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EXECUTIVE COMMITTEE OF
THE MULTILATERAL FUND FOR THE
IMPLEMENTATION OF THE MONTREAL PROTOCOL
Forty-ninth meeting
Montreal, 10-14 July 2006

**NOTE BY THE OZONE SECRETARIAT ON RECOMMENDATIONS ADOPTED
BY THE THIRTY-SIXTH MEETING OF THE IMPLEMENTATION
COMMITTEE UNDER THE NON-COMPLIANCE PROCEDURE FOR THE
MONTREAL PROTOCOL**

1. The annex to the present note contains a consolidated text of recommendations relating to Parties to be considered by the Executive Committee at its forty-ninth meeting, which were adopted by the Implementation Committee at its thirty-sixth meeting, held in Montreal from 30 June to 1 July 2006.
2. The note was prepared in accordance with recommendation 36/55 of the thirty-sixth meeting that recorded the Implementation Committee's agreement, pursuant to paragraph 7 (f) of the non-compliance procedure of the Montreal Protocol, to request the Ozone Secretariat to prepare for the information of the Executive Committee at its second meeting of each year, a document containing the text of recommendations adopted by the immediately preceding Implementation Committee meeting, where relevant, in respect of the Parties to be considered by the Executive Committee at that meeting.
3. A number of the recommendations contained in the annex to the present note make reference to draft decisions set out in the annex I to the report of the Implementation Committee. Those draft decisions can be found in the appendix to the consolidated text.

Pre-session documents of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol are without prejudice to any decision that the Executive Committee might take following issue of the document.

For reasons of economy, this document is printed in a limited number. Delegates are kindly requested to bring their copies to the meeting and not to request additional copies.

Annex

RECOMMENDATIONS ADOPTED BY THE IMPLEMENTATION COMMITTEE AT ITS THIRTY-SIXTH MEETING UNDER THE NON-COMPLIANCE PROCEDURE OF THE MONTREAL PROTOCOL WITH RESPECT TO PARTIES TO BE CONSIDERED BY THE EXECUTIVE COMMITTEE AT ITS FORTY-NINTH MEETING

A. Albania

1. The Committee *agreed* to note with appreciation that Albania had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in advance of its commitment, contained in decision XV/26, to reduce its consumption of those ozone-depleting substances to 36.2 ODP-tonnes in that year, and also in advance of its CFC phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/1

B. Armenia

2. The Committee *agreed*:

- (a) To note with appreciation that Armenia had reported data for the consumption of the controlled substance in Annex E (methyl bromide) in 2005 of zero ODP-tonnes, which indicated that it had returned to compliance with the Protocol's control measures for methyl bromide in that year, and to congratulate Armenia on that achievement;
- (b) To acknowledge, however, that Armenia was not confident of its ability to sustain its compliance with the Protocol's methyl bromide consumption control measures in 2006 in the absence of supporting regulatory measures, and therefore to note with appreciation its submission of a plan of action for sustaining its compliance with the Protocol's control measures for methyl bromide from 2007, in accordance with decision XVII/25;
- (c) To request Armenia to submit to the Secretariat by 30 September 2006 an update on the expected date of introduction of a system for licensing the import and export of ozone-depleting substances which would include import quotas, in the light of its advice that it not currently confirm its ability to introduce the licensing system by 1 January 2007;
- (d) To forward to the Eighteenth Meeting of the Parties for its consideration a draft decision incorporating the plan of action, as contained in section A of annex I to the present report.

Recommendation 36/2

C. Bangladesh

3. The Committee *agreed*:

- (a) To note with appreciation that Bangladesh had submitted a progress report on its implementation of the plan of action, contained in decision XVII/27, to maintain its compliance with the Protocol's control measures for the controlled substance in Annex B, group III (methyl chloroform), which suggested that it had successfully implemented its commitment contained in that decision to maintain its 2005 consumption of methyl chloroform at no more than its reported level for 2004, and was in advance of its methyl chloroform phase-out obligations under the Montreal Protocol for 2005;

- (b) To urge Bangladesh to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee may confirm at its thirty-seventh meeting the Party's implementation of its commitments contained in decision XVII/27.

Recommendation 36/4

Belize

4. The Committee *agreed* to note with appreciation that Belize had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was both in advance of its commitment, contained in decision XIV/33, to reduce its consumption of CFCs to 12.2 ODP-tonnes in that year, and in advance of its CFC phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/5

Bolivia

5. The Committee *agreed* to urge Bolivia to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee at its thirty-seventh meeting might assess the Party's implementation of its commitment, contained in decision XV/29, to reduce its CFC consumption to 37.84 ODP tonnes in 2005.

Recommendation 36/6

Bosnia and Herzegovina

6. The Committee *agreed*:

- (a) To note with regret that Bosnia and Herzegovina had not submitted a report on its commitment to establish a system for licensing imports and exports of ozone-depleting substances, which included import quotas, by the end of January 2006, in accordance with decision XVII/28;
- (b) To request Bosnia and Herzegovina to submit to the Secretariat, as a matter of urgency, the report referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting;
- (c) To urge Bosnia and Herzegovina to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitments, contained in decision XV/30 and decision XVII/28, to reduce its CFC consumption to 102.1 ODP tonnes, its methyl bromide consumption to 5.61 ODP-tonnes and its methyl chloroform consumption to 1.3 ODP-tonnes in 2005.

Recommendation 36/7

Botswana

7. The Committee *agreed*:

- (a) To urge Botswana to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XV/31, to achieve total phase-out of methyl bromide consumption in that year;
- (b) To note the report of Botswana that it had not yet established a system for licensing imports and exports of methyl bromide, including quotas, in accordance with decision XV/31, but intended to initiate the process by which that legislation would be developed upon receipt of institutional strengthening funds;

- (c) To request Botswana to continue to work with relevant implementing agencies, as a matter of urgency, to establish its licensing and quota system, particularly given the importance of regulatory measures in supporting its commitment to achieve and maintain total methyl bromide consumption phase-out from 2005;
- (d) Also to request Botswana to submit a report to the Secretariat, as soon as possible and no later than 16 August 2006, on the status of the work conducted in accordance with subparagraph (c), in time for consideration by the Committee at its thirty-seventh meeting.

Recommendation 36/8**Chile**8. The Committee *agreed*:

- (a) To note with appreciation that Chile had reported data for the consumption of the controlled substance in Annex E (methyl bromide) in 2005 that showed that it was in advance of its commitment, contained in decision XVII/29, to reduce its consumption of methyl bromide to 170 ODP-tonnes in that year, and had also fulfilled its commitment, contained in that decision, to introduce an enhanced licensing and quota system for ozone-depleting substances;
- (b) To note that Chile had also reported data for the consumption of the controlled substance in Annex B, group III (methyl chloroform) of 5.225 ODP-tonnes for the year 2005, which represented an increase in consumption from the preceding year;
- (c) To note with concern that the consumption level of methyl chloroform was inconsistent with Chile's commitment, contained in decision XVII/29, to consume no greater than 4.512 ODP-tonnes in 2005, but also to note with appreciation that it had submitted an explanation for the deviation;
- (d) Further to note that Chile was receiving assistance from UNDP, under the auspices of the Multilateral Fund, to phase out 3.7 ODP-tonnes of methyl chloroform through a technical assistance project;
- (e) To note with concern, however, that Chile appeared to anticipate continued deviation from its methyl chloroform consumption commitment in 2006 owing to the delayed introduction of the enhanced licensing and quota system, which would be inconsistent with its commitment, contained in paragraph 3 (c) of decision XVII/29, to ensure compliance in the period prior to the introduction of the enhanced system by adopting regulatory measures that the Government was entitled to apply;
- (f) To invite Chile to send a representative to the thirty-seventh meeting of the Committee to discuss the matter, in particular the measures it was taking or planned to take to return to compliance in 2006 with its methyl chloroform phase-out commitments, in accordance with decision XVII/29, and the status of the technical assistance project it was implementing in cooperation with UNDP to phase out methyl chloroform;
- (g) To recall paragraph 6 of decision XVII/29, which recorded the agreement of the Seventeenth Meeting of the Parties:

“To monitor the progress of Chile with regard to the implementation of its plan of action and its phase-out of methyl chloroform and methyl bromide. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Chile should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Chile, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl chloroform and methyl bromide that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance.”

Recommendation 36/9

China

9. The Committee *agreed*:
- (a) To note with appreciation China's explanation for its reported consumption of 20.539 ODP-tonnes of the controlled substances in Annex B, group I (other CFCs) in 2004 in relation to the Protocol's requirement to reduce consumption of those controlled substances to no greater than 20.534 ODP-tonnes in that year, submitted in accordance with decision XVII/30;
 - (b) In the light of recommendation 36/54, to defer assessment of China's compliance in 2004 with the Protocol's consumption control measures for other CFCs, until it could consider the Party's situation in the light of any guidance provided by the Eighteenth Meeting of the Parties with regard to recommendation 36/54.

Recommendation 36/10

Cook Islands

10. The Committee *agreed* to note with appreciation the Cook Islands' submission of all outstanding data in accordance with its data-reporting obligations under the Protocol and decision XVII/20, which indicate that it was in compliance with the Protocol's control measures in that year.

Recommendation 36/11

Dominica

11. The Committee *agreed*:
- (a) To note with appreciation Dominica's explanation for its reported consumption of 1.388 ODP-tonnes of the controlled substances in Annex A, group I (CFCs) in 2005 in excess of the Protocol's requirement that it reduce CFC consumption in that year to no more than 50 per cent of its baseline level of 0.740 ODP-tonnes;
 - (b) To request Dominica to submit to the Secretariat as soon as possible, and no later than 16 August 2006, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;
 - (c) To invite Dominica, if necessary, to send a representative to the thirty-seventh meeting of the Committee to discuss the matter;
 - (d) In the absence of the submission of a plan of action, to request the Eighteenth Meeting of the Parties to endorse the Committee's request to submit the plan by forwarding to that Meeting for approval the draft decision contained in section B of annex I to the present report.

Recommendation 36/12

Ecuador

12. The Committee *agreed*:
- (a) To note with appreciation that Ecuador had submitted a progress report on its implementation of the plan of action, contained in decision XVII/31, to return to compliance with the Protocol's control measures for the controlled substance in Annex B, group III (methyl chloroform), which suggested that the Party was in advance of its commitment, contained in that decision, to reduce its consumption of methyl chloroform to 1.398 ODP-tonnes in 2005, and also of its methyl chloroform phase-out obligations under the Montreal Protocol for that year.

- (b) To urge Ecuador to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee may confirm at its thirty-seventh meeting the Party's implementation of its commitments contained in decision XVII/31.

Recommendation 36/13

Eritrea

13. The Committee *agreed*:

- (a) To note with regret that Eritrea had not submitted to the Secretariat any consumption or production data, in accordance with decision XVII/21;
- (b) To request Eritrea to submit to the Secretariat, as a matter of urgency, the data referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/14

Ethiopia

14. The Committee *agreed* to note with appreciation that Ethiopia had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in advance of its commitment, contained in decision XIV/34, to reduce its consumption of CFCs to 17 ODP-tonnes in that year and also of its CFC phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/15

Federated States of Micronesia

15. The Committee *agreed*:

- (a) To note with regret that the Federated States of Micronesia had not completed its commitment, contained in decision XVII/32, to introduce a system for licensing imports and exports of ozone-depleting substances, including a quota system, by 1 January 2006;
- (b) To note, however, that the Federated States of Micronesia aimed to complete that commitment in April 2006 and therefore to request it to submit to the Secretariat, as a matter of urgency, a report on its implementation of the commitment referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting;
- (c) To urge the Federated States of Micronesia to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XVII/32, to reduce consumption of the controlled substances in Annex A group I (CFCs) to 1.351 ODP-tonnes in 2005.

Recommendation 36/16

Fiji

16. The Committee *agreed*:

- (a) To note with appreciation that Fiji had reported data for the consumption of the controlled substance in Annex E (methyl bromide) in 2005 that showed that it was in advance of its commitment, contained in decision XVII/33, to reduce its consumption of methyl bromide to 1.5 ODP-tonnes in that year;
- (b) Also to note with appreciation that Fiji had in 2006 fulfilled its commitment, contained in decision XVII/33, to commence implementation of a methyl bromide import quota system in 2006 and to monitor its existing system for licensing imports and exports of ozone-depleting substances.

Recommendation 36/17

Guatemala

17. The Committee *agreed*:

- (a) To urge Guatemala to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitments, contained in decision XV/34, to reduce consumption of the controlled substances in Annex A, group I (CFCs) to 85 ODP-tonnes, and consumption of the controlled substance in Annex E (methyl bromide) to 360 ODP-tonnes, in 2005;
- (b) Further to urge Guatemala to report to the Secretariat, as soon as possible and no later than 16 August 2006, on the status of its commitment, contained in decision XV/34, to ban imports of equipment using ozone-depleting substances by 2005, in time for consideration by the Committee at its thirty-seventh meeting.

Recommendation 36/19

Guinea-Bissau

18. The Committee *agreed*:

- (a) To note with appreciation that Guinea-Bissau had enacted legislation providing for an ozone-depleting substance quota system, and to request the Party to report to the Secretariat as soon as possible, and no later than 16 August 2006, on whether the quota system had commenced operation, in order that the Committee might assess at its thirty-seventh meeting whether the Party had implemented its commitment, contained in decision XVI/24, to introduce such a system;
- (b) To urge Guinea Bissau to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XVI/24, to reduce consumption of the controlled substances in Annex A, group I (CFCs) to 13.137 ODP-tonnes in 2005.

Recommendation 36/20

Honduras

19. The Committee *agreed* to urge Honduras to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XVII/34, to reduce consumption of the controlled substance in Annex E (methyl bromide) to 327.600 ODP-tonnes in 2005.

Recommendation 36/21

Islamic Republic of Iran

20. The Committee *agreed*:

- (a) To note the decision by the Islamic Republic of Iran to withdraw its request to revise its baseline data for the controlled substances in Annex B, group II (carbon tetrachloride) and Annex B, group III (methyl chloroform), and its agreement to observe the existing baseline data for those controlled substances, of 77.000 ODP-tonnes and 8.667 ODP-tonnes respectively;
- (b) To recall that the Party's most recent ozone-depleting substance data submission reported methyl chloroform consumption for the year 2004 of 386.8 ODP-tonnes, which is in excess of the Protocol's requirement that the Islamic Republic of Iran freeze its methyl chloroform consumption at the baseline level of 8.667 ODP-tonnes in that year;
- (c) Further to recall that recommendation 35/19 of the thirty-fifth meeting of the Implementation Committee requested the Islamic Republic of Iran to submit a revised plan of action with time-specific benchmarks for ensuring its prompt return to compliance with the Protocol's methyl chloroform control measures;
- (d) To request the Islamic Republic of Iran to submit to the Secretariat, as a matter of urgency, the revised plan of action mentioned in subparagraph (c), noting the advice of the Party that it was seeking to achieve complete phase-out of methyl chloroform consumption by January 2007, for the consideration of the Implementation Committee at its thirty-seventh meeting;
- (e) To invite the Islamic Republic of Iran, if necessary, to send a representative to the thirty-seventh meeting of the Committee to discuss the matter.

Recommendation 36/22

Kenya

21. The Committee *agreed* to defer consideration of Kenya's compliance with the Protocol's control measures in 2005 until its thirty-seventh meeting, in the light of the limited time which Kenya had had to review the data reports generated by the Secretariat from its 2005 data submission and to respond to the Secretariat's request for information on the apparent deviation from its requirement to reduce its consumption of the controlled substances in Annex A, group I (CFCs) in 2005 to no greater than 50 per cent of its baseline.

Recommendation 36/24

Kyrgyzstan

22. The Committee *agreed*:

- (a) To note with appreciation that Kyrgyzstan had completed implementation of its commitments, contained in decision XVII/36, to introduce a ban on the import of equipment containing halons and equipment that uses halons by 1 January 2006, and to introduce by the beginning of 2006 an import quota system to limit annual consumption of halons;
- (b) To congratulate Kyrgyzstan on its return to compliance in 2005 with the halon control measures of the Montreal Protocol, as well as its implementation of its commitment, contained in decision XVII/36, to reduce its halon consumption to no greater than 2.40 ODP-tonnes, as indicated by its data report for 2005.

Recommendation 36/25

Lesotho

23. The Committee *agreed*:

- (a) To note with appreciation that Lesotho had completed implementation of its commitments, contained in decision XVI/25, to introduce a quota system for the import of the controlled substances in Annex A, group II (halons), and to introduce a ban on the import of halon-based equipment and systems in 2005;
- (b) Also to note with appreciation that Lesotho had reported data for the consumption of halons in 2005 that showed that it was in advance of its commitment, contained in decision XVI/25, to reduce its consumption of halons to 0.2 ODP-tonnes in that year, and also in advance of its halon phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/26

Libyan Arab Jamahiriya

24. The Committee *agreed*:

- (a) To urge the Libyan Arab Jamahiriya to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitments, contained in decision XV/36 and decision XVII/37, to reduce its consumption of the controlled substances in Annex A, group I (CFCs) to 303.0 ODP-tonnes, to maintain consumption of the controlled substances in Annex A, group II (halons) at a level no greater than 714.500 ODP-tonnes in 2005, and to maintain consumption of the controlled substance in Annex E (methyl bromide) at a level no greater than 96.000 ODP-tonnes, in 2005;
- (b) To note with regret that the Libyan Arab Jamahiriya had not submitted a report on the status of its commitment, contained in decision XV/36, to establish a licensing and quota system for ozone-depleting substances, recalling the Party's expectation that the legislation providing for the system would be enacted no later than 31 January 2006;
- (c) To request the Libyan Arab Jamahiriya to submit to the Secretariat, as a matter of urgency, the report referred to in subparagraph (b), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/27

Maldives

25. The Committee *agreed* to note with appreciation that in 2005 Maldives had completed implementation of its commitment, contained in decision XV/37, to maintain zero consumption of the controlled substances in Annex A, group I (CFCs) in that year, and further to note that it therefore continued to be in advance of the Protocol's consumption control measures for CFCs.

Recommendation 36/28**Mauritius**

26. The Committee *agreed*:
- (a) To note that Mauritius reported consumption of 0.033 ODP-tonnes of the controlled substance in Annex B, group II (carbon tetrachloride) in 2005, in excess of the Protocol's requirement to reduce carbon tetrachloride consumption to no more than 15 per cent of its baseline level of 0.002 ODP-tonnes in that year;
 - (b) To note with appreciation the prompt action taken by Mauritius to cease consumption of carbon tetrachloride from 2005;
 - (c) To note further that decision XVII/13 of the Seventeenth Meeting of the Parties is applicable to the Party's excess consumption of carbon tetrachloride in that year, in the light of its analysis of the particular circumstances relating to the carbon tetrachloride consumption of Mauritius in 2005;
 - (d) To defer until 2007 consideration of the compliance status of Mauritius in relation to the Protocol's control measures for carbon tetrachloride, in accordance with the provisions of decision XVII/13.

Recommendation 36/29**Mexico**

27. The Committee *agreed*:
- (a) To note with regret that Mexico had not submitted the outstanding information in support of its request to revise its baseline data for 1998 for the controlled substance in Annex B, group I (carbon tetrachloride) in accordance with decision XV/19 and recommendation 35/25;
 - (b) To note with concern Mexico's reported consumption of 89.540 ODP-tonnes of carbon tetrachloride in 2005, in excess of the Protocol's requirement to reduce carbon tetrachloride consumption to no more than 15 per cent of its baseline level of zero ODP-tonnes in that year;
 - (c) To request Mexico to submit to the Secretariat as soon as possible, and no later than 16 August 2006, the information requested in subparagraph (a), an explanation for its deviation as described in subparagraph (b) and, if relevant, a plan of action with time-specific benchmarks for ensuring its prompt return to compliance with the Protocol carbon tetrachloride consumption control measures;
 - (d) To invite Mexico, if necessary, to send a representative to the thirty-seventh meeting of the Committee to discuss the matters of its baseline revision request and deviation from the Protocol's carbon tetrachloride consumption control measures for the year 2005;
 - (e) In the absence of an explanation for the excess carbon tetrachloride consumption, to request the Eighteenth Meeting of the Parties to endorse the request in subparagraph (c) above by forwarding the draft decision contained in section D of annex I to the present report to that Meeting for approval.

Recommendation 36/30

Mozambique

28. The Committee *agreed*:
- (a) To note with regret that Mozambique had not submitted its ozone-depleting substance data for the year 2004, in accordance with decision XVII/20;
 - (b) To request Mozambique to submit to the Secretariat, as a matter of urgency and no later than 16 August 2006, the data referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/31

Namibia

29. The Committee *agreed* to note with appreciation that Namibia had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in advance of its commitment, contained in decision XV/26, to reduce its consumption of CFCs to 10.0 ODP-tonnes in that year, and also in advance of its CFC phase-out obligations under the Montreal Protocol for 2005.

Recommendation 36/32

Nauru

30. The Committee *agreed* to note with appreciation Nauru's submission of all outstanding data, in accordance with its data-reporting obligations under the Protocol and decision XVII/20, which indicated that it was in compliance with the Protocol's control measures in 2004.

Recommendation 36/33

Nepal

31. The Committee *agreed* to note with appreciation that Nepal had completed implementation in 2005 of its commitment, contained in decision XVI/27, to release no more than 13.5 ODP-tonnes of CFCs on to its market in that year.

Recommendation 36/34

Niger

32. The Committee *agreed* to defer consideration of Niger's compliance with the Protocol's control measures in 2005 until its thirty-seventh meeting, in the light of the limited time which Niger had had to review the data reports generated by the Secretariat from its 2005 data submission and to respond to the Secretariat's request for information on the apparent deviation from its requirement to reduce its consumption of the controlled substances in Annex A, group I (CFCs) in 2005 to no greater than 50 per cent of its baseline.

Recommendation 36/35

Nigeria

33. The Committee *agreed*:

- (a) To note with appreciation Nigeria's efforts to introduce an enhanced licensing system, including a ban on the import of equipment containing ozone-depleting substances and penalties for contravention of the enhanced system, given the importance of sound regulatory measures to the achievement and maintenance of a Party's compliance with the Protocol's control measures;
- (b) To urge Nigeria to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XIV/30, to reduce its consumption of the controlled substances in Annex A, group I (CFCs) to 1,800 ODP-tonnes.

Recommendation 36/36

Pakistan

34. The Committee *agreed* to urge Pakistan to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee might assess at its thirty-seventh meeting the Party's implementation of its commitment, contained in decision XVI/29, to reduce its consumption of the controlled substances in Annex A, group II (halons) to 7.1 ODP-tonnes.

Recommendation 36/37

Papua New Guinea

35. The Committee *agreed*:

- (a) To note with appreciation that Papua New Guinea had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in advance of its commitment, contained in decision XV/40, to reduce its consumption of CFCs to 17.0 ODP-tonnes in that year, and also in advance of its CFC phase-out obligations under the Montreal Protocol for 2005;
- (b) To note with regret that Papua New Guinea had not implement its commitment, contained in decision XV/40, to ban, on or before 31 December 2004, imports of equipment using ozone-depleting substances;
- (c) To note, however, that Papua New Guinea had reported that the regulations required to establish the ban were submitted for Cabinet endorsement by the end of March 2006, and therefore to request it to submit to the Secretariat, as a matter of urgency, a report on its implementation of the commitment referred to in subparagraph (b), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/38

Saint Vincent and the Grenadines

36. The Committee *agreed* to note with appreciation that Saint Vincent and the Grenadines had reported data for the consumption of the controlled substances in Annex A, group I (CFCs) in 2005 that showed that it was in compliance with its commitment, contained in decision XVI/30, to reduce its consumption of CFCs to 1.39 ODP-tonnes in that year.

Recommendation 36/39

Serbia and Montenegro

37. The Committee *agreed*:
- (a) To note with regret that Serbia and Montenegro had not submitted its outstanding baseline data for the controlled substances in Annex B (other CFCs, carbon tetrachloride and methyl chloroform) and Annex E (methyl bromide), in accordance with decision XVII/22;
 - (b) To note, however, that Serbia and Montenegro had submitted an explanation for its data-reporting non-compliance and to request it to submit to the Secretariat, as a matter of urgency and no later than 16 August 2006, the data referred to in subparagraph (a), for the consideration of the Implementation Committee at its thirty-seventh meeting.

Recommendation 36/40

Sierra Leone

38. The Committee *agreed*:
- (a) To note with appreciation the national report on the import and consumption of the controlled substances in Annex A, group II (halons) submitted by Sierra Leone;
 - (b) Further to note with appreciation that Sierra Leone had reported halon consumption data for 2005 of zero ODP-tonnes, which indicated that it had returned to compliance with the Protocol's control measures for halons in that year, and to congratulate it on that achievement;
 - (c) Also to note with appreciation the report submitted by Sierra Leone on the status of its regulations for a licensing system for ozone-depleting substances and to encourage it to establish the system as soon as possible in order to sustain its return to compliance.

Recommendation 36/41

Somalia

39. The Committee *agreed*:
- (a) To note with regret that Somalia had not responded to the request for a clarification on its halon plan of action, including the regulatory and other measures that the Party would undertake to support its proposed halon consumption reduction benchmarks, in accordance with recommendation 35/36;
 - (b) To note, however, the challenges faced by Somalia in implementing its obligations under the Montreal Protocol, including the fact that institutional changes had necessitated a review of its previously submitted plan of action;
 - (c) To urge Somalia to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005 and an update on its plan for returning to compliance with the Protocol's halon control measures, including regulatory measures to support and sustain planned phase-out activities.

Recommendation 36/42

The Former Yugoslav Republic of Macedonia

40. The Committee *agreed*:
- (a) To note that The Former Yugoslav Republic of Macedonia had reported consumption of 0.012 ODP-tonnes in 2005 of the controlled substance in Annex B, group II, (carbon tetrachloride), in excess of the Protocol's requirement to reduce consumption of the substance to no greater than 15 per cent of the Party's baseline, namely 0.010 ODP-tonnes in that year;
 - (b) That decision XVII/13 of the Seventeenth Meeting of the Parties is applicable to the Party's excess consumption of carbon tetrachloride in that year, in the light of its analysis of the particular circumstances relating to the carbon tetrachloride consumption of The Former Yugoslav Republic of Macedonia in 2005;
 - (c) To defer until 2007 consideration of the compliance status of The Former Yugoslav Republic of Macedonia in relation to the Protocol's control measures for carbon tetrachloride, in accordance with the provisions of decision XVII/13.

Recommendation 36/44

Turkey

41. The Committee *agreed*:
- (a) To defer assessment of Turkey's compliance with the Protocol's consumption control measures for the controlled substance in Annex C, group III (bromochloromethane) in the year 2004 until it could review the Party's situation in the light of guidance provided by the Meeting of the Parties following consideration of the latest assessment of bromochloromethane use in the production of sultamicillin by the Technology and Economic Assessment Panel;
 - (b) To defer assessment of Turkey's compliance with the Protocol's consumption control measures for bromochloromethane in the year 2005 until its thirty-seventh meeting, in the light of the limited time which the Party had had to review the data reports generated by the Secretariat from its 2005 data submission and to respond to the Secretariat's request for information on the apparent deviation from its requirement to maintain total phase-out of consumption of bromochloromethane in that year.

Recommendation 36/45

Uganda

42. The Committee *agreed* to note with appreciation that Uganda had completed implementation in 2005 of its commitment, contained in decision XV/43, to reduce its consumption of the controlled substance in Annex E (methyl bromide) to 6.0 ODP-tonnes in that year.

Recommendation 36/46

Uruguay

43. The Committee *agreed*:
- (a) To note with appreciation that Uruguay had submitted a progress report on its implementation of the plan of action, contained in decision XVII/39, to maintain its compliance with the Protocol's control measures for the controlled substance in Annex E (methyl bromide), which suggested that it was in advance of its commitment, contained in that decision, to reduce its 2005 consumption of methyl bromide to 8.9 ODP-tonnes, and also in advance of its methyl bromide phase-out obligations under the Montreal Protocol for 2005.

- (b) To urge Uruguay to submit to the Secretariat, as soon as possible and no later than 30 September 2006, its ozone-depleting substance data for the year 2005, in order that the Committee may confirm at its thirty-seventh meeting the Party's implementation of its commitments contained in decision XVII/39.

Recommendation 36/48

Zimbabwe

44. The Committee *agreed*:

- (a) To note with appreciation Zimbabwe's explanation for its reported consumption of 3.487 ODP-tonnes of the controlled substance in Annex B, group II (carbon tetrachloride) in 2005, in excess of the Protocol's requirement to reduce carbon tetrachloride consumption to no more than 15 per cent of its baseline level of 1.737 ODP-tonnes in that year;
- (b) Also to note with appreciation Zimbabwe's explanation for its reported consumption of 0.037 ODP-tonnes of the controlled substance in Annex B, group III (methyl chloroform) in 2005, in excess of the Protocol's requirement to reduce methyl chloroform consumption to no more than 70 per cent of its baseline level of 0.002 ODP-tonnes in that year;
- (c) To request Zimbabwe to submit to the Secretariat as soon as possible, and no later than 16 August 2006, a plan of action with time-specific benchmarks for ensuring the Party's prompt return to compliance;
- (d) To invite Zimbabwe, if necessary, to send a representative to the thirty-seventh meeting of the Committee to discuss the matter;
- (e) In the absence of the submission of a plan of action, to request the Eighteenth Meeting of the Parties to endorse the request in subparagraph (c) above by forwarding to that Meeting for approval the draft decision contained in section E of annex I to the present report.

Recommendation 36/49

Appendix

Draft decisions

A. Decision XVIII/-: Non-compliance with the Montreal Protocol by Armenia

1. To note that Armenia ratified the Montreal Protocol on 1 October 1999 and the London and Copenhagen Amendments to the Protocol on 26 November 2003 and is classified as a Party operating under paragraph 1 of Article 5 of the Protocol;
2. To note also that the Council of the Global Environment Facility has approved \$2,090,000 to enable Armenia's compliance with the Montreal Protocol;
3. To note further that Armenia has reported annual consumption for the Annex E controlled substance (methyl bromide) for 2004 of 1.020 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for that controlled substance for that year, and that Armenia is therefore in non-compliance with the control measures for methyl bromide under the Protocol;
4. To note with appreciation Armenia's submission of a plan of action to ensure its prompt return to compliance with the Protocol's methyl bromide control measures and to note that, under the plan, without prejudice to the operation of the financial mechanism of the Protocol, Armenia specifically commits itself:
 - (a) To maintain methyl bromide consumption at no more than zero ODP-tonnes from 2007, save for critical uses that may be authorized by the Parties after 1 January 2015;
 - (b) To introduce by [1 January] 2007 a system for licensing the import and export of ozone-depleting substances which includes import quotas;
5. To note that Armenia has reported methyl bromide consumption for 2005 that indicates its return to compliance in that year and congratulate the Party on that achievement, but also to note the Party's concern that, until the measures contained in subparagraph 3 (b) of the present decision come into force, the Party cannot be confident of its ability to sustain its return to compliance, and therefore to urge Armenia to work with the relevant implementing agencies to implement the remainder of the plan of action to sustain its phase-out of consumption of methyl bromide;
6. To monitor closely the progress of Armenia with regard to the implementation of its plan of action and the phase-out of methyl bromide. To the degree that the Party is working toward and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Armenia should continue to receive international assistance to enable it to meet those commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Parties caution Armenia, in accordance with item B of the indicative list of measures, that, in the event that it fails to remain in compliance, the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of methyl bromide that is the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

B. Decision XVIII/- Non-compliance in 2005 with consumption of the controlled substances in Annex A, group I (CFCs), by Dominica, and request for a plan of action

1. To note that Dominica ratified the Montreal Protocol and the London Amendment on 31 March 1993 and the Copenhagen, Montreal and Beijing Amendments on 7 March 2006. Dominica is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in November 1998. The Executive Committee has approved \$232,320 from the Multilateral Fund to enable Dominica's compliance in accordance with Article 10 of the Protocol;

2. To note further that Dominica has reported annual consumption for the Annex A, group I, controlled substances (CFCs) for 2005 of 1.388 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 0.740 ODP-tonnes for those controlled substances for that year, and that Dominica is therefore in non-compliance with the control measures for CFCs under the Protocol;

3. To request Dominica, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Dominica may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule, a ban on imports of equipment that uses ozone-depleting substances, and policy and regulatory instruments that will ensure progress in achieving the phase-out of CFCs;

4. To monitor closely the progress of Dominica with regard to the phase-out of CFCs. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Dominica should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Dominica, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of the CFCs that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

D. Decision XVIII/– Potential non-compliance in 2005 with consumption of the controlled substances in Annex B, group II (carbon tetrachloride), by Mexico, and request for a plan of action

1. To note that Mexico ratified the Montreal Protocol on 31 March 1988, the London Amendment on 11 October 1991 and the Copenhagen Amendment on 16 September 1994. Mexico is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in February 1992. The Executive Committee has approved \$83,231,594 from the Multilateral Fund to enable Mexico's compliance in accordance with Article 10 of the Protocol;

2. To note further that Mexico has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 89.540 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of zero ODP-tonnes for that controlled substance for that year, and that in the absence of further clarification, Mexico is therefore presumed to be in non-compliance with the control measures under the Protocol;

3. To note also, however, that Mexico has submitted a request for a change in its baseline data for carbon tetrachloride that will be further considered by the Implementation Committee at its next meeting;

4. To nevertheless request Mexico, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting an explanation for its excess consumption, together with a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Mexico may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule and policy and regulatory instruments that will ensure progress in achieving the phase-out of carbon tetrachloride;

5. To monitor closely the progress of Mexico with regard to the phase-out of carbon tetrachloride. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Mexico should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Mexico, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride that is the subject of

non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;

E. Decision XVIII/– Non-compliance in 2005 with consumption of the controlled substances in Annex B, group II (carbon tetrachloride), and Annex B, group III (methyl chloroform), by Zimbabwe, and request for a plan of action

1. To note that Zimbabwe ratified the Montreal Protocol on 3 November 1992 and the London and Copenhagen Amendments on 3 June 1994. Zimbabwe is classified as a Party operating under paragraph 1 of Article 5 of the Protocol and had its country programme approved by the Executive Committee in July 1994. The Executive Committee has approved \$6,072,747 from the Multilateral Fund to enable Zimbabwe's compliance in accordance with Article 10 of the Protocol;

2. To note further that Zimbabwe has reported annual consumption for the Annex B, group II, controlled substance (carbon tetrachloride) for 2005 of 3.487 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 1.737 ODP-tonnes for that controlled substance for that year, and that Zimbabwe is therefore in non-compliance with the control measures for carbon tetrachloride under the Protocol;

3. To note also that Zimbabwe has reported annual consumption for the Annex B, group III, controlled substance (methyl chloroform) for 2005 of 0.037 ODP-tonnes, which exceeds the Party's maximum allowable consumption level of 0.002 ODP-tonnes for that controlled substance for that year, and that Zimbabwe is therefore in non-compliance with the control measures for methyl chloroform under the Protocol;

4. To request Zimbabwe, as a matter of urgency, to submit to the Implementation Committee for consideration at its next meeting a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Zimbabwe may wish to consider including in its plan of action the establishment of import quotas to support the phase-out schedule and policy and regulatory instruments that will ensure progress in achieving the phase-out;

5. To monitor closely the progress of Zimbabwe with regard to the phase-out of carbon tetrachloride and methyl chloroform. To the degree that the Party is working towards and meeting the specific Protocol control measures, it should continue to be treated in the same manner as a Party in good standing. In that regard, Zimbabwe should continue to receive international assistance to enable it to meet its commitments in accordance with item A of the indicative list of measures that may be taken by a Meeting of the Parties in respect of non-compliance. Through the present decision, however, the Meeting of the Parties cautions Zimbabwe, in accordance with item B of the indicative list of measures, that, in the event that it fails to return to compliance in a timely manner, the Meeting of the Parties will consider measures consistent with item C of the indicative list of measures. Those measures may include the possibility of actions available under Article 4, such as ensuring that the supply of carbon tetrachloride and methyl chloroform that are the subject of non-compliance is ceased so that exporting Parties are not contributing to a continuing situation of non-compliance;