Draft recommendations

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

A. Eritrea and Yemen

The Committee therefore noted that Eritrea and Yemen had submitted all outstanding data in accordance with their data-reporting obligations under the Protocol and decision XXV/14 and that the data confirmed that the parties were in compliance with the Protocol’s control measures for 2012.

B. Ukraine

The Committee therefore agreed to commend Ukraine on its commitment in meeting the requirements of decision XXIV/18, as shown by its consumption data for hydrochlorofluorocarbons for 2013, and to request the party to report on actions to introduce gradually a ban on imports and exports of ozone-depleting substances and a quota system along with new legislation to more closely control ozone-depleting substances.

C. Democratic People's Republic of Korea

The Committee therefore agreed to take note of the information presented by the Secretariat and the updates by the secretariat of the Multilateral Fund and relevant implementing agencies and to revisit the matter at its fifty-third meeting in the light of any additional information received.

II. Formal recommendations

A. Data reporting obligations: South Sudan

The Committee therefore agreed:

Noting with concern that South Sudan had not yet submitted the required data to the Secretariat,

To urge South Sudan to report to the Secretariat its ozone-depleting substance data for 2012 in accordance with Article 7, as a matter of urgency and preferably no later than 15 September 2014, in time for consideration by the Committee at its fifty-third meeting.

Recommendation 52/1
B. Existing plans of action to return to compliance: Ecuador and Uruguay

The Committee therefore agreed to request Ecuador and Uruguay to report their 2013 data to the Secretariat in accordance with paragraph 3 of Article 7 of the Protocol, preferably no later than 15 September 2014, in order that the Committee might assess at its fifty-third meeting the status of compliance by those parties with their commitments set out in the decisions applicable to them, as listed in the following table:

<table>
<thead>
<tr>
<th>Party</th>
<th>Decision on compliance</th>
<th>Substance</th>
<th>Action plan target (ODP-tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ecuador</td>
<td>XX/16</td>
<td>Methyl bromide</td>
<td>52.8</td>
</tr>
<tr>
<td>Uruguay</td>
<td>XVII/39</td>
<td>Methyl bromide</td>
<td>0</td>
</tr>
</tbody>
</table>

*Abbreviations: ODP, ozone-depleting potential; HCFCs, hydrochlorofluorocarbons*

Recommendation 52/2

C. Other recommendations and decisions on compliance: Kazakhstan

The Committee therefore agreed:

*Noting with concern* that Kazakhstan had reported consumption of the controlled substances in Annex C, group I, (hydrochlorofluorocarbons) of 90.75 ODP-tonnes for 2011, 21.36 ODP-tonnes for 2012 and 83.32 ODP-tonnes for 2013, levels that represent deviations from the Protocol’s requirement that the party limit consumption of those substances to no greater than 9.9 ODP-tonnes in each of those years,

*Noting also with concern* that Kazakhstan had reported consumption of the controlled substance in Annex E (methyl bromide) of 6.0 ODP-tonnes for 2011 and 19.0 ODP-tonnes for 2013, levels that represent deviations from the Protocol’s requirement that the party limit consumption of that substance to no greater than zero ODP-tonnes in each of those years,

*Noting further with concern* that a methyl bromide project submitted to the Global Environment Facility had been rejected and that the Facility’s consideration of an HCFC project proposal was still at an early stage,

*Noting with appreciation* the party’s submission of a plan of action for returning to compliance with the Protocol’s control measures for hydrochlorofluorocarbons and methyl bromide in 2015,

- To forward to the Twenty-Sixth Meeting of the Parties for its consideration the draft decision incorporating the party’s plan of action set out in section A of annex I to the present report.

Recommendation 52/3

D. Requests for the revision of baseline data

Recommendation regarding parties that submitted information according to the methodology set out in decision XV/19 and satisfied the Committee that their requests have merit: Libya and Mozambique

The Committee therefore agreed:

*Noting with appreciation* the information submitted by Libya and Mozambique in support of their requests for the revision of their baseline consumption data for the Annex C, group I, controlled substances (hydrochlorofluorocarbons) for the years 2010 and 2009, respectively,

*Recalling* decision XV/19, which sets out the methodology to be used to review requests for the revision of baseline data,

*Noting with appreciation* the efforts made by the above parties to satisfy the information requirements of decision XV/19, in particular their efforts to verify the accuracy of their proposed new baseline data through national surveys of hydrochlorofluorocarbon use carried out with the assistance of the implementing agencies and funding from the Multilateral Fund for the Implementation of the Montreal Protocol,

To forward for consideration by the Twenty-Sixth Meeting of the Parties the draft decision set out in section B of annex I to the present report, which would approve the requests of Libya and Mozambique for the revision of their baseline consumption data for hydrochlorofluorocarbons.

Recommendation 52/4
E. Other possible non-compliance issues arising out of the data report

Treatment of stockpiled ozone-depleting substances: Israel

The Committee therefore agreed:

Recalling decision XVIII/17, by which the Meeting of the Parties requested the Secretariat to maintain a consolidated record of the cases in which Parties have explained that their situations of excess production or consumption are the consequence of scenarios (a), (b) or (c) outlined in paragraph 1 of that decision and to incorporate that record in the documentation of the Implementation Committee, for information purposes only,

Recalling decision XXII/20, which provides that in any of the scenarios referred to in the previous paragraph no follow-up action from the Implementation Committee is deemed necessary if the party concerned reports that it has the necessary measures in place to prohibit the use of the ozone-depleting substances for any purpose other than those described in the decision,

1. To note with concern that Israel had not by the time of the current meeting provided the information required under decision XXII/20,

2. To request Israel to submit the outstanding information urgently, preferably by 15 September 2014, for consideration by the Committee at its fifty-third meeting.

Recommendation 52/5

F. Establishment of licensing systems

The Committee therefore agreed:

Noting that Botswana and South Sudan, which became parties to the Montreal Amendment in 2013, had not yet established licensing systems to control the import and export of ozone-depleting substances,

Recognizing that licensing systems provide for the monitoring of imports and exports of ozone-depleting substances, prevent illegal trade and enable data collection,

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

Recalling decision XXV/15, in which the Meeting of the Parties urged Botswana and South Sudan to establish licensing systems in accordance with Article 4B of the Protocol and to report to the Secretariat by 31 March 2014,

To urge Botswana and South Sudan to establish licensing systems and to submit to the Secretariat, no later than 30 September 2014, information on the status of the establishment of those systems, as called for in decision XXV/15, for consideration by the Implementation Committee at its fifty-third meeting and by the Twenty-Sixth Meeting of the Parties, in November 2014.

Recommendation 52/6
Annex I

Draft decisions

The Twenty-Sixth Meeting of the Parties decides:

A. Draft decision XXVI/-: Non-compliance with the Montreal Protocol by Kazakhstan

Noting that Kazakhstan ratified the Montreal Protocol on Substances that Deplete the Ozone Layer on 26 August 1998, the London Amendment on 26 July 2001 and the Copenhagen and Montreal Amendments on 28 June 2011 and is classified as a party not operating under paragraph 1 of Article 5 of the Protocol,

Noting also that the Global Environment Facility approved funding in the amount of [S6,024,696] to enable Kazakhstan to achieve compliance with the Protocol,

Noting with concern that a methyl bromide project submitted to the Global Environment Facility was rejected and that the Facility’s consideration of an HCFC project proposal was still at an early stage,

1. That Kazakhstan’s annual consumption of the controlled substances in Annex C, group I, (hydrochlorofluorocarbons) of 90.75 ODP-tonnes for 2011, 21.36 ODP-tonnes for 2012 and 83.32 ODP-tonnes in 2013 exceeds the party’s maximum allowable consumption of 9.9 ODP-tonnes for those controlled substances for those years and that the party was therefore in non-compliance with the consumption control measures under the Protocol for hydrochlorofluorocarbons;

2. That Kazakhstan’s annual consumption of the controlled substance in Annex E (methyl bromide) of 6.0 ODP-tonnes in 2011 and 19.0 ODP-tonnes in 2013 exceeds the party’s maximum allowable consumption of zero ODP-tonnes for that controlled substance for those years and that the party was therefore in non-compliance with the consumption control measures under the Protocol for methyl bromide;

3. To note with appreciation the submission by Kazakhstan of a plan of action to ensure its return to compliance with the Protocol’s hydrochlorofluorocarbon and methyl bromide control measures under which, without prejudice to the operation of the financial mechanism of the Protocol, Kazakhstan specifically commits itself:

   (a) To reducing its consumption of hydrochlorofluorocarbons from 83.32 ODP-tonnes in 2013 to no greater than:

      (i) 40 ODP-tonnes in 2014;

      (ii) 9.9 ODP-tonnes in 2015;

      (iii) 3.95 ODP-tonnes in 2016, 2017, 2018 and 2019;

      (iv) Zero ODP-tonnes by 1 January 2020, save for consumption restricted to the servicing of refrigeration and air-conditioning equipment between the period 2020 and 2030 as prescribed in the Protocol;

   (b) To reducing its consumption of methyl bromide from 19.0 ODP-tonnes in 2013 to no greater than:

      (i) 6.0 ODP-tonnes in 2014;

      (ii) Zero ODP-tonnes by 1 January 2015, save for critical uses that may be authorized by the parties;

   (c) To monitoring its system for licensing imports and exports of ozone-depleting substances;

4. To invite the relevant implementing agencies to work with Kazakhstan to secure the reconsideration of the party’s proposed methyl bromide project by the Global Environment Facility;

5. To urge Kazakhstan to work with the relevant implementing agencies to implement its plan of action to phase out consumption of hydrochlorofluorocarbons and methyl bromide;

6. To monitor closely the progress of Kazakhstan with regard to the implementation of its plan of action and the phase-out of hydrochlorofluorocarbons 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, Kazakhstan 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 the Meeting of the Parties in respect of non-compliance;

7. To caution Kazakhstan, in accordance with item B of the indicative list of measures that may be taken by the Meeting of the Parties in respect of non-compliance, that, in the event that Kazakhstan fails to return to 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 hydrochlorofluorocarbons 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;

B. Draft decision XXVI/-: Requests for the revision of baseline data by Libya and Mozambique

Noting that, in accordance with decision XIII/15, by which the Thirteenth Meeting of the Parties decided that parties requesting the revision of reported baseline data should present such requests to the Implementation Committee, which in turn would work with the Secretariat 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 Libya and Mozambique have presented sufficient information, in accordance with decision XV/19, to justify their requests for the revision of their consumption data for hydrochlorofluorocarbons for 2010 and 2009, respectively, which are part of the baseline for parties operating under paragraph 1 of Article 5;

2. To approve the requests of the parties listed in the preceding paragraph and to revise their baseline hydrochlorofluorocarbon consumption data for the respective years as indicated in the following table:

<table>
<thead>
<tr>
<th>Party</th>
<th>Previous hydrochlorofluorocarbon data</th>
<th>New hydrochlorofluorocarbon data</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(ODP-tonnes)</td>
<td>(ODP-tonnes)</td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>2010</td>
</tr>
<tr>
<td>1. Libya</td>
<td>–</td>
<td>131.91</td>
</tr>
<tr>
<td>2. Mozambique</td>
<td>4.3</td>
<td>–</td>
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</tbody>
</table>