

第 31/2021 號行政長官公告

Aviso do Chefe do Executivo n.º 31/2021

中華人民共和國於二零二一年六月十七日，就二零一六年十月十五日在基加利通過的《〈關於消耗臭氧層物質的蒙特利爾議定書〉基加利修正案》（下稱“《基加利修正案》”），向聯合國秘書長交存了接受書；

中華人民共和國在交存接受書時聲明，《關於消耗臭氧層物質的蒙特利爾議定書》（下稱“《蒙特利爾議定書》”）第五條不適用於中華人民共和國澳門特別行政區，以及《基加利修正案》適用於中華人民共和國澳門特別行政區；

《基加利修正案》於二零二一年九月十五日對中華人民共和國生效，包括對澳門特別行政區生效；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第五條（一）項和第六條第一款的規定，命令公佈《〈關於消耗臭氧層物質的蒙特利爾議定書〉基加利修正案》的中文和英文文本。

《蒙特利爾議定書》的英文正式文本及相應的葡文譯本公佈於一九九二年六月一日第二十二期《澳門政府公報》，中文正式文本透過第18/2009號行政長官公告公佈於二零零九年八月十九日第三十三期《澳門特別行政區公報》第二組。

二零二一年十一月十六日發佈。

行政長官 賀一誠

Considerando que a República Popular da China efectuou, em 17 de Junho de 2021, junto do Secretário-Geral das Nações Unidas, o depósito do seu instrumento de aceitação da Emenda de Quigali ao Protocolo de Montreal sobre as Substâncias que Empobrecem a Camada de Ozono (doravante designada por «Emenda de Quigali»), adoptada em Quigali em 15 de Outubro de 2016;

Considerando igualmente que, no momento do depósito do seu instrumento de aceitação, a República Popular da China declarou que as disposições do artigo 5.º do Protocolo de Montreal sobre as Substâncias que Empobrecem a Camada de Ozono (doravante designado por «Protocolo de Montreal») não se aplicam na Região Administrativa Especial de Macau da República Popular da China e que a Emenda de Quigali é aplicável na Região Administrativa Especial de Macau da República Popular da China;

Considerando ainda que, a Emenda de Quigali entrou em vigor para a República Popular da China, incluindo a Região Administrativa Especial de Macau, em 15 de Setembro de 2021;

O Chefe do Executivo manda publicar, nos termos da alínea 1) do artigo 5.º e do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), a Emenda de Quigali ao Protocolo de Montreal sobre as Substâncias que Empobrecem a Camada de Ozono, nos seus textos em línguas chinesa e inglesa.

O texto autêntico em língua inglesa do Protocolo de Montreal encontra-se publicado no *Boletim Oficial de Macau* n.º 22, de 1 de Junho de 1992, acompanhado da respectiva tradução em língua portuguesa, enquanto o texto autêntico em língua chinesa se encontra publicado no *Boletim Oficial da Região Administrativa Especial de Macau*, II Série, n.º 33, de 19 de Agosto de 2009, através do Aviso do Chefe do Executivo n.º 18/2009.

Promulgado em 16 de Novembro de 2021.

O Chefe do Executivo, *Ho Iat Seng*.

《關於消耗臭氧層物質的蒙特利爾議定書》

基加利修正案

根據《保護臭氧層維也納公約》第 9 條第 4 款所載的程序，通過締約方第二十八次會議報告附件一所載的對《蒙特利爾議定書》的修正。

第一條 修正

第 1 條第 4 款

應將《議定書》第 1 條第 4 款以下案文：

“附件 C 或附件 E”

替換為：

“附件 C、附件 E 或附件 F”

第 2 條第 5 款

應將《議定書》第 2 條第 5 款以下案文：

“和第 2H 條”

替換為：

“第 2H 和 2J 條”

第 2 條第 8 (a)、第 9 (a) 和第 11 款

應將《議定書》第 2 條第 8 (a) 和第 11 款以下案文：

“第 2A 至 2I 條”

替換為：

“第 2A 至 2J 條”

應在《議定書》第 2 條第 8 款（a）項末尾增列如下措辭：

“可擴大任何此類協議的範圍，使其包括第 2J 條下消費或生產的相關義務，但相關締約方的消費或生產計算數量合計不得超過第 2J 條規定的水平。”

《議定書》第 2 條第 9 款（a）（一）項中，應在以下詞句第二次出現後：

“應如何調整；”

刪除：

“及”

《議定書》第 2 條第 9 款（a）（二）項應重新編號為（a）（三）項。

應在《議定書》第 2 條第 9 款（a）（一）項之後加入以下內容作為（a）（二）項：

“附件 A 第一類、附件 C 和附件 F 中物質所規定的全球升溫潛能值應予調整，如是，應如何調整；及”

第 2J 條

應在《議定書》第 2I 條之後插入如下條款：

“第 2J 條：氫氟碳化物

1. 每一締約方應確保，在 2019 年 1 月 1 日起的十二個月期間，以及

其後每十二個月期間，其附件 F 所列受控物質的消費計算數量（以二氧化碳當量表示），不超過其附件 F 所列受控物質 2011 年、2012 年和 2013 年的年均消費計算數量加上其第 2F 條第 1 款所列的附件 C 第一類受控物質的消費計算數量的百分之十五的總和（以二氧化碳當量表示）與在下文（a）至（e）項所列相關年度範圍所具體規定的百分比的乘積：

- （a）2019 至 2023 年：90%
- （b）2024 至 2028 年：60%
- （c）2029 至 2033 年：30%
- （d）2034 至 2035 年：20%
- （e）2036 年及以後：15%

2. 儘管本條第 1 款如此規定，但締約方可以決定某締約方應確保，在 2020 年 1 月 1 日起的十二個月期間，以及其後每十二個月期間，其附件 F 所列受控物質的消費計算數量（以二氧化碳當量表示），不超過其附件 F 所列受控物質 2011 年、2012 年和 2013 年的年均消費計算數量加上其第 2F 條第 1 款所列的附件 C 第一類受控物質的消費計算數量的百分之二十五的總和（以二氧化碳當量表示）與在下文（a）至（e）項所列相關年度範圍所具體規定的百分比的乘積：

- （a）2020 至 2024 年：95%
- （b）2025 至 2028 年：65%
- （c）2029 至 2033 年：30%
- （d）2034 至 2035 年：20%
- （e）2036 年及以後：15%

3. 生產附件 F 中受控物質的每一締約方應確保，在 2019 年 1 月 1 日起的十二個月期間，以及其後每十二個月期間，其附件 F 所列受控物質的

生產計算數量(以二氧化碳當量表示),不超過其附件 F 所列受控物質 2011 年、2012 年和 2013 年的年均生產計算數量加上其第 2F 條第 2 款所列的附件 C 第一類受控物質的生產計算數量的百分之十五的總和(以二氧化碳當量表示)與在下文(a)至(e)項所列相關年度範圍所具體規定的百分比的乘積:

- (a) 2019 至 2023 年: 90%
- (b) 2024 至 2028 年: 60%
- (c) 2029 至 2033 年: 30%
- (d) 2034 至 2035 年: 20%
- (e) 2036 年及以後: 15%

4. 儘管本條第 3 款如此規定,但締約方可以決定生產附件 F 中受控物質的某締約方應確保,在 2020 年 1 月 1 日起的十二個月期間,以及其後每十二個月期間,其附件 F 所列受控物質的生產計算數量(以二氧化碳當量表示),不超過其附件 F 所列受控物質 2011 年、2012 年和 2013 年的年均生產計算數量加上其第 2F 條第 2 款所列的附件 C 第一類受控物質的生產計算數量的百分之二十五的總和(以二氧化碳當量表示)與在下文(a)至(e)項所列相關年度範圍所具體規定的百分比的乘積:

- (a) 2020 至 2024 年: 95%
- (b) 2025 至 2028 年: 65%
- (c) 2029 至 2033 年: 30%
- (d) 2034 至 2035 年: 20%
- (e) 2036 年及以後: 15%

5. 本條第 1 款至第 4 款應予實施,但締約方決定為滿足它們議定認為是豁免用途而允許的生產量或消費量除外。

6. 生產附件 C 第一類物質或附件 F 物質的每一締約方應確保於自 2020 年 1 月 1 日起的十二個月期間，及其後每十二個月期間，其生產附件 C 第一類物質或附件 F 物質的每處生產設施產生的附件 F 第二類物質的排放應在相同的十二個月期間使用締約方核准的技術儘量銷毀。

7. 每一締約方應確保，對生產附件 C 第一類物質或附件 F 物質的設施所產生的附件 F 第二類物質的任何銷毀，只採用締約方核准的技術。

第 3 條

《議定書》第 3 條的序言應替換為下列內容：

“1. 為第 2 條、第 2A 至 2J 條和第 5 條的目的，每一締約方應確定附件 A、附件 B、附件 C、附件 E 或附件 F 中每一類物質的下列計算數量：”

應將《議定書》第 3 條 (a) (一) 項末尾的分號替換為：

“，除非第 2 款另有規定；”

應當在《議定書》第 3 條的末尾增加如下案文：

“；及

(d) 生產附件 C 第一類物質或附件 F 物質的每處生產設施產生的附件 F 第二類物質的排放量，計入設備泄漏、工藝通風及銷毀裝置等引起的排放量，但不計入捕集以供使用、銷毀或儲存的數量。

2. 為第 2J 條、第 2 條第 5 款以及第 3 條第 1 (d) 款之目的計算附件 F 物質和附件 C 第一類物質的生產、消費、進口、出口和排放數量時（以二氧化碳當量表示），每一締約方應使用附件 A 第一類、附件 C 和附件 F 中物質所規定此類物質的全球升溫潛能值。”

第 4 條第 1 款之七

應在《議定書》第 4 條第 1 款之六之後插入如下一款：

“1 之七 自本款生效之日起，每一締約方均應禁止從任何非本議定書締約方的國家進口附件 F 受控物質。”

第 4 條第 2 款之七

應在《議定書》第 4 條第 2 款之六之後插入如下一款：

“2 之七 自本款生效之日起，每一締約方均應禁止向任何非本議定書締約方的國家出口附件 F 受控物質。”

第 4 條第 5、6 和 7 款

應將《議定書》第 4 條第 5、6 和 7 款中如下詞句：“附件 A、B、C 和 E”

替換為：

“附件 A、B、C、E 和 F”

第 4 條第 8 款

應將《議定書》第 4 條第 8 款中如下詞句：

“第 2A 至 2I 條”

替換為：

“第 2A 至 2J 條”

第 4B 條

應在《議定書》第 4B 條第 2 款之後插入如下一款：

“2 之二 每一締約方應於 2019 年 1 月 1 日之前或自本款對其正式生效起三個月之內，以其中較遲者為限，針對新的、已使用的、循環再用的及回收的附件 F 受控物質制定和實施進出口許可證制度。任何按第 5 條第 1 款行事的締約方如決定無法於 2019 年 1 月 1 日之前制定和實施該制度，則可將採取行動時間推遲到 2021 年 1 月 1 日。”

第 5 條

應將《議定書》第 5 條第 4 款中如下詞句：

“2I”

替換為：

“2J”

應將《議定書》第 5 條第 5 款和第 6 款中如下詞句：

“第 2I 條”

替換為：

“第 2I 和 2J 條”

應在《議定書》第 5 條第 5 款的如下詞句之前：

“任何控制措施”

插入：

“遵守”

應在《議定書》第 5 條第 8 款之三後插入下款：

“8 之四

(a) 按本條第 1 款行事的每一締約方須遵守依據第 2 條第 9 款對第 2J 條中的控制措施作出的任何調整，但有權推遲遵守第 2J 條第 1 款 (a) 至 (e) 項以及第 2J 條第 3 款 (a) 至 (e) 項所列的控制措施，將控制措施修改如下：

- (一) 2024 至 2028 年：100%
- (二) 2029 至 2034 年：90%
- (三) 2035 至 2039 年：70%
- (四) 2040 至 2044 年：50%
- (五) 2045 年及以後：20%

(b) 儘管上文 (a) 項如此規定，締約方可以決定按本條第 1 款行事的某締約方須遵守依據第 2 條第 9 款對第 2J 條中的控制措施作出的任何調整，但有權推遲遵守第 2J 條第 1 款 (a) 至 (e) 項以及第 2J 條第 3 款 (a) 至 (e) 項所列的控制措施，將控制措施修改如下：

- (一) 2028 至 2031 年：100%
- (二) 2032 至 2036 年：90%
- (三) 2037 至 2041 年：80%
- (四) 2042 至 2046 年：70%
- (五) 2047 年及以後：15%

(c) 按本條第 1 款行事的每一締約方，為計算第 2J 條規定的消費基準，有權使用 2020 年、2021 年和 2022 年消費附件 F 受控物質的計算數量均值，加上本條第 8 款之三所列附件 C 第一類受控物質基準消費量的百分之六十五的總和。

(d) 儘管上文(c)項如此規定，締約方可以決定按本條第 1 款行事的某締約方，為計算第 2J 條規定的消費基準，有權使用 2024 年、2025 年和 2026 年消費附件 F 受控物質的計算數量均值，加上本條第 8 款之三所列附件 C 第一類受控物質基準消費量的百分之六十五的總和。

(e) 按本條第 1 款行事且生產附件 F 中受控物質的每一締約方，為計算第 2J 條規定的生產基準，有權使用 2020 年、2021 年和 2022 年生產附件 F 受控物質的計算數量均值，加上本條第 8 款之三所列附件 C 第一類受控物質基準生產量的百分之六十五的總和。

(f) 儘管上文(e)項如此規定，締約方可以決定按本條第 1 款行事且生產附件 F 中受控物質的某締約方，為計算第 2J 條規定的生產基準，有權使用 2024 年、2025 年和 2026 年生產附件 F 受控物質的計算數量均值，加上本條第 8 款之三所列附件 C 第一類受控物質基準生產量的百分之六十五的總和。

(g) 本款(a)至(f)項將適用於生產和消費計算水平，但根據締約方決定的標準可適用高環境溫度豁免的情況除外。”

第 6 條

應將《議定書》第 6 條中如下詞句：

“第 2A 至 2I 條”

替換為：

“第 2A 至 2J 條”

第 7 條第 2 款、第 3 款和第 3 款之三

應在《議定書》第 7 條第 2 款中 “—1991 年，附件 E” 之後插入如下
一句：

“—2011 至 2013 年，附件 F，除了按第 5 條第 1 款行事的締約方應
提供 2020 年至 2022 年的此類數據，但適用第 5 條第 8 款之四（d）項和
（f）項的按第 5 條第 1 款行事的締約方應提供 2024 年至 2026 年的此類
數據；”

應將《議定書》第 7 條第 2 款和第 3 款中如下詞句：

“C 和 E”

替換為：

“C、E 和 F”

應在《議定書》第 7 條第 3 款之二後插入下款：

“3 之三 每一締約方應按照《議定書》第 3 條第 1（d）款向秘書處
提供其每處設施的附件 F 第二類受控物質年度排放統計數據。”

第 7 條第 4 款

在第 7 條第 4 款中，在以下詞句前：

“進口和出口的統計數據” 和 “進出口數據”

加入：

“生產、”

第 10 條第 1 款

應將《議定書》第 10 條第 1 款中如下詞句：

“和第 2I 條”

替換為：

“、第 2I 條和第 2J 條”

應在《議定書》第 10 條第 1 款末尾插入如下內容：

“如果按第 5 條第 1 款行事的締約方選擇利用任何其他財務機制為其提供資金，可能得以承擔其議定的增量成本的任何部分，則該部分不應由本《議定書》第 10 條下的財務機制承擔。”

第 17 條

應將《議定書》第 17 條中如下詞句：

“第 2A 至 2I 條”

替換為：

“第 2A 至 2J 條”

附件 A

應以下表替換《議定書》附件 A 第一類物質列表：

類別	物質	消耗臭氧潛能值*	100 年全球升溫潛能值
第一類			
CFCl ₃	(CFC-11)	1.0	4,750
CF ₂ Cl ₂	(CFC-12)	1.0	10,900
C ₂ F ₃ Cl ₃	(CFC-113)	0.8	6,130
C ₂ F ₄ Cl ₂	(CFC-114)	1.0	10,000
C ₂ F ₅ Cl	(CFC-115)	0.6	7,370

附件 C 和附件 F

應以下表替換《議定書》附件 C 第一類物質列表：

類別	物質	異構體數目	消耗臭氧潛能值*	100 年全球升溫潛能值***	
第一類					
	CHFC1 ₂	(HCFC-21) **	1	0.04	151
	CHF ₂ Cl	(HCFC-22) **	1	0.055	1810
	CH ₂ FC1	(HCFC-31)	1	0.02	
	C ₂ HFCl ₄	(HCFC-121)	2	0.01 0.04	
	C ₂ HF ₂ Cl ₃	(HCFC-122)	3	0.02 0.08	
	C ₂ HF ₃ Cl ₂	(HCFC-123)	3	0.02 0.06	77
	CHCl ₂ CF ₃	(HCFC-123) **		0.02	
	C ₂ HF ₄ Cl	(HCFC-124)	2	0.02 0.04	609
	CHFClCF ₃	(HCFC-124) **		0.022	
	C ₂ H ₂ FC1 ₃	(HCFC-131)	3	0.007 0.05	
	C ₂ H ₂ F ₂ Cl ₂	(HCFC-132)	4	0.008 0.05	
	C ₂ H ₂ F ₃ Cl	(HCFC-133)	3	0.02 0.06	
	C ₂ H ₃ FC1 ₂	(HCFC-141)	3	0.005 0.07	
	CH ₃ CFCl ₂	(HCFC-141b) **		0.11	725
	C ₂ H ₃ F ₂ Cl	(HCFC-142)	3	0.008 0.07	
	CH ₃ CF ₂ Cl	(HCFC-142b) **		0.065	2310
	C ₂ H ₄ FC1	(HCFC-151)	2	0.003 0.005	
	C ₃ HFCl ₆	(HCFC-221)	5	0.015 0.07	
	C ₃ HF ₂ Cl ₅	(HCFC-222)	9	0.01 0.09	
	C ₃ HF ₃ Cl ₄	(HCFC-223)	12	0.01 0.08	
	C ₃ HF ₄ Cl ₃	(HCFC-224)	12	0.01 0.09	
	C ₃ HF ₅ Cl ₂	(HCFC-225)	9	0.02 0.07	
	CF ₃ CF ₂ CHCl ₂	(HCFC-225ca) **		0.025	122
	CF ₂ ClCF ₂ CH	(HCFC-225cb) **		0.033	595
	C ₃ HF ₆ Cl	(HCFC-226)	5	0.02 0.10	
	C ₃ H ₂ FC1 ₅	(HCFC-231)	9	0.05 0.09	
	C ₃ H ₂ F ₂ Cl ₄	(HCFC-232)	16	0.008 0.10	
	C ₃ H ₂ F ₃ Cl ₃	(HCFC-233)	18	0.007 0.23	
	C ₃ H ₂ F ₄ Cl ₂	(HCFC-234)	16	0.01 0.28	

C ₃ H ₂ F ₅ Cl	(HCFC-235)	9	0.03 0.52	
C ₃ H ₃ FCl ₄	(HCFC-241)	12	0.004 0.09	
C ₃ H ₃ F ₂ Cl ₃	(HCFC-242)	18	0.005 0.13	
C ₃ H ₃ F ₃ Cl ₂	(HCFC-243)	18	0.007 0.12	
C ₃ H ₃ F ₄ Cl	(HCFC-244)	12	0.009 0.14	
C ₃ H ₄ FCl ₃	(HCFC-251)	12	0.001 0.01	
C ₃ H ₄ F ₂ Cl ₂	(HCFC-252)	16	0.005 0.04	
C ₃ H ₄ F ₃ Cl	(HCFC-253)	12	0.003 0.03	
C ₃ H ₅ FCl ₂	(HCFC-261)	9	0.002 0.02	
C ₃ H ₅ F ₂ Cl	(HCFC-262)	9	0.002 0.02	
C ₃ H ₆ FCl	(HCFC-271)	5	0.001 0.03	

* 在列出消耗臭氧潛能值的區間時，為議定書的目的應使用該區間的最高值。作為單一數值列出的消耗臭氧潛能值是根據實驗室的測量計算得出的。作為區間列出的潛能值是根據估算得出的，較不確定。區間值涉及一個同質異構群的潛能值，其最高值是具有最大消耗臭氧潛能值的異構體的消耗臭氧潛能值估計數，最低值是具有最少消耗臭氧潛能值的異構體的潛能值估計數。

** 指明最大規模生產的物質，並為議定書的目的列出其消耗臭氧潛能值。

*** 對於未指明全球升溫潛能值的物質，適用的默認值為 0，直到通過第 2 條第 9 (a) (二) 款設想的程序加入全球升溫潛能值。

應在《議定書》附件 E 之後增列以下附件：

“附件 F：受控物質

類別	物質	100 年全球升溫潛能值
第一類		
CHF ₂ CHF ₂	HFC-134	1,100
CH ₂ FCF ₃	HFC-134a	1,430
CH ₂ FCHF ₂	HFC-143	353
CHF ₂ CH ₂ CF ₃	HFC-245fa	1,030
CF ₃ CH ₂ CF ₂ CH ₃	HFC-365mfc	794
CF ₃ CHFCF ₃	HFC-227ea	3,220
CH ₂ FCF ₂ CF ₃	HFC-236cb	1,340
CHF ₂ CHFCF ₃	HFC-236ea	1,370
CF ₃ CH ₂ CF ₃	HFC-236fa	9,810
CH ₂ FCF ₂ CHF ₂	HFC-245ca	693
CF ₃ CHFCHFCF ₂ CF ₃	HFC-43-10mee	1,640
CH ₂ F ₂	HFC-32	675
CHF ₂ CF ₃	HFC-125	3,500
CH ₃ CF ₃	HFC-143a	4,470
CH ₃ F	HFC-41	92
CH ₂ FCH ₂ F	HFC-152	53
CH ₃ CHF ₂	HFC-152a	124
第二類		
CHF ₃	HFC-23	14,800

第二條：與 1999 年修正的關係

任何國家或區域經濟一體化組織，只有此前已經或同時交存對 1999 年 12 月 3 日在北京舉行的締約方第十一次會議所通過的修正的批准、接受、核准或加入文書，才能交存對本修正的此種文書。

第三條：與《聯合國氣候變化框架公約》

及其《京都議定書》之間的關係

本修正無意產生使氫氟碳化物被排除在《聯合國氣候變化框架公約》第 4 條和第 12 條或《京都議定書》第 2、5、7 和 10 條所載承諾範圍之外的效果。

第四條：生效

1. 除下文第 2 款指出的情況外，本修正應於 2019 年 1 月 1 日生效，但前提是屆時須有身為《關於消耗臭氧層物質的蒙特利爾議定書》締約方的國家或區域經濟一體化組織交存至少二十份批准、接受或核准本修正的文書。如果屆時這一條件未能滿足，則本修正應於滿足條件之日以後的第九十天生效。

2. 本修正第一條對《議定書》第 4 條“對與非締約方貿易的控制”所做的更改應於 2033 年 1 月 1 日生效，但屆時必須有《關於消耗臭氧層物質的蒙特利爾議定書》的國家或區域經濟一體化組織締約方交存至少七十份批准、接受或核准本修正的文書。如果屆時這一條件未能滿足，則本修正應於滿足條件之日以後的第九十天生效。

3. 為第 1 款和第 2 款之目的，區域經濟一體化組織交存的任何此類文書，均不應視作此類組織的成員國所交存文書之外另加的文書。

4. 本修正依照第 1 款和第 2 款的規定生效之後，將於《議定書》的其他任何締約方交存其批准、接受或核准文書之日後的第九十天對之生效。

第五條：臨時實施

任何締約方可在本修正對其生效前的任何時間聲明，其將臨時實施第 2J 條載列的任何控制措施以及第 7 條中的相應報告義務，直至本修正生效。

The Montreal Protocol on Substances that Deplete the Ozone Layer

Kigali Amendment

To adopt, in accordance with the procedure laid down in paragraph 4 of Article 9 of the Vienna Convention for the Protection of the Ozone Layer, the Amendment to the Montreal Protocol set out in annex I to the report of the Twenty-Eighth Meeting of the Parties;

Article I: Amendment

Article 1, paragraph 4

In paragraph 4 of Article 1 of the Protocol, for the words:

“Annex C or Annex E”

there shall be substituted:

“Annex C, Annex E or Annex F”

Article 2, paragraph 5

In paragraph 5 of Article 2 of the Protocol, for the words:

“and Article 2H”

there shall be substituted:

“Articles 2H and 2J”

Article 2, paragraphs 8 (a), 9 (a) and 11

In paragraphs 8 (a) and 11 of Article 2 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to 2J”

The following words shall be added at the end of subparagraph (a) of paragraph 8 of Article 2 of the Protocol:

“Any such agreement may be extended to include obligations respecting consumption or production under Article 2J provided that the total combined calculated level of consumption or production of the Parties concerned does not exceed the levels required by Article 2J.”

In subparagraph (a) (i) of paragraph 9 of Article 2 of the Protocol, after the second use of the words:

“should be;”

there shall be deleted:

“and”

Subparagraph (a) (ii) of paragraph 9 of Article 2 of the Protocol shall be renumbered as subparagraph (a) (iii).

The following shall be added as subparagraph (a) (ii) after subparagraph (a) (i) of paragraph 9 of Article 2 of the Protocol:

“Adjustments to the global warming potentials specified in Group I of Annex A, Annex C and Annex F should be made and, if so, what the adjustments should be; and”

Article 2J

The following Article shall be inserted after Article 2I of the Protocol:

“Article 2J: Hydrofluorocarbons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 2019, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Annex F, expressed in CO₂ equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of consumption of Annex F controlled substances for the years 2011, 2012 and 2013, plus fifteen per cent of its calculated level of

consumption of Annex C, Group I, controlled substances as set out in paragraph 1 of Article 2F, expressed in CO₂ equivalents:

- (a) 2019 to 2023: 90 per cent
- (b) 2024 to 2028: 60 per cent
- (c) 2029 to 2033: 30 per cent
- (d) 2034 to 2035: 20 per cent
- (e) 2036 and thereafter: 15 per cent

2. Notwithstanding paragraph 1 of this Article, the Parties may decide that a Party shall ensure that, for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Annex F, expressed in CO₂ equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of consumption of Annex F controlled substances for the years 2011, 2012 and 2013, plus twenty-five per cent of its calculated level of consumption of Annex C, Group I, controlled substances as set out in paragraph 1 of Article 2F, expressed in CO₂ equivalents:

- (a) 2020 to 2024: 95 per cent
- (b) 2025 to 2028: 65 per cent
- (c) 2029 to 2033: 30 per cent
- (d) 2034 to 2035: 20 per cent
- (e) 2036 and thereafter: 15 per cent

3. Each Party producing the controlled substances in Annex F shall ensure that for the twelve-month period commencing on 1 January 2019, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Annex F, expressed in CO₂ equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of production of Annex F controlled substances for the years 2011, 2012 and 2013,

plus fifteen per cent of its calculated level of production of Annex C, Group I, controlled substances as set out in paragraph 2 of Article 2F, expressed in CO₂ equivalents:

- (a) 2019 to 2023: 90 per cent
- (b) 2024 to 2028: 60 per cent
- (c) 2029 to 2033: 30 per cent
- (d) 2034 to 2035: 20 per cent
- (e) 2036 and thereafter: 15 per cent

4. Notwithstanding paragraph 3 of this Article, the Parties may decide that a Party producing the controlled substances in Annex F shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Annex F, expressed in CO₂ equivalents, does not exceed the percentage, set out for the respective range of years specified in subparagraphs (a) to (e) below, of the annual average of its calculated levels of production of Annex F controlled substances for the years 2011, 2012 and 2013, plus twenty-five per cent of its calculated level of production of Annex C, Group I, controlled substances as set out in paragraph 2 of Article 2F, expressed in CO₂ equivalents:

- (a) 2020 to 2024: 95 per cent
- (b) 2025 to 2028: 65 per cent
- (c) 2029 to 2033: 30 per cent
- (d) 2034 to 2035: 20 per cent
- (e) 2036 and thereafter: 15 per cent

5. Paragraphs 1 to 4 of this Article will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by the Parties to be exempted uses.
6. Each Party manufacturing Annex C, Group I, or Annex F substances shall ensure that for the twelve-month period commencing on 1 January 2020, and

in each twelve-month period thereafter, its emissions of Annex F, Group II, substances generated in each production facility that manufactures Annex C, Group I, or Annex F substances are destroyed to the extent practicable using technology approved by the Parties in the same twelve-month period.

7. Each Party shall ensure that any destruction of Annex F, Group II, substances generated by facilities that produce Annex C, Group I, or Annex F substances shall occur only by technologies approved by the Parties.

Article 3

The preamble to Article 3 of the Protocol should be replaced with the following:

“1. For the purposes of Articles 2, 2A to 2J and 5, each Party shall, for each group of substances in Annex A, Annex B, Annex C, Annex E or Annex F, determine its calculated levels of:”

For the final semi-colon of subparagraph (a) (i) of Article 3 of the Protocol there shall be substituted:

“, except as otherwise specified in paragraph 2;”

The following text shall be added to the end of Article 3 of the Protocol:

“; and

(d) Emissions of Annex F, Group II, substances generated in each facility that generates Annex C, Group I, or Annex F substances by including, among other things, amounts emitted from equipment leaks, process vents and destruction devices, but excluding amounts captured for use, destruction or storage.

2. When calculating levels, expressed in CO₂ equivalents, of production, consumption, imports, exports and emissions of Annex F and Annex C, Group I, substances for the purposes of Article 2J, paragraph 5 bis of Article 2 and paragraph 1 (d) of Article 3, each Party shall use the global warming potentials of those substances specified in Group I of Annex A, Annex C and Annex F.”

Article 4, paragraph 1 sept

The following paragraph shall be inserted after paragraph 1 sex of Article 4 of the Protocol:

“1 sept. Upon entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex F from any State not Party to this Protocol.”

Article 4, paragraph 2 sept

The following paragraph shall be inserted after paragraph 2 sex of Article 4 of the Protocol:

“2 sept. Upon entry into force of this paragraph, each Party shall ban the export of the controlled substances in Annex F to any State not Party to this Protocol.”

Article 4, paragraphs 5, 6 and 7

In paragraphs 5, 6 and 7 of Article 4 of the Protocol, for the words:

“Annexes A, B, C and E”

there shall be substituted:

“Annexes A, B, C, E and F”

Article 4, paragraphs 8

In paragraph 8 of Article 4 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to 2J”

Article 4B

The following paragraph shall be inserted after paragraph 2 of Article 4B of the Protocol:

“2 bis. Each Party shall, by 1 January 2019 or within three months of the date of entry into force of this paragraph for it, whichever is later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annex F. Any Party operating under paragraph 1 of Article 5 that decides it is not in a position to establish and implement such a system by 1 January 2019 may delay taking those actions until 1 January 2021.”

Article 5

In paragraph 4 of Article 5 of the Protocol, for the word:

“2I”

there shall be substituted:

“2J”

In paragraphs 5 and 6 of Article 5 of the Protocol, for the words:

“Article 2I”

there shall be substituted:

“Articles 2I and 2J”

In paragraph 5 of Article 5 of the Protocol, before the words:

“any control measures”

there shall be inserted:

“with”

The following paragraph shall be inserted after paragraph 8 ter of Article 5 of the Protocol:

“8 qua

(a) Each Party operating under paragraph 1 of this Article, subject to any adjustments made to the control measures in Article 2J in accordance with paragraph 9 of Article 2, shall be entitled to delay its compliance with the control measures set out in subparagraphs (a) to (e) of paragraph 1 of Article 2J and subparagraphs (a) to (e) of paragraph 3 of Article 2J and modify those measures as follows:

(i) 2024 to 2028: 100 per cent

(ii) 2029 to 2034: 90 per cent

(iii) 2035 to 2039: 70 per cent

(iv) 2040 to 2044: 50 per cent

(v) 2045 and thereafter: 20 per cent

(b) Notwithstanding subparagraph (a) above, the Parties may decide that a Party operating under paragraph 1 of this Article, subject to any adjustments made to the control measures in Article 2J in accordance with paragraph 9 of Article 2, shall be entitled to delay its compliance with the control measures set out in subparagraphs (a) to (e) of paragraph 1 of Article 2J and subparagraphs (a) to (e) of paragraph 3 of Article 2J and modify those measures as follows:

(i) 2028 to 2031: 100 per cent

(ii) 2032 to 2036: 90 per cent

(iii) 2037 to 2041: 80 per cent

(iv) 2042 to 2046: 70 per cent

(v) 2047 and thereafter: 15 per cent

(c) Each Party operating under paragraph 1 of this Article, for the purposes of calculating its consumption baseline under Article 2J, shall be entitled to use the average of its calculated levels of consumption of Annex F controlled substances for the years 2020, 2021 and 2022, plus sixty-five per cent of its baseline consumption of Annex C, Group I, controlled substances as set out in paragraph 8 ter of this Article.

(d) Notwithstanding subparagraph (c) above, the Parties may decide that a Party operating under paragraph 1 of this Article, for the purposes of calculating its consumption baseline under Article 2J, shall be entitled to use the average of its calculated levels of consumption of Annex F controlled substances for the years 2024, 2025 and 2026, plus sixty-five per cent of its baseline consumption of Annex C, Group I, controlled substances as set out in paragraph 8 ter of this Article.

(e) Each Party operating under paragraph 1 of this Article and producing the controlled substances in Annex F, for the purposes of calculating its production baseline under Article 2J, shall be entitled to use the average of its calculated levels of production of Annex F controlled substances for the years 2020, 2021 and 2022, plus sixty-five per cent of its baseline production of Annex C, Group I, controlled substances as set out in paragraph 8 ter of this Article.

(f) Notwithstanding subparagraph (e) above, the Parties may decide that a Party operating under paragraph 1 of this Article and producing the controlled substances in Annex F, for the purposes of calculating its production baseline under Article 2J, shall be entitled to use the average of its calculated levels of production of Annex F controlled substances for the years 2024, 2025 and 2026, plus sixty-five per cent of its baseline production of Annex C, Group I, controlled substances as set out in paragraph 8 ter of this Article.

(g) Subparagraphs (a) to (f) of this paragraph will apply to calculated levels of production and consumption save to the extent that a high-ambient-temperature exemption applies based on criteria decided by the Parties.”

Article 6

In Article 6 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to 2J”

Article 7, paragraphs 2, 3 and 3 ter

The following line shall be inserted after the line that reads “– in Annex E, for the year 1991,” in paragraph 2 of Article 7 of the Protocol:

“– in Annex F, for the years 2011 to 2013, except that Parties operating under paragraph 1 of Article 5 shall provide such data for the years 2020 to 2022, but those Parties operating under paragraph 1 of Article 5 to which subparagraphs (d) and (f) of paragraph 8 qua of Article 5 applies shall provide such data for the years 2024 to 2026;”

In paragraphs 2 and 3 of Article 7 of the Protocol, for the words:

“C and E”

there shall be substituted:

“C, E and F”

The following paragraph shall be added to Article 7 of the Protocol after paragraph

3 bis:

“3 ter. Each Party shall provide to the Secretariat statistical data on its annual emissions of Annex F, Group II, controlled substances per facility in accordance with paragraph 1 (d) of Article 3 of the Protocol.”

Article 7, paragraph 4

In paragraph 4 of Article 7, after the words:

“statistical data on” and “provides data on”

there shall be added:

“production,”

Article 10, paragraph 1

In paragraph 1 of Article 10 of the Protocol, for the words:

“and Article 2I”

There shall be substituted:

“, Article 2I and Article 2J”

The following shall be inserted at the end of paragraph 1 of Article 10 of the Protocol:

“Where a Party operating under paragraph 1 of Article 5 chooses to avail itself of funding from any other financial mechanism that could result in meeting any part of its agreed incremental costs, that part shall not be met by the financial mechanism under Article 10 of this Protocol.”

Article 17

In Article 17 of the Protocol, for the words:

“Articles 2A to 2I”

there shall be substituted:

“Articles 2A to 2J”

Annex A

The following table shall replace the table for Group I in Annex A to the Protocol:

Group	Substance	Ozone-Depleting Potential*	100-Year Global Warming Potential
Group I			
CFCl ₃	(CFC-11)	1.0	4,750
CF ₂ Cl ₂	(CFC-12)	1.0	10,900
C ₂ F ₃ Cl ₃	(CFC-113)	0.8	6,130
C ₂ F ₄ Cl ₂	(CFC-114)	1.0	10,000
C ₂ F ₅ Cl	(CFC-115)	0.6	7,370

Annex C and Annex F

The following table shall replace the table for Group I in Annex C to the Protocol:

Group	Substance	Number of isomers	Ozone-Depleting Potential*	100-Year Global Warming Potential***
Group I				
CHFC ₂	(HCFC-21)**	1	0.04	151
CHF ₂ Cl	(HCFC-22)**	1	0.055	1810
CH ₂ FCl	(HCFC-31)	1	0.02	
C ₂ HFCl ₄	(HCFC-121)	2	0.01–0.04	
C ₂ HF ₂ Cl ₃	(HCFC-122)	3	0.02–0.08	
C ₂ HF ₃ Cl ₂	(HCFC-123)	3	0.02–0.06	77
CHCl ₂ CF ₃	(HCFC-123)**	–	0.02	
C ₂ HF ₄ Cl	(HCFC-124)	2	0.02–0.04	609
CHFClCF ₃	(HCFC-124)**	–	0.022	
C ₂ H ₂ FCl ₃	(HCFC-131)	3	0.007–0.05	
C ₂ H ₂ F ₂ Cl ₂	(HCFC-132)	4	0.008–0.05	
C ₂ H ₂ F ₃ Cl	(HCFC-133)	3	0.02–0.06	
C ₂ H ₃ FCl ₂	(HCFC-141)	3	0.005–0.07	
CH ₃ CFCl ₂	(HCFC-141b)**	–	0.11	725
C ₂ H ₃ F ₂ Cl	(HCFC-142)	3	0.008–0.07	
CH ₃ CF ₂ Cl	(HCFC-142b)**	–	0.065	2310
C ₂ H ₄ FCl	(HCFC-151)	2	0.003–0.005	
C ₃ HFCl ₆	(HCFC-221)	5	0.015–0.07	
C ₃ HF ₂ Cl ₅	(HCFC-222)	9	0.01–0.09	
C ₃ HF ₃ Cl ₄	(HCFC-223)	12	0.01–0.08	
C ₃ HF ₄ Cl ₃	(HCFC-224)	12	0.01–0.09	
C ₃ HF ₅ Cl ₂	(HCFC-225)	9	0.02–0.07	
CF ₃ CF ₂ CHCl ₂	(HCFC-225ca)**	–	0.025	122
CF ₂ ClCF ₂ CHClF	(HCFC-225cb)**	–	0.033	595
C ₃ HF ₆ Cl	(HCFC-226)	5	0.02–0.10	
C ₃ H ₂ FCl ₅	(HCFC-231)	9	0.05–0.09	
C ₃ H ₂ F ₂ Cl ₄	(HCFC-232)	16	0.008–0.10	

C ₃ H ₂ F ₃ Cl ₃	(HCFC-233)	18	0.007–0.23
C ₃ H ₂ F ₄ Cl ₂	(HCFC-234)	16	0.01–0.28
C ₃ H ₂ F ₅ Cl	(HCFC-235)	9	0.03–0.52
C ₃ H ₃ FCl ₄	(HCFC-241)	12	0.004–0.09
C ₃ H ₃ F ₂ Cl ₃	(HCFC-242)	18	0.005–0.13
C ₃ H ₃ F ₃ Cl ₂	(HCFC-243)	18	0.007–0.12
C ₃ H ₃ F ₄ Cl	(HCFC-244)	12	0.009–0.14
C ₃ H ₄ FCl ₃	(HCFC-251)	12	0.001–0.01
C ₃ H ₄ F ₂ Cl ₂	(HCFC-252)	16	0.005–0.04
C ₃ H ₄ F ₃ Cl	(HCFC-253)	12	0.003–0.03
C ₃ H ₃ FCl ₂	(HCFC-261)	9	0.002–0.02
C ₃ H ₃ F ₂ Cl	(HCFC-262)	9	0.002–0.02
C ₃ H ₆ FCl	(HCFC-271)	5	0.001–0.03

* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

** Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of the Protocol.

*** For substances for which no GWP is indicated, the default value 0 applies until a GWP value is included by means of the procedure foreseen in paragraph 9 (a) (ii) of Article 2.

The following annex shall be added to the Protocol after Annex E:

“Annex F: Controlled substances

Group	Substance	100-Year Global Warming Potential
Group I		
CHF ₂ CHF ₂	HFC-134	1,100
CH ₂ FCF ₃	HFC-134a	1,430
CH ₂ FCHF ₂	HFC-143	353
CHF ₂ CH ₂ CF ₃	HFC-245fa	1,030
CF ₃ CH ₂ CF ₂ CH ₃	HFC-365mfc	794
CF ₃ CHF ₂ CF ₃	HFC-227ea	3,220
CH ₂ FCF ₂ CF ₃	HFC-236cb	1,340
CHF ₂ CHF ₂ CF ₃	HFC-236ea	1,370
CF ₃ CH ₂ CF ₃	HFC-236fa	9,810
CH ₂ FCF ₂ CHF ₂	HFC-245ca	693
CF ₃ CHF ₂ CF ₂ CF ₃	HFC-43-10mee	1,640

CH ₂ F ₂	HFC-32	675
CHF ₂ CF ₃	HFC-125	3,500
CH ₃ CF ₃	HFC-143a	4,470
CH ₃ F	HFC-41	92
CH ₂ FCH ₂ F	HFC-152	53
CH ₃ CHF ₂	HFC-152a	124
Group II		
CHF ₃	HFC-23	14,800

Article II: Relationship to the 1999 Amendment

No State or regional economic integration organization may deposit an instrument of ratification, acceptance or approval of or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Eleventh Meeting of the Parties in Beijing, 3 December 1999.

Article III: Relationship to the United Nations Framework Convention on Climate Change and its Kyoto Protocol

This Amendment is not intended to have the effect of excepting hydrofluorocarbons from the scope of the commitments contained in Articles 4 and 12 of the United Nations Framework Convention on Climate Change or in Articles 2, 5, 7 and 10 of its Kyoto Protocol.

Article IV: Entry into force

1. Except as noted in paragraph 2, below, this Amendment shall enter into force on 1 January 2019, provided that at least twenty instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.
2. The changes to Article 4 of the Protocol, Control of trade with non-Parties, set out in Article I of this Amendment shall enter into force on 1 January 2033, provided that at least seventy instruments of ratification, acceptance or approval of the Amendment have been deposited by States or regional economic integration organizations that are Parties to the Montreal Protocol on Substances that Deplete the

Ozone Layer. In the event that this condition has not been fulfilled by that date, the Amendment shall enter into force on the ninetieth day following the date on which it has been fulfilled.

3. For purposes of paragraphs 1 and 2, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

4. After the entry into force of this Amendment, as provided under paragraphs 1 and 2, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

Article V: Provisional application

Any Party may, at any time before this Amendment enters into force for it, declare that it will apply provisionally any of the control measures set out in Article 2J, and the corresponding reporting obligations in Article 7, pending such entry into force.

第 32/2021 號行政長官公告

按照中央人民政府的命令，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈聯合國安全理事會於二零二一年五月二十八日通過的有關秘書長關於蘇丹和南蘇丹的報告的第2577（2021）號決議的中文和英文正式文本，以及根據決議各正式文本翻譯而成的葡文譯本。

二零二一年十一月十六日發佈。

行政長官 賀一誠

Aviso do Chefe do Executivo n.º 32/2021

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), por ordem do Governo Popular Central, a Resolução n.º 2577(2021) relativa aos relatórios do Secretário-Geral sobre o Sudão e o Sudão do Sul, adoptada pelo Conselho de Segurança das Nações Unidas em 28 de Maio de 2021, nos seus textos autênticos em línguas chinesa e inglesa, acompanhados da respectiva tradução em língua portuguesa efectuada a partir dos seus diversos textos autênticos.

Promulgado em 16 de Novembro de 2021.

O Chefe do Executivo, *Ho Iat Seng*.