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IMPLEMENTATION COMMITTEE UNDER THE
NON-COMPLIANCE PROCEDURE FOR THE
MONTREAL PROTOCOL

Twenty-seventh meeting
Colombo, 13 October 2001

**REPORT OF THE IMPLEMENTATION COMMITTEE UNDER THE NON-COMPLIANCE
PROCEDURE FOR THE MONTREAL PROTOCOL ON THE WORK OF
ITS TWENTY-SEVENTH MEETING**

I. INTRODUCTION

1. The twenty-seventh meeting of the Implementation Committee under the Non-compliance Procedure for the Montreal Protocol was held at the Bandaranaike Memorial International Conference Hall (BMICH) in Colombo on 13 October 2001.

II. ORGANIZATIONAL MATTERS

A. Opening of the Meeting

2. The President of the Committee, Ms. Maria Nolan (United Kingdom of Great Britain and Northern Ireland), opened the meeting at 10 a.m. on 13 October 2001.

B. Attendance

3. The meeting was attended by representatives of Argentina, Bangladesh, Czech Republic, Egypt, Slovakia, Sri Lanka, United Kingdom of Great Britain and Northern Ireland and the United States of America.

4. The Committee members from Ecuador and Senegal did not attend.

5. The meeting was also attended by representatives of the Secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol and the implementing agencies of the Fund – the United Nations Environment Programme (UNEP), and the United Nations Industrial Development Organization (UNIDO). The representatives of the United Nations Development Programme (UNDP) and World Bank did not attend. The full list of participants is contained in Annex II to the present report.

6. At the invitation of the Committee, representatives of Bulgaria, Kazakhstan, Russian Federation and Tajikistan attended in order to present information on their respective countries' progress towards compliance with the Montreal Protocol.

7. Also at the invitation of the Committee, and in accordance with a recommendation of the 26th meeting of the Committee, the meeting was attended by the Chair and Vice-Chair of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol.

C. Adoption of the agenda and organization of work

8. The Committee adopted the following agenda based on the provisional agenda circulated as document UNEP/OzL.Pro/ImpCom/27/1/Rev.1:

1. Opening of the meeting.
2. Adoption of the agenda and organization of work.
3. Report of the Secretariat on data and compliance issues.
4. Presentation on activities in Article 5 Parties and/or countries with economies in transition to achieve compliance with the Montreal Protocol by:
 - (a) Multilateral Fund Secretariat;
 - (b) Implementing Agencies of the Multilateral Fund – UNDP, UNEP, UNIDO, World Bank.
5. The follow-up on the recommendations by the Implementation Committee.
6. Analysis of past recommendations of the previous meetings of the Implementation Committee.
7. Other matters.
8. Approval of the report of the meeting.
9. Closure of the meeting.

III. REPORT OF THE SECRETARIAT ON DATA AND COMPLIANCE ISSUES

9. The Ozone Secretariat presented the report of the Secretariat on information provided by Parties in accordance with Article 7 of the Montreal Protocol, as contained in documents UNEP/OzL.Pro.13/3, which was updated by supplementary information in document UNEP/OzL.Pro.13/3/Add.1. Concerning the section on remarks of the Secretariat on the data submitted for 1999, there seemed to be a pattern between production and consumption. That was of significance for Article 5 countries, since it seemed to show that, unless reductions in production and consumption proceeded hand-in-hand, there could be a possibility of failure to meet compliance targets by the Parties.

10. Drawing attention to Table 2 of the main report, the Ozone Secretariat noted that, in many cases, the deviations from consumption reduction schedules by non-Article 5 Parties were accounted for by essential use exemptions, laboratory and analytical use and production to meet the basic domestic needs of Article 5 Parties. The Secretariat had indicated where that was not the case. The

same applied to the production reduction schedules set out in Table 3, and the information in both tables was supplemented in the Addendum to the report.

11. Concerning Table 6, containing information reported by Article 5 Parties on consumption of Annex I substances above the baseline in 1999 or 2000, in line with the requests of the Committee at its 26th meeting, the Secretariat had written to all the Parties concerned. Summaries of the information received in reply were contained in documents UNEP/OzL.Pro/ImpCom/27/2 and UNEP/OzL.Pro/ImpCom/27/2/Add.1.

12. The Ozone Secretariat also introduced an information paper submitted by the Fund Secretariat (UNEP/OzL.Pro/ImpCom/27/Inf.1/Rev.1), in response to a request of the Committee at its 26th meeting, on the status of Article 5 countries in achieving compliance with the initial control measures of the Montreal Protocol, as well as a paper (UNEP/OzL.Pro/ImpCom/27/Inf.2) containing country programme summary sheets, as at July 2001. After the presentation by the Secretariat, the President of the Committee invited four Parties that had been invited to appear before the Committee to provide clarification on their situations of potential non-compliance.

13. The representative of Bulgaria, reporting on her country's potential non-compliance with regard to consumption of methyl bromide, stated that the 1991 baseline figure of zero had been incorrectly reported. A detailed inventory for the period 1991–98 carried out in 1999, and reported to UNEP/DTIE in September 2000, showed that the correct baseline figure should be 100 tonnes. The 1999 consumption figure of 36 ODP-tonnes meant, therefore, that Bulgaria was in fact in compliance with the Protocol. As part of its EU accession policy, Bulgaria intended to phase out methyl bromide consumption faster than mandated by the Protocol, and had adopted regulations to that effect; zero consumption (apart from quarantine and pre-shipment uses) should be achieved by 2004. Responding to questions, the representative clarified the baseline figure as including 10 tonnes of consumption for quarantine and pre-shipment uses; the baseline figure according to the Protocol's definition was therefore, in fact, 90 tonnes, or 54 tonnes weighted against ozone-depletion potential (ODP).

14. The representative of Kazakhstan reported that her country would become Party to the London Amendment on 24 October 2001, having ratified the Amendment on July 2001, and had initiated procedures to ratify the Copenhagen and Montreal Amendments. Kazakhstan consumed, but had no production of, controlled substances. The Government expected all Annex A and B substances to be phased out by 2004. Commenting on the subject of benchmarks, she drew attention to the table contained in paragraph 1 (j) of document UNEP/OzL.Pro/ImpCom/27/2, which contained benchmarks for phase-out of consumption of substances from Annexes AI, AII, BII and BIII, C, and E from the baseline year of 1998 through to 2004. Pointing to her country's aim to fulfil its obligations under the Protocol, she expressed hope that the project for institutional strengthening, scheduled for implementation in 2002, would further help to strengthen the activities aimed at phasing out ODS consumption.

15. The representative of the Russian Federation drew the Committee's attention to the achievements of his country in ending all exports and imports of Annex A and B ODS from 1 March 2000 and in closing production of Annex A and B ODS from 20 December 2000. He thanked those donor countries, and the World Bank, which had made production sector phase-out possible, and confirmed that the equipment in the facilities had either been dismantled or destroyed, or converted to production of alternative substances. Production of Annex A and B substances had been higher than before in 1999 and 2000, but this was only to provide reserves to enable a smooth transition for consumers over the next five years; no Annex A or B substances had been exported. The GEF project for consumption phase-out was nearing completion, and the Government was now focusing its efforts on developing and introducing economic incentives, including taxation and licensing, to encourage the remaining ODS consumers to convert to non-ozone depleting substances and technologies. Responding to questions, the representative stated that the World Bank validation report on the ending of production was not yet available; inspectors had examined the facilities in January and in July 2001, and were currently finalizing the report, which should be available in the next few weeks.

16. The representative of Tajikistan said that his country had ratified the London Amendment in 1998. The country did not produce or export ODS and had no plans to do so. The country programme approved by the GEF Council in 2000 foresaw a phase-out of ODS in 2004, with minor amounts being required for servicing after that date. Commenting on the issue of benchmarks, he drew attention to an informal paper submitted to the Committee by Tajikistan, containing a project implementation report on its country programme, which in its Table 1 set out projected ODS consumption from 2001 through total phase-out in 2004 and, in its Chapter II, described benchmarks/milestones towards ODS phase-out. He reiterated his country's commitment to compliance with the Montreal Protocol.

17. The representative of UNEP said that the countries with economies in transition had made serious efforts to implement the Montreal Protocol, often in the face of many difficulties. After the preparation of country programmes and the first financing by the GEF, they faced problems in a number of areas, including methyl bromide use, policy instruments, creation of legislation, import and export licensing, and customs training. The GEF had been quick to provide initial assistance to those countries but, after the initial assistance, it had been equally quick in moving on to other areas. Despite prior invitations, no representative of GEF attended the current meeting to hear the cases put by countries with economies in transition. On behalf of UNEP and UNDP, he appealed to the GEF to reconsider its existing funding strategies, since the work in such countries was far from over. Experiences needed to be shared by those who had made good progress, such as the Russian Federation, perhaps through the establishment of a networking system.

18. The Committee requested those of its members who were also members of the GEF Council in December 2001 to support the re-engagement of GEF in projects for phase-out of ODS in countries with economies in transition.

19. The representative of Bangladesh, commenting on non-submission of data, pointed to the recent elections in his country and the period of transition and stated that data for the year 2000 would be submitted by December 2001.

20. The representative of Argentina, commenting on the production of CFCs above the baseline for the control period from 1 July 1999 to 30 June 2000 in her country (as noted in Annex II to document UNEP/OzL.Pro/13/3/Add.1), said that Argentina was currently working with the World Bank for the submission and implementation of a project to close down the production sector. Argentina was also working on legislation to limit export and import of ODS and it was expected that the country would in future return to a state of compliance with the baseline.

21. The Implementation Committee discussed the points raised by the Secretariat in its reports, including in closed session attended only by the members of the Committee. In its deliberations, the Committee decided that, to facilitate its task, Parties could be categorized according to various common criteria.

Parties that had not yet ratified the London and Copenhagen Amendments (Armenia, Ethiopia, Dominican Republic, Nigeria, Samoa)

22. In the course of discussion, it was explained that, despite representations made to the Parties to ratify the amendments in question, no action had been taken on their part. It was considered that, as an incentive, the availability of international assistance to all those Parties should be made conditional upon their ratification of the London and Copenhagen Amendments.

23. The Committee agreed to forward to the 13th Meeting of the Parties a conference room paper containing a draft decision, as contained in Annex I to the present report, on action to be taken in the case of the above Parties.

Parties operating under Article 2 which had received requests from the Secretariat for further information on possible non-compliance (European Community, Hungary, Italy, Japan, Netherlands)

24. Following the discussion, the Committee agreed that, since Italy, Japan, the Netherlands and European Community had provided an explanation of the discrepancy in question and would provide the clarification in writing to the Ozone Secretariat, no further action should be taken.

25. The Committee agreed that, since Hungary's reduction of methyl bromide consumption in 1999 was only half a percentage point short of the target, no further action should be taken.

Parties operating under Article 5 which had not responded to requests for data

26. In the case of the more than 50 Article 5 Parties which had failed to submit data for 1999 and/or 2000, and which had failed to respond to requests for data, the Committee agreed to remind those Parties of the obligation to submit data, as contained in Article 7 of the Protocol. In addition, since, by decision X/29 of the 10th Meeting of the Parties, Article 5 Parties were required to submit data for the period 1 July 1999 to 30 June 2000 for the purpose of assessing compliance, the Committee urged the Parties in question to submit the required data as a matter of urgency. The Committee agreed to forward to the 13th Meeting of the Parties a conference room paper containing a draft decision on action to be taken in the case of the Parties in question.

Parties which did not report data under Article 7 of the Protocol

27. Seventeen Article 5 Parties did not report data for 1999 and 57 Article 5 Parties and 19 non-Article 5 Parties did not report data for 2000. The Committee agreed to remind those Parties of the obligation to report data, as contained in Article 7 of the Protocol and urged the Parties in question to submit the required data as a matter of urgency. The Committee agreed to forward to the 13th Meeting of the Parties a conference room paper, containing a draft decision on action to be taken in the case of the Parties in question.

Parties operating under Article 5 which did not report data for Annex A, Group I as per Decision X/29 of the 10th Meeting of the Parties

28. Of the 113 Article 5 Parties that reported data for 1999, 25 Parties exceeded their consumption and/or production baselines of Annex A, Group I substances. In accordance with Decision X/29, the Secretariat requested those Parties to report their consumption and/or production of Annex A, Group I substances for the control period from 1 July 1999 to 30 June 2000. Of those Parties, 13 did not report their data on consumption of Annex A, Group I substances for the control period. Of the 73 Article 5 Parties that reported data for the year 2000, 15 Parties exceeded their consumption and/or production baselines of Annex A, Group I substances. In accordance with Decision X/29, the Secretariat requested those Parties to report their consumption and/or production of Annex A, Group I substances for the control period from 1 July 1999 to 30 June 2000. Of those, 10 Parties did not report their data on consumption of Annex A, Group I substances for the control period. The Committee agreed to remind those Parties of their obligations to report their consumption of Annex A, Group I substances for the control period from 1 July 1999 to 30 June 2000, as per Decision X/29 of the 10th Meeting of the Parties, and urged the Parties in question to report consumption of Annex A, Group I substances for the control period as a matter of urgency.

Article 5 Parties which had supplied data for the compliance period and which were in non-compliance (Argentina, Belize, Cameroon, Ethiopia, Peru)

29. Following the discussion, the Committee agreed to prepare individual draft decisions, reflecting different situations, for each of the above Parties, as contained in Annex I to the present report, for transmission to the 13th Meeting of the Parties in conference room papers. The Committee agreed that the draft decisions should: set out the dates when the Party had applied for assistance from the

Multilateral Fund and the amounts of assistance granted; include the date of approval of the country programme; request them to provide information on when they expected to be in a state of compliance; and, draw attention to the possible application of the indicative list of measures that might be taken by a Meeting of the Parties, in respect of non-compliance with the Protocol.

Parties which were requesting revision of their baseline data (Bulgaria, Yemen)

30. In its deliberations, the Committee took into account the presentation already made by Bulgaria at the current meeting, and recalled its recommendation from the 26th meeting to the effect that Parties requesting changes in reported baseline data for the base years should submit a request to the Implementation Committee, which would assess the justification for the changes and present them to the Meeting of the Parties for approval. The Committee agreed to request both Parties to provide it with further details justifying the proposed changes and, in the case of Bulgaria, requested the Ozone Secretariat to request the GEF Secretariat to provide any relevant data on the matter, and in the case of Yemen, to seek additional data from the Secretariat of the Multilateral Fund.

Countries with economies in transition

Kazakhstan

31. Taking into account the presentation made by the representative of Kazakhstan at the current meeting, the Committee agreed to forward to the 13th Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, setting out the benchmarks for ODS consumption in the country from 2002 onwards.

Russian Federation

32. The Ozone Secretariat informed the Committee that a communication had been received from the World Bank, confirming that all ODS-producing enterprises in the country had completed closure activities in accordance with the legally binding Closure Plans, and that none would be capable of future ODS production. Official Closure Verification Reports were currently being finalized and were expected to be available soon. The Committee agreed to forward to the 13th Meeting of the Parties a conference room paper, containing a draft decision, as contained in Annex I to the present report, noting the Russian Federation's failure to achieve its 1999 benchmark, but congratulating it on achieving production sector phase-out by 20 December 2000.

Tajikistan

33. Taking into account the presentation made by the representative of Tajikistan at the current meeting, the Committee agreed to forward to the 13th Meeting of the Parties a conference room paper, containing a draft decision as annexed to this report setting out the benchmarks for ODS consumption in the country from 2002 onwards.

**IV. PRESENTATION ON ACTIVITIES IN ARTICLE 5 PARTIES
AND/OR COUNTRIES WITH ECONOMIES IN TRANSITION TO ACHIEVE
COMPLIANCE WITH THE MONTREAL PROTOCOL**

(a) Multilateral Fund Secretariat

34. The President of the Committee welcomed the Chair and Vice Chair of the Executive Committee of the Multilateral Fund to the meeting, attending for the first time.

35. The Multilateral Fund Secretariat introduced the work of the Executive Committee, which to date had approved more than 3500 activities and \$1,300 million worth of funding, to phase out some

193,000 tonnes of ODP-weighted production and consumption, of which 142,000 ODP tonnes had already been phased out. The Executive Committee had also taken several decisions relating to project approval and planning to assist countries in achieving the freeze of CFC consumption. The Executive Committee had begun to take action to enable compliance as early as 1995, and had taken two key decisions then: to refuse to provide funding for enterprises starting to use ODS after 25 July 1995; and to reserve some financial assistance for low-volume consuming countries. Other major developments had been the negotiations of sectoral phase-out plans, starting with halon production and consumption in China in 1996 and now covering halons and methyl bromide in several Article 5 Parties, and CFC production closure in China and India in 1999. Since the beginning of 2000 the Committee had discussed future strategic planning of the Multilateral Fund during the compliance period, and hoped to be able to conclude its discussion by the end of the current year.

36. The Multilateral Fund Secretariat also introduced document UNEP/OzL.Pro/ImpCom/27/Inf.1/Rev.1, an analysis of the status of Article 5 countries in achieving compliance, provided to the Implementation Committee at its request. Aggregated figures for Article 5 Parties' baseline consumption, latest consumption and consumption once projects being implemented had concluded were presented for each substance, along with the number of Parties that currently appeared to be in compliance, based on latest available data, those that were clearly not in compliance, and those which could be in compliance once their approved projects had been implemented. It also indicated the aggregate amount of phase-outs needed for all Article 5 countries to come into compliance. The figures were constantly being updated as part of the business planning process, with special attention being paid to those countries in danger of non-compliance or reporting figures close to their baseline.

(b) Implementing Agencies of the Multilateral Fund – UNDP, UNEP, UNIDO, World Bank

UNIDO

37. The representative of UNIDO drew attention to the fact that two of the countries to which UNIDO provided assistance continued to present a problem by failing to provide a baseline report for 1999-2000 as compared to the situation in July 2001, when seven Parties had provided no such reports. Libyan Arab Jamahiriya had provided no information to date. Bosnia and Herzegovina Ozone Office had reported that problems had been experienced in communications between the two entities in the country, but that data were undergoing finalization, needed to be reconciled, and would be reported to the Ozone Secretariat by the end of the coming week.

UNEP

38. The representative of UNEP drew attention to the report submitted to the Committee by the UNEP Division of Technology, Industry and Economics Energy and Ozone Action Unit, which in its introduction contained data on UNEP activities to assist countries in meeting compliance by the Article 5 countries with Article 2, Article 7 and Article 4 (b) of the Montreal Protocol. Concerning compliance trends in consumption and production of CFCs under Article 5, he said that UNEP used latest trend analysis for discussion with individual countries during network meetings, in order to analyse a country's ability to meet the freeze. He pointed to the trends in data reporting contained in section II of the UNEP report, and to its annex 1, which set out a table of Article 7 data reporting by countries assisted by UNEP. Annex 3, on policy setting, presented details of the types of legislation and additional economic instruments put in place by countries. He also stressed that the figures revealed that 85 per cent of the countries that had received assistance for institutional strengthening had phased out ODS beyond the compliance levels. Furthermore, 89 per cent of the countries that had received network assistance had achieved ODS reductions beyond what was required for compliance. Thirty countries, in which no investment projects had been implemented, had achieved compliance through the implementation of their non-investment projects. In this, he emphasized the continued need for enhanced assistance for non-investment projects.

39. Underlining the difficulties countries faced in implementing projects, he pointed to the issue of the very low CFC prices found in developing countries. That hindered the sustainable implementation of projects for recovery and recycling, or for licensing, and affected compliance. He requested the Implementation Committee to consider the issue of low prices for CFCs, to see whether the existing policies on the subject were useful.

40. The Ozone Secretariat reported that Mr. Klaus Töpfer, Executive Director of UNEP, had written to those Article 2 Parties that produced and exported ODS to developing countries, bringing the issue to their attention and inviting them to take action to curtail such activities. He also suggested that similar action by the Executive Committee in the case of Article 5 Parties would be useful.

41. One member of the Committee pointed to the issue of sustainable implementation of projects for recovery and recycling. He requested the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol to consider financial incentives for recovery and recycling service shops.

42. Turning to annex 4 of the report, which contained "Country Compliance Revised Sheets" on country-specific compliance issues, the representative of UNEP underlined the problems of project implementation by way of the examples of seven developing countries that were likely to be not in compliance. The country summary sheets included latest information gathered from the National Ozone Units by Regional Network Coordinators. The information was being presented to assist the Implementation Committee in its discussions of countries in non-compliance.

V. THE FOLLOW-UP ON THE RECOMMENDATIONS OF THE PREVIOUS MEETING OF THE IMPLEMENTATION COMMITTEE

43. The Secretariat drew the Committee's attention to the actions it had undertaken in response to the recommendations of the Committee at its twenty-sixth meeting.

44. The Secretariat had sent letters to the various Parties in potential non-compliance, listed in paragraph 14 of the report, and the responses were presented in document UNEP/OzL.Pro/ImpCom/27/2 and UNEP/OzL.Pro/ImpCom/27/2/Add.1. The Secretariat observed that the quality of the responses which had been received varied a great deal, and some had still failed to provide complete or clear information.

45. The Secretariat had been requested to write letters to several Parties alerting them to their state of potential non-compliance. Kazakhstan (paragraph 17), Tajikistan (paragraph 19) and Russian Federation (paragraph 39) had been invited to attend the Committee and had done so (see item III); the Russian Federation had also provided data for 2000, but the Secretariat had not yet had time to analyse it. Latvia (paragraph 37) had reported the data requested. Uzbekistan (paragraph 41) had not yet replied, but the Committee agreed that, since the country was within the agreed benchmarks, the Secretariat should remind Uzbekistan to report data for the year 2000.

46. With regard to paragraph 31(c), the GEF Secretariat had agreed to make its Project Implementation Reports available to the Committee.

47. With regard to paragraph 51, the Chair and Vice-Chair of the Executive Committee of the Multilateral Fund had been invited to attend the first part of the meeting and had done so. The President confirmed that the Executive Committee had agreed to invite the President and Vice-President of the Implementation Committee to attend their meetings.

48. With regard to paragraph 56, the document listing the past recommendations of the Committee had been reorganized and the revised format was discussed under item VI of the agenda.

49. With regard to paragraphs 58 (date for reporting of data), 60 (reporting of historical data), 62 (adjustment of reported 1995–97 baseline data) and 64 (pre-mixed polyols), the Secretariat had produced draft decisions for discussion by the Meeting of the Parties. The Committee agreed, however, that the second part of the draft decision on polyols, referring to a technical definition of polyols to be provided by the Technology and Economic Assessment Panel, was not an accurate reflection of the Committee’s discussions and should be deleted and a corrigendum to document UNEP/OzL.Pro.13/9 should be issued.

VI. ANALYSIS OF PAST RECOMMENDATIONS BY THE IMPLEMENTATION COMMITTEE

50. The Secretariat introduced document UNEP/OzL.Pro/ImpCom/27/3, a listing of past recommendations of the Implementation Committee (1999–2000), revised in accordance with the Committee’s comments at its last meeting. The recommendations had been grouped by subject and indexed both by subject and by meeting. The narrative nature of many of the Committee’s reports had occasionally created difficulties in identifying clear recommendations, but the Secretariat had tried to list all those recommendations which were of lasting importance, providing a concise summary of the key issues and how the Committee had handled them. The full reports of each Committee meeting would, of course, remain available on the Secretariat’s website.

51. Members of the Committee complimented the Secretariat on its hard work, and observed how useful they had found the document in preparing for the meeting. A number of suggestions were made for further improvements, including listing the decisions of the parties which had followed from the recommendations in the index; regularly updating the “actions taken” sections to indicate progressive implementation of the recommendations in each case; adding an alphabetical index at the end; and numbering the chapters and sections. The Committee also suggested that the document should be updated annually, and the Secretariat promised to look at the feasibility of this suggestion. The Committee agreed that the document need not be circulated to all Parties to the Protocol, but should be placed on the Secretariat’s website and Parties made aware of its existence.

VII. OTHER MATTERS

52. No other matters were raised for discussion.

VIII. APPROVAL OF THE REPORT OF THE MEETING

53. The Committee agreed to follow its customary procedure in approving its report.

IX. CLOSURE OF THE MEETING

54. The President declared the meeting closed at 4.30 p.m. on 13 October 2001.

ANNEX I

DRAFT DECISIONS

Decision XIII/..... : Potential non-compliance with the freeze on CFC consumption in Article 5 Parties in the control period 1999-2000

1. To note that, in accordance with Decision X/29 of the Tenth Meeting of the Parties, the Implementation Committee requested the Secretariat to write to the following Article 5 Parties, Bangladesh, Chad, Comoros, Dominican Republic, Honduras, Kenya, Mongolia, Morocco, Niger, Nigeria, Oman, Papua New Guinea, Paraguay, Samoa, and Solomon Islands, that had reported data on CFC consumption for either the year 1999 and/or 2000 that was above their individual baselines;
2. Since none of the above Parties have responded to the request from the Secretariat for data for the control period from 1 July 1999 to 30 June 2000, all are presumed to be in non-compliance with the control measures under the Protocol in the absence of further clarification;
3. To closely monitor the progress of these Parties with regard to the phase-out of ozone-depleting substances. To the degree that these Parties are working towards and meeting the specific Protocol control measures, they should continue to be treated in the same manner as Parties in good standing. In this regard, these Parties should continue to receive international assistance to enable them to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution these Parties, in accordance with item B of the indicative list of measures, that in the event that any country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

DECISION XIII/..... : Compliance with the Montreal Protocol by the Russian Federation

1. Having considered the report of the Secretariat on data compliance issues in documents UNEP/OzL.Pro.13/3 and UNEP/OzL.Pro.13/3/Add.1 including Analysis of Data on Production and Consumption by Groups of Substances, and having followed up on the recommendations of the previous meetings of the Implementation Committee;
2. To note that the Russian Federation is operating under an agreed phase-out plan "List of urgent measures to the phase-out of production and consumption of ozone-depleting substances in the Russian Federation over the period 1999-2000" of 30 December 1999;
3. To note that the Russian Federation was in non-compliance with the phase-out benchmarks for 1999 and 2000 for the production and consumption of the ozone-depleting substances covered by Annex A;
4. To note the contribution of the "Special initiative for the phase-out of ozone-depleting production in the Russian Federation" to assist in the phase-out of production of ozone-depleting substances in Annex A and Annex B in the Russian Federation;
5. To note the fact that the Russian Federation closed CFC production as from 20 December 2000 and stopped the ODS import and export operations as from 1 March 2000, as was confirmed in the letter of the Prime Minister of the Russian Federation of 9 December 2000 and of the First Deputy Minister of Natural resources of the Russian Federation of 9 October 2000;

6. To recommend that the Russian Federation should, with the assistance of international funding agencies, proceed with the agreed phase-out benchmarks of production and consumption of the ODS to be in full compliance with its obligation under the Montreal Protocol and the London Amendment;
7. To welcome the action taken by the Russian Federation to examine the possibility of ratifying the Copenhagen, Montreal and Beijing Amendments to the Montreal protocol, as was stated by the Prime Minister in his letter of 9 December 2000.

DECISION XIII/..... : Compliance with the Montreal Protocol by Armenia

1. To note that Armenia is in non-compliance with data reporting requirement under Article 7 of the Protocol, based on which compliance with the phase-out schedule has to be determined;
2. To note that ratification of the London Amendment is required to qualify for financial assistance from international funding agencies;
3. To recommend that, should Armenia ratify the London Amendment to the Montreal Protocol, international funding agencies should consider favourably the provision of financial assistance to Armenia for projects to phase out ozone depleting substances in the country.

Draft Decision XIII/..... : Compliance with the Montreal Protocol by Kazakhstan

1. To note that Kazakhstan ratified the Montreal Protocol on 26 August 1998 and the London Amendment on 26 July 2001. The country is classified as a non-Article 5 Party under the Protocol. The data for 1998 through 2000 in Kazakhstan's country programme that was submitted to the Implementation Committee indicate positive consumption of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1998 through 2000, Kazakhstan is in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Kazakhstan also expresses a belief that this situation will continue through at least the year 2004, necessitating annual review by the Implementation Committee and the Parties until such time as Kazakhstan comes into compliance;
2. To express great concern about Kazakhstan's non-compliance and to note that Kazakhstan only very recently assumed the obligations of the Montreal Protocol, having ratified the Montreal Protocol in 1998 and the London Amendment in 2001. It is with that understanding that the Parties note, after reviewing the country programme and submissions of Kazakhstan, that Kazakhstan specifically commits:
 - To reduce CFC consumption to 162 ODP tonnes for calendar year 2002, to 54 ODP tonnes for 2003; and to phase out CFC consumption by 1 January 2004 (save for essential uses authorized by the Parties);
 - To establish, by 1 January 2003, a system for licensing imports and exports of ODS;
 - To establish, by 1 January 2003, a ban on the imports of ODS-using equipment;
 - To reduce halon consumption to 5.08 ODP tonnes for the calendar year 2002, and to phase-out halon consumption by 1 January 2003;
 - To phase-out carbon tetrachloride and methyl chloroform consumption by 1 January 2002;
 - To reduce methyl bromide consumption to 2.7 ODP tonnes for calendar year 2002, to 0.44 ODP tonnes for calendar year 2003, and to phase out methyl bromide consumption by 1 January 2004;

3. That the measures listed in paragraph 2 above should enable Kazakhstan to achieve the virtual phase-out of all Annex A, B and E controlled substances by 1 January 2004. In this regard, the Parties urge Kazakhstan to work with relevant implementing agencies to shift current consumption to non-ozone-depleting alternatives;
4. To closely monitor the progress of Kazakhstan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Kazakhstan submits a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Kazakhstan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Kazakhstan should continue to be treated in the same manner as a Party in good standing. In this regard, Kazakhstan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Kazakhstan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of Annex A and B controlled substances that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Draft Decision XIII/..... : Compliance with the Montreal Protocol by Tajikistan

1. To note that Tajikistan ratified the Montreal Protocol and the London Amendment on 7 January 1998. The country is classified as a non-Article 5 Party under the Protocol and, for 1999, reported positive consumption of 50.8 ODP tonnes of Annex A and B substances, none of which was for essential uses exempted by the Parties. As a consequence, in 1999 Tajikistan was in non-compliance with its control obligations under Articles 2A through 2E of the Montreal Protocol. Tajikistan also expresses a belief that this situation will continue through at least the year 2004, necessitating annual review by the Implementation Committee and the Parties until such time as Tajikistan comes into compliance;
2. To express great concern about Tajikistan's non-compliance and to note that Tajikistan only very recently assumed the obligations of the Montreal Protocol, having ratified the Montreal Protocol and London Amendment in 1998. It is with that understanding that the Parties note, after reviewing the country programme and submissions of Tajikistan, that Tajikistan specifically commits:
 - To reduce CFC consumption to 14.08 ODP tonnes for the calendar year 2002, to 4.69 ODP tonnes for 2003; and to phase-out CFC consumption by 1 January 2004 (save for essential uses authorized by the Parties);
 - To phase out consumption of all other Annex A and B controlled substances by 1 January 2002;
 - To establish, by 1 January 2002, a system for licensing imports and exports of ODS;
 - To reduce methyl bromide consumption to 0.56 ODP tonnes for calendar year 2002, to 0.28 ODP tonnes for calendar year 2003, and to phase out methyl bromide consumption by 1 January 2004;
3. That the measures listed in paragraph 2 above should enable Tajikistan to achieve the virtual phase-out of all Annex A, B and E controlled substances by 1 January 2004. In this regard, the

Parties urge Tajikistan to work with relevant implementing agencies to shift current consumption to non-ozone-depleting alternatives;

4. To closely monitor the progress of Tajikistan with regard to the phase-out of ozone-depleting substances, particularly towards meeting the specific commitments noted above. In this regard, the Parties request that Tajikistan submit a complete copy of its country programme and subsequent updates, if any, to the Ozone Secretariat. To the degree that Tajikistan is working towards and meeting the specific time-based commitments noted above and continues to report data annually demonstrating a decrease in imports and consumption, Tajikistan should continue to be treated in the same manner as a Party in good standing. In this regard, Tajikistan should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Tajikistan, in accordance with item B of the indicative list of measures, that in the event that the country fails to meet the commitments noted above in the times specified, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures could include the possibility of actions that may be available under Article 4, designed to ensure that the supply of Annex A and B controlled substances that is the subject of non-compliance is ceased, and that exporting Parties are not contributing to a continuing situation of non-compliance.

Draft Decision XIII/..... : Compliance with the Montreal Protocol by Argentina

1. To note that Argentina ratified the Montreal Protocol on 18 September 1990, the London Amendment on 4 December 1992, the Copenhagen Amendment on 20 April 1995, and the Montreal Amendment on 15 February 2001. The country is classified as a Party operating under Article 5(1) of the Protocol and its country programme was approved by the Executive Committee in 1994. Since approval of the country programme, the Executive Committee has approved \$ 43,287,750 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Argentina's production baseline for Annex A, Group I substances is 2,745.3 ODP tonnes. Argentina reported production of 3,101 and 3,027 ODP tonnes of Annex A, Group I in 1999 and 2000, respectively. Argentina responded to the Ozone Secretariat's request for data regarding the control period 1 July 1999 to 30 June 2000. Argentina reported production of 3,065.0 ODP tonnes of Annex A, Group I controlled substances for the production freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Argentina was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Argentina submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Argentina may wish to consider including in its plan actions to establish production quotas that will freeze production at baseline levels and support the phase-out;
4. To closely monitor the progress of Argentina with regard to the phase-out of ozone-depleting substances. To the degree that Argentina is working towards and meeting the specific Protocol control measures, Argentina should continue to be treated in the same manner as a Party in good standing. In this regard, Argentina should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Argentina, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Draft Decision XIII/..... : Compliance with the Montreal Protocol by Belize

1. To note that Belize ratified the Montreal Protocol, London Amendment, and Copenhagen Amendment on 9 January 1998. The country is classified as a Party operating under Article 5(1) of the Protocol and had its country programme approved by the Executive Committee in 1999. Since approval of the country programme, the Executive Committee has approved \$ 327,841 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Belize's consumption baseline for Annex A, Group I substances is 16 ODP tonnes. Belize reported consumption of 25 and 9 ODP tonnes of Annex A, Group I substances in 1999 and 2000, respectively. Belize responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Belize reported consumption of 20 ODP tonnes of Annex A, Group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Belize was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Belize submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Belize may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. To closely monitor the progress of Belize with regard to the phase-out of ozone-depleting substances. To the degree that Belize is working towards and meeting the specific Protocol control measures, Belize should continue to be treated in the same manner as a Party in good standing. In this regard, Belize should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Belize, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Draft Decision XIII/..... : Compliance with the Montreal Protocol by Cameroon

1. To note that Cameroon ratified the Montreal Protocol on 30 August 1989, the London Amendment on 8 June 1992, and the Copenhagen Amendment on 25 June 1996. The country is classified as a Party operating under Article 5(1) of the Protocol and had its country programme approved by the Executive Committee in 1993. Since approval of the country programme, the Executive Committee has approved \$ 5,640,174 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Cameroon's baseline for Annex A, Group I substances is 256.9 ODP tonnes. Cameroon reported consumption of 362 ODP tonnes of Annex A, Group I substances in 1999. Cameroon responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Cameroon reported consumption of 368.7 ODP tonnes of Annex A, Group I controlled substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Cameroon was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Cameroon submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Cameroon may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels

and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;

4. To closely monitor the progress of Cameroon with regard to the phase-out of ozone-depleting substances. To the degree that Cameroon is working towards and meeting the specific Protocol control measures, Cameroon should continue to be treated in the same manner as a Party in good standing. In this regard, Cameroon should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a Meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Cameroon, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Draft Decision XIII/..... : Compliance with the Montreal Protocol by Ethiopia

1. To note that Ethiopia ratified the Montreal Protocol on 11 October 1994, and has not ratified the London and Copenhagen Amendments. The country is classified as a Party operating under Article 5(1) of the Protocol and had its country programme approved by the Executive Committee in 1996. Since approval of the country programme, the Executive Committee has approved \$ 330,844 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Ethiopia's baseline for Annex A, Group I substances is 33.8 ODP tonnes. Ethiopia reported consumption of 39 and 39 ODP tonnes of Annex A, Group I substances in 1999 and 2000 respectively. Ethiopia responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Ethiopia reported consumption of 39.2 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Ethiopia was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Ethiopia submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Ethiopia may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. To closely monitor the progress of Ethiopia with regard to the phase-out of ozone-depleting substances. To the degree that Ethiopia is working towards and meeting the specific Protocol control measures, Ethiopia should continue to be treated in the same manner as a Party in good standing. In this regard, Ethiopia should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Ethiopia, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

Draft Decision XIII/..... : Compliance with the Montreal Protocol by Peru

1. To note that Peru ratified the Montreal Protocol on 31 March 1993, the London Amendment on 31 March 1993 and the Copenhagen Amendment on 7 June 1999. The country is classified as a Party operating under Article 5(1) of the Protocol and had its country programme approved by the Executive Committee in 1995. Since approval of the country programme, the Executive Committee has approved \$ 4,670,309 from the Multilateral Fund to enable compliance in accordance with Article 10 of the Protocol;
2. Peru's baseline for Annex A, Group I substances is 289.5 ODP tonnes. Peru reported consumption of 296 ODP tonnes of Annex A, Group I substances in 1999. Peru responded to the Ozone Secretariat's request for data for the control period 1 July 1999 to 30 June 2000. Peru reported consumption of 297.6 ODP tonnes of Annex A, Group I substances for the consumption freeze control period of 1 July 1999 to 30 June 2000. As a consequence, for the control period 1 July 1999 to 30 June 2000, Peru was in non-compliance with its obligations under Article 2A of the Montreal Protocol;
3. To request that Peru submit to the Implementation Committee a plan of action with time-specific benchmarks to ensure a prompt return to compliance. Peru may wish to consider including in its plan actions to establish import quotas to freeze imports at baseline levels and support the phase-out schedule, to establish a ban on imports of ODS equipment, and to put in place policy and regulatory instruments that ensure progress in achieving the phase-out;
4. To closely monitor the progress of Peru with regard to the phase-out of ozone-depleting substances. To the degree that Peru is working towards and meeting the specific Protocol control measures, Peru should continue to be treated in the same manner as a Party in good standing. In this regard, Peru should continue to receive international assistance to enable it to meet these commitments in accordance with item A of the indicative list of measures that might be taken by a meeting of the Parties in respect of non-compliance. However, through this decision, the Parties caution Peru, in accordance with item B of the indicative list of measures, that in the event that the country fails to return to compliance in a timely manner, the Parties shall consider measures, consistent with item C of the indicative list of measures. These measures may include the possibility of actions available under Article 4, such as ensuring that the supply of CFCs (that is the subject of non-compliance) is ceased and that importing Parties are not contributing to a continuing situation of non-compliance.

ANNEX II

LIST OF PARTICIPANTS

A. Implementation Committee Members

ARGENTINA

Ms. Marcia Levaggi
Dirección General de Asuntos Ambientales
Ministerio de Relaciones Exteriores
Comercio Internacional y Culto de la República
Argentina, Esmeralda 1212
Buenos Aires, Argentina.
Tel: (54 11) 4819-7414
Fax: (54 11) 4819-7413
E-mail: mle@mrecic.gov.ar

Mr. Jiri Hlavacek
Advisor
Section of International Relations
Ministry of the Environment
Vrovicka 65
100 10 Prague 10
Czech Republic
Tel: (420 2) 6712 20 08/29 16
Fax: (420 2) 6731 03 07
E-mail: dobiasovsky@env.cz

BANGLADESH

Mr. Md. Abdus Sobhan
Director
Department of Environment
Government of the People's Republic
of Bangladesh
E/16, Agargaon
Dhaka-1207
Bangladesh
Tel: (880 2) 911 2489/8124195
Fax: (880 2) 912 4005 / 911 8682
E-mail: ocelldoe@bdcom.com

EGYPT

Ms. Eng. Salwa El Tayeb
Director of National Ozone Unit
Egyptian Environmental Affairs Agency
30 Misr Helwan El-Zyrae Rd.
Maadi/Cairo
Egypt
Tel/Fax: (202) 525 6462
E-mail: ozone_unit@hotmail.com

CZECH REPUBLIC

Mr. Jiri Dobiasovsky
Expert
Air Protection Department
Ministry of the Environment
Vrovicka 65
100 10 Prague 10
Czech Republic
Tel: (420 2) 6712 23 65
Fax: (420 2) 6731 01 66
E-mail: dobiasovsky@env.cz

SLOVAKIA

Mr. Lubomír Žiak
Head of Air Protection Group
Air Protection Department
Ministry of the Environment
812 35 Bratislava, Slovakia
Tel: 421-2 5956 2543
Fax: 421-2 5956 2662
E-mail: ziak.lubomir@lifeenv.gov.sk

SRI LANKA

Dr. W. L. Sumathipala
Coordinator, Montreal Protocol Unit
Ministry of Forestry and Environment
82 "Sampathpaya" Rajamalwatte Road,
Battaramulla, Sri Lanka
Tel/Fax: (941) 887455
E-mail: sumathi2@sri.lanka.net, or
unmpu@sri.lanka.net

UNITED KINGDOM

Ms. Maria Nolan
Global Atmosphere Division
Department for the Environment, Food and Rural
Affairs
3/A3 Ashdown House, 123 Victoria Street
London SW1E 6DE, UK
Tel: (44 0207) 944 5215
Fax: (44 0207) 944 5219
E-mail: maria.nolan@defra.gsi.gov.uk

Mr. Paul Sadgrove
Global Atmosphere Division
Department of the Environment, Food and Rural
Affairs (DEFRA)
3/A3 Ashdown House, 123 Victoria Street
London SW1E 6DE, UK
Tel: (44 207) 944 5235
Fax: (44 207) 944 5219
E-mail: paul.sadgrove@defra.gsi.gov.uk

UNITED STATES OF AMERICA

Mr. Tom Land
Office of Atmospheric Programs
Global Programs Division
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW (6205J)
Washington, DC 20460, USA
Tel: (1 202) 564 9185
Fax: (1 202) 565 2155
E-mail: land.tom@epa.gov

B. Parties Participating at the Invitation of the Committee

BULGARIA

Ms. Lidia Assenova
State Expert in "Air protection"
Department,
Ministry of Environment and Water of the
Republic of Bulgaria,
1000 Sofia, 22, Maria Louisa Blvd.
Tel: 359 2 980 9989/6538
Fax: 359 2 980 3926
E-mail: asenoval.@moew.govrn.bg

KAZAKHSTAN

Valentina Kryukova
National Focal Point, Kazakhstan
Ministry of the Natural Resources and
Environmental Protection
Street Satpaeva
475000, Kokshetau
Kazakhstan
Tel: (7 316 22) 554 42
Fax: (7 316 22) 555 37
E-mail: vkryukova@uneadsp.kz

RUSSIAN FEDERATION

Mr. Vassily N Tselikov
Executive Director, ODS Production and
Consumption Phase-out Projects
Centre for Preparation and
Implementation of
International Projects on Technical
Assistance
13-2 Sr. Pereyaslavskaya Str
129 041 Moscow
Russian Federation
Tel: (+7 095) 971 0423/280 5788
Fax: (+7 095) 971 0423
E-mail: vassily@odsgf.dol.ru

Mr. Vadim O. Backoumov
Consultant
Division on ODS phase-out projects
Centre for Preparation and Implementation
of International Projects on Technical
Assistance
13-2 Sr. Pereyaslavskaya Str
129 041 Moscow
Russian Federation
Tel: (+7 095) 971 0423/280 5788/280 189
Fax: (+7 095) 971 0423
E-mail: vassily@odsggef.dol.ru

TAJIKISTAN

Abdukarim Kurbanov
Deputy Minister of Natural Resources of
the Republic of Tajikistan
National Coordinator
Dushanbe, 734025
Bokhtar Street, 12
Tel: (992 372) 21 6530/27 1733
Fax: (992 372) 27 1733
E-mail: abdu_karim@rambler.ru

**EXECUTIVE COMMITTEE OF THE
MULTILATERAL FUND**

Chairman

Dr. Jur. Heinrich W. Kraus
Head of Division IG II 5
Chemical Safety, Environmental Effects,
Protection of
the Ozone Layer
Bernkasteler Str. 8
P.O. Box 120629
53048 Bonn, Germany
Tel: 49-228-305-2750
Fax: 49-228-305-3524
E-mail: Kraus.heinrich@bmu.de

Vice-Chairman

Dr. Hannachi Hassen
Director
Agence Nationale de Protection de
l'Environnement
Mninsterè de l'environnement et de
l'aménagement du Territorie
12, Rue du Cameroun
100 2 Tunis-Belvédere

C. Secretariats of the Multilateral Fund and implementing agencies

MULTILATERAL FUND SECRETARIAT

Dr. Omar El-Arini
Chief Officer, Multilateral Fund for the
Implementation of the Montreal Protocol
1800 McGill College Avenue
27th Floor, Montreal Trust Building
Montreal, Quebec, Canada H3A 3J6
Tel: (1 514) 282 1122
Fax: (1 514) 282 0068
E-mail: oelarini@unmfs.org

Mr. Eduardo Ganem
Programme Management Officer
[address as above]
E-mail: eganem@unmfs.org

Mr. Andrew Reed
Economic Affairs Officer
[address as above]
E-mail: areed@unmfs.org

UNIDO

Mr. Sidi Siahmed
Chief, Methyl Bromide Unit
Montreal Protocol Branch
Industrial Sectors and Environment Division
Vienna International Centre, P.O. Box 30
A-1400 Vienna, Austria
Tel: (43-1) 26026 3782/5184
Fax: (43-1) 26026 6804/21346 3782
E-mail: ssi-ahmed@unido.org

Ms. Seniz Yalcindag
Director
Montreal Protocol Branch
Industrial Sectors and Environment Division
Vienna International Centre
P.O. Box 300
A-1400 Vienna, Austria
Tel: (43-1) 26026 3347
Fax: (43-1) 26026 6804
E-mail: syalcindag@unido.org

UNEP DTIE

Mr. Rajendra M. Shende
Chief, Energy and OzonAction Unit
Division of Technology, Industry and
Economics
Tour Mirabeau, 39-43 quai André Citroën
75739 Paris, Cedex 15, France
Tel: (33 1) 4437 1459
Fax: (33 1) 4437 1474
E-mail: rmshende@unep.fr

Mr. Geoffrey Tierney
Network Manager, Energy and OzonAction Unit
Division of Technology, Industry and
Economics
Tour Mirabeau, 39-43 quai André Citroën
75739 Paris, Cedex 15, France
Tel: (33 1) 4437 7633
Fax: (33 1) 4437 1474
E-mail: Geoffrey.Tierney@unep.fr

D. UNEP: Ozone Secretariat

Mr. Michael Graber
Deputy Executive Secretary
Ozone Secretariat, UNEP
P. O. Box 30552
Nairobi, Kenya
Tel: (254 2) 623855
Fax: (254 2) 623601/3913
E-mail: Michael.Graber@unep.org

Mr. Gerald Mutisya
Programme Officer/IT
Ozone Secretariat, UNEP
P. O. Box 30552
Nairobi, Kenya
Tel: (254 2) 62 4057
Fax: (254 2) 623601
E-mail: Gerald.Mutisya@unep.org

Mr. Gilbert M. Bankobeza
Senior Legal Officer
Ozone Secretariat, UNEP
P. O. Box 30552
Nairobi, Kenya
Tel: (254 2) 623854
Fax: (254 2) 623601/3913
E-mail: Gilbert.Bankobeza@unep.org

Mr. K. Madhava Sarma
Adviser to the Executive Director, UNEP
AB50 Anna Nagar
Chennai – 600040
India
Tel: (91 44) 6268 924
Fax: (91 44) 6260 263
E-mail: kmsarma@hotmail.com,
sarmam@vsnl.net
