



**UNITED  
NATIONS**



**Framework Convention  
on Climate Change**

Distr.  
GENERAL

FCCC/SBI/2006/2  
17 March 2006

Original: ENGLISH

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**SUBSIDIARY BODY FOR IMPLEMENTATION**

**Twenty-fourth session**

**Bonn, 18–26 May 2006**

**Item 12 (a–d) of the provisional agenda**

**Arrangements for intergovernmental meetings**

**Twelfth session of the Conference of the Parties**

**Second session of the Conference of the Parties**

**serving as meeting of the Parties to the Kyoto Protocol**

**Future sessional periods**

**Review of arrangements for the eleventh session of the Conference of the Parties**

**and the first session of the Conference of the Parties serving as the meeting**

**of the Parties to the Kyoto Protocol**

**Arrangements for intergovernmental meetings**

**Note by the Executive Secretary\***

*Summary*

This document addresses three main issues:

- The twelfth session of the Conference of the Parties (COP 12) and the second session of the Conference of the Parties serving as meeting of the Parties to the Kyoto Protocol (COP/MOP 2): information on the sessions is presented including an organizational scenario and possible elements of the provisional agendas
- Future sessional periods: guidance is invited on dates for the two sessional periods in 2011
- Review of arrangements for COP 11 and COP/MOP 1: views are invited on experience with the arrangements for COP 11 and COP/MOP 1, and advice is sought on arrangements for future sessions of the COP and the COP/MOP.

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\* The meeting of Bureau was held in late February and further consultations were required on its outcomes. This document contains information reflecting these outcomes and was therefore submitted after the deadline.

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## I. Introduction

### A. Mandate

1. Article 8, paragraph 2, of the Convention provides that the functions of the secretariat shall be, inter alia, to “make arrangements for sessions of the Conference of the Parties and its subsidiary bodies ... and to provide them with services as required”. In order to make the necessary arrangements for intergovernmental meetings, the secretariat periodically seeks guidance from Parties.

### B. Possible action by the Subsidiary Body for Implementation

2. The Subsidiary Body for Implementation (SBI) may wish to consider the matters raised in this note and provide:

- (a) Advice on possible elements of the provisional agendas for COP 12 and COP/MOP 2;
- (b) Guidance on the organization of the work at COP 12 and COP/MOP 2, including the sessions of the Subsidiary Body for Scientific and Technological Advice (SBSTA) and the SBI and arrangements for joint meetings during the high-level segment with participation by ministers and other heads of delegation;
- (c) Views on arrangements for COP 11 and COP/MOP 1 and recommendations to the COP and the COP/MOP on arrangements for future sessions;
- (d) Recommendations on dates for the sessional periods in 2011.

## II. Twelfth session of the Conference of the Parties and second session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

### A. Date and venue

3. Following a request by the COP at its eleventh session, the Bureau decided, based on an assessment by the secretariat, to accept with gratitude the generous offer of the Government of Kenya to host COP 12 and COP/MOP 2 at the Moi International Sports Centre, Kasarani, Nairobi, from **6 to 17 November 2006** and to request the secretariat to complete the corresponding host country agreement with Kenya.

4. The Bureau also noted that additional investments in infrastructure will be required to hold the conference and invited Parties in a position to do so to support the Government of Kenya in this important undertaking. This acceptance was communicated to all Parties in an information note dated 6 March 2006.

### B. Possible elements of the provisional agendas

5. Rule 9 of the draft rules of procedure being applied provides: “In agreement with the President, the secretariat shall draft the provisional agenda of each session.”<sup>1</sup> **Possible elements of the provisional agendas for COP 12 and for COP/MOP 2** have been prepared by the secretariat, after consulting the Bureau, and are contained in annexes I and II to this document.

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<sup>1</sup> FCCC/CP/1996/2.

6. The possible elements for the provisional agendas for COP 12 have been modelled on the provisional agendas for recent COP sessions. The possible elements for the provisional agenda for COP/MOP 2 include issues specified by the Protocol, as well as issues arising from decisions taken at COP/MOP 1. The possible elements also address organizational and procedural matters, as well as the high-level segment for ministers and other heads of delegation.

### C. Organizational matters

#### 1. Arrangements for the second session of the AWG and second workshop under the Dialogue

7. The SBI will need to consider the timing of the second session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG 2) and the second workshop under the dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention (hereinafter referred to as the Dialogue) when making its recommendations on the arrangements for the second sessional period in 2006. The scheduling of these meetings could have major impact on the organization of work in Nairobi and the SBI will need to make a recommendation on this issue at this session.

8. The secretariat considers that the addition of AWG 2 and the second workshop under the Dialogue to the sessions of the COP, COP/MOP, SBSTA and SBI, and their anticipated contact groups and informal consultations, would require the **expansion of the sessional period beyond two weeks, possibly up to three weeks**. At previous sessions of the SBI, Parties have not supported such an expansion. Further consultations would also be needed with the Government of Kenya to determine if an expansion of the sessional period would be possible in terms of additional costs and availability of meeting facilities. To convene AWG 2 and the second workshop under the Dialogue within the existing sessional period would require modifying the practice of holding no more than two meetings at the same time. Such an approach could also compromise the results of all sessions and the Dialogue due to insufficient time for full discussion.

9. Alternatively, it may be possible to **organize a one-week meeting during the intersessional period** (for example, during the third week of September) to convene AWG 2 and the second workshop under Dialogue. At its meeting in February, the Bureau expressed support for pursuing this option further and noted the need for funding to assure full participation. Supplementary funding for associated costs, such as for interpretation and translation, would also need to be provided, as these costs are not covered in the core budget or the provisions for conference services. Convening the AWG 2 and the second workshop under the Dialogue in September would mean that their reports would be available shortly before COP 12 and COP/MOP 2, which would assist delegations in preparing for the session.

#### 2. Organization of the sessional period: COP, COP/MOP, SBSTA and SBI

10. If the sessional period were to include only the COP, COP/MOP, SBSTA and SBI, it would be organized according to the framework used in Montreal:

- (a) A **welcoming ceremony** would be held to mark the opening of COP 12 and COP/MOP 2 on Monday, 6 November;
- (b) Following the welcoming ceremony, the President of COP 11 would open COP 12. At its **opening meeting**, the COP would take up item 1 of the provisional agenda. The COP would also take up some procedural sub-items under item 2, including the election of the President of COP 12, the adoption of the agenda and the organization of work. The COP would refer items of its agenda to the subsidiary bodies as appropriate. The opening meeting would then be adjourned;

- (c) COP/MOP 2 would then be opened and the COP/MOP would take up item 1 of its provisional agenda, as well as some procedural sub-items under agenda item 2, including the adoption of the agenda and the organization of work. Statements are not envisaged except for those on behalf of groups. The COP/MOP would refer items of its agenda to the subsidiary bodies as appropriate;
- (d) The **SBSTA and SBI** would be convened on Monday, 6 November, in the afternoon. They would meet for their twenty-fifth sessions until Tuesday, 14 November. They would finalize as many matters as possible, and transmit their results to the COP and the COP/MOP;
- (e) The COP would convene in plenary on Wednesday, 8 November, to take up the item on the report of co-facilitators of the Dialogue.
- (f) The COP/MOP would convene in plenary on Wednesday, 8 November, to take up the items on its agenda not referred to the SBSTA and SBI;
- (g) Joint meetings of the COP and the COP/MOP would be convened during the **high-level segment** from 15 to 17 November. The joint meetings would be attended by ministers and other heads of delegation, who would deliver national statements. The high-level segment would be convened on the understanding that there would be one speakers' list and each Party, including Parties to both the Convention and the Kyoto Protocol, would speak only once; and that no decisions would be taken in joint meetings;
- (h) Statements would be made by heads of United Nations bodies and programmes, specialized agencies and related organizations, and by representatives of intergovernmental and non-governmental organizations;
- (i) The high-level segment would conclude on **Friday, 17 November**, with separate meetings of the COP and the COP/MOP to adopt decisions and conclusions emerging from the current sessions.

11. Given the large number of items on the agenda of the COP/MOP, Parties may also wish to consider the utility of establishing a Committee of the Whole with the aim of facilitating consideration of substantive agenda items by the COP/MOP.

### 3. Possible action by the SBI

12. The SBI is invited to provide advice on the possible elements of the provisional agendas for COP 12 and COP/MOP 2, guidance on arrangements for AWG 2 and the second workshop under the Dialogue, and guidance on the organization of the work at COP 12 and COP/MOP 2, including the sessions of the SBSTA and the SBI and arrangements for joint meetings during the high-level segment.

### 4. Rules of procedure

13. As the COP has not been able to adopt its rules of procedure, the draft rules of procedure will continue to be applied, with the exception of draft rule 42, until the rules are adopted by the COP. At COP 11, the President stated he would undertake further consultations with Parties on this issue and report back if there were any new developments.

14. The Kyoto Protocol provides that the rules of procedure of the COP shall be applied, *mutatis mutandis*, under the Protocol, except as may be otherwise decided by consensus by the COP/MOP (Article 13, paragraph 5).

### 5. Officers

15. Rule 22 of the draft rules of procedure being applied provides: “At the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing states. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups.” This rule further states: “No officer may serve on the Bureau for more than two consecutive terms of one year.”

16. At the first meeting at COP 12, the President of COP 11 will call for the election of the President of COP 12. The elected President will invite the COP to elect the remainder of its officers and the chairs of the subsidiary bodies. This election will take place at the beginning of the session, provided that consultations on the nominations to the Bureau of COP 12 have been completed. If further consultations are needed, the election of the other officers could be deferred, with the existing chairs of the subsidiary bodies continuing in office until their successors are elected. Rule 27 of the draft rules of procedure being applied provides: “Each subsidiary body shall elect its own Vice-Chairman and Rapporteur.”

17. At COP/MOP 2, Parties to the Kyoto Protocol will need to elect the new members of the Executive Board of the clean development mechanism to replace those members whose term of office has expired and, if necessary, any members for the Joint Implementation Supervisory Committee and the Compliance Committee.

18. **Informal consultations** on the nomination of officers of the Bureau of COP 12 and officers of the subsidiary bodies, as appropriate, will be held during the twenty-fourth sessions of the subsidiary bodies. If necessary, consultations will be held on the nomination of members of any constituted bodies established under the Kyoto Protocol.

## III. Future sessional periods

### A. Date and venue of the thirteenth session of the Conference of the Parties and the third session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

19. Article 7, paragraph 4, of the Convention provides that ordinary sessions of the COP shall be held every year unless otherwise decided by the COP. Sessions of the COP are traditionally held during the second sessional period of the year. Accordingly, COP 13 would be held in conjunction with COP/MOP 3, from 3 to 14 December 2007.

20. Rule 3 of the draft rules of procedure being applied states that “sessions of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties.”

21. Because the planning of sessions away from the secretariat’s headquarters takes time for both the host government and the secretariat, potential host governments for **COP 13** are encouraged to come forward with offers for consideration by the SBI at its twenty-fourth session and by the COP at its twelfth session. Such offers should be made on the understanding that the host government would cover the incremental costs of meeting away from Bonn. A decision on the venue of COP 13 and COP/MOP 3 must be adopted at COP 12.

22. The SBI may wish to invite Parties interested in hosting COP 13 to come forward with offers to host that session. In keeping with the rotation among regional groups, the President of COP 13 would come from the Asian Group.

23. In accordance with a request by the Bureau, the SBI may also wish to invite Parties interested in hosting **COP 14** to come forward as early as possible with offers to host that session. In keeping with the rotation among regional groups, the President of COP 14 would come from the Eastern European Group.

#### **B. Calendar of meetings**

24. The COP, at its eleventh session, adopted the dates for the 2010 sessional periods. The calendar of meetings of Convention bodies for 2007–2010 is as follows:

- First sessional period in 2007: 7–18 May
- Second sessional period in 2007: 3–14 December
- First sessional period in 2008: 2–13 June
- Second sessional period in 2008: 1–12 December
- First sessional period in 2009: 1–12 June
- Second sessional period in 2009: 30 November to 11 December
- First sessional period in 2010: 31 May to 11 June
- Second sessional period in 2010: 8–19 November.

25. Because of the need to book United Nations conference services well in advance, and to assist Parties in their planning, the SBI may wish to consider the following dates proposed for the two sessional periods in 2011 and recommend them for adoption by the COP at its twelfth session:

- First sessional period in 2011: 6–17 June
- Second sessional period in 2011: 14–25 November.

### **IV. Review of arrangements for the eleventh session of the Conference of the Parties and the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol held in Montreal**

26. The organization of COP 11 and COP/MOP 1 was based on guidance provided by:

- (a) Conclusions adopted by the SBI at its eighteenth session, which addressed matters such as preparing separate agendas for the COP and COP/MOP and holding joint meetings during the high-level segment;<sup>2</sup>
- (b) Decision 17/CP.9, which included a draft decision that was later adopted by the COP/MOP as 36/CMP.1. Decision 36/CMP.1 addressed matters relating to terms of office for replacement officers, as well as the use of a single report for credentials and a single process for the admission of observer organizations to sessions of the COP and the COP/MOP.

27. Decision 36/CMP.1 requests the SBI, at its twenty-fourth session, to review the arrangements for convening the first session of the COP/MOP in conjunction with the session of the COP and to make recommendations to the COP/MOP on arrangements for future sessions.

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<sup>2</sup> FCCC/SBI/2003/8, paragraph 44.

### **A. Review of arrangements for Montreal**

28. Separate provisional agendas were prepared for the COP and COP/MOP. All meetings were held separately, with the exception of several joint meetings in the high-level segment, and seating arrangements for the COP were used for meetings of the COP/MOP and during the high-level segment. One provisional agenda was prepared for each subsidiary body, containing clearly identified Convention and Kyoto Protocol items. For these sessions of the COP and COP/MOP, the Executive Secretary did not identify specific items on the provisional agendas for joint consideration.

29. During the joint high-level segment, national statements were made by one head of state and 118 ministers and other heads of delegation. One speakers' list was followed and each Party, including Parties to both the Convention and the Kyoto Protocol, spoke only once, except when speaking on behalf of groups. The list of speakers was completed within the allotted time. Statements were also made by eight heads of United Nations bodies and specialized agencies, four heads of intergovernmental organizations and 13 representatives from non-governmental organizations. In separate meetings, the COP adopted 14 decisions and three sets of conclusions, and the COP/MOP adopted 36 decisions, including 21 decisions forwarded by the COP for adoption by the COP/MOP, and one set of conclusions.

30. The management of meeting time at COP 11 and COP/MOP 1 presented a formidable challenge. The entry into force of the Kyoto Protocol resulted a considerable increase in the number of agenda items to be considered during the sessional period. Furthermore, the time available for discussions in contact groups and informal consultations was limited due to the need for more plenary meetings of the COP, the COP/MOP and the subsidiary bodies. Twenty contact groups and five informal consultations were launched.

31. Efforts have been made to promote efficient use of meeting time. The management of the workload at COP 11 and COP/MOP 1 required more discussions in an informal setting to allow for enhanced flexibility in scheduling. Most contact groups therefore held only two or three meetings. The flexible scheduling of informal meetings was possible because many meeting rooms were available at the conference facilities in Montreal. Concern was expressed that insufficient time would mean that work on important items will not be completed and would therefore need to be referred to the following session.

### **B. Participation by observer States in closed contact groups and informal consultations**

32. At its first meeting in Montreal, the Bureau considered the issue of participation by observer States in closed contact groups and informal consultations on matters pertaining to the Kyoto Protocol. The Bureau was reminded that according to rule 6 (observers) of the draft rules of procedure being applied, observer States may attend and participate in plenary meetings without a right to vote, unless at least one-third of the Parties present at the session object.<sup>3</sup> This rule has also been applied to contact group meetings. The Bureau agreed on an approach, based on past experience, proposed by the secretariat:

- (a) Observer States may attend plenary meetings and contact group meetings. However, they cannot participate in decision-making;
- (b) Where an observer State wishes to attend informal consultations, which have traditionally been limited to Parties, chairs or co-chairs may allow participation provided there are no objections by Parties;
- (c) Parties would need to take a decision on the matter after consultations with the Bureau, if problems arise.

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<sup>3</sup> FCCC/CP/1996/2.



33. When reviewing the progress of the first week of the sessions, the Bureau specifically considered the participation by observer States in informal consultations. The Bureau suggested a range of approaches, such as open and full participation, limited participation, and participation determined on a case-by-case basis. The Bureau also discussed whether “participation” implied attendance only or included the right to speak. The Bureau could not resolve the issue in the time available and recommended that the SBI consider the issue at its twenty-fourth session as part of its review of the organization of COP 11 and COP/MOP 1.

#### **C. Possible action by the Subsidiary Body for Implementation**

34. The SBI may wish to consider the above-mentioned issues and make recommendations to the COP and the COP/MOP on arrangements for future sessions. In particular, the SBI may wish:

- (a) To confirm that its recommended arrangements for the first session of the COP/MOP held in conjunction with the COP proved successful and recommend that the COP and the COP/MOP decide to continue to use them as a framework for arranging future sessions;
- (b) To decide whether informal consultations are:
  - (i) **Closed:** observer States may participate only after the chair has confirmed the consent of Parties present;
  - (ii) **Open:** observer States may participate, unless the chair confirms that Parties present object;
- (c) To confirm that participation by observer States in informal consultations means they may attend and speak.

Annex I

**Possible elements of the provisional agenda for the twelfth session of the Conference of the Parties**

1. Opening of the session
2. Organizational matters:
  - (a) Election of the President of the Conference at its twelfth session
  - (b) Status of ratification of the Convention
  - (c) Adoption of the rules of procedure
  - (d) Adoption of the agenda
  - (e) Election of officers other than the President
  - (f) Admission of organizations as observers
  - (g) Organization of work, including the sessions of the subsidiary bodies
  - (h) Date and venue of the thirteenth session of the Conference of the Parties
  - (i) Calendar of meetings of Convention bodies
  - (j) Adoption of the report on credentials
3. Reports of the subsidiary bodies and decisions and conclusions arising therefrom:
  - (a) Report of the Subsidiary Body for Scientific and Technological Advice
  - (b) Report of the Subsidiary Body for Implementation
4. Report of the co-facilitators of the dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention
5. Review of implementation of commitments and of other provisions of the Convention:
  - (a) Financial mechanism of the Convention
  - (b) National communications
    - (i) National communications from Parties included in Annex I to the Convention
    - (ii) National communications from Parties not included in Annex I to the Convention
  - (c) Development and transfer of technologies
  - (d) Capacity-building under the Convention
  - (e) Implementation of Article 4, paragraph 8, of the Convention
  - (f) Matters relating to the least developed countries
  - (g) Other matters referred to the Conference of the Parties by the subsidiary bodies
6. Five-year programme of work on impacts, vulnerability and adaptation to climate change

7. Second review of the adequacy of Article 4, paragraph 2 (a) and (b), of the Convention<sup>1</sup>
8. Administrative, financial and institutional matters:
  - (a) Audited financial statements for the biennium 2004–2005
  - (b) Budget performance in the biennium 2006–2007
  - (c) Continuing review of the functions and operations of the secretariat
9. High-level segment
10. Statements by observer organizations
11. Other matters
12. Conclusion of the session:
  - (a) Adoption of the report of the Conference on its twelfth session
  - (b) Closure of the session.

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<sup>1</sup> At the fourth session of the Conference of the Parties (COP), it “proved impossible to reach any agreed conclusions or decisions” on this matter (FCCC/CP/1998/16, para. 64) and the item was therefore included in the provisional agenda for the COP at its fifth session in accordance with rule 10 (c) and rule 16 of the draft rules of procedure being applied. The COP, at its fifth session, could not reach a conclusion on this matter (FCCC/CP/1999/6, para. 18), and following rule 10 (c) and rule 16 of the draft rules of procedure being applied, the item was included in the provisional agenda for the sixth, seventh, eighth, ninth, tenth and eleventh sessions with a footnote reflecting a proposal made by the Group of 77 and China to amend the item to read “Review of the adequacy of implementation of Article 4, paragraph 2 (a) and (b), of the Convention”. At its eleventh session, the COP decided to include the item in the provisional agenda for its twelfth session, with an appropriate explanatory footnote (FCCC/CP/2005/5, Section II).

Annex II

**Possible elements of the provisional agenda for the second session of the  
Conference of the Parties serving as the meeting  
of the Parties to the Kyoto Protocol**

1. Opening of the session
2. Organizational matters:
  - (a) Status of ratification of the Kyoto Protocol
  - (b) Adoption of the agenda
  - (c) Election of replacement officers
  - (d) Organization of work, including the sessions of the subsidiary bodies
  - (e) Approval of the report on credentials
3. Reports of the subsidiary bodies and decisions and conclusions arising therefrom:
  - (a) Report of the Subsidiary Body for Scientific and Technological Advice
  - (b) Report of the Subsidiary Body for Implementation
4. Report of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol
5. Report of the President on consultations concerning the proposal of the Russian Federation to develop appropriate procedures for the approval of voluntary commitments
6. Report of the Executive Board of the clean development mechanism and the election of members of the Executive Board
7. Report of the Joint Implementation Supervisory Committee
8. Report of the Compliance Committee
9. Report of the administrator of the international transaction log under the Kyoto Protocol
10. National communications from Parties included in Annex I to the Convention: synthesis of reports demonstrating progress in accordance with Article 3, paragraph 2, of the Kyoto Protocol
11. Review of the Kyoto Protocol pursuant to its Article 9
12. Capacity-building under the Kyoto Protocol
13. Adaptation Fund
14. Matters relating to Article 3, paragraph 14, of the Kyoto Protocol
15. Matters relating to Article 2, paragraph 3, of the Kyoto Protocol
16. Proposal from Belarus to amend Annex B to the Kyoto Protocol

17. Administrative, financial and institutional matters:
  - (a) Audited financial statements for the biennium 2004–2005
  - (b) Budget performance in the biennium 2006–2007
  - (c) Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol
18. Other matters referred to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol by the subsidiary bodies
19. High-level segment
20. Statements by observer organizations
21. Other matters
22. Conclusion of the session:
  - (a) Adoption of the report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its second session
  - (b) Closure of the session.

Annex III

**Possible scenario for the twelfth session of the Conference of the Parties and  
the second session of the Conference of the Parties serving as the  
meeting of the Parties to the Kyoto Protocol**

Monday 6 November	Tuesday 7 November	Wednesday 8 November	Thursday 9 November	Friday 10 November	Saturday 11 November
Welcoming ceremony  COP 12 opens  COP/MOP 2 opens  SBSTA 25 and SBI 25 open	SBSTA 25 and SBI 25				
		COP 12 plenary  COP/MOP 2 plenary			
Monday 13 November	Tuesday 14 November	Wednesday 15 November	Thursday 16 November	Friday 17 November	Saturday 18 November
SBSTA 25  SBI 25	SBSTA 25 and SBI 25 close	High-level segment of COP 12 and COP/MOP 2			
		Opening ceremony  National statements	National statements	COP 12 closing  COP/MOP 2 closing	

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