Honduras had been approved by the Executive Committee based on the existing baseline and would reconsider project funding after the change in baseline was approved by the Meeting of the Parties.

62. The Committee therefore agreed:

Noting with appreciation the information submitted by Honduras in support of its request to revise its existing consumption data for baseline year 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

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

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

To forward for consideration by the Thirty-Sixth Meeting of the Parties the draft decision set out in annex I to the present report, by which the Meeting of the Parties would approve the request by Honduras for the revision of its consumption data for hydrofluorocarbons for the baseline year 2022 to 1,024,898 CO₂-equivalent tonnes.

Recommendation 72/6

63. El Salvador had submitted a request to revise its baseline data for HFC consumption for the years 2020, 2021 and 2022. The revised baseline would represent a reduction of 41,758 CO₂-equivalent tonnes (4 per cent) from the initial baseline level. The need for the revision had emerged from the survey conducted for the preparation of the party's Kigali implementation plan, which had identified a number of inconsistencies and omissions in reporting by customs authorities. HFC-365mfc imported as part of pre-blended polyols had been reported as a separate substance and included in the calculated consumption totals, and some imported HFCs that had been exported to neighbouring countries had not been included in Article 7 data for those years.

64. The party had submitted a summary of the information required under subparagraphs 2 (a) (i)–(iii) of decision XV/19; a spreadsheet containing explanatory tables; copies of invoices and import licenses to support each transaction and correction; and its stage I Kigali implementation plan proposal, which had been submitted for consideration by the Executive Committee on the basis of the current HFC consumption data for the baseline years. As the Chief Officer of the secretariat of the Multilateral Fund had noted during her presentation, the Kigali implementation plan for El Salvador had been approved by the Executive Committee based on the existing baseline data and after the change in baseline data was also approved by the Meeting of the Parties, and the agreement between the Government of El Salvador and the Executive Committee would be adjusted to reflect the baseline change.

65. The Committee therefore agreed:

Noting with appreciation the information submitted by El Salvador in support of its request to revise its existing consumption data for baseline years 2020, 2021 and 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

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

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

To forward for consideration by the Thirty-Sixth 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 El Salvador for the revision of its consumption data for hydrofluorocarbons for baseline years 2020, 2021 and 2022 to 705,669 CO₂-equivalent tonnes, 784,010 CO₂-equivalent tonnes and 703,349 CO₂-equivalent tonnes, respectively.

Recommendation 72/7

66. Armenia had submitted a request to revise its baseline data for HFC consumption for the years 2020, 2021 and 2022. The revised baseline would represent an increase of 266,218 CO₂-equivalent tonnes (56 per cent) from the initial baseline level. The need for the revision had emerged from the survey conducted for the preparation of the party's Kigali implementation plan, which had identified a number of inconsistencies and omissions in reporting by customs authorities. The country's current licensing system did not cover blends, only pure HFCs. As it formed part of the Eurasian Economic Union, imports from other member countries (Belarus, Kazakhstan, Kyrgyzstan and Russian Federation) had not been recorded as imports by Armenian customs authorities. Online purchases had also not been controlled.

67. The party had submitted a summary of the information required under subparagraphs 2 (a) (i)–(iii) of decision XV/19 explaining the reasons for the revision; a table presenting the proposed revision; samples of the questionnaires used in the HFC survey prepared for the Kigali implementation plan and a cover letter for the response of one of the regional authorities (in Armenian); a summary of the HFC survey prepared for the Kigali implementation plan; and the proposal dated 5 February 2024 for stage I of the Kigali implementation plan for Armenia, as submitted to the Executive Committee. As was noted during the presentation by the Chief Officer of the secretariat of the Multilateral Fund, the Kigali implementation plan for Armenia had been approved by the Executive Committee based on the existing baseline data and after the change in baseline data was also approved by the Meeting of the Parties, and the agreement between the Government of Armenia and the Executive Committee would be adjusted to reflect the baseline change.

68. One member of the Committee observed that the methodology underpinning the request by Armenia differed from those of the two countries that the Committee had previously considered, and asked whether any precedent existed for a baseline adjustment based on a survey of equipment as opposed to customs import documentation. Other members expressed their desire for more information on the operation of the party's import and export licensing system and on online purchases before the request for a revision of baseline data could be agreed.

69. In response, the representative of the Secretariat informed the Committee that the Eurasian Economic Union agreement on controlled substances under the Montreal Protocol, which had introduced controls for all movements of such substances, required each shipment to be authorized by the competent body of a State member of the Union. In Armenia, however, no competent body had yet been identified, meaning that controls had not been in place during the baseline years.

70. The representatives of UNEP and of the United Nations Industrial Development Organization added that their agencies had worked jointly on the preparation of the Kigali implementation plan for Armenia. The methodology of a bottom-up survey of equipment, taking into account leakage rates, had been used in many countries. Since the plan had been submitted to the Executive Committee in 2024, the data discrepancies had come to light only recently, which helped to explain why the consumption data previously reported by Armenia had appeared low by comparison with other countries in the region.

71. Some members of the Committee said that in the light of those explanations the information provided by Armenia was sufficient to approve the request, while others said that they would appreciate further clarification, for example to ensure that "consumption" had not been confused with "use" and to distinguish between imports of controlled substances and imports of equipment containing controlled substances. The question of how countries exporting to Armenia had recorded the export data and whether their baselines also needed to be updated was also raised. One member noted that, as the seventy-third meeting of the Committee was due to take place earlier than the Thirty-Sixth Meeting of the Parties, a decision of the Committee at the present meeting to discuss further the request by Armenia in the light of additional information would not cause delay for the consideration of that request by the Thirty-Sixth Meeting of the Parties.

72. The Committee therefore agreed:

Taking note of the request by Armenia for the revision of its existing consumption data for baseline years 2020, 2021 and 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by Armenia to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request Armenia to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in particular invoices or any other formal documents that confirmed imports and exports of hydrofluorocarbons, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible and preferably before 15 September 2024, for consideration by the Implementation Committee at its seventy-third meeting;

2. To also request Armenia, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat, which would ensure that the information was treated as confidential when it was reported to the Implementation Committee;

3. To invite Armenia to send a representative to the Implementation Committee's seventy-third meeting.

Recommendation 72/8

73. Liberia had submitted a request to revise its baseline data for HFC consumption for the years 2020, 2021 and 2022. The Secretariat had requested further clarifications, to which the party had not responded, and the Secretariat was therefore unable to complete its review of the request.

74. The Committee therefore agreed:

Taking note of the request by Liberia for the revision of its existing consumption data for baseline years 2020, 2021 and 2022 for Annex F, group I, controlled substances (hydrofluorocarbons),

Recalling decision XV/19, which set out the methodology for the submission of requests for the revision of baseline data,

Noting with appreciation the information provided by Liberia to support its request for the revision of its baseline data,

Noting, however, that the information submitted was considered by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol to be insufficient to enable it to approve the changes requested by the party,

1. To request Liberia to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in support of its request for the revision of its hydrofluorocarbon baseline data, as soon as possible, and preferably before 15 September 2024, for consideration by the Implementation Committee at its seventy-third meeting;

2. To also request Liberia, in the event that the information required to support its request for the revision of its baseline data was confidential, to provide such information to the Secretariat, which would ensure the confidentiality of the information when reporting on it to the Implementation Committee.

Recommendation 72/9

VII Establishment of licensing systems under Article 4B, paragraph 2 bis, of the Montreal Protocol and follow-up on decision XXXV/19 and recommendation 71/4

75. A representative of the Secretariat provided information on the establishment of licensing systems for HFCs as at 5 July 2024. Of the 160 parties to the Montreal Protocol that had ratified the

Kigali Amendment, 149 had reported the establishment and operation of HFC licensing systems, which represented an update of the figures set out in document UNEP/OzL.Pro/ImpCom/72/R.4.

76. Six of the remaining 11 parties, namely Angola, Eritrea, Kenya, Mali, San Marino and Zambia, had not reported the establishment and operation of their HFC licensing systems. Lesotho and Mozambique had recently provided information. On 9 April 2024, Lesotho had informed the Secretariat that, despite the existence of the relevant regulation, the country needed more time for implementation, and requested an extension to July 2024. In April 2024, Mozambique had informed the Secretariat that their regulation had been approved by the Council of Ministers of Mozambique but would not enter into force until the end of July. No further information was yet available on either party. For the remaining three parties, either the Kigali Amendment had not yet entered into force for them or the three-month reporting deadline had not yet passed.

77. Recommendation 71/4 of the seventy-first meeting of the Implementation Committee and decision XXXV/19 of the Thirty-Fifth Meeting of the Parties had listed eight parties as non-compliant with the obligation to establish licensing systems. Since then, two – Indonesia and Sao Tome and Principe – had reported the establishment and operation of their HFC licensing systems to the Secretariat.

78. 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 presented by the Ozone Secretariat at the seventy-second meeting of the Implementation Committee;

(b) To note with appreciation that 149 parties to the Montreal Protocol that have ratified the Kigali Amendment to the Protocol had reported the establishment and implementation of such licensing systems as required under Article 4B, paragraph 3, of the Protocol, and that another four parties that had not ratified the Kigali Amendment had also reported the establishment and implementation of such licensing systems;

(c) To urge the six parties listed in the annex to the present recommendation to provide information to the Secretariat before 15 September 2024 on the establishment of their licensing systems;

(d) To request Lesotho and Mozambique to provide updates before 15 September 2024 on the establishment and implementation of their licensing systems, for consideration by the Implementation Committee at its seventy-third meeting;

(e) To continue reviewing periodically the status of the establishment and implementation of such licensing systems by all parties to the Montreal Protocol that had ratified the Kigali Amendment in accordance with Article 4B, paragraph 2 bis, of the Protocol and paragraph 4 of decision XXXV/19, and to consider any appropriate recommendations to the parties.

Appendix to the recommendation

Parties that have not yet reported on the establishment and operation of licensing systems in accordance with Article 4B, paragraph 3:

- | | |
|------------|---------------|
| 1. Angola | 4. Mali |
| 2. Eritrea | 5. San Marino |
| 3. Kenya | 6. Zambia |

Recommendation 72/10

VIII. Other matters

79. As the Executive Secretary had noted during her opening remarks, the representative of the Secretariat informed the Committee that on 4 July 2024, the Secretariat had received a letter from Sri Lanka requesting the assistance of the Secretariat in adjusting its baseline data for HFCs. The annex to the letter explained that, based on the country's analysis of quota applications received from HFC refrigerant importers, demand for HFCs for 2024 was unprecedentedly high, reaching almost five times the baseline value. Sri Lanka was accordingly requesting that consideration be given to increasing its HFC baseline consumption level to double the current baseline (2,340,468 CO₂-equivalent tonnes) in order to safeguard its burgeoning refrigeration and air-conditioning industry.

80. The representative of the Secretariat drew attention to paragraph 4 of the non-compliance procedure, which stated that, “if a party concludes that, despite having made its best, bona fide efforts, it is unable to comply fully with its obligations under the Protocol, it may address to the Secretariat a submission in writing, explaining, in particular, the specific circumstances that it considers to be the cause of its non-compliance. The Secretariat shall transmit such submission to the Implementation Committee which shall consider it as soon as practicable.”

81. On 7 July 2024, Sri Lanka had requested that the matter be included on the agenda of the present meeting of the Committee, indicating that it was looking forward to discussing a potential change to its baseline level as it did not wish to be in a state of non-compliance with its obligations.

82. Responding to questions from members of the Committee, the representative of the Secretariat confirmed that in past situations in which parties had informed the Committee of economic difficulties that led them to fear that they could enter into a state of non-compliance, the Committee had decided to wait until the party had actually reached a state of non-compliance and then to assist it to develop a plan of action for a return to compliance. The Chief Officer of the secretariat of the Multilateral Fund confirmed that Sri Lanka, having submitted a project proposal for its Kigali implementation plan, had subsequently withdrawn it, for which reason it had never been presented to the Executive Committee. The Committee decided to take note of the information presented by Sri Lanka and to return to the issue if and when the party entered into a state of possible non-compliance.

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

83. 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 Vice-President, the latter of whom also served as Rapporteur for the meeting, working in consultation with the Secretariat.

IX. Closure of the meeting

84. Following the customary exchange of courtesies, the President declared the meeting closed at 5 p.m. on Sunday, 7 July 2024.

Annex I

Draft decision forwarded by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its seventy-second meeting for consideration by the Thirty-Sixth Meeting of the Parties to the Montreal Protocol

The Thirty-Sixth Meeting of the Parties decides:

Draft decision XXXVI[--]: Requests for the revision of baseline data by El Salvador and Honduras

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 El Salvador has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its consumption data for hydrofluorocarbons for 2020, 2021 and 2022, which are part of the baseline for Group 1 parties under the Kigali Amendment to the Montreal Protocol operating under paragraph 1 of Article 5 of the Montreal Protocol;

2. To approve the request by El Salvador and to revise its consumption data for hydrofluorocarbons for the baseline years 2020, 2021 and 2022 as indicated in the following table:

<i>Party/year</i>	<i>Previous HFC data (CO₂-eq tonnes)</i>			<i>New HFC data (CO₂-eq tonnes)</i>		
	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
El Salvador	620 802	985 085	712 414	705 669	784 010	703 349

Abbreviations: CO₂-eq – CO₂-equivalent; HFC – hydrofluorocarbon.

3. That Honduras has presented sufficient information, in accordance with decision XV/19, to justify its request for the revision of its consumption data for hydrofluorocarbons for 2022, which is part of the baseline for Article 5, Group 1, parties under the Kigali Amendment operating under paragraph 1 of Article 5 of the Protocol;

4. To approve the request by Honduras and to revise its consumption data for hydrofluorocarbons for the baseline year 2022 as indicated in the following table:

<i>Party/year</i>	<i>Previous HFC data (CO₂-eq tonnes)</i>	<i>New HFC data (CO₂-eq tonnes)</i>
	<i>2022</i>	<i>2022</i>
Honduras	1 057 751	1 024 898

Abbreviations: CO₂-eq – CO₂-equivalent; HFC – hydrofluorocarbon.

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* The annex has not been formally edited.

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