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执行蒙特利尔议定书
多边基金执行委员会
第五十七次会议
2009年3月30日至4月3日，蒙特利尔

第二阶段转产和确定安装使用氟氯烃的制造设备的截止日期

背景

1. 执行委员会在其第五十六次会议上继续对确定安装使用氟氯烃的制造设备的截止日期以及第二阶段转产（即替代已在多边基金援助下安装的使用氟氯烃的设备）方面的政策进行审议。鉴于未对此达成一致，委员会决定根据缔约方第十九次会议规定的任务以及 UNEP/OzL.Pro/ExCom/56/58 号文件所载信息，继续在其第五十七次会议上对这些问题进行审议（第 56/65 号决定）。

2. 秘书处已应第 56/65 号决定的要求编制了本文件。文件首先介绍了对截止日期以及第二阶段转产等委员会亟需解决的未决问题所做的分析。它还载有一份与两个其他问题相关的讨论，即氟氯烃淘汰管理计划准则所载的整体削减氟氯烃消费量的起点，以及如何解释根据氟氯烃淘汰管理计划确认的消费量从已获核准的项目中淘汰氟氯烃。本文件得出了一系列建议，供执行委员会审议。

3. 为便于执行委员会各成员了解，本文件附件一提供了一份自第 XIX/6 号决定通过以来涉及氟氯烃消费量的以往政策文件概要、一份委员会通过的有关该问题的各项决定的概览，以及第 5 条国家氟氯烃消费量概览。它还提供了一份执行委员会在多边基金战略规划框架中制定的有关整体削减消费量的起点概念的概览。执行委员会各成员就截止日期、第二阶段转产发表的观点以及其他有关氟氯烃淘汰的一般性意见都载于附件二。

4. 谨建议执行委员会在审议下述未决氟氯烃政策问题期间对附件一和附件二所载的背景资料予以审议。

亟需审议的氟氯烃淘汰方面的未决政策问题

5. 除截止日期、第二次转产和起点外，还有一系列有关氟氯烃淘汰的未决政策问题亟需解决，诸如将氟氯烃淘汰技术置于优先地位，以将其对环境的其他影响最小化；为实现额外气候惠益，由其他筹资机制共同筹资；2015 年后提前撤销使用氟氯烃的设备；以及计算氟氯烃项目经营成本/节余，并设立成本-效益阈值。在这些问题中，只与存在氟氯烃制造设备的第 5 条国家相关的截止日期和第二阶段转产问题似乎紧迫性最高。解决这些问题将有助于并加快氟氯烃淘汰管理计划、单独示范以及淘汰项目的编制和提交。

截止日期

6. 安装使用氟氯烃的制造设备的截止日期这一问题载于关于评估和确定氟氯烃消费和生产淘汰活动中符合资格的增支费用的备选办法文件中（UNEP/OzL.Pro/ExCom/53/60 号文件第 32-35 段）。该文件提出了三个可能的截止日期：执行委员会第五十三次会议的前一天（2007 年 11 月 25 日）；2009 年 12 月 31 日（计算基准的两年期的第一年年底）；以及可获得替代品的日期。

7. 在接下来的讨论中，提出了各种不同的选择，执行委员会建议各成员将其对这一问

题的观点提交秘书处，秘书处会在第五十四次会议上将提出这些观点，以推动进一步审议该问题（执行委员会成员提出的观点载于本文件附件二）。尽管未就这些问题达成一致，但委员会提出了以下截至日期（第 53/37(k)号决定）：

- (a) 2000 年（限定一个主要国家的氟氯烃生产量/消费量上限）；
- (b) 2003 年（清洁发展机制）；
- (c) 2005 年（关于加快淘汰各类氟氯烃的提案）；
- (d) 2007 年（缔约方第十九次会议）；
- (e) 2010 年（各类氟氯烃基准的结束）；
- (f) 获得替代品。

8. 蒙特利尔议定书缔约方成立的技术和经济评估小组充资工作队也对截至日期问题进行了审议。¹在其报告中，工作队表明如果截至日期接近 2009-2012 年间（比如 2005-2007 年），将会有足够数量的符合资助条件的氟氯烃装备实现冻结，以及最初削减 10-20% 的氟氯烃消费量。

9. 通过一项有关安装使用氟氯烃的制造设备的符合资助条件的截至日期的决定非常重要，因为这将第 5 条国家氟氯烃淘汰管理计划的编制工作产生重大影响。对于制造行业存在氟氯烃消耗的国家来说，截至日期与整体削减氟氯烃消费量的起点直接相关。没有一个明确的截至日期，很大一部分使用氟氯烃的制造企业无法确定它们是否有资格获得资助。此外，不得不在氟氯烃淘汰管理计划编制期间对若干基于各种可能的截至日期的成本假想进行分析（即已提出了至少六个不同的截至日期，包括将 1995 年 7 月 25 日定为截至日期的当前政策）。

第二阶段转产

10. 第五十三次会议审议的文件也提到了第二阶段转产的问题（UNEP/OzL.Pro/ExCom/53/60 号文件第 36-42 段）。文件建议在编制氟氯烃淘汰管理计划期间，各执行机构和臭氧机构应载入一份有关在基金援助下转为氟氯烃的企业调查，特别指明转产年份、当前使用的技术、转产时的生产能力、以往各年氟氯烃的消费水平以及下次转产的替代技术和预计时间。

11. 在随后的讨论中，一些成员说缔约方就加快淘汰氟氯烃达成一致一直是以就资助第二阶段转产达成一致为条件的。其他成员称可能有必要给予某些程度的援助。至于截至日期问题，各位成员向秘书处提交了其对第二阶段转产的意见，秘书处将在第五十四次会议

¹ 技术和经济评估小组充资工作队补充报告的执行摘要（UNEP/OzL.Pro.20/6）。

上提出（执行委员会成员提出的观点载于本文件附件二）。

12. 技术和经济评估小组充资工作队也对第二阶段转产的问题进行了审议。在其报告中，工作队称对氟氯烃淘汰的供资水平很大程度上取决于有多少设备、或者第 5 条国家的企业中有多少可被看作是获得多边基金支持的。如果运营数量相对较少，第二阶段转产（即对之前由多边基金支持的氟氯烃转产进行资助）是否会在确定第一阶段氟氯烃削减步骤的资助要求方面发挥作用就受到置疑。在其分析中，工作队对各国 CFC-11 转产项目的信息进行了分析。在中国，工作队注意到预计的 HCFC-141b 基准消费量中，有 10-15% 存在于已从 CFC-11 转向 HCFC-141b 的制造企业，而在其他大型氟氯烃消费国家组别中（在工作队报告中划分为第 2 组²）该水平为 35%。这表明可以挑选大量的企业进行最初的 35% 的削减（截至 2020 年），而不必将其归为第二阶段转产的问题。

13. 在截至日期的问题上，有关第二阶段转产问题的决议也很重要。在编制其氟氯烃淘汰管理计划期间，第 5 条国家将必须对两种假想进行分析：一种假设是通过基金转向氟氯烃的制造工厂将符合资助条件；另一种假设是它们将不符合资助条件。这将对实现遵守 2013 年和 2015 年淘汰目标的战略和行动计划的内容和质量产生潜在的重大影响。其还可能对淘汰计划的成本产生影响。这是基于以下考虑：如若第二阶段转产不符合资助条件，该国将需要从极有可能生产能力更小的其他符合资助条件的制造工厂和/或服务行业（可用的情况下）淘汰各类氟氯烃。此外，在那些拥有相对较少的使用氟氯烃的制造工厂、因而氟氯烃消费量也就较低³的第 5 条国家中，第二阶段转产接受资助的资格或其他资助方式的决定可能会产生重大影响。

整体削减氟氯烃消费量的起点

14. 如氟氯化碳淘汰工作，整体削减氟氯烃消费量的起点对于制造和服务行业都存在消费的国家具有更加重要的意义。根据通过的准则，这些国家的氟氯烃淘汰管理计划应提供整体削减氟氯烃消费量的起点，还应包含一份旨在实现氟氯烃消费水平的充分削减以实现 2013 年和 2015 年控制措施的以绩效为基础的淘汰计划。如若第 5 条国家决定在最终确定其氟氯烃淘汰管理计划之前提交解决氟氯烃消耗问题的示范和/或投资项目，则可将这些项目下淘汰的氟氯烃数量从起点中扣除（第 55/43 (b)号决定）。

15. 仅在维修行业消费氟氯烃的第 5 条国家将承诺通过落实其氟氯烃淘汰管理计划来满足 2013 年和 2015 年控制措施。⁴与在制造行业消费氟氯烃的国家类似，每期供资的发放将遵循以绩效为基础的系统（即核查前一年氟氯烃淘汰管理计划中各项行动的完成情况），从而确保氟氯烃消费量不会放任自流。

² 第 2 组包括消费量在 120-1,200 ODP 吨（即 2,000-14,000 公吨）之间的 17 个较大的第 5 条缔约方。

³ 2006 年，大约 25 个拥有不足 10 个企业的第 5 条国家的 HCFC-141b 消费量低于 22 ODP 吨（200 公吨）。

⁴ 氟氯烃淘汰管理计划将与编制最新（多项）制冷剂管理计划的现有准则保持一致（第 31/48 号和第 35/57 号决定），如若适用，也将与结束性淘汰管理计划保持一致（第 45/54 号决定）。

16. 氟氯化碳消费量的整体可持续削减的起点于其基准公之于众三年后（即 1998 年），以及氟氯化碳冻结履约目标正式生效近两年后（1999 年 7 月）获得通过。然而，《蒙特利尔议定书》下的氟氯烃基准只有在 2010 年氟氯烃消费量已报告臭氧秘书处后，于 2011 年末计算得出。预计等到氟氯烃基准计算得出时，绝大部分第 5 条国家（如果不是全部）的氟氯烃淘汰管理计划都将获批准，并投入实施。鉴于因缺少确定的氟氯烃基准造成的设定氟氯烃消费量整体削减起点方面存在不确定因素，执行委员会将阐明以下几点：

- (a) 在计算氟氯烃消费量整体削减起点时，第 5 条国家是否可以选择最新报告的氟氯烃消费量或者 2009 年和 2010 年的预测平均消费量，不包括因委员会有关截至日期和第二阶段转产的决定造成的不符合资助条件的制造企业的氟氯烃消费量；
- (b) 在计算起点时是否考虑 2011 年和 2012 年氟氯烃消费量的无节制的增长？在淘汰各类氟氯化碳期间，允许建于 1995 年 7 月 25 日以前的使用氟氯化碳的制造企业 1995 年至 1999 年 7 月间的各类氟氯化碳无节制增长。这是确定安装使用氟氯烃的制造设备的截至日期的另一个重要原因；
- (c) 是否应在根据报告的第 7 条数据计算的氟氯烃消费量低于起点时将议定的氟氯烃消费量整体削减起点调低（对于在其提交氟氯烃淘汰管理计划前即提交淘汰项目的国家来说，与项目相关的氟氯烃消费水平将不会对其基准计算产生影响，因为项目的平均实施期限大约为 3 年）；
- (d) 对于在完成其氟氯烃淘汰管理计划前即提交项目的第 5 条国家来说，起点是否应在首次提交氟氯烃示范和/或投资项目时确定，或是否只得在提交氟氯烃淘汰管理计划时确定。

建议

17. 根据蒙特利尔议定书缔约方第十九次会议规定的任务，以及上述信息，谨建议执行委员会：

- (a) 考虑确定一个安装使用氟氯烃的制造设备的截至日期，在这之后，此类设备转产的增支费用将不符合资助条件；
- (b) 考虑是否对通过多边基金从氟氯化碳转向氟氯烃技术的企业的第二阶段转产提供额外资助；
- (c) 阐明本文件第 16 段所载的关于氟氯烃消费量整体削减起点的问题。

附件一

执行委员会审议的氟氯烃政策文件的背景资料以及针对这些问题和
消费量的整体削减起点做出的决定

引言

1. 在其第十九次会议上，缔约方同意加快淘汰氟氯烃，并授权执行委员会制定资助准则，协助第 5 条国家根据调整的日程表兑现其承诺。自此，执行委员会已审议了六份实质性政策文件，¹并通过了相关决定以完成缔约方赋予其的任务。这些政策文件是：

- (a) 评估和确定氟氯烃消费和生产淘汰活动中符合资格的增支费用的备选办法（UNEP/OzL.Pro/ExCom/53/60 号文件）；
- (b) 关于编制和执行氟氯烃淘汰管理计划的准则草案（UNEP/OzL.Pro/ExCom/54/53 号文件）；
- (c) 提供关于对资助氟氯烃淘汰的所有相关费用因素的分析的初步讨论文件（UNEP/OzL.Pro/ExCom/54/54、Corr.1 和 Add.1 号文件）。第五十五次会议对载有执行委员会成员提交的评论的该文件订正本进行了讨论（UNEP/OzL.Pro/ExCom/55/47 号文件）；
- (d) 确定编制氟氯烃投资和相关活动的供资金额的成本结构（第 55/13(d)号决定）（UNEP/OzL.Pro/ExCom/56/13 号文件）；以及
- (e) 与围绕资助氟氯烃淘汰的有关成本因素有关的问题（第 55/43(g)号决定）（UNEP/OzL.Pro/ExCom/56/58 和 Add.1 号文件）。

2. 除了截至目前讨论过的有关氟氯烃的政策文件，执行委员会已核准了执行氟氯烃淘汰活动方面的供资。在其第四十五次会议上，执行委员会核准了对第 12 条国家的氟氯烃调查的供资，前提是其目的是在今后得以确定一个符合资助条件的氟氯烃消费量总水平，各项提案将可依照该水平获得资助（第 45/6(a)(i)号决定）。²在第五十四次会议核准氟氯烃淘

¹ 第五十五次会议（UNEP/OzL.Pro/ExCom/55/45 号文件）和第五十六次会议（UNEP/OzL.Pro/ExCom/56/57 号文件）已对与淘汰氟氯烃生产相关的政策文件进行了讨论。已向第五十七次会议提交了一份附加政策文件（UNEP/OzL/ExCom/57/61 号文件）。

² 第四十五次会议核准了阿根廷、巴西、哥伦比亚、印度尼西亚、印度、伊朗伊斯兰共和国、黎巴嫩、马来西亚、墨西哥、斯里兰卡、阿拉伯叙利亚共和国和委内瑞拉的氟氯烃调查。中国的氟氯烃调查在第四十三次会议上获得核准。

汰管理计划准则后,委员会还核准了对 115 个第 5 条国家的氟氯烃淘汰管理计划编制工作,以及有关氟氯烃替代技术的若干示范项目编制工作的供资。预计将于 2009 年核准对其他第 5 条国家氟氯烃淘汰管理计划编制工作的供资。

迄今审议的氟氯烃政策文件

3. 在其第五十三次会议上,执行委员会对评估和确定氟氯烃消费和生产淘汰活动中符合资格的增支费用的备选办法的文件进行了讨论。文件探讨了与各类氟氯烃相关的问题,除其他外,如评估供资的法律前提;基金各项现行政策和准则的适用性;以及氟氯烃调查的开展和淘汰管理计划的编制。文件还讨论了与供资优先性和成本-效益阈值、安装使用氟氯烃的制造设备的截止日期和第二阶段转产(即替代已在多边基金援助下安装的使用氟氯烃的设备)以及氟氯烃生产行业相关的问题。

4. 执行委员会认为该文件是在制定于 2013 年实现氟氯烃消费冻结所必需的政策和方法方面迈出的极为有益的第一步。尽管委员会认为可能需要召开多次会议才能就涉及的全部政策问题达成一致,但其可就下列事项通过专门决定,即评估对氟氯烃淘汰工作供资的法律前提(批准《蒙特利尔议定书》的相关修正案);有关淘汰消耗臭氧层物质的现行准则和标准的适用性,包括低消费量国家和中小型企业定义;以及第 5 条国家现有体制和能力的使用(第 53/37 号决定)。

5. 执行委员会还对截止日期和第二阶段转产的问题进行了讨论。尽管未就这些问题达成一致,有提案建议把截止日期定在 2000-2010 年间,或可获得氟氯烃替代品之日。最后,委员会要求制定编制氟氯烃管理计划的准则草案。这包括关于对资助氟氯烃淘汰的所有相关费用因素的初步分析,例如成本基准/范围、氟氯烃替代技术的适用性、财务激励和共同筹资机会。

6. 为落实第 53/37 号决定,第五十四次会议对关于编制和执行氟氯烃淘汰管理计划的准则草案进行了审议。委员会通过的这一准则将被第 5 条国家用来制定一项首要计划,以在允许的各个阶段实现氟氯烃的全部淘汰,第一阶段满足 2013 年(冻结)和 2015 年(基准消费量削减 10%)的控制步骤的具体提案,与此同时,允许各国提出后续阶段,或需要时的若干阶段,以对其氟氯烃淘汰工作进行管理(第 54/39 号决定)。在氟氯烃淘汰管理计划中,第 5 条国家被划分为了两大类:一类是仅在维修行业存在消费的国家,另一类是制造行业也同样存在消费的国家。

7. 在通过这些准则时,有关氟氯烃淘汰的相关政策问题仍在讨论之中。因此,准则呼吁纳入基于不同截止日期的其他各种成本假想及第二阶段转产。此外,准则要求在考虑全球变暖趋势、能源使用和其他相关因素的情况下,开展一项关于各类氟氯烃全部可能的替代品的成本分析,并随附相关的消耗臭氧潜能值及对环境的其他影响。

8. 第五十四次和第五十五次会议对分析了资助氟氯烃淘汰的所有相关费用因素的讨论

文件进行了审议。尽管文件没有提及资助截至日期后建立的制造能力或第二次转产接受资助的资格问题，但执行委员会决定允许提交一定数量的所有行业的氟氯烃淘汰项目，这样它就能选择出对替代技术进行了最佳示范的项目，从而方便相关项目数据的收集。根据以下条件这一决定获得了通过，即淘汰的氟氯烃数量将从氟氯烃淘汰管理计划规定的符合资助条件的消费量可持续整体削减起点中扣除（第 55/43 号决定）。

9. 委员会还同意：

- (a) 继续对第二阶段转产问题以及截至日期的确定进行审议，以期在氟氯烃淘汰项目提交前完成审议工作；以及
- (b) 延迟到今后的各次会议对下列事项进行审议：将氟氯烃淘汰技术置于优先地位，以将其对环境的其他影响最小化；为实现额外气候惠益，由其他筹资机制共同筹资；2015 年履约目标一经达成即提早撤销在用的使用氟氯烃的设备；以及计算氟氯烃项目经营成本/节余的政策，并于 2010 年设立成本-效益阈值。

10. 在其第五十六次会议上，执行委员会继续对与第二阶段转产相关的政策及安装使用氟氯烃的制造设备的截至日期的确定问题进行审议。鉴于未对此达成一致，委员会决定根据缔约方第十九次会议规定的任务及 UNEP/OzL.Pro/ExCom/56/58 号文件所载信息，在其第五十七次会议上继续对这些问题进行审议（第 56/65 号决定）。

各类氟氯烃概览

11. 第五十四次和第五十五次会议讨论的分析了所有相关成本因素的讨论文件提供了一个有关遵守修订的氟氯烃淘汰时间表所需的今后行动范围的初步概览。从该分析³中可注意到：

- (a) HCFC-141b、HCFC-142b 和 HCFC-22 占第 5 条国家全部氟氯烃总消费的 99% 以上。这些氟氯烃主要用于泡沫塑料产品和制冷设备的制造，并用于制冷维修的次级行业；
- (b) 虽然尚无充分数据可供用来确定准确数字，但约有 90-100 个国家消费的 HCFC-22 仅用于维修制冷系统，另 40-50 个国家还拥有使用氟氯烃的制造企业；

³ 摘自关于对资助氟氯烃淘汰的成本因素文件的信息（UNEP/OzL.Pro/ExCom/55/47 号文件）。该分析以第 5 条国家报告臭氧秘书处的第 7 条数据、13 个第 5 条国家已获核准的氟氯烃调查所载信息，以及从氟氯化碳转为氟氯烃技术的多边基金项目为依据。

- (c) 2006 年，73 个国家的氟氯烃消费量低于 10 ODP 吨（360 公吨）。其他 29 个国家不是报告零消费就是未报告任何消费；
- (d) 117 个第 5 条国家中有 70 个国家报告 2006 年 HCFC-22 消费量低于 10 ODP 吨（182 公吨）；
- (e) 有 40 个第 5 条国家使用 HCFC-141b，其中 20 个国家的消费量低于 10 ODP 吨（91 公吨），而仅有 19 个第 5 条国家使用 HCFC-142b，其中 18 个国家的消费量低于 10 ODP 吨（154 公吨）。这些氟氯烃消费水平表明在第 5 条国家中有很大大一部分中小型企业使用各类氟氯烃；以及
- (f) 自多边基金 1991 年启动以来，委员会已核准了 47 个第 5 条国家（这些国家选择氟氯烃部分或全部替代氟氯化碳消费）的 858 个独立投资项目⁴。这些企业的现状、其氟氯烃消费量和/或其是否已经转向无氟氯烃技术尚不得而知。将在氟氯烃淘汰管理计划编制期间收集这些信息。

整体削减消费量的起点

12. 在多边基金战略计划协定中，执行委员会同意必须根据一国为实现可持续的、永久的整体削减消费量所做的承诺对进一步供资进行预测（第 35/57 号决定）。为落实这一规定，委员会确定了一个有符合资助条件的最大消费水平起点。每个第 5 条国家都有机会选择使用其基准或根据第 7 条报告的最新消费量作为起点。一旦选中起点，与新获资助的项目相关的消耗臭氧层物质的消费就可从起点中扣除。所得数字就是基金负责支付减少的最大留存消耗臭氧层物质量。执行委员会还同意对体制建设项目的供资水平提高 30%。⁵

13. 在采用这种方法时，执行委员会承认：

- (a) 在例外情况下，当一个第 5 条国家选择用最新报告的消费量作为计算其起点的备选办法时，它可能会同意在该国某个项目进行初审时对计算得出的起点进行调整，以顾及前一年消费水平显示的不具代表性的特点（显示过去 12 个月和/或同期经济困难时的储备。非法进口的消耗臭氧层物质将不予考虑，也不得享受基金的援助）；
- (b) 未来的消费水平可能高于或低于计算水平（即起点）。然而，如若消费水平高于计算水平，此类增量将不符合资助条件；

⁴ 它包括 491 种泡沫塑料项目，364 种家用/商用隔温制冷项目和 3 个溶剂项目。此外，一些第 5 条国家的泡沫塑料和制冷行业淘汰计划以及由 CFC-12 压缩机转为使用 HCFC-22 的系统也已获得核准。

⁵ 已向第五十七次会议提交了一份根据第 53/39 号决定编制的关于 2010 年后对体制建设的可能的资助安排和金额的备选办法的政策文件（UNEP/OzL.Pro/ExCom/57/63 号文件）。

- (c) 制冷剂管理计划、甲基溴淘汰项目和哈龙库项目导致与《蒙特利尔议定书》义务相关的整体消费量出现特定的削减水平，应继续基于该基础进行管理；以及
- (d) 与项目接受资助的资格相关的现行多边基金指导将在所有方面得以维持。

14. 仅在维修行业消费氟氯化碳的第 5 条国家通过其制冷剂管理计划承诺不论起点如何，在不请求额外资助的情况下，至少实现 2005 年和 2007 年氟氯化碳削减要求（2000 年 7 月通过的第 31/48 号决定）。⁶因此，氟氯化碳消费量的整体削减主要适用于约 40 个第 5 条国家 — 它们已报告在制造和维修行业存在氟氯化碳消费量。

15. 基金战略计划通过后的最初几年，氟氯化碳的淘汰主要是通过实施仅涉及一个或几个企业的各项独立项目来实现。这些企业的氟氯化碳消费量会从有符合资助条件的剩余消费量中减除。随着淘汰的进行，氟氯化碳消费与中小型企业关联更大，导致提交了涉及行业和/或国家计划中剩余的符合资助条件的消费淘汰计划。根据相关第 5 条国家和执行委员会达成的一项淘汰时间表，这些淘汰计划载有减少消费的承诺（在一项协定中载明），其遵从或先于《蒙特利尔议定书》的控制措施。

⁶ 根据第 45/54 号决定，已核准对这些国家提供额外资助，以通过实施结束性淘汰管理计划来完全淘汰各类氟氯化碳。

Annex II

VIEWS OF MEMBERS OF THE EXECUTIVE COMMITTEE ON HCFCs

CUT-OFF DATE FOR FUNDING ELIGIBILITY

Australia and Canada (joint submission)

Canada considers that the cut-off date for funding eligibility of HCFC facilities should be a date in the past. This would provide certainty for both Article 5 and non-Article 5 countries with respect to their liabilities and provide a base that can be technically reviewed effectively and on which our forward liabilities can be easily calculated. Furthermore, while the acceleration of the phase-out of HCFCs was agreed to in 2007, all Parties have known that HCFCs were due for phase-out since the 1992 Copenhagen amendment, and have had the opportunity to tailor their domestic regulatory regimes in consequence.

While the cut-off date should be in the past, Canada believes that the current cut-off date of July 1st, 1995 is not appropriate in the case of HCFCs, because at that time, HCFC alternatives were not readily available for all applications in Article 5 countries. In addition, the Parties clearly intended that the Executive Committee select a cut-off date after 1995, when it decided, in Decision XIX/6, to direct the Executive Committee “to make the necessary changes to the eligibility criteria related to post-1995 facilities”.

Canada suggests that the most preferable cut-off date is 2004. By 2004, alternatives to most uses of HCFCs were clearly available. 2004 is the year when non-Article 5 Parties were mandated, under the Montreal Protocol, to achieve their first reduction in HCFC consumption (i.e. 35% reduction). The fact that non-Article 5 Parties easily achieved or exceeded this reduction suggests that there was little need to establish new HCFC manufacturing capacity by that time.

Furthermore, under the Kyoto’s Protocol Clean Development Mechanism (CDM), any HCFC-22 production capacity established after 2004 is considered not eligible to receive HFC-23 destruction credits. Since this cut-off date under the CDM was selected to remove any perverse incentive increase HCFC-22 production, it can be argued that it was a signal for the markets in Article 5 Parties to constrain growth. Aligning the CDM and MLF eligibility cut-off dates and restricting access to MLF funds to firms that began (or expanded) operations after the end of 2004 would establish clear liabilities for the MLF and producers of HCFC-22.

China

We think the following several dates could be considered as the cut-off date for funding eligibility:

December 31, 2009: This marks the end of the first year of the two years for calculating the baseline, and the production capacity which is in existence by then should have contributed to the baseline and consequently be considered as eligible for funding for phasing out HCITC

consumption and production.

December 31, 2008: As the Adjustment regarding the accelerated phase-out of HCFC has just been approved for a couple of months, the Article 5 countries need some time to make and issue relevant policies to the industry. And generally speaking, this process takes about 1-2 years. Therefore, December 31, 2008 could be a reasonable date for cut-off for funding eligibility.

September 17, 2007: We think the date when the Adjustment was approved could also be considered as one choice. However, as there are some production installations whose establishment is approved by the national government but which are not in production by then, we strongly believe that this kind of production capacity should not be excluded for funding in this choice.

Czech Republic

We believe it would be advisable to link the cut-off date with the year of introduction of the CDM mechanism what would be 2003 as the large portion of the high growth in HCFC market is caused by the inappropriate incentive created by CDM while phase-out date for HCFC was already established in the Montreal Protocol. The: MLF should not finance growth of HCFC production and consumption that resulted from that action.

The latest cut-off date possible is definitely 25 November 2007 what corresponds with a preceding logic for establishing a cut-off date for CFCs (paragraph 32 to 34 of UNEP/OzL.Pro/ExCom/53/60).

Consideration of any later cut-off date seems unacceptable. That way the MLF would finance HCFCs introduced after the time when the decision for supporting their substitution was taken already.

Germany

A compromise to determine the cut of date could be based on:

First step: start from the date the MP adjustment in September 2007.

Second step: negotiate how much time should be reasonably allowed for governments to officially notify their concerned industries about the adjustment and its consequences.

In this way enterprises which are legitimately in the process of production capacity increases at the time the adjustment came into force would not unduly be penalized. On the other hand enterprises that may attempt to attract illegitimate funding through last minute production increases could be largely eliminated. This in turn would strengthen the hand of governments as they could deal with their industries as a whole thereby avoiding resistance from individual enterprises due to distinctions that must be perceived as arbitrary.

Japan

Though six options are presented as a result of discussions at the 53rd Meeting, Members of the Executive Committee should continue to discuss on this issue to narrow these options down at the next Meeting, with a view to decreasing burdens of the Technology and Economy Assessment Panel when it considers the level of upcoming replenishment.

Mexico

The dates proposed were the following:

2000 (Cap of HCFC production/consumption in one major country). Not acceptable because during the year 2000 and further years there were several conversions from CFC to HCFC, in this case several companies could be out of funding.

2003 (Clean Development Mechanism). Not acceptable because this is not for consideration in the Montreal Protocol, because the CDM help to avoid the use of green house gases without considering the substance controlled by the Montreal Protocol.

2005 (proposal for accelerated phase-out of HCFCs). This date is also not acceptable because the rules for the phase out of HCFC were not established and there were also several companies that were doing the conversion from CFC to HCFC.

2007 (Nineteenth Meeting of the Parties). Considering the same criteria for the CFC cut off date, September 16th of 2007 was the date that the parties agreed to accelerate the phase out of HCFC, and then all the companies that consumed before this date are eligible and avoid the installation of new plants after this date.

2010 (end of the baseline for HCFCs). Not acceptable because with this date we would promote the installation of new companies increasing artificially the consumption of HCFC.

Sweden

We suggest 2007 (19th Meeting of the Parties) as a reasonable cut-off date since all Parties should capture the sentiments of the decisions from the 19th Meeting and be well informed about the new requirements. An earlier date might be regarded as unfair as no definite requirements had yet been put forward. For Sectors (and projects) where HCFCs are still being introduced or where the alternatives substitutes are environmentally detrimental (Executive Committee decision 53/37(k)(vi)) consequences and cost for a latter date could be considered as identified in Dec XIX/6.

United States of America

The United States believes that the year 2000 is the most appropriate and accurate date to use in establishing funding eligibility for a number of reasons.

- a) Selecting an historic cut-off date is important to avoid creating a perverse incentive to amp up production/consumption with the expectation of financial assistance. The United States views this as an essential component of any future financial arrangements on CFCs;
- b) The year 2000 in particular is most appropriate because some countries already had domestic legislation limiting HCFCs in place by that time. This action indicates that it was technically feasible to take action as of the year 2000 in the Article 5 country context. We believe the year 2000 would appropriately recognize the correct environmental behavior and does not reward those who lagged behind. Alternative technologies were widely available as of the year 2000 and in fact non-article 5 countries had already phased out many tons of HCFCs by that time.

Uruguay

Note from the Secretariat: This text was submitted in Spanish and has been translated into English. The original Spanish version can be found in Annex II of document UNEP/OzL.Pro/ExCom/56/58.

Criteria to be met when deciding on the time limit for eligibility:

To prevent the establishment of new plants producing HCFC equipment and/or products;

Likewise, to prevent the establishment of new plants producing HCFCs (as occurred with the funds made available under the CDM);

Due regard to be given to those plants which, by the end of 2007, had provided verifiable information on production;

To ensure that technically and economically viable alternatives are available and are in fact being widely used in practice in countries parties to the Montreal Protocol because there are many examples but little equipment on the market;

Users of ODS adopted HCFCs as an intermediate alternative and employ these substances according to the current rules of the Montreal Protocol. Since the Nineteenth Meeting of the Parties, the rules have changed. The majority of the market was aware of this change. Consequently, any company set up since then would be aware of the fact and therefore could/should bear the cost of its decision to use a substance that harms the environment and which is subject to a clearly-defined timetable for withdrawal from the market.

Accordingly, the cut-off date could be that of the Meeting of the Parties which approved the adjustment to the Montreal Protocol – the Nineteenth Meeting – when the timetable for accelerated phase-out of HCFCs was fixed, or December 2007.

SECOND-STAGE CONVERSION

Australia and Canada (joint submission)

In Decision XIX/6, the Parties also directed the Executive Committee to make the necessary changes to the eligibility criteria related to second-stage conversions. While this suggests that the Executive Committee should consider providing assistance to firms which converted to HCFCs with MLF financing, it does not oblige the Executive Committee to cover the entire costs associated with the conversions of such enterprises. In fact, full funding may not be justified for the following reasons:

- almost all MLF-assisted transitions to HCFCs were in the foam sector, where in many cases drop-in substitutes to HCFCs can be used in existing manufacturing equipment, making conversion unnecessary;
- the enterprises concerned signed letters committing to phasing out HCFCs without further assistance from MLF - the fact that this phase-out schedule has now been accelerated does not completely invalidate this commitment; at the most, it could be argued that it obliges the MLF to pay for the incremental costs associated only with the acceleration of the phase-out;
- since the majority of MLF foam projects were implemented prior to 2002, a significant portion of the manufacturing capacity installed will need to be replaced anyway by the time Article 5 Parties have to achieve their first HCFC reduction (i.e. 2015)

For these reasons, Canada believes that the principal role of the MLF with respect to second stage conversion should be to provide:

- (1) training and technical assistance to make basic adjustments to existing foam manufacturing equipment, if needed, to ensure such equipment can function effectively and efficiently with substitutes when possible;
- (2) funding for additional safety-related costs associated with the use of substitutes, mainly when hydrocarbons are selected as alternatives to HCFCs, and
- (3) funding to cover the operational costs of using HCFC substitutes for the traditional 2-year period.

China

As we reiterated at the 53rd Meeting of the Executive Committee, we regard the funding for the second-stage conversions an issue of principle which has been agreed by all Parties, and think that the MLF should of course fund the second-stage conversions.

The conversion from CFC to HCFC in most enterprises was the only choice they could make under the circumstances of that time. These enterprises have made great investment themselves in the conversion, and were expecting to use these installations for the future years. However, due to the accelerated phase-out of HCFC, the enterprises will surely suffer great loss. If government ask the enterprises to bear all the loss themselves, they are very likely to be malcontent with the

government, &td their opinion will also probably have bad influence on other enterprise, i.e., to make them worry and reluctant to participate in future projects organized by the Governments. And this will pose great obstacles in the future phase-out efforts of the governments of the Article 5 countries.

The above mentioned points represent China's views on the issues relevant to HCFC in the Decision 53/37. China has enjoyed fruitful cooperation with the MLF for 20 years, and China hope to continue this cooperation in the phase-out of HCFC, thus to make continuous contribution to the protection of the ozone layer.

Czech Republic

We believe that second stage conversions should be financed to certain extent. because the language of the decision of the Parties XIX/16 simply expresses a change of policy in this regard and this change play4 and important role in reaching an agreement an HFCF , accelerated phase-out. We therefore think that it is necessary to support second stage conversions and to determine an adequate criteria and cut-off date for such support.

It would be very useful to gather the information on all projects and plants that have been subject to MLF support with use of introducing an HCFC production or consumption including the year of conversion. That way the Executive Committee would be able to see how big the problem is and what time scale and amount of ODP is involved. That could subsequently enable the ExCom to determine what changes to its second stage conversion policy and eligibility criteria are necessary and how to address the paragraph 5 of the decision of the Parties XIW6.

More strict criteria for second stage conversions compared to facilities not yet financed are in our view at least worth considering.

Germany

Records of all MLF funded conversions of enterprises exist. The MLFS should comment on the feasibility of preparing a status report on those enterprises identifying

- a. whether or not the enterprise is still in business, the age of the funded production line and its expected remaining useful commercial life time.
- b. the current status of HCFC-production
- c. other parameters helpful for an informed decision about reasonable eligible incremental costs for a second conversion.

Consider second funding of installed HCFC capacities in cases

- a. where full economic consideration of already provided assistance for the conversion from CFC to HCFC is given
- b. where enterprises had been specifically converted to HCFC (no further funding will be approved for companies that had received funding for Non-HCFC alternatives)

- c. assistance is provided only for essential investment parts, not for any operational costs reimbursement.

Japan

Japan fully understands the fact that the 19th Meeting of the Parties directs the Executive Committee to make the necessary changes to the eligibility criteria related to second-stage conversions in the paragraph 5 of the decision XIX/8 with the understanding that the Multilateral Fund will cover all agreed incremental costs to enable Article 5 Parties to comply with the accelerated phase-out of HCFCs. As mentioned in (i) above, Japan expects that the idea presented in paragraphs 41 and 42 of UNEP/OzL.Pro/ExCom53/60 concerning second-stage conversions should be realized in order to consider the necessary and effective assistance taking into account the current situation of facilities converted from CFCs to HCFCs through the assistance by the Fund.

Mexico

The second stage conversion should be considered in a case by case basis, considering the cost of the technology transfer, the incremental costs and technical support to use the new technologies.

Sweden

We support funding of second stage conversions and not only technical assistance. As pointed out in paragraph 195 of the Report of the 53rd Meeting of the Executive Committee, the agreement at the 19th Meeting of the Parties to accelerate the phase-out of HCFCs was under the understanding that second-stage conversions shall be funded. We do not believe that Article 5 countries would agree to only get technical assistance. To initiate a desk study to gather information on the companies that have previously received financial support to phase in HCFCs sounds as a good starting point.

United States of America

The United States supports the concept suggested by some countries at the 53rd Meeting that assistance for second stage conversions be focused on training and technical assistance as the Fund has already made significant investments in this area.

As a general matter, in evaluating the issue of second stage conversion, ExCom finds itself in need of further information as to the rationale for such conversions and specific data such as the number of facilities, type of facility, date of first facility conversion etc. to better understand the basis and implications of possible action in this area.

Uruguay

Companies that converted under Multilateral Fund programmes should have the right to assistance with a second-stage conversion, as provided in paragraph 5 of decision XIX/6: “to

also direct the Executive Committee of the Multilateral Fund to make the necessary changes to the eligibility criteria related to the post-1995 facilities and second conversions”.

If companies that converted using Multilateral Fund resources are not allowed to take part, this would penalize those companies that showed their faith in the Montreal Protocol and their commitment to change and, furthermore, by altering the rules of the game would cast doubt on the seriousness of the Montreal Protocol, thus making conversion from HCFCs more difficult.

Moreover, in the case of a country in which almost all the industry converted, this would give it little margin to be able to meet the first targets for reducing consumption of HCFCs.

The Secretariat’s recommendation that the implementing agencies and the National Ozone Units collect all this information in order to prepare a document that would only be examined in 2009 in order to decide how to proceed would jeopardize the preparation of management plans because there would be no decision on how to deal with these industries.

Furthermore, if the issue is to be re-examined in 2009 (in actual fact, it would start to be examined then), countries would face even greater uncertainties and this could have a negative impact on any transition strategy and on the preparation of national management plans for the phase-out of HCFCs.

With a view to the next replenishment, the Secretariat should provide the TEAP with a full list of companies that have converted to HCFCs with Fund assistance. Although this is historical information, it is valid for giving a first approximation of the companies that should be allowed financing for the total phase-out of HCFCs.

OTHER GENERAL VIEWS ON HCFCs

Japan

Japan respects the decision XIX/6 of the Meeting of the Parties to the Montreal Protocol which was adopted on the occasion of the 20th anniversary of the adoption of the Protocol and supports the concept that the agreed incremental costs should be covered by the Multilateral Fund to enable Article 5 Parties to comply with their new commitment to the phase-out of HCFCs.

Members of the Executive Committee are invited to submit their views on four issues with regard to the eligible incremental costs for phasing-out HCFCs under the decision 53/37 of the Executive Committee. Japan would like to submit its final views after a series of documents are published by the Fund Secretariat based on its experience and consultants’ expertise for the consideration at the 54th Meeting of the Executive Committee. In general, Japan believes that discussions at the next Meeting of the Executive Committee should be conducted on the basis of the spirit of decision XIX/6 and be led to how we can assure the flexibility and efficiency and maximize the ozone protection benefit taking into account the cost-effectiveness and the impact on climate change.

Sweden

- (i) Elements the Secretariat should consider in the draft guidelines for the preparation of

national HCFC phase-out management plans

- (ii) Cost considerations to be taken into account by the Secretariat in preparing the discussion document referred to paragraph (i) above

Regarding to items (i) and (ii) we believe that the following elements of incentives should be taken into account in the cost effectiveness thresholds that:

- Minimize environmental impact, in particular impacts on climate, as well as other health, safety and economic considerations (decision XIX/6 paragraphs 9, 10, 11(a)-(c) and 15).
- Costs associated with assistance in particular to the low volume and very low volume A5 Parties. With regards to technical assistance aspects it is of course important to make sure that HCFC work is integrated in the ongoing work to phase-out CFCs and for low volume countries (decision XIX/6 paragraph 6) on immediately. Many countries are still waiting to undertake their training of service technicians; update legislation; establish infrastructure for reclamation etc. Countries and Implementing Agencies should make sure HCFC is integrated as far as possible to avoid double work and unnecessary costs.
- Period for which funding for the HCFC-phase out should be available. To keep the Fund up and running until 2030 or even 2040 may turn out to be uneconomical (incl. Article 2 and Article 5 administrations). What would be a feasible time frame to ask Parties to set a closing date for how long the funding will be available, for instance 2015 or 2020? Taking into account that Parties ought to be well prepared to handle the phase-out of HCFC on their own by then.

United States of America

The United States would like to congratulate the global community for its significant progress in phase-out of ozone depleting chemicals. We believe that Article 5 countries have acquired vast experience over the last two decades implementing programs, projects and policies to phase out ODS in accordance with obligations under the Montreal Protocol and with \$2 billion worth of assistance from the Multilateral Fund. The challenge of phasing out HCFCs should take advantage of the capacities that Article 5 countries have acquired in implementing their domestic programmes, projects and policies to address the phase-out of other ODS.

Looking forward, the United States anticipates that there will be efficiencies, structures, and institutions on which to build the HCFC phase-out which will likely result in a decreased need for investment in certain areas of the Article 5 country phase-out HCFCs. In addition, we note that it is likely that there will be a decreased demand on Article 5 capacities as we move forward. Currently, Article 5 countries manage the phase-outs of 11 individual ODSs (CFCs, halons, methyl bromide, carbon tetrachloride, and methyl chloroform) compared to a post 2010 outlook where responsibilities will lie primarily with managing four major HCFCs which are, by in large, used in fewer industrial sectors than all of the other ODSs. These factors suggest the opportunity for cost savings in one area that would free up valuable resources for other important needs.

In recent ExCom history, two funding models have been used. In 2000 – 2002 a shift from a project-by-project funding to a country-driven approach was implemented by the Committee. The country-driven model allowed for the use of, and calculation of "sustained aggregate reductions" from which Article 5 countries would measure performance in their projects. Since adoption of the concept of "sustained aggregate reductions" the Article 5 countries and implementing agencies have adopted wholeheartedly more and more national- and sector-wide phase-out plans that make "sustained aggregate reductions." The concepts of "sustained aggregate reductions" and "sector or national phase-out plans" have become the norm rather than the exception for MLF projects. The "phase-out plan" approach with "sustained aggregate reductions" has proven to be more cost-effective than the project-by-project approach for the end consumption within A5 countries. The United States strongly supports this approach as a way to achieve reductions in a maximum cost-effective manner. At the 53rd Meeting of the Executive Committee, the notion of funding projects outside of the sustained aggregate reductions model was raised. The United States expressed support for the sustained aggregate reduction model and seeks to better understand the compliance basis for the argument to move away from this model from the advocates of such an approach.

Again, in the recent history, the ExCom was presented with the idea of funding CFC chillers projects because remaining CFC consumption in many A5 countries was servicing these large CFC-containing pieces of equipment. The ExCom understood that the projects might actually provide cost savings but wanted to demonstrate the environmental benefits, so chose to support a limited number of demonstration projects that required substantial counterpart funding, before MLF funds could be disbursed. In all cases, the Implementing Agencies and A5 countries created innovative projects that leveraged MLF core funding to acquire additional counterpart co-financing. In some cases, the projects were so successful that they were either adopted by government, energy-sector quasi-government or private sector institutions to perpetuate the model. In these cases, the MLF funding was seed capital for the development of a revolving fund within the country for projects that had no eligible incremental cost component. Since some HCFC projects are likely to involve energy savings, further consideration of the seed money model may be warranted, again to ensure that funding decisions are made in a manner that is most efficient.

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