

Conclusions, recommendations and draft decision adopted by the Implementation Committee under the Non-Compliance Procedure for the Montreal Protocol at its seventy-fourth meeting

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

Azerbaijan, Djibouti, Guinea, Iceland, Mali and San Marino

1. The Committee agreed:

(a) To note with appreciation that Azerbaijan, Djibouti, Guinea, Iceland, Mali and San Marino had submitted all outstanding data in accordance with their data reporting obligations under paragraph 3 of Article 7 of the Montreal Protocol, as urged in paragraph 7 of decision XXXVI/13. The data submitted confirmed that those parties were in compliance with the control measures under the Protocol for 2023;

(b) To also note with appreciation that Djibouti, a party operating under paragraph 1 of Article 5 of the Montreal Protocol for which the Kigali Amendment had entered into force, had submitted its baseline data for Annex F substances (hydrofluorocarbons) for the years 2020 to 2022, as required under paragraph 2 of Article 7 of the Montreal Protocol and as urged in paragraph 7 of decision XXXVI/13.

II. Formal recommendations forwarded by the Implementation Committee to the Thirty-Seventh Meeting of the Parties to the Montreal Protocol

A. Côte d'Ivoire

2. The Committee agreed:

(a) To note with concern that Côte d'Ivoire, as a party to the Montreal Protocol that had ratified the Kigali Amendment, had not yet submitted its data on Annex F substances (hydrofluorocarbons) for 2023 to the Secretariat, as required under Article 7 of the Protocol and as urged in paragraph 7 of decision XXXVI/13, and therefore remained in non-compliance with its data reporting obligations under paragraph 3 of Article 7 of the Protocol;

(b) To urge Côte d'Ivoire to report to the Secretariat its outstanding data in accordance with paragraph 3 of Article 7, as a matter of priority, and preferably no later than 15 September 2025, in order to enable the Committee to assess at its seventy-fifth meeting the status of compliance by the party with its data reporting obligations under the Protocol.

Recommendation 74/1

B. Democratic People's Republic of Korea

3. The Committee agreed:

Recalling decisions XXXII/6, XXXV/18, XXXVI/13 and XXXVI/16 of the Meetings of the Parties to the Montreal Protocol and recommendations 68/4, 69/4, 70/2 and 72/3 of the Implementation Committee,

Acknowledging that a representative of the Democratic People's Republic of Korea had been invited to and had attended the seventy-fourth meeting of the Implementation Committee and had provided information relating to the issue of non-compliance by the party,

1. To note with serious concern that the Democratic People's Republic of Korea had not yet provided an explanation for the deviations between its reported Article 7 data for 2021 of annual production of 24.81 ozone-depleting-potential tonnes (ODP-tonnes) of hydrochlorofluorocarbons (HCFCs) and annual consumption of 58.03 ODP tonnes of HCFCs 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;

2. To note that the Democratic People's Republic of Korea had submitted all outstanding Article 7 data for 2023 and its Article 7 data for 2024 in accordance with its data reporting obligations under Article 7 of the Montreal Protocol;

3. To note with concern, however, that the reported data for 2023 and 2024 indicated that the production and consumption of HCFCs reported by the Democratic People's Republic of Korea for 2023 had exceeded its commitments under its plan of action as set out in decision XXXII/6, as well as the control measures under the Montreal Protocol for 2024;

4. To also note with concern that the reported production and consumption data for hydrochlorofluorocarbons for 2023 and 2024 placed the Democratic People's Republic of Korea in non-compliance with its commitments under decision XXXII/6 for 2023 and the Montreal Protocol control measures for 2024;

5. To urge the Democratic People's Republic of Korea to submit its progress report on efforts to establish additional national policies, as set out in the current plan of action to return to compliance as set out in decision XXXII/6, 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, and to do so no later than 15 September 2025, for consideration by the Implementation Committee at its seventy-fifth meeting;

6. To also urge the Democratic People's Republic of Korea to provide an explanation for the deviations for 2023 and 2024 as a matter of urgency and to submit a revised plan of action to ensure its return to compliance with the control measures of the Montreal Protocol for HCFCs for those and subsequent years, and to do so no later than 15 September 2025, for consideration by the Implementation Committee at its seventy-fifth meeting;

7. To remind the Democratic People's Republic of Korea of the caution in paragraph 7 of decision XXXVI/16 that, if the Democratic People's Republic of Korea failed to return to compliance, the parties would consider measures consistent with item C of the indicative list of measures, including the possibility of actions available under Article 4 of the Montreal Protocol, such as ensuring that the supply of hydrochlorofluorocarbons, the substances that were the subject of non-compliance, was ceased so that exporting parties did not contribute to a continuing situation of non-compliance;

8. To inform the Democratic People's Republic of Korea that, if it failed to provide relevant responses as requested in paragraphs 5 and 6 above, the Implementation Committee would recommend that the parties undertake such consideration as referred to in paragraph 7 above;

9. To continue to monitor closely the progress made by the Democratic People's Republic of Korea in relation to the provisions of the present recommendation.

Recommendation 74/2

C. Kazakhstan

4. The Committee agreed to request Kazakhstan to report to the Secretariat its data for 2024, in accordance with paragraph 3 of Article 7 of the Montreal Protocol, preferably no later than 15 September 2025, in order to enable the Committee to assess at its seventy-fifth meeting the status of compliance by Kazakhstan with its commitments for 2024 as set out in decision XXIX/14.

Recommendation 74/3

D. Libya

5. The Committee agreed:

(a) To note with appreciation the submission by Libya of a further update on the progress made, as requested in recommendation 73/3, towards additional commitments contained in its plan of action to return to compliance as set out in paragraph 2 (c) of decision XXVII/11;

(b) To also note with appreciation the issuance of administrative instructions to stop ministries and public institutions from buying new refrigeration and air-conditioning equipment containing hydrochlorofluorocarbons (HCFCs) and the introduction of a ban on the import of such equipment in March 2025;

(c) To congratulate Libya on its return to compliance with the HCFC control measures of the Montreal Protocol as well as its implementation of its commitment contained in paragraph 2 (c), specifically the import ban, in its plan of action to return to compliance set out in decision XXVII/11, as indicated in the party's progress update submitted in 2025;

(d) To invite Libya to submit information on refrigeration and air-conditioning equipment containing HCFCs already in stock before the ban on import and procurement entered into force in Libya, and to request a further update of the number of ministries and public institutions and the status thereof in terms of implementation of the ban on procurement, preferably no later than 15 September 2025, for consideration by the Implementation Committee at its seventy-fifth meeting.

Recommendation 74/4

E. Kiribati

6. The Committee agreed:

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

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

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

To forward, for consideration by the Thirty-Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, the draft decision set out in annex I to the present report, by which the Meeting of the Parties would approve the request by Kiribati for the revision of its consumption data for hydrofluorocarbons for the baseline year 2022 to 4,570 CO₂-equivalent tonnes.

Recommendation 74/5

F. Marshall Islands

7. The Committee agreed:

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

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

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

To forward, for consideration by the Thirty-Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, the draft decision set out in annex I to the present report, by which the Meeting of the Parties would approve the request by the Marshall Islands for the revision of its consumption data for hydrofluorocarbons for the baseline years 2020, 2021 and 2022 to 10,922 CO₂-equivalent tonnes, 13,677 CO₂-equivalent tonnes and 9,095 CO₂-equivalent tonnes, respectively.

Recommendation 74/6

G. Nauru

8. The Committee agreed:

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

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

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

To forward, for consideration by the Thirty-Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, the draft decision set out in annex I to the present report, by which the Meeting of the Parties would approve the request by Nauru for the

revision of its consumption data for hydrofluorocarbons for the baseline years 2020, 2021 and 2022 to 1,997 CO₂-equivalent tonnes, 2,175 CO₂-equivalent tonnes and 2,326 CO₂-equivalent tonnes, respectively.

Recommendation 74/7

H. Niue

9. The Committee agreed:

Noting with appreciation the information submitted by Niue in support of its request to revise its existing consumption data for the baseline year 2021 for Annex F, group I, controlled substances (hydrofluorocarbons),

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

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

To forward, for consideration by the Thirty-Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, the draft decision set out in annex I to the present report, by which the Meeting of the Parties would approve the request by Niue for the revision of its consumption data for hydrofluorocarbons for the baseline year 2021 to 179 CO₂-equivalent tonnes.

Recommendation 74/8

I. Tuvalu

10. The Committee agreed:

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

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

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

To forward, for consideration by the Thirty-Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, the draft decision set out in annex I to the present report, by which the Meeting of the Parties would approve the request by Tuvalu for the revision of its consumption data for hydrofluorocarbons for the baseline years 2020, 2021 and 2022 to 647 CO₂-equivalent tonnes, 695 CO₂-equivalent tonnes and 800 CO₂-equivalent tonnes, respectively.

Recommendation 74/9

J. Vanuatu

11. The Committee agreed:

Noting with appreciation the information submitted by Vanuatu in support of its request to revise its existing consumption data for the baseline year 2020 for Annex F, group I, controlled substances (hydrofluorocarbons),

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

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

To forward, for consideration by the Thirty-Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, the draft decision set out in annex I to the present report, by which the Meeting of the Parties would approve the request by Vanuatu for the revision of its consumption data for hydrofluorocarbons for the baseline year 2020 to 21,055 CO₂-equivalent tonnes.

Recommendation 74/10

K. Armenia

12. The Committee agreed:

Taking note of the request by Armenia for the revision of its existing consumption data for the 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 order to significantly substantiate its request for the revision of its hydrofluorocarbon data, as soon as possible, and preferably no later than 15 September 2025, for consideration by the Implementation Committee at its seventy-fifth meeting. Such outstanding information should include any formal documentation such as licences, shipping or customs documentation from its customs or trading partners, or any purchasing or commercial documentation, such as, but not limited to, invoices, that confirmed import, in support of its request for the revision of its hydrofluorocarbon baseline data;

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 in accordance with paragraph 2 of decision I/11. In providing such information, Armenia may inform the Secretariat that the data may be reported to the Implementation Committee with an instruction to handle such data with professional secrecy and as confidential.

Recommendation 74/11

L. Nigeria

13. The Committee agreed:

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

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

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

To forward, for consideration by the Thirty-Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, the draft decision set out in annex I to the present report, by which the Meeting of the Parties would approve the request by Nigeria for the revision of its consumption data for hydrofluorocarbons for the baseline years 2020, 2021 and 2022 to 13,305,145 CO₂-equivalent tonnes, 19,884,612 CO₂-equivalent tonnes and 24,582,158 CO₂-equivalent tonnes, respectively.

Recommendation 74/12

M. Guinea

14. The Committee agreed:

Taking note of the request by Guinea for the revision of its existing consumption data for the 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 Guinea 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 Guinea to submit to the Secretariat the outstanding information that was needed to meet the requirements of decision XV/19, in order to significantly substantiate its request for the revision of its hydrofluorocarbon data, as soon as possible, and preferably no later than 15 September 2025, for consideration by the Implementation Committee at its seventy-fifth meeting. Such outstanding information should include any formal documentation such as licences, shipping or customs documentation from its customs or trading partners, or any purchasing or commercial documentation, such as, but not limited to, invoices, that confirmed import, in support of its request for the revision of its hydrofluorocarbon baseline data;

2. To also request Guinea, 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 in accordance with paragraph 2 of decision I/11. In providing such information, Guinea may inform the Secretariat that the data may be reported to the Implementation Committee with an instruction to handle such data with professional secrecy and as confidential;

3. To further request Guinea to submit a request to the Secretariat to revise its hydrochlorofluorocarbon baseline data as previously agreed and documented in the proposal for stage I of its Kigali implementation plan for the period 2025–2029 as soon as possible, and preferably no later than 15 September 2025, for consideration by the Implementation Committee at its seventy-fifth meeting.

Recommendation 74/13

N. Licensing systems

15. The Committee agreed:

(a) To take note with appreciation of the report on the status of licensing systems for hydrofluorocarbons under paragraph 2 *bis* of Article 4B of the Montreal Protocol;

(b) To note with appreciation that 157 parties to the Montreal Protocol that had ratified the Kigali Amendment had reported on the establishment and operation of such licensing systems as required under paragraph 3 of Article 4B of the Montreal Protocol, and that another five parties that had not yet ratified the Kigali Amendment had reported the establishment of such licensing systems;

(c) To urge the four parties listed in the annex to the present recommendation to provide information to the Secretariat on the establishment and operation of their licensing systems, as a matter of urgency and preferably before 22 August 2025;

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

Annex to the recommendation

Parties that have not yet reported on the establishment and operation of licensing systems in accordance with paragraph 2 *bis* of Article 4B

- | | |
|-------------|-------------------------|
| 1. Angola | 3. San Marino |
| 2. Djibouti | 4. United Arab Emirates |

Recommendation 74/14

O. Parties that submit hydrofluorocarbon baseline data before ratification of the Kigali Amendment

16. The Committee agreed:

(a) To request the Ozone Secretariat to inform parties that had submitted hydrofluorocarbon baseline data before their ratification of the Kigali Amendment and that the Secretariat had contacted before the seventy-fourth meeting of the Implementation Committee that they should confirm whether such data constituted their submissions under paragraph 2 of Article 7 of

the Montreal Protocol as soon as possible and no later than 1 September 2025, after which the data would be considered as such;

(b) To request the Ozone Secretariat to consider as constituting a submission under paragraph 2 of Article 7 of the Montreal Protocol any hydrofluorocarbon baseline data presented after the seventy-fourth meeting of the Implementation Committee, regardless of whether such data were submitted before or after ratification of the Kigali Amendment;

(c) To review, in accordance with decision XIII/15 and following the methodology for the submission of requests for revision of baseline data as set out in decision XV/19, any requests for changes in hydrofluorocarbon baseline data by parties that had ratified the Kigali Amendment, irrespective of the time at which the data to be revised were submitted.

Recommendation 74/15

Draft decision XXXVII/[--]: Requests for the revision of baseline data by Kiribati, the Marshall Islands, Nauru, Nigeria, Niue, Tuvalu and Vanuatu

The Thirty-Seventh Meeting of the Parties,

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,

Decides:

1. That Nigeria 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 Article 5, group 1, parties under the Kigali Amendment to the Montreal Protocol;

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

Party/year	Previous HFC data (CO ₂ -eq tonnes)			New HFC data (CO ₂ -eq tonnes)		
	2020	2021	2022	2020	2021	2022
Nigeria	2 620 048	8 381 305	17 374 682	13 305 145	19 884 612	24 582 158

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

3. That Kiribati, the Marshall Islands, Nauru, Niue, Tuvalu and Vanuatu have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for hydrofluorocarbons for all or some of the years 2020, 2021 and 2022, which are part of the baseline for Article 5, group 1, parties under the Kigali Amendment;

4. To approve the requests by Kiribati, the Marshall Islands, Nauru, Niue, Tuvalu and Vanuatu and to revise their consumption data for hydrofluorocarbons for the baseline years as indicated in the following table:

Party/year	Previous HFC data (CO ₂ -eq tonnes)			New HFC data (CO ₂ -eq tonnes)		
	2020	2021	2022	2020	2021	2022
Kiribati	7 063	10 471	3 569	7 063	10 471	4 570
Marshall Islands	7 067	4 380	6 943	10 922	13 677	9 095
Nauru	335	1 186	1 456	1 997	2 175	2 326
Niue	–	74	–	–	179	–
Tuvalu	296	343	178	647	695	800
Vanuatu	11 915	13 781	17 511	21 055	13 781	17 511

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