

**[Draft decision -/CMP.8
Amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9**

The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

{Preamble}

[Recalling Article 3, paragraph 9, Article 20, paragraph 2, and Article 21, paragraph 7, of the Kyoto Protocol,]

[Recalling also [that at the Seventh Conference of the Parties serving as Meeting of the Parties to the Kyoto Protocol, held in Durban from 28 November to 9 December 2011, the Parties by] decision 1/CMP.7[, requested the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol to deliver the results of its work to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its eighth session with a view to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol to adopting these QELROs as amendments to Annex B of the Kyoto Protocol at that session, while ensuring coherence with the implementation of decision 2/CP.17,]

[Recalling further decision 1/CP.17;]

[Emphasizing the role of the Kyoto Protocol in the mitigation efforts by Parties included in Annex I,]

[Desiring to facilitate the broad participation of Parties in the second commitment period,]

[Recognizing the need to facilitate the implementation of the amendments pending their entry into force and to provide for smooth implementation of the Kyoto Protocol, including its flexibility mechanisms, to the fullest extent possible during the transition period,]

[Reaffirming the requirements for participation in the clean development mechanism, joint implementation, and emissions trading under the Kyoto Protocol set out in, inter alia, decisions 2/CMP.1, 3/CMP.1, 9/CMP.1, 11/CMP.1, 13/CMP.1, 15/CMP.1, 22/CMP.1 and 27/CMP.1.]

[Taking note of decision x/CMP.8 [and decision y/CMP.8,]

[Taking note also of decision 1/CP.18,]

[Noting the importance of continued progress of the Ad Hoc Working Group on the Durban Platform to adopt a protocol, another legal instrument or an agreed outcome with legal force as soon as possible but no later than 2015 and to come into effect and be implemented from 2020,]

[Noting also the progress on the workplan on enhancing mitigation ambition to identify and to explore options for a range of actions that can close the ambition gap with a view to ensuring the highest possible mitigation efforts by all Parties under the Ad Hoc Working Group on the Durban Platform,]

[Welcoming the declaration[s] set out in the appendix to this decision, reiterating the commitments of Parties to the Kyoto Protocol to ensure there is not legal gap between the first and second commitment period,]

{Operative part}

{Part 1}

[Adopts, in accordance with Articles 20 and 21 of the Kyoto Protocol, the amendments set out in the annex to this decision;]

[Requests the secretariat to communicate the adopted amendments to the Depository for circulation to all Parties for acceptance, in accordance with Article 20, paragraph 5, of the Kyoto Protocol;]

[Urges Parties to take all necessary measures for the expeditious deposit of their instruments of acceptance of the amendments to the Kyoto Protocol contained in the annex to this decision, [not later than four years from adoption of the amendments,] in order to ensure their prompt entry into force, in accordance with Article 20, paragraph 4, of the Kyoto Protocol.]

[Reaffirms that the second commitment period will begin on 1 January 2013 and agrees that it will end on 31 December [2017][2020].]

{Part 2}

Proposal 1:

[Decides that Parties which have agreed to the adoption of the amendments to the Kyoto Protocol contained in the Annex and which due to national constitutional procedures are not in the position to provisionally apply the amendments, may within 90 days of the adoption of this decision notify the Depository accordingly and also indicate how they intend to implement the amendments pending the entry into force of the amendments for them in light of the agreement in Decision 1/CMP.7 that the second commitment period shall start on 1 January 2013;]

[Decides that a Party not included in Annex I that is a Party to the Kyoto Protocol may participate, including the period during which the amendments establishing the second commitment shall be applying provisionally, in a clean development mechanism project that results in emission reductions during the second commitment period;]

Proposal 2:

Option 1

[Agrees that each Party will provisionally apply from 1 January 2013 the amendments to the Kyoto Protocol contained in the annexes to this decision pending their entry into force for such Parties in accordance with Articles 20 and 21 of the Kyoto Protocol to the extent that such provisional application is not inconsistent with their constitution, laws or regulations;]

Option 2

[Decides that each Party will provisionally apply from 1 January 2013 the amendments to the Kyoto Protocol contained in the annexes to this decision pending their entry into force for such Parties in accordance with Articles 20 and 21 of the Kyoto Protocol, except for any Party which notifies the Depository in writing prior to 1 January 2013 that it cannot provisionally apply these amendments pending their entry into force due to inconsistency with its constitution, laws or regulations, or its domestic processes or requirements.]

Proposal 3:

[Recognises that Parties may elect to provisionally apply the amendments pending their entry into force in accordance with Articles 20 and 21 of the Kyoto Protocol, and decides that Parties will provide notification of any such provisional application to the Depositary;]

[Decides also that Parties that do not elect to provisionally apply the amendments under paragraph [x] will [implement][apply][act consistently with] their commitments and other responsibilities in relation to the second commitment period pending the entry into force of the amendments in accordance with Articles 20 and 21 of the Protocol;]

Proposal 4:

[Decides that, prior to the entry into force of the amendments in the annexes to this decision in accordance with Articles 20 and 21 of the Kyoto Protocol, Parties to the Kyoto Protocol will[, to the extent possible and consistent with their necessary domestic processes,] apply their commitments and other responsibilities under the amendments to the Kyoto Protocol contained in the annexes to this decision;]

{Part 3}

Proposal 1:

[Decides that for the second commitment period, a Party shall only be eligible to use CERs under Article 12 of the Kyoto Protocol, transfer and/or acquire ERUs under Article 6 of the Kyoto Protocol, and transfer and/or acquire ERUs, CERs, tCERs, ICERs, AAUs, or RMUs under Article 17 of the Kyoto Protocol, if the Party concerned has a QELRC for the second commitment period inscribed in Annex B, and if:

(a) The Party concerned is provisionally applying the amendments contained in the annex to this decision in accordance with [para. x of this decision] pending their entry into force; or

(b) The Party concerned has deposited its instrument of acceptance of the amendments contained in the annexes to this decision in accordance with Article 20, paragraph 4, of the Kyoto Protocol.]

Proposal 2:

[Placeholder for the African Group proposal on eligibility]

[Placeholder for the Switzerland proposal on eligibility]

[Placeholder to confirm that emissions trading and the project-based mechanisms will also continue pending the entry into force of the second commitment period.]

Proposal 3:¹

[Decides that, to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the cost of adaptation, 5 per cent of the emission reduction units from the flexibility mechanisms under the Kyoto Protocol shall be issued and transferred to the specified account of the Adaptation Fund.]

{Part 4}

Proposal 1:

Cognisant that the rules for the implementation of the Kyoto Protocol which were adopted in Marrakesh in 2001 (“the Marrakesh Accords”) will have to be amended to implement the second commitment period;

Decides that work to amend the Marrakesh Accords and any other relevant subsequent decision should be a priority with a view to taking decisions on the consequential amendments to the rules, including, where appropriate, recommendations to the CMP.9;

Invites Parties to submit proposals on such consequential amendments to the rules by the end of February 2013 as an input to a further technical workshop, and for compilation by the secretariat as a miscellaneous document for the subsidiary bodies at their thirty eight sessions in June 2013;

Requests the secretariat, under the guidance of the Chairmen of the subsidiary bodies, to convene a technical workshop before 31 March 2013, based on inputs by Parties and drawing upon the Secretariat Technical Paper on the implications of the implementation of decision 2/CMP.7 to 5/CMP.7 on the previous decisions on the methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and of the Kyoto Protocol (FCC/TP/2012/6) and the outcomes of the Technical Workshop that took place in October 2012 in Bonn, Germany which was mandated by the Subsidiary Body for Scientific and Technological Advice (SBSTA).

Proposal 2:

[Takes note, with appreciation, of the work undertaken by the Subsidiary Body for Scientific and Technological Advice to assess and address the implications of the implementation of decisions 2/CMP.7 to 5/CMP.7, as presented in decision [2]/CMP.8;]

[Requests the Subsidiary Body for Scientific and Technological Advice to continue its work on issues that may need to be further addressed at the ninth and subsequent sessions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, in order to enable the full and effective implementation and operationalization of the second commitment period of the Kyoto Protocol;]

¹ Note from the Chair: This proposal was formulated as a ‘proposed decision text’ in part III of the non-paper on proposed amendments to the Kyoto Protocol prepared by the co-facilitators of the spin-off group on ‘numbers/text’ during the informal AWG-KP session held in Bangkok. Parties may wish to consider whether this text should remain part of this decision or it should be placed elsewhere.

Proposal 3:

[Requests the secretariat and all relevant bodies under the Kyoto Protocol to take all necessary measures to facilitate the implementation of the amendments annexed to this decision [and the uninterrupted operation of Kyoto Protocol mechanisms, processes and infrastructure];]

Proposal 4:

[Takes note of decision -/CMP.8 on the implications of the implementation of decisions 2/CMP.7 to 5/CMP.7 on the previous CMP decisions on methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 ;]

{Part 5}

[Decides that the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol has fulfilled the mandate set for it in decision 1/CMP.1, and that its work is hereby concluded;]]