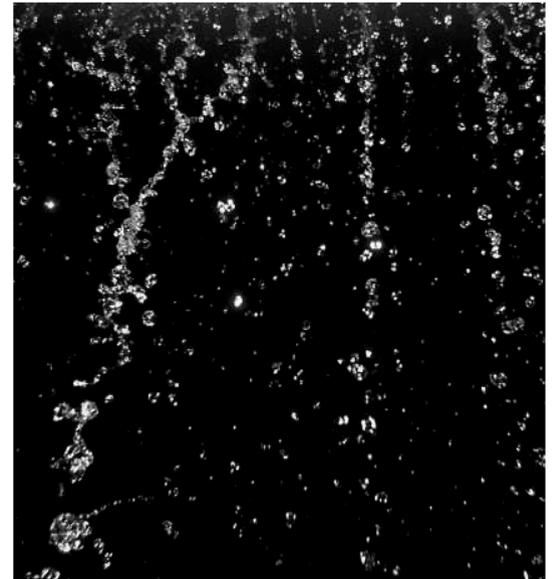
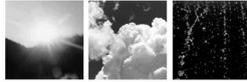


# Relevant procedures for inscribing commitments for Annex I Parties in Annex B to the Kyoto Protocol





## Existing procedures for adoption of amendments to Annex B

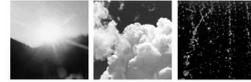
- By consensus and as a last resort, by  $\frac{3}{4}$  majority of the Parties present and voting at the meeting (Article 20, paragraph 3)
- Only with the written consent of the Party concerned (Article 21, paragraph 7)



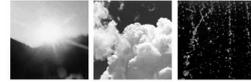
# Existing procedures for entry into force of amendments to Annex B

- Parties to deposit instruments of acceptance (Article 20, paragraph 4)
- For those Parties accepting it, the amendment enters into force on the 90<sup>th</sup> day after the date of receipt by the Depositary of an instrument of acceptance by at least  $\frac{3}{4}$  of the Parties to the Protocol (Article 20, paragraph 4)
- For any other Party, the amendment enters into force on the 90<sup>th</sup> day after the date on which that Party deposits its instrument of acceptance of the amendment (Article 20, paragraph 5)

## Amendment to Annex B | The case of Belarus

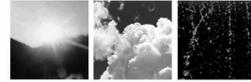


- Amendment adopted by the CMP at its second session (decision 10/CMP.2)
- Based on the current number of Parties to the Kyoto Protocol (178), the amendment to Annex B will enter into force for those Parties accepting it when 134 instruments of acceptance have been received by the Depositary
- To date, only three Parties have deposited their instruments of acceptance



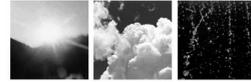
1. Opt-out or tacit acceptance procedure
2. Hybrid procedure
3. Adjustment procedure

## Possible options | Opt-out or tacit acceptance



- An amendment would enter into force after a certain period has elapsed following its adoption, except for those Parties that have notified the depositary that they cannot accept the amendment
- May also provide that the receipt of a certain number of notifications could prevent entry into force of the amendment

## Opt-out or tacit acceptance | Examples



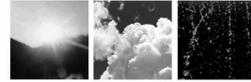
- **UNFCCC:** Amendment of annexes (Article 16, paragraph 3: six months)
- **Kyoto Protocol:** Adoption or amendment of an annex other than Annex A or B (Article 21, paragraph 5: six months)
- **Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade:** Amendments to annexes other than Annex III and proposals for additional annexes (Article 22, paragraph 3: one year)

## Opt-out or tacit acceptance | Examples



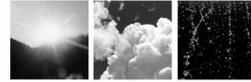
- **Oslo Protocol (Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Further Reduction of Sulphur Emissions)** : Adoption of amendments to annexes other than annexes II, III and IV (Article 11, paragraph 4)
- **Gothenburg Protocol (Protocol to the 1979 Convention on Long-range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-Level Ozone)**: Adoption of amendments to annexes other than annexes II to IX (Article 13, paragraph 4)
  - on the expiry of 90 days from the date of communication of the amendment by the Executive Secretary of the United Nations Economic Commission for Europe (UNECE) to all Parties, provided at least 16 Parties have not submitted a notification within that period, stating that they are unable to approve an amendment to an annex

## Possible options | Hybrid procedure



- Combination of opt-out or tacit acceptance procedure and procedure currently in place for amending Annex B

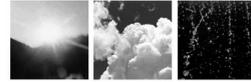
## Hybrid procedure | Example



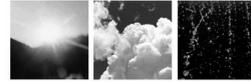
- Stockholm Convention on Persistent Organic Pollutants – for amending Annex A, B and C

When a Party deposits its instrument of acceptance, approval or accession to the Convention:

- It may declare that it chooses to reserve the right to deposit its instrument of acceptance, approval or accession with respect to any amendment. In this case, the amendment enters into force for that Party on the 90<sup>th</sup> day after the date of deposit with the depositary of its instrument of ratification, acceptance, approval or accession with respect to such amendment (Article 22, paragraph 3).
- If it does not make such a declaration, the opt-out or tacit acceptance procedure will apply to that Party and the amendment will enter into force for that Party within one year from the date of communication by the depositary of the adoption of amendment (Article 22, paragraph 4).



- Adjustments are made to annexes through decisions taken by a convention or protocol body and become binding for Parties on a date specified in the relevant convention or protocol or decision

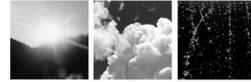


- Montreal Protocol on Substances that Deplete the Ozone Layer (Article 2, paragraph 9)
  - Adjustments to ozone depleting potentials specified in Annex A, B, C and/or E
  - To enter into force on the expiry of six months from the date of circulation of the communication by the Depositary
  - Most recent adjustment agreed to at MOP 19 (September 2007) to accelerate the phase-out of production and consumption of hydrofluorocarbons (Annex C, Group I substances)

## Adjustment procedure | Examples



- Adjustments to annex II of the Oslo Protocol (Article 11, paragraphs 1 and 6)
  - To be proposed by any Party to the 1979 Convention on Long-range Transboundary Air Pollution to Abate Acidification, Eutrophication and Ground-level Ozone (LRTAP) to add its name, together with emission levels, sulphur emission ceilings and percentage emission reductions
  - To become effective for all Parties to the Protocol on the 90<sup>th</sup> day following the date on which the Executive Secretary of the UNECE notifies the Parties in writing of the adoption of the adjustment
    - Adjustment in 2001 to include Monaco in Annex II and enable its accession to the Protocol
    - Adjustment in 2004 to include Cyprus in Annex II and enable its accession to the Protocol

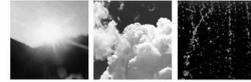


- Amendment to annex III of the Rotterdam Convention (Article 22, paragraph 5)
  - Chemical Review Committee to prepare a draft decision guidance document for each chemical that it has decided to recommend for listing in or removal from, Annex III
  - Conference of the Parties (COP) to consider the recommendation and may approve the draft decision guidance document
  - Amendment to enter into force for all Parties on a date to be specified in the decision
  - COP 1 (2004) adopted amendments to Annex III (decision 3RC-1/3), specifying dates for entry into force in its decision



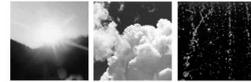
- Adjustments to annex II of the Gothenburg Protocol (Article 13, paragraphs 1 and 6)
  - To be proposed by any Party to LRTAP to add its name, together with emission levels, emission ceilings and percentage emission reductions
  - To become effective for all Parties to the Protocol on the 90<sup>th</sup> day following the date on which the Executive Secretary of the UNECE notifies the Parties in writing of the adoption of the adjustment
  - Adjustment in 2005 to include Cyprus in Annex II and enable its accession to the Protocol

# Amendment of the procedure to amend Annex B to the Kyoto Protocol



- Will require an amendment of Article 21, paragraph 7, of the Kyoto Protocol
- Adoption of the amendment:
  - Text of the proposed amendment to be communicated to Parties at least six months before the meeting of the CMP at which it is proposed for adoption (Article 20, paragraph 2)
  - Amendment to be adopted by consensus or as a last resort, by  $\frac{3}{4}$  majority vote of the Parties present and voting at the meeting (Article 20, paragraph 3)

# Amendment of the procedure to amend Annex B to the Kyoto Protocol



- Entry into force
  - Instruments of acceptance in respect of the amendment to be deposited with the Depositary (Article 20, paragraph 4)
  - Will enter into force for those Parties having accepted it on the 90<sup>th</sup> day after the date of receipt by the Depositary of an instrument of acceptance of at least  $\frac{3}{4}$  of the Parties to the Protocol (Article 20, paragraph 4)
  - To enter into force for any other Party on the 90<sup>th</sup> day after the date on which that Party deposits with the Depositary its instrument of acceptance of the amendment (Article 20, paragraph 5)