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EXECUTIVE COMMITTEE OF
THE MULTILATERAL FUND FOR THE
IMPLEMENTATION OF THE MONTREAL PROTOCOL
Forty-fourth Meeting
Prague, 29 November-3 December 2004

PROJECT PROPOSAL: KENYA

This document is issued to add the following project proposal:

Phase-out

- Terminal CFCs phase-out management plan (first tranche)

France

PROJECT EVALUATION SHEET – MULTI-YEAR PROJECTS**COUNTRY: KENYA****PROJECT TITLE****BILATERAL/IMPLEMENTING AGENCY**

Terminal CFC phase-out management plan (first tranche)	France
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NATIONAL CO-ORDINATING AGENCY:	National Ozone Unit, Ministry of Environment
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LATEST REPORTED CONSUMPTION DATA FOR ODS ADDRESSED IN PROJECT**A: ARTICLE-7 DATA (ODP TONNES, 2003, AS OF OCTOBER 21, 2004)**

CFC	168.60	
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B: COUNTRY PROGRAMME SECTORAL DATA (ODP TONNES, 2003, AS OF SEPTEMBER 21, 2004)

ODS	Foam	Ref.	Aerosol	ODS	Solvents	Process agent	Fumigant
CFC-11	3.00	4.30	0.00				
CFC-12		161.22					

CFC consumption remaining eligible for funding (ODP tonnes)	0
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CURRENT YEAR BUSINESS PLAN: Total funding US \$0.0 million: total phase-out 0.0 ODP tonnes.

PROJECT DATA		2004	2005	2006	2007	2008	2009	2010	Total
CFC (ODP tonnes)	Montreal Protocol limits		119.7		35.9			0	n.a.
	Annual consumption limit	115	90	60	30	10	0	0	n.a.
	Annual phase-out from ongoing projects	8.5	0	0	0	0	0	0	
	Annual phase-out newly addressed	45.1	25	30	20	10	0	0	
	Annual unfunded phase-out	0	0	0	0	0	0	0	
TOTAL ODS CONSUMPTION TO BE PHASED OUT		53.6	25	30	20	10	0		
Total ODS consumption to be phased-in (HCFCs)		0	0	0	0	0	0		
Project cost as originally submitted (US \$)		1,159,000			372,500				1,531,500
Final Project costs (US \$):		215,914	330,000		179,086				725,000
Final Support costs (US \$)		28,069	42,900		23,281				94,250
TOTAL COST TO MULTILATERAL FUND (US \$)		243,983	372,900		202,367				819,250
Final project cost effectiveness (US \$/kg)									*4.3

*Excluding previously approved funding for activities in the refrigeration servicing sector.

FUNDING REQUEST: Approval in principle of total ODS phase-out, total project funding and total support costs, and approval of funding for first tranche (2004) as indicated above.

SECRETARIAT'S RECOMMENDATION	For individual consideration
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PROJECT DESCRIPTION

1. On behalf of the Government of Kenya, the Government of France has submitted for consideration by the Executive Committee at its 44th Meeting a Terminal CFC Phase-out Management Plan (TPMP) to be implemented under bilateral co-operation. Implementation of the plan will lead to the phase-out of the remaining consumption of Annex A, Group I (CFCs) substances (168.6 ODP tonnes), which represents CFC consumption for 2003 in the country. The requested cost of the plan, as submitted, is US \$1,531,500 (excluding agencies support costs).

2. The Executive Committee approved, at its 36th Meeting, a project proposal for the preparation of the Kenya RMP update as a bilateral activity to be implemented by the Government of Germany. Kenya requested Germany to convert the RMP update into a TPMP because in its view the funds available to Kenya under the Decision 31/48 would not be sufficient for it to meet its phase-out obligations for 2007. Through the TPMP, Kenya hopes that the country will not only meet its 2005 and 2007 obligations, but may phase-out the use of CFCs by 2009.

3. The baseline consumption for Annex A Group I substances in Kenya is 239.5 ODP tonnes. The overall consumption of CFC in Kenya has been declining over time. At the present time Kenya is in compliance with the requirements of the Montreal Protocol. However, in order for the country to continue being in compliance in 2005 when the 50% reduction phase comes into force, Kenya must reduce its present consumption by 48.8 ODP tonnes. Furthermore, to meet the 2007 phase-out target, an additional 84.4 ODP tonnes must be phased out.

4. There are five registered refrigerant importers in the country listed in the proposal. The survey undertaken by the national ozone unit (NOU) involving the above importers indicated that the demand for R22, R134a and non-ODS refrigerant blends has been steadily increasing. Due to the new permit system in place, importers have indicated that the customs authorities require each importer to first submit a no-objection certificate from the NOU before clearing any imports of R12 into the country. It is indicated in the project document that there are, however, challenges and uncertainties in providing a comprehensive list of companies that import CFCs into Kenya because of an increasing number of unregistered small-sized importers emerging in the country due to the introduction of trade liberalization policies.

5. The price of major refrigerants in Kenya is shown in the table below:

Refrigerant	Price per kg in US \$
R-12	2.70
R-22	2.70
R-134a	8.20
R404	14.5

6. At the present time, R12 and R22 are still relatively cheap. According to the importers and service companies, this price has contributed to the continuing use of R12, although there has been a steady increase in the use of alternatives. R22 has seen the most rapid increase in its consumption in comparison to the other alternatives.

7. CFC consumption in the aerosol, manufacturing refrigeration and foam sectors has been phased out through the implementation of investment projects. As per the information collected through a countrywide survey, servicing of refrigeration and air conditioning equipment is the main use of ODS in the country. Given the tropical climate of Kenya, with two-thirds of the country generally hot and semi-desert, refrigeration and cooling equipment is widespread and used to store perishable food and to provide comfort. It is estimated that there are over 300 formal service workshops in the country that deal with the repair of cooling equipment. There are also an estimated 200 informal establishments, which are also involved in repairing cooling equipment along with other household appliances. The technician base in the country is estimated to be between 1,500 and 2,000 technicians. Know-how and skills also vary considerably among technicians.

8. The refrigeration servicing sector comprises the domestic, commercial and mobile air-conditioning (MAC) sub-sectors. It is estimated that there are approximately 1 million domestic refrigerators and 5,000 window units still running on CFC. Approximately 10% of the domestic units are serviced annually. This sector is largely serviced by the informal sector.

9. Commercial refrigeration equipment in the form of cold rooms, freezer rooms, display cabinets, ice-making machines, refrigerated transport, etc., issued by the tourist industry, the health service sector and the food processing industry for food product storage and transport. Kenya is an exporter of fish and seafood products, and therefore this sector is highly dependent on refrigeration. It is estimated that there are at least 65,000 commercial refrigeration units of various types in use in the country. Over 90 ODP tonnes of CFCs are consumed annually for servicing this equipment.

10. Large commercial units like cold rooms are usually serviced either by in-house technicians employed by the company, or through formal servicing companies. In supermarkets, display units and walk-in refrigerators and freezers are also serviced by qualified technicians. However, in small towns, then the informal sector or semi-skilled technicians might provide repair and maintenance services.

11. There is a large vehicle fleet in Kenya some of which are more than 10 years old. Because of climatic conditions, almost all cars on the road are installed with air conditioning units. New cars tend to be fitted with R134a systems. Approximately 12,000-15,000 cars still use R12 air conditioning systems. Apart from cars, about 30% of the tourist buses, trucks, railway wagons, passenger ships, etc. in Kenya also have ODS-based MAC units installed. It is estimated that the MAC sector consumes approximately 24 tonnes of ODS annually for servicing of equipment. There are 14 major MAC servicing companies listed in the proposal. However, a number of automobile garages, which undertake general car repairs, also repair and recharge MAC units.

12. There are still some 80–100 CFC-based central air conditioning units installed in the country. They are relatively old and require frequent repair. It is estimated that the ODS use in this sector is approximately 8 ODP tonnes annually.

13. In 1999, Kenya, along with 14 other South and East African countries, received assistance from the Multilateral Fund to implement a Refrigerant Management Plan (RMP) with assistance from Germany. The activities to be implemented under the RMP included the drafting of regulations, training of customs officers and refrigeration technicians and recovery/recycling operations.

14. Draft ODS regulations have been refined and finalized using assistance provided under the RMP. These regulations have not yet been approved by the Government. The regulations, when approved, will include the following provisions:

- (a) Ban imports of ODS-based equipment;
- (b) Registering and licensing of all importers and users of ODS;
- (c) Clear labelling of all ODS items; and
- (d) Penalties for non-compliance with the regulations by any individual.

15. Although the ODS regulations have not been approved, a licensing and quota system was developed in Kenya in early 2004 and is already working on a voluntary basis. Kenya will be able to control the trade in ODS through the quota system.

16. Under the RMP, 27 customs officials and six officers from Government organizations with regulatory powers have been trained in the execution of the permits and quota system for the imports of ODS, in addition to identification of traded ODS.

17. Training of trainers in refrigeration servicing was implemented as part of the RMP regional activities for 14 Southern and Eastern African countries by the Government of Germany. Three national technician training courses have been held in the country by the trainers trained in Germany. A total of 42 technicians have benefited directly from the training courses in Kenya.

18. The recovery and recycling project was approved in June 1999 as a bilateral activity for Germany and was finally completed in 2002. Under the project, 10 recycling units were distributed along with 15 recovery units. Training was provided under the project, through which 60 technicians from 30 companies were trained in how to use the recovery and recycling equipment. However, the recovery and recycling project was only partially successful, largely due to the fact that CFC prices were still considerably lower than the alternatives, and therefore there was no incentive in the service sector to opt for recovery and recycling of CFCs.

19. Data on the CFC consumption baseline and planned reduction schedule are provided in the following table:

Year	Consumption	Targeted Annual Reduction	MP target
1999	241.1		239.5
2000	195.90		
2001	168.6		
2002	152.3		
2003	168.6		
2004	115	19.7	
2005	90	25	119.75
2006	60	30	
2007	30	30	35.9
2008	10	20	
2009	0	10	

20. Through activities to be implemented under the TPMP, Kenya will aim towards achieving complete phase-out of Annex A Group 1 substances by 2009.

21. In 2009 and beyond, any residual demand for CFCs in the service industry would have to be met from recovered and recycled CFC. The action plan to achieve these targets is provided in detail in the section below.

Activities to be implemented under the TPMP

22. Upon approval by the Government, the ODS regulations will establish a licensing system which requires all importers and distributors of ODS to be registered, and thus licensed, to trade in ODS. The regulations also set out a quota system in which the quantity ODS imports into the country are to be controlled through the quota system. The licensing and quota system is already being implemented by the NOU and the Kenya Revenue Authority. In order to make the entire licensing and quota system more effective, additional activities are proposed for implementation under TPMP, such as:

- (a) creation of awareness among all the stakeholders;
- (b) establishing a database to monitor the quota and licensing system;
- (c) address the national tariff system so as to try and address the market price differential between ODS-based refrigerants and alternative refrigerants;
- (d) further training for the Customs Department;
- (e) training for the refrigeration, air conditioning and MAC service sector;
- (f) provision of recovery and recycling units to the main MAC servicing workshops;

- (g) development of a code of practice for the MAC sector;
- (h) development of an incentive programme for conversion of commercial refrigeration equipment and MAC systems;
- (i) enhancement of the recovery/recycling network;
- (j) additional support for the NOU by setting a Project Monitoring Unit for the implementation of the TPMP.

23. The breakdown of the proposed budget of total US \$1,531,500 is presented in the following table:

Budget Items	Requested funds from MLF (Jan 2005-Dec 2007) in US \$	Requested funds from MLF (Jan 2008 – Dec 2009) in US \$
Implementation of the licensing and quota system	49,500	0
Additional training of customs officers, including providing identifiers	174,500	0
Technical assistance for the servicing sector	275,000	62,500
Activities for the MAC sub-sector	165,000	27,000
Incentive programmes for end-users	150,000	150,000
Restarting of the recovery and recycling sector	95,000	33,000
Monitoring	150,000	100,000
Total	1,159,000	372,500

SECRETARIAT'S COMMENTS AND RECOMMENDATION

COMMENTS

24. The project was initially submitted by the Government of Germany. However, following discussion about the level of Germany's bilateral cooperation funding for the 2002-2003 triennium, the project has been assumed by the Government of France. The relevant documentation has been received by the Secretariat.

25. Data on CFC consumption in the refrigeration servicing sector submitted by the Government of Kenya in its reports on the implementation of its country programme for the last four years are reproduced in the following table:

Year	2000	2001	2002	2003
ODP tonnes	192.1	157.98	146.32	165.59

26. CFC consumption declined in 2000-2002 but increased in 2003. The Secretariat sought clarification from the Government of Germany on the methodology used to calculate and verify CFC consumption in different sub-sectors. The Secretariat assessed the methodology used by the Government of Germany on the basis of experience gained through interaction with relevant implementing agencies, NOUs and industry representatives and in reviewing similar proposals. A number of issues related to estimation of CFC consumption in different sub-sectors were identified. The Government of Germany indicated that its analysis had been based on Kenya's ODS consumption as reported to the Ozone Secretariat. Data and estimates obtained from the ODS survey were then used to corroborate the total reported consumption. The Government of Germany also indicated that the import figures had improved sufficiently to support the consumption data.

27. Decision 38/64 stipulates that specific requests for funding of terminal CFC phase-out plans for LVC countries might be considered on a case-by-case basis, provided that the country concerned has a licensing system in operation and has enacted or improved legislation to phase-out ODS consumption. The Government of Germany indicated that a licensing system has been operating in Kenya on a voluntary basis since 2003. It is the opinion of the Government of Germany that the package of ODS regulations currently being considered by the Government of Kenya will not add any new concepts, but merely formalize what is already being implemented. Nonetheless, the Secretariat notes that while general legislation relating to protection of the ozone layer and ODS phase-out was adopted in 1999, Kenya's ODS regulations have not yet been approved by the Government. The applicability of Decision 38/64 therefore remains unclear.

28. The Secretariat discussed the incremental cost of the TPMP with the Government of Germany on behalf of the Government of France. The discussions took account of Decision 31/48 related to RMPs and RMP up-dates in low volume ODS consuming Article 5

countries (LVCs), the level of funding approved by the Executive Committee for a number of other TPMPs and activities previously approved by the Executive Committee for the refrigeration servicing sector in Kenya. On this basis, the total incremental cost has been agreed at the level of US \$725,000 plus agency support cost of US \$94,250.

RECOMMENDATION

30. The Executive Committee may wish to consider whether the requirements of Decision 38/64 are met in the case of Kenya and whether under these circumstances the Executive Committee may wish to:

- (a) Approve in principle the terminal CFC phase-out management plan for Kenya at a total level of funding of US \$725,000 plus agency support costs of US \$94,250 for France;
- (b) Approve the Agreement between the Government of Kenya and the Executive Committee contained in Annex I to the present document; and
- (c) Approve funding of US \$215,914 plus support costs of US \$28,069 for France for the first tranche of the project. The total amount of US \$243,983 should be offset against the contribution of France for the period 2003-2005.

Annex I**AGREEMENT BETWEEN THE GOVERNMENT OF KENYA AND THE EXECUTIVE COMMITTEE FOR THE NATIONAL PHASE-OUT OF ANNEX A (GROUP I) SUBSTANCES**

1. This Agreement represents the understanding of Kenya (the “Country”) and the Executive Committee with respect to the complete phase-out of controlled use of the ozone depleting substances in the sectors set out in Appendix 1-A (the “Substances”) prior to 2010 in compliance with Protocol schedules.
2. The Country agrees to phase out the controlled use of the Substances in accordance with the annual phase-out targets set out in row 2 of Appendix 2-A (the “Targets, and Funding”) and this Agreement. The annual phase-out targets will, at a minimum, correspond to the reduction schedules mandated by the Montreal Protocol. The Country accepts that, by its acceptance of this Agreement and performance by the Executive Committee of its funding obligations described in paragraph 3, it is precluded from applying for or receiving further funding from the Multilateral Fund in respect to the Substances.
3. Subject to compliance with the following paragraphs by the Country with its obligations set out in this Agreement, the Executive Committee agrees in principle to provide the funding set out in row 6 of Appendix 2-A (the “Targets, and Funding”) to the Country. The Executive Committee will, in principle, provide this funding at the Executive Committee meetings specified in Appendix 3-A (the “Funding Approval Schedule”).
4. The Country will meet the consumption limits for each Substance as indicated in Appendix 2-A. It will also accept independent verification by the relevant Implementing Agency of achievement of these consumption limits as described in paragraph 9 of this Agreement.
5. The Executive Committee will not provide the Funding in accordance with the Funding Approval Schedule unless the Country satisfies the following conditions at least [30] days prior to the applicable Executive Committee meeting set out in the Funding Approval Schedule:
 - (a) That the Country has met the Target for the applicable year;
 - (b) That the meeting of these Targets has been independently verified as described in paragraph 9;
 - (c) That the Country has substantially completed all actions set out in the last Annual Implementation Programme; and
 - (d) That the Country has submitted and received endorsement from the Executive Committee for an annual implementation programme in the form of Appendix 4-A (the “Form of Annual Implementation Programme”) in respect of the year for which funding is being requested.

6. The Country will ensure that it conducts accurate monitoring of its activities under this Agreement. The institutions set out in Appendix 5-A (the “Monitoring Institutions and Roles”) will monitor and report on that monitoring in accordance with the roles and responsibilities set out in Appendix 5-A. This monitoring will also be subject to independent verification as described in paragraph 9.

7. While the Funding was determined on the basis of estimates of the needs of the Country to carry out its obligations under this Agreement, the Executive Committee agrees that the Country may use the Funding for other purposes that can be demonstrated to facilitate the smoothest possible phase-out, consistent with this Agreement, whether or not that use of funds was contemplated in determining the amount of funding under this Agreement. Any changes in the use of the Funding must, however, be documented in advance in the Country’s Annual Implementation Programme, endorsed by the Executive Committee as described in sub-paragraph 5(d) and be subject to independent verification as described in paragraph 9.

8. Specific attention will be paid to the execution of the activities in the servicing sector, in particular:

- (a) The Country would use the flexibility available under this Agreement to address specific needs that might arise during project implementation;
- (b) The recovery and recycling programmes for the refrigeration and air conditioning service sector would be implemented in stages so that resources can be diverted to other activities, such as additional training or procurement of service tools, if the proposed results are not achieved, and will be closely monitored in accordance with Appendix 5-A of this Agreement.

9. The Country agrees to assume overall responsibility for the management and implementation of this Agreement and of all activities undertaken by it or on its behalf to fulfill the obligations under this Agreement. The Government of France has agreed to be the bilateral implementing agency (the “IA”) in respect of the Country’s activities under this Agreement regulations. The IA will be responsible for carrying out the activities listed in Appendix 6-A (the “Role of the Implementing Agency”) including but not limited to independent verification. The country also agrees to periodic evaluations which will be carried out under the monitoring and evaluation work programmes of the Multilateral Fund. The Executive Committee agrees, in principle, to the fees set out in row 6 of Appendix 2-A.

10. Should the Country, for any reason, not meet the Targets for the elimination of the Substances or otherwise does not comply with this Agreement, then the Country agrees that it will not be entitled to the Funding in accordance with the Funding Approval Schedule. In the discretion of the Executive Committee, Funding will be reinstated according to a revised Funding Approval Schedule determined by the Executive Committee after the Country has demonstrated that it has satisfied all of its obligations that were due to be met prior to receipt of the next instalment of Funding under the Funding Approval Schedule. The Country acknowledges that the Executive Committee may reduce the amount of the Funding by the amounts set out in Appendix 7-A (the “Reductions in Funding for Failure to Comply”) in respect of each ODP tonne of reductions in consumption not achieved in any one year.

10. The funding components of this Agreement will not be modified on the basis of any future Executive Committee decision that may affect the funding of any other consumption sector projects or any other related activities in the Country.

11. The Country will comply with any reasonable request of the Executive Committee and the IA to facilitate implementation of this Agreement. In particular, it will provide access to the IA to information necessary to verify compliance with this Agreement.

12. All of the agreements set out in this Agreement are undertaken solely within the context of the Montreal Protocol and as specified in this Agreement. All terms used in this Agreement have the meaning ascribed to them in the Protocol unless otherwise defined herein.

APPENDIX 1-A: THE SUBSTANCES

Annex A	Group I	CFC-11, CFC-12, CFC-113 CFC-114 and CFC-115
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APPENDIX 2-A: THE TARGETS, AND FUNDING

	2003	2004	2005	2006	2007	2008	2009	2010
1. Montreal Protocol Reduction Schedule	239.5	239.5	119.75		35.9			0
2. Max allowable total consumption at Annex A Group I substances (ODP tonnes)	168.8	120	90	60	30	10	0	0
3. Annual reduction in consumption of Annex A Group I substances under the Plan		48.8	30	30	20	10	0	0
4. Lead IA agreed funding		215,914	330,000	0	179,086	0		
5. Lead IA support costs		28,069	42,900	0	23,281	0		
6. Total agreed grant for tranche (US\$)		243,983	372,900	0	202,367	0		

APPENDIX 3-A: FUNDING APPROVAL SCHEDULE

1. Funding will be considered for approval at the last meeting of the year prior to the year of the annual plan.

APPENDIX 4-A: FORMAT OF ANNUAL IMPLEMENTATION PROGRAMME

This first annual implementation programme for the ODS phase out plan for Kenya covers the year 2005 activities from the project proposal.

1. Appendix 4-A FORMAT OF ANNUAL IMPLEMENTATION PROGRAMME

1. Data

Country

Year of plan

of years completed

of years remaining under the plan

Target ODS consumption of the preceding year

Target ODS consumption of the year of plan

Level of funding requested

Lead implementing agency

Co-operating agency(ies)

2. Targets

Target:				
Indicators		Preceding Year, 2003	Year of Plan, 2004	Reduction
Supply of ODS	Import			
	Production*			
	Total (1)			
Demand of ODS	Manufacturing			
	Servicing			
	Stockpiling			
	Total (2)			

* For ODS-producing countries

3. **Industry Action**

Sector	Consumption Preceding Year (1)	Consumption Year of Plan (2)	Reduction within Year of Plan (1)-(2)	Number of Projects Completed	Number of Servicing Related Activities	ODS Phase-Out (in ODP tonnes)
Manufacturing						
Aerosol						
Foam						
Refrigeration						
Solvents						
Other						
Total						
Servicing						
Refrigeration						
Total						
GRAND TOTAL						

4. **Technical Assistance**

Proposed Activity:

Objective:

Target Group:

Impact:

5. **Government Action**

Policy/Activity Planned	Schedule of Implementation
Policy Control on ODS Import	
Public Awareness	
Others	

6. Annual Budget

Activity	Planned Expenditures (US \$)
TOTAL	

7. Administrative Fees**APPENDIX 5-A: MONITORING INSTITUTIONS AND ROLES**

Institution involved	Role	Responsibility and frequency of reporting	Evaluation
Ozone office	Overall monitoring	Meetings with IA Meeting Reports, MOU	By France
France	IA	Expenditure Report Quarterly Report	By France
France	IA	Progress Report (annual) Quarterly Report	By Ozone Office

APPENDIX 6-A: ROLE OF THE LEAD IMPLEMENTING AGENCY

1. The IA under the mandate of the Multilateral Fund will be responsible for the following activities:

- (a) Ensuring performance and financial verification in accordance with this Agreement, with the rules and guidelines of the Multilateral Fund and with its specific internal procedures and requirements as set out in the Country's phase-out plan;
- (b) Providing verification to the Executive Committee that the Targets have been met and associated annual activities have been completed as indicated in the annual implementation programme
- (c) Assisting the Country in preparation of the Annual Implementation Programme;
- (d) Ensuring that achievements in previous Annual Implementation Programmes are reflected in future Annual Implementation Programmes;
- (e) Report on the implementation of the Annual Implementation Programme of the preceding year and the Annual Implementation Programme for the year are to be prepared and submitted to the first meeting of the Executive Committee of the year;

- (f) Ensuring that technical reviews undertaken by the Lead IA are carried out by appropriate technical experts;
- (g) Carrying out required supervision missions;
- (h) Ensuring the presence of an operating mechanism to allow effective, transparent implementation of the Annual Implementation Programme and accurate data reporting;
- (i) Verification for the Executive Committee that consumption of the Substances has been reduced in accordance with the Targets;
- (j) Ensuring that disbursements are made to the Country in a timely and effective manner; and
- (k) Providing assistance with policy, management and technical support when required.

Appendix 7-A REDUCTIONS IN FUNDING FOR FAILURE TO COMPLY

1. In accordance with paragraph 10 of the Agreement, the amount of funding provided may be reduced by US \$10,000 per ODP tonne of the reductions in consumption not achieved in any one year.
