

## 第 20/2012 號行政長官公告

## Aviso do Chefe do Executivo n.º 20/2012

中華人民共和國就一九九七年九月十七日在蒙特利爾舉行的締約國第九次會議上經第IX/4號決定通過的《關於消耗臭氧層物質的蒙特利爾議定書》修正案（下稱“蒙特利爾修正案”）及一九九九年十二月三日在北京舉行的締約國第十一次會議上經第XI/5號決定通過的《關於消耗臭氧層物質的蒙特利爾議定書》修正案（下稱“北京修正案”），於二零一零年五月十九日向作為一九八七年九月十六日訂於蒙特利爾的《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”）保管實體的聯合國秘書長交存接受書。

中華人民共和國於交存接受書之日以照會作出通知，蒙特利爾修正案及北京修正案適用於澳門特別行政區，並再次聲明蒙特利爾議定書第5條的規定不適用於澳門特別行政區。

根據蒙特利爾修正案第3條第3款及北京修正案第3條第3款的規定，該等修正案自二零一零年八月十七日起在國際上對中華人民共和國生效，包括對澳門特別行政區生效。

在上述締約國第九次會議上分別經第IX/1號決定、第IX/2號決定及第IX/3號決定通過對蒙特利爾議定書附件A、附件B及附件E作出調整（下稱“蒙特利爾調整”）。

根據蒙特利爾議定書第2條第9款d項的規定，蒙特利爾調整自一九九八年六月四日起對蒙特利爾議定書所有締約國生效。

在上述締約國第十一次會議上分別經第XI/2號決定、第XI/3號決定及第XI/4號決定通過對蒙特利爾議定書附件A、附件B及附件E作出調整（下稱“北京調整”）。

根據蒙特利爾議定書第2條第9款d項的規定，北京調整自二零零零年七月二十八日起對蒙特利爾議定書所有締約國生效。

基於此，行政長官根據澳門特別行政區第3/1999號法律第六條第一款的規定，命令公佈：

——中華人民共和國送交保管實體關於蒙特利爾修正案及北京修正案適用於澳門特別行政區的通知書中文文本的適用部分；

——蒙特利爾修正案的中文及英文正式文本；

——蒙特利爾調整的中文及英文正式文本；

——北京修正案的中文及英文正式文本；及

——北京調整的中文及英文正式文本。

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》。蒙特利爾

Considerando que a República Popular da China (RPC) efectuou, em 19 de Maio de 2010, junto do Secretário-Geral das Nações Unidas, na sua qualidade de depositário do Protocolo de Montreal sobre as Substâncias que Empobrecem a Camada de Ozono, concluído em Montreal, em 16 de Setembro de 1987 (Protocolo de Montreal), o depósito do seu instrumento de aceitação da Emenda ao Protocolo de Montreal, adoptada pela 9.ª Reunião das Partes, através da sua Decisão IX/4, em Montreal, em 17 de Setembro de 1997 (Emenda de Montreal), e da Emenda ao Protocolo de Montreal, adoptada pela 11.ª Reunião das Partes, através da sua Decisão XI/5, em Pequim, em 3 de Dezembro de 1999 (Emenda de Pequim);

Considerando que, à data do depósito do seu instrumento de aceitação, a RPC notificou que a Emenda de Montreal e a Emenda de Pequim se aplicam à Região Administrativa Especial de Macau (RAEM), tendo igualmente reiterado a sua declaração de que as disposições do artigo 5.º do Protocolo de Montreal não se aplicam na RAEM;

Considerando que a Emenda de Montreal e a Emenda de Pequim, em conformidade com os n.ºs 3 dos seus artigos 3.º, respectivamente, entraram internacionalmente em vigor para a RPC, incluindo a RAEM, em 17 de Agosto de 2010;

Considerando que, na referida 9.ª Reunião das Partes foram também adoptados, respectivamente, através das Decisões IX/1, IX/2 e IX/3, os Ajustamentos aos Anexos A, B e E do Protocolo de Montreal (Ajustamentos de Montreal);

Considerando ainda que, nos termos da alínea d) do n.º 9 do artigo 2.º do Protocolo de Montreal, os Ajustamentos de Montreal entraram em vigor para todos os Estados Partes no Protocolo de Montreal, em 4 de Junho de 1998;

Considerando igualmente que, na referida 11.ª Reunião das Partes foram também adoptados, respectivamente, através das Decisões XI/2, XI/3 e XI/4, os Ajustamentos aos Anexos A, B e E do Protocolo de Montreal (Ajustamentos de Pequim);

Mais considerando que, nos termos da alínea d) do n.º 9 do artigo 2.º do Protocolo de Montreal, os Ajustamentos de Pequim entraram em vigor para todos os Estados Partes no Protocolo de Montreal, em 28 de Julho de 2000;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da RAEM:

— a parte útil da notificação efectuada pela RPC relativa à aplicação na RAEM da Emenda de Montreal e da Emenda de Pequim, em língua chinesa, tal como enviada ao depositário;

— o texto autêntico em línguas chinesa e inglesa da Emenda de Montreal;

— o texto autêntico em línguas chinesa e inglesa dos Ajustamentos de Montreal;

— o texto autêntico em línguas chinesa e inglesa da Emenda de Pequim, e

— o texto autêntico em línguas chinesa e inglesa dos Ajustamentos de Pequim.

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 para a

議定書的中文正式文本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。

二零一二年四月十日發佈。

行政長官 崔世安

língua portuguesa. O texto autêntico em língua chinesa do Protocolo de Montreal encontra-se publicado no *Boletim Oficial* da Região Administrativa Especial de Macau n.º 33, II Série, de 19 de Agosto de 2009.

Promulgado em 10 de Abril de 2012.

O Chefe do Executivo, *Chui Sai On*.

## 通知書

(二零一零年五月十八日第 CML/16/2010 號文件；

參閱：C. N. 279. 2010. TREATIES-3 (Depositary Notification) 及

C. N. 281. 2010. TREATIES-3 (Depositary Notification))

“.....

我謹向您交存中華人民共和國政府接受一九九七年九月十七日在蒙特利爾通過的《〈關於消耗臭氧層物質蒙特利爾議定書〉蒙特利爾修正案》和一九九九年十二月三日在北京通過的《〈關於消耗臭氧層物質蒙特利爾議定書〉北京修正案》的接受書並代表中國政府陳述如下：

根據《中華人民共和國香港特別行政區基本法》第一百五十三條和《中華人民共和國澳門特別行政區基本法》第一百三十八條的規定，中華人民共和國政府決定，上述修正案適用於中華人民共和國香港特別行政區和中華人民共和國澳門特別行政區。

中華人民共和國政府重申《關於消耗臭氧層物質蒙特利爾議定書》第五條規定不適用於中華人民共和國香港特別行政區和中華人民共和國澳門特別行政區。

.....”

### 締約方第九次會議通過的對《蒙特利爾議定書》的修正

#### 第一條

#### 修正

##### 一、第4條第1之四款

在議定書第4條第1之三款後應增加下面一款：

1 之四. 自本款生效之日起一年之內，每一締約方應禁止從任何非本議定書締約方的國家進口附件E中的受控物質。

##### 二、第4條第2之四款

在議定書第4條第2之三款後應增加下面一款：

2 之四. 自本款生效之日起一年之後，每一締約方應禁止向任何非本議定書締約方的國家出口附件E中的受控物質。

##### 三、第4條第5款、第6款和第7款

議定書第4條第5款、第6款和第7款中的下列文字：

及附件C第二類

### AMENDMENT TO THE MONTREAL PROTOCOL ADOPTED BY THE NINTH MEETING OF THE PARTIES

#### ARTICLE 1: AMENDMENT

##### A. Article 4, paragraph 1 qua.

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

1 qua. Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Annex E from any State not party to this Protocol.

##### B. Article 4, paragraph 2 qua.

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

2 qua. Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Annex E to any State not party to this Protocol.

##### C. Article 4, paragraph 5, 6 and 7

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

and Group II of Annex C

應改為：

、附件C第二類和附件E

there shall be substituted:

Group II of Annex C and Annex E

四、第4條第8款

D. Article 4, paragraph 8

議定書第4條第8款中的下列文字：

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

第2G條

Article 2G

應改為：

there shall be substituted:

第2G和第2H條

Article 2G and 2H

E. Article 4A: Control of trade with Parties

五、第4A條 與締約方貿易的控制

The following Article shall be added to the Protocol as Article 4A:

在議定書中應增加下面一條作為第4A條：

1. 如一締約方儘管已為履行議定書為其規定的各項義務採取了所有切實的步驟，但在適用於該締約方的某一受控物質淘汰日期之後，仍未能停止為其國內消費目的而生產未經各締約方商定屬於必要用途的該物質，則該締約方應禁止出口已經使用、已經再循環和已經回收的此類物質，但用於銷毀目的的情況除外。

1. Where, after the phase-out date applicable to it for a controlled substance, a Party is unable, despite having taken all practicable steps to comply with its obligation under the Protocol, to cease production of that substance for domestic consumption, other than for uses agreed by the Parties to be essential, it shall ban the export of used, recycled and reclaimed quantities of that substance, other than for the purpose of destruction.

2. 本條第1款的適用不得損害公約第11條和議定書第8條所規定的不遵守程序的實施。

2. Paragraph 1 of this Article shall apply without prejudice to the operation of Article 11 of the Convention and the non-compliance procedure developed under Article 8 of the Protocol.

六、第4B條 許可證制度

F. Article 4B: Licensing

在議定書中應增加下面一條作為第4B條：

The following Article shall be added to the Protocol as Article 4B:

1. 每一締約方應於2000年1月1日之前或在本條對其正式生效後三個月之內，以其中較遲者為準，建立並實施對新的、已經使用、已經再循環和已經回收的附件A、附件B、附件C和附件E中的受控物質的進出口許可證制度。

1. Each Party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.

2. 儘管有本條第1款的規定，但任何按照第5條第1款行事的締約方如認定其不能建立並實施對附件C和附件E中的受控物質的進出口許可證制度，則該締約方可以分別於2005年1月1日和2002年1月1日之前暫緩採取此種行動。

2. Notwithstanding paragraph 1 of this Article, any Party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1 January 2005 and 1 January 2002, respectively.

3. 每一締約方應於實施這一許可證制度後三個月之內，向秘書處報告有關建立和實施這一制度的情況。

3. Each Party shall, within three months of the date of introducing its licensing system, report to the Secretariat on the establishment and operation of that system.

4. 秘書處應定期編製並向所有締約方分發已向秘書處報告了有關許可證制度情況的締約方的名單，並將此資料轉交履行委員會，供其審議並向各締約方提出適當的建議。

4. The Secretariat shall periodically prepare and circulate to all Parties a list of the Parties that have reported to it on their licencing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the Parties.

第二條  
與1992年修正案的關係

任何國家或區域經濟一體化組織不得對本修正案交存批准、接受、核准或加入文書，除非該國或該組織此前已經或同時對締約方第四次會議於1992年11月25日在哥本哈根通過的修正案交存了此種文書。

第三條  
生效

一、本修正案應於1999年1月1日生效，但屆時必須已有成為《關於消耗臭氧層物質的蒙特利爾議定書》的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、接受或核准本修正案的文書。如屆時這一條件尚未滿足，本修正案應於這一條件滿足後的第九十天開始生效。

二、為第一款的目的，區域經濟一體化組織交存的任何此種文書不得在該組織成員國交存的文書之外額外計算。

三、本修正案在按照第一款規定生效後，應於本議定書任何其他締約方交存其批准、接受或核准文書之日後第九十天對其生效。

對《關於消耗臭氧層物質的蒙特利爾議定書》附件 A  
中所列控制物質的調整

A. 第2A條：氟氯化碳

1. 應以下列一句取代《議定書》第2A條第4款中的第三句：

但為滿足按第5條第1款行事的締約方的國內基本需要，其生產的計算數量可超過這一限額，超出部分可相當於其1995至1997年（含）期間為滿足其國內基本需要而生產的附件A第一類控制物質的年平均計算數量。

2. 應在《議定書》2A條第4款之後增列以下各款：

5. 每一締約方應確保，在2003年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款行事的締約方的國內基本需要而生產的附件A第一類控制物質的計算數量不超過其1995至1997年（含）期間為滿足國內基本需要而生產的這些物質的年平均生產計算數量的百分之八十。

6. 每一締約方應確保，在2005年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款行事

ARTICLE 2: RELATIONSHIP TO THE 1992 AMENDMENT

No State or regional economic integration organization may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Fourth Meeting of the Parties in Copenhagen, 25 November 1992.

ARTICLE 3: ENTRY INTO FORCE

1. This Amendment shall enter into force on 1 January 1999, 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. For the purposes of paragraph 1, 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.

3. After the entry into force of this Amendment, as provided under paragraph 1, 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.

ADJUSTMENTS TO THE MONTREAL PROTOCOL  
ON SUBSTANCES  
THAT DEplete THE OZONE LAYER RELATING  
TO CONTROLLED  
SUBSTANCES IN ANNEX A

A. Article 2A: CFCs

1. The third sentence of paragraph 4 of Article 2A of the Protocol shall be replaced by the following sentence:

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph I of Article 5, its calculated level of production may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group I of Annex A for basic domestic needs for the period 1995 to 1997 inclusive.

2. The following paragraphs shall be added after paragraph 4 of Article 2A of the Protocol:

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2003 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed eighty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period

的締約方的國內基本需要而生產的附件A第一類控制物質的計算數量不超過其1995至1997年（含）期間為滿足國內基本需要而生產的這些物質的年平均生產計算數量的百分之五十。

7. 每一締約方應確保，在2007年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款行事的締約方的國內基本需要而生產的附件A第一類控制物質的計算數量不超過其1995至1997年（含）期間為滿足國內基本需要而生產的這些物質的年平均生產計算數量的百分之十五。

8. 每一締約方應確保，在2010年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款行事的締約方的國內基本需要而生產的附件A第一類控制物質的生產計算數量不超過零。

9. 就計算本條第4至8款所述的國內基本需要而言，計算締約方年度平均生產數量時包括根據第2條第5款有權轉讓的生產量，但不包括締約方根據第2條第5款已獲得的任何生產量。

#### B. 第2B條：哈龍

1. 應以下列一句取代《議定書》第2B條第2款中的第三句：

但為滿足按第5條第1款行事的締約方的國內基本需要，其生產計算數量於2002年1月1日之前可超過這一限額，超出部分至多為其1986年生產計算數量的百分之十五；其後，超出這一限額的部分可相當於其1995至1997年（含）期間為滿足國內基本需要而生產的附件A第二類控制物質的年平均生產計算數量。

2. 應在《議定書》第2B條第2款之後增列以下各款：

3. 每一締約方應確保，在2005年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款行事的締約方的國內基本需要而生產的附件A第二類控制物質的生產計算數量不超過其1995至1997年（含）期間為滿足國內基本需要而生產的這些物質的年平均生產計算數量的百分之五十。

4. 每一締約方應確保，在2010年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款行事的締約方的國內基本需要而生產的附件A第二類控制物質的生產計算數量不超過零。

thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

7. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating under paragraph 1 of Article 5 does not exceed fifteen per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

8. Each Party, shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex A for the basic domestic needs of the Parties operating, under paragraph I of Article 5 does not exceed zero.

9. For the purposes of calculating basic domestic needs under paragraphs 4 to 8 of this Article, the calculation of the annual average of production by a Party includes any production entitlements that it has transferred in accordance with paragraph 5 of Article 2, and excludes any production entitlements that it has acquired in accordance with paragraph 5 of Article 2.

#### B. Article 2B: Halons

1. The third sentence of paragraph 2 of Article 2B of the Protocol shall be replaced by the following sentence:

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph I of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent of its calculated level of production in 1986; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substances in Group II of Annex A for basic domestic needs for the period 1995 to 1997 inclusive.

2. The following paragraphs shall be added after paragraph 2 of Article 2B of the Protocol:

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed fifty per cent of the annual average of its production of those substances for basic domestic needs for the period 1995 to 1997 inclusive.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group II of Annex A for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed zero.

**對《關於消耗臭氧層物質的蒙特利爾議定書》附件B  
中所列控制物質的調整**

**第2C條：其他全鹵化氟氯化碳**

1. 應以下列一句取代《議定書》第2C條第3款中的第三句：

但為滿足按第5條第1款行事的締約方的國內基本需要，其生產計算數量於2003年1月1日之前可超過這一限額，超出部分至多為其1989年生產計算數量的百分之十五；其後，超出部分可相當於其1998至2000年（含）期間為滿足其國內基本需要而生產的附件B第一類控制物質的年平均生產計算數量的百分之八十。

2. 應在《議定書》第2C條第3款之後增列以下兩款：

4. 每一締約方應確保，在2007年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款行事的締約方的國內基本需要而生產的附件B第一類控制物質的計算數量不超過其1998至2000年（含）期間為滿足國內基本需要而生產的這些物質的年平均生產計算數量的百分之十五。

5. 每一締約方應確保，在2010年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款行事的締約方的國內基本需要而生產的附件B第一類控制物質的生產計算數量不超過零。

**對《關於消耗臭氧層物質的蒙特利爾議定書》附件E  
中所列控制物質的調整**

**第2H條：甲基溴**

1. 應以下列一句取代《議定書》第2H條第5款中的第三句：

但為滿足按第5條第1款行事的締約方的國內基本需要，其生產計算數量於2002年1月1日之前可超過這一限額，超出部分至多為其1991年生產計算數量的百分之十五；其後，超過部分可相當於其1995至1998年（含）期間為滿足國內基本需要而生產的附件E控制物質的年平均生產計算數量。

2. 應在《議定書》第2H條第5款之後增列以下兩款：

5 之二. 每一締約方應確保，在2005年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款

**ADJUSTMENTS TO THE MONTREAL PROTOCOL ON  
SUBSTANCES THAT DEplete  
THE, OZONE LAYER RELATING TO CONTROLLED  
SUBSTANCES IN ANNEX B**

**Article 2C: Other fully halogenated CFCs**

1. The third sentence of paragraph 3 of Article 2C of the Protocol shall be replaced by the following sentence:

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph I of Article 5, its calculated level of production may, until 1 January 2003 exceed that limit by up to fifteen per cent of its calculated level of production in 1989; thereafter, it may exceed that limit by a quantity equal to eighty per cent of the annual average of its production of the controlled substances in Group I of Annex B for basic domestic needs for the period 1998 to 2000 inclusive.

2. The following paragraphs shall be added after paragraph 3 of Article 2C of the Protocol:

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2007 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed fifteen per cent of the annual average of its production of those substances for basic domestic needs for the period 1998 to 2000 inclusive.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010 and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex B for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed zero.

**ADJUSTMENTS TO THE MONTREAL PROTOCOL ON  
SUBSTANCES THAT DEplete  
THE OZONE LAYER RELATING TO THE CONTROLLED  
SUBSTANCE IN ANNEX E**

**Article 2H: Methyl bromide**

1. The third sentence of paragraph 5 of Article 2H of the Protocol shall be replaced by the following sentence:

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph I of Article 5, its calculated level of production may, until 1 January 2002 exceed that limit by up to fifteen per cent of its calculated level of production in 1991; thereafter, it may exceed that limit by a quantity equal to the annual average of its production of the controlled substance in Annex E for basic domestic needs for the period 1995 to 1998 inclusive.

2. The following paragraphs shall be added after paragraph 5 of Article 2H of the Protocol:

5 bis. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005 and in each twelve-month

行事的締約方的國內基本需要而生產的附件E控制物質的生產計算數量不超過其1995至1998年（含）期間為滿足國內基本需要而生產的這些物質的年平均生產計算數量的百分之八十。

5 之三. 每一締約方應確保，在2015年1月1日起的十二個月期間內及其後每十二個月期間，其為滿足按第5條第1款行事的締約方的國內基本需要而生產的附件E控制物質的生產計算數量不超過零。

《關於消耗臭氧層物質的蒙特利爾議定書》

修正案

第一條

修正

一、第2條第5款

議定書第2條第5款中的下列文字：

第2A條至第2E條

應改為：

第2A條至第2F條

二、第2條第8款（a）項和第11款

議定書第2條第8款（a）項和第11款中的下列文字：

第2A條至第2H條

應改為：

第2A條至第2I條

三、第2F條第8款

在議定書第2F條第7款後應增加下面一款：

8. 生產一種或一種以上此類物質的每一締約方應確保，在2004年1月1日起的十二個月內，及此後每十二個月內，其附件C中的第一類受控物質的生產計算數量每年不超過以下兩個總數的平均數：

（1）1989年附件C中的第一類受控物質的消費計算數量與1989年附件A中的第一類受控物質消費計算數量的百分之二點八的總和；以及

（2）1989年附件C中的第一類受控物質的生產計算數量與1989年附件A中的第一類受控物質生產計算數量的百分之二點八的總和。

period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed eighty per cent of the annual average of its production of the substance for basic domestic needs for the period 1995 to 1998 inclusive.

5 ter. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015 and in each twelve-month period thereafter, its calculated level of production of the controlled substance in Annex E for the basic domestic needs of the Parties operating under paragraph I of Article 5 does not exceed zero.

AMENDMENT TO THE MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

Article 1: Amendment

A. Article 2, paragraph 5

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

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2F

B. Article 2, paragraphs 8(a) and 11

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

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

C. Article 2F, paragraph 8

The following paragraph shall be added after paragraph 7 of Article 2F of the Protocol:

8. Each Party producing one or more of these substances shall ensure that for the twelve-month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of production of the controlled substances in Group I of Annex C does not exceed, annually, the average of:

(a) The sum of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C and two point eight per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and

(b) The sum of its calculated level of production in 1989 of the controlled substances in Group I of Annex C and two point eight per cent of its calculated level of production in 1989 of the controlled substances in Group I of Annex A.

然而，為了滿足按第5條第1款行事的締約方的國內基本需求，其生產計算數量可超過這一限額，超出部分至多為上文規定的附件C中的第一類受控物質生產計算數量的百分之十五。

#### 四、第2I條

在議定書第2H條後應增加下面一條：

第2I條：溴氯甲烷

每一締約方應確保，在2002年1月1日起的十二個月內，及此後每十二個月內，其附件C中的第三類受控物質的生產和消費計算數量不超過零。除非締約方決定為滿足其同意的必要用途而允許必需的生產或消費數量，本款應予適用。

#### 五、第3條

議定書第3條中的下列文字：

第2條、第2A至第2H條

應改為：

第2條、第2A至第2I條

#### 六、第4條第1之五款和第1之六款

在議定書第4條第1之四款後應增加下面兩款：

1 之五. 自2004年1月1日起，每一締約方應禁止從非本議定書締約方的任何國家進口附件C中的第一類受控物質。

1 之六. 自本款生效之日起一年內，每一締約方應開始禁止從非本議定書締約方的任何國家進口附件C中的第三類受控物質。

#### 七、第4條第2之五款和第2之六款

在議定書第4條第2之四款後應增加下面兩款：

2 之五. 自2004年1月1日起，每一締約方應禁止向非本議定書締約方的任何國家出口附件C中的第一類受控物質。

2 之六. 自本款生效之日起一年內，每一締約方應開始禁止向非本議定書締約方的任何國家出口附件C中的第三類受控物質。

#### 八、第4條第5款至第7款

議定書第4條第5款至第7款中的下列文字：

附件A和B、附件C第二類和附件E

However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production of the controlled substances in Group I of Annex C as defined above.

#### D. Article 2I

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

#### Article 2I: Bromochloromethane

Each Party shall ensure that for the twelve-month period commencing on 1 January 2002, and in each twelve-month period thereafter, its calculated level of consumption and production of the controlled substance in Group III of Annex C does not exceed zero. This paragraph 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 them to be essential.

#### E. Article 3

In Article 3 of the Protocol, for the words:

Articles 2, 2A to 2H

there shall be substituted:

Articles 2, 2A to 2I

#### F. Article 4, paragraphs 1 *quin.* and 1 *sex.*

The following paragraphs shall be added to Article 4 of the Protocol after paragraph 1 *qua*:

1 *quin.* As of 1 January 2004, each Party shall ban the import of the controlled substances in Group I of Annex C from any State not party to this Protocol.

1 *sex.* Within one year of the date of entry into force of this paragraph, each Party shall ban the import of the controlled substance in Group III of Annex C from any State not party of this Protocol.

#### G. Article 4, paragraphs 2 *quin.* and 2 *sex.*

The following paragraphs shall be added to Article 4 of the Protocol after paragraph 2 *qua*:

2 *quin.* As of 1 January 2004, each Party shall ban the export of the controlled substances in Group I of Annex C to any State not party to this Protocol.

2 *sex.* Within one year of the date of entry into force of this paragraph, each Party shall ban the export of the controlled substance in Group III of Annex C to any State not party of this Protocol.

#### H. Article 4, paragraphs 5 to 7

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

Annexes A and B, Group II of Annex C and Annex E



應改為：

附件A、附件B、附件C和附件E

九、第4條第8款

議定書第4條第8款中的下列文字：

第2A至第2E、第2G和2H條

應改為：

第2A條至第2I條

十、第5條第4款

議定書第5條第4款中的下列文字：

第2A至第2H條

應改為：

第2A至第2I條

十一、第5條第5款和第6款

議定書第5條第5款和第6款中的下列文字：

第2A至第2E條

應改為：

第2A條至第2E條及第2I條

十二、第5條第8之三款（a）項

在第5條第8之三款（a）項末尾處應增加下面句子：

自2016年1月1日起，按本條第1款行事的每一締約方均應遵守第2F條第8款規定的控制措施，並應使用2015年生產與消費計算數量的平均數作為遵守此類控制措施的基礎；

十三、第6條

議定書第6條中的下列文字：

第2A至第2H條

應改為：

第2A至第2I條

十四、第7條第2款

議定書第7條第2款中的下列文字：

附件B和C

there shall be substituted:

Annexes A, B, C and E

I. Article 4, paragraph 8

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

Articles 2A to 2E, Articles 2G and 2H

there shall be substituted:

Articles 2A to 2I

J. Article 5, paragraph 4

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

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

K. Article 5, paragraphs 5 and 6

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

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2E and Article 2I

L. Article 5, paragraph 8 *ter* (a)

The following sentence shall be added at the end of subparagraph 8 *ter* (a) of Article 5 of the Protocol:

As of 1 January 2016 each Party operating under paragraph 1 of this Article shall comply with the control measures set out in paragraph 8 of Article 2F and, as the basis for its compliance with these control measures, it shall use the average of its calculated levels of production and consumption in 2015.

M. Article 6

In Article 6 of the Protocol, for the words:

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

N. Article 7, paragraph 2

In paragraph 2 of Article 7 of the Protocol, for the words:

Annexes B and C

應改為：

附件B及附件C中的第一類和第二類

#### 十五、第7條第3款

在議定書第7條第3款第一句後應增加下面句子：

每一締約方應向秘書處提供有關用於檢疫和裝運前用途的附件E中的受控物質數量的年度統計數據。

#### 十六、第10條

議定書第10條第1款中的下列文字：

第2A至2E條

應改為：

第2A條至第2E條及第2I條

#### 十七、第17條

議定書第17條中的下列文字：

第2A至2H條

應改為：

第2A條至第2I條

#### 十八、附件C

在議定書附件C中應增列以下一類物質：

類別	物質	導構體數目	消耗臭氧潛能值
第三類			
CH <sub>2</sub> BrCl	溴氯甲烷	1	0.12

#### 第二條

與1997年修正案的關係

任何國家或區域經濟一體化組織不得對本修正案交存批准、接受、核准或加入文書，除非該國或該組織此前已經或同時對締約方第九次會議於1997年9月17日在蒙特利爾通過的修正案交存了此種文書。

#### 第三條

生效

一、本項修正案應於2001年1月1日生效，但屆時必須已有成為《關於消耗臭氧層物質的蒙特利爾議定書》的締約方的國家或區域經濟一體化組織交存至少有二十份批准、接受或核准本修正案的文書。如屆時這一條件尚未滿足，本修正案應於這一條件滿足後的第九十天開始生效。

there shall be substituted:

Annex B and Groups I and II of Annex C

#### O. Article 7, paragraph 3

The following sentence shall be added after the first sentence of paragraph 3 of Article 7 of the Protocol:

Each Party shall provide to the Secretariat statistical data on the annual amount of the controlled substance listed in Annex E used for quarantine and pre-shipment applications.

#### P. Article 10

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

Articles 2A to 2E

there shall be substituted:

Articles 2A to 2E and Article 2I

#### Q. Article 17

In Article 17 of the Protocol, for the words:

Articles 2A to 2H

there shall be substituted:

Articles 2A to 2I

#### R. Annex C

The following group shall be added to Annex C to the Protocol:

Group	Substance	Number of Isomers	Ozone-Depleting Potential
Group III			
CH <sub>2</sub> BrCl	bromochloromethane	1	0.12

#### Article 2: Relationship to the 1997 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 Ninth Meeting of the Parties in Montreal, 17 September 1997.

#### Article 3: Entry into force

1. This Amendment shall enter into force on 1 January 2001, 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.

二、為第一款的目的，區域經濟一體化組織交存的任何此種文書不得在該組織成員國交存的文書之外額外計算。

三、本修正案在按照第一款規定生效之後，應於本議定書任何其他締約方交存其批准、接受或核准文書之日後第九十天對其生效。

**締約國第九次會議就附件 A 中所列管制物質商定的  
調整**

第5條、第3款

應在《議定書》第5條第3(a)款“確定其執行”後增加下列字句：

關於消費量的

應在《議定書》第5條第3款中添加下列分款：

(c) 對於附件A所列控制物質，其1995至1997年每年生產的計算數量的平均值或生產的計算數量為人均0.3公斤，取兩者中數值較低者作為確定是否其執行關於生產量的管制措施的基準。

**締約國第九次會議就附件 B 中所列管制物質商定的  
調整**

第5條、第3款

應在《議定書》第5條第3(b)款“確定其執行”後增加下列字句：

關於消費量的

應在《議定書》第5條第3款中增加下列分款：

(d) 對於附件B所列控制物質，其1998至2000年每年生產的計算數量的平均值或生產的計算數量為人均0.2公斤，取兩者中數值較低者作為確定其是否執行有關生產量的管制措施的基準。

**締約國第九次會議就附件 E 所列控制物質商定的調整**

**A. 第2H條：甲基溴**

1. 應以下列款項取代《議定書》第2H條第2至4款：

2. 每一締約國應確保，在1999年1月1日起的十二個月期間，及其後每十二個月期間，其附件E控制物質的消

2. For the purpose of paragraph 1, 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.

3. After the entry into force of this Amendment, as provided under paragraph 1, 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.

**ADJUSTMENTS AGREED AT THE NINTH MEETING OF  
THE PARTIES RELATING  
TO CONTROLLED SUBSTANCES IN ANNEX A**

Article 5, paragraph 3

The following words shall be added at the end of paragraph 3 (a) of Article 5 of the Protocol:

relating to consumption

The following subparagraph shall be added to paragraph 3 of Article 5 of the Protocol:

(c) For controlled substances under Annex A, either the average of its annual calculated level of production for the period 1995 to 1997 inclusive or a calculated level of production of 0.3 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

**ADJUSTMENTS AGREED AT THE NINTH MEETING OF  
THE PARTIES RELATING  
TO CONTROLLED SUBSTANCES IN ANNEX B**

Article 5, paragraph 3

The following words shall be added at the end of paragraph 3 (b) of Article 5 of the Protocol:

relating to Consumption

The following subparagraph shall be added to paragraph 3 of Article 5 of the Protocol:

(d) For controlled substances under Annex B, either the average of its annual calculated level of production for the period 1998 to 2000 inclusive or a calculated level of production of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures relating to production.

**ADJUSTMENTS AGREED THE NINTH MEETING OF  
THE PARTIES RELATING  
TO THE CONTROLLED SUBSTANCE IN ANNEX E**

**A. Article 2H: Methyl bromide**

1. Paragraphs 2 to 4 of Article 2H of the Protocol shall be replaced by the following paragraphs:

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1999, and in the twelve-month period

費計算數量每年不超過其1991年消費計算數量的百分之七十五。生產該物質的每一締約國應確保其在一期間內該物質的生產計算數量每年不超過其1991年生產計算數量的百分之七十五。但為滿足按照第5條第1款行事的締約國的國內基本需要，其生產計算數量可超過這一限額，超出部分至多為其1991年生產計算數量的百分之十。

3. 每一締約國應確保，在2001年1月1日起的十二個月期間，及其後每十二個月期間，其附件E控制物質的消費計算數量每年不超過其1991年消費計算數量的百分之五十。生產該物質的每一締約國應確保其在一期間內該物質的生產計算數量每年不超過其1991年生產計算數量的百分之五十。但為滿足按照第5條第1款行事的締約國的國內基本需要，其生產計算數量可超過這一限額，超出部分至多為其1991年生產計算數量的百分之十。

4. 每一締約國應確保，在2003年1月1日起的十二個月期間，及其後每十二個月期間，其附件E控制物質的消費計算數量每年不超過其1991年消費計算數量的百分之三十。生產該物質的每一締約國應確保其在一期間內該物質的生產計算數量每年不超過其1991年生產計算數量的百分之三十。但為滿足按照第5條第1款行事的締約國的國內基本需要，其生產計算數量可超過這一限額，超出部分至多為其1991年生產計算數量的百分之十。

5. 每一締約國應確保，在2005年1月1日起的十二個月期間，及其後每十二個月期間，其附件E控制物質的消費計算數量每年不超過零。生產該物質的每一締約國應確保其在一期間內該物質的生產計算數量每年不超過零。但為滿足按照第5條第1款行事的締約國的國內基本需要，其生產計算數量可超過這一限額，超出部分至多為其1991年生產計算數量的百分之十五。除各締約國決定允許必要的生產或消費數量以滿足它們商定的關鍵性用途外，本款將予適用。

2. 《議定書》第2H條第5款應變為第6款。

#### B. 第5條，第8之三（d）款

1. 應將下列各項插入《議定書》第5條，第8之三（d）

（i）款之後：

（ii）每一按本條第1款行事的締約國應確保在2005年1月1日起的十二個月期間，及其後每十二個月期間，其附件E控制

thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

3. Each Party shall ensure, that for the twelve-month period commencing on 1 January 2001, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2003, and in the twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, thirty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, thirty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1991. This paragraph 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 them to be critical uses.

2. Paragraph 5 of Article 2H of the Protocol shall become paragraph 6.

#### B. Article 5, paragraph 8 ter (d)

1. The following shall be inserted after paragraph 8 ter (d) (i) of Article 5 of the Protocol:

(ii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed, annually, eighty per

物質的消費和生產計算數量每年分別不超過其1995至1998年的消費和生產計算數量；

(iii) 每一按本條第1款行事的締約國，在2015年1月1日起的十二個月期間，及其後每十二個月期間，其附件E控制物質的消費和生產計算數量不超過零。除各締約國決定允許必要的生產或消費數量以滿足它們所商定的關鍵性用途外，本款將予適用；

2. 《議定書》第5條第8之三(d)(ii)款應變為第8之三(d)(iv)款。

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二零一二年四月十日於行政長官辦公室

辦公室主任 譚俊榮

cent of the average of its annual calculated levels of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

(iii) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve-month period commencing on 1 January 2015 and in each twelve-month period thereafter, its calculated levels of consumption and production of the controlled substance in Annex E do not exceed zero. This paragraph 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 them to be critical uses;

2. Paragraph 8 ter (d) (ii) of Article 5 of the Protocol shall become paragraph 8 ter (d) (iv).

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Gabinete do Chefe do Executivo, aos 10 de Abril de 2012. —  
O Chefe do Gabinete, *Alexis, Tam Chon Weng.*