

Options for a proposal for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9

This non-paper is a compilation of proposals by Parties. It has been prepared by the Co-Chairs of the Contact Group on paragraphs 49 (a) and (b) of the report of the AWG-KP at its resumed sixth session with a view to narrow down, streamline and simplify the proposals contained in documents FCCC/KP/AWG/2009/7, FCCC/KP/AWG/2009/MISC.6/Add.1, FCCC/KP/AWG/2009/MISC.7, FCCC/KP/AWG/2009/MISC.8 and FCCC/KP/AWG/2009/MISC.10.

ARTICLE 1: AMENDMENT

A. Annex B

Option 1

The following table shall replace the table in Annex B to the Protocol:

Annex B

Party	Quantified emission limitation or reduction commitment (2008–2012) (percentage of base year or period)	Quantified emission limitation or reduction commitment ([2013–2017] [2013–2020]) (percentage of base year or period)
Australia	108	
Austria	92	
Belarus ^{a*}	92	
Belgium	92	
Bulgaria*	92	
Canada	94	
Croatia*	95	
Czech Republic*	92	
Denmark	92	
Estonia*	92	
European Community	92	
Finland	92	
France	92	
Germany	92	
Greece	92	
Hungary*	94	
Iceland	110	
Ireland	92	
Italy	92	
Japan	94	
Latvia*	92	

Table (continued)

Party	Quantified emission limitation or reduction commitment (2008–2012) (percentage of base year or period)	Quantified emission limitation or reduction commitment ([2013–2017] [2013–2020]) (percentage of base year or period)
Liechtenstein	92	
Lithuania [*]	92	
Luxembourg	92	
Monaco	92	
Netherlands	92	
New Zealand	100	
Norway	101	
Poland [*]	94	
Portugal	92	
Romania [*]	92	
Russian Federation [*]	100	
Slovakia [*]	92	
Slovenia [*]	92	
Spain	92	
Sweden	92	
Switzerland	92	
Ukraine [*]	100	
United Kingdom of Great Britain and Northern Ireland	92	
United States of America ^b	93	

^a Added to Annex B by an amendment adopted pursuant to decision 10/CMP.2. This amendment has not yet entered into force.

^b Countries that have not yet ratified the Kyoto Protocol.

^{*} Countries that are undergoing the process of transition to a market economy.

Option 2

The following table shall replace the table in Annex B to the Protocol:

Annex B

Party	Quantified emission limitation or reduction commitment (2008–2012) (percentage of base year or period)	Quantified emission reduction commitment ([2013–2017]^a [2013–2020]) (percentage of base year or period)	Quantified emission reduction commitment ([2018–2022]^a [2021–2028]^b) (percentage of base year or period)
Australia	108		
Austria	92		
Belarus ^{c*}	92		
Belgium	92		
Bulgaria [*]	92		
Canada	94		
Croatia [*]	95		
Czech Republic [*]	92		
Denmark	92		
Estonia [*]	92		
European Community	92		
Finland	92		
France	92		
Germany	92		
Greece	92		
Hungary [*]	94		
Iceland	110		
Ireland	92		
Italy	92		
Japan	94		
Latvia [*]	92		
Liechtenstein	92		
Lithuania [*]	92		
Luxembourg	92		
Monaco	92		
Netherlands	92		
New Zealand	100		
Norway	101		
Poland [*]	94		
Portugal	92		
Romania [*]	92		
Russian Federation [*]	100		
Slovakia [*]	92		
Slovenia [*]	92		
Spain	92		

Table (continued)

Party	Quantified emission limitation or reduction commitment (2008–2012) (percentage of base year or period)	Quantified emission reduction commitment ([2013–2017]^a [2013–2020]) (percentage of base year or period)	Quantified emission reduction commitment ([2018–2022]^a [2021–2028]) (percentage of base year or period)
Sweden	92		
Switzerland	92		
Ukraine [*]	100		
United Kingdom of Great Britain and Northern Ireland	92		
United States of America ^d	93		

^a Parties have submitted proposals for contributions of Annex I Parties, individually or jointly, to the scale of emission reductions to be achieved by Annex I Parties in aggregate in relation to the option for a five-year commitment period (i.e., 2013–2017 and 2018–2022) as well as information relating to possible quantified emission limitation and reduction objectives. These submissions, which are found in documents FCCC/KP/AWG/2009/MISC.7 and FCCC/KP/AWG/2009/MISC.8, are reproduced in the non-paper “A compilation of proposals by Parties for aggregate and individual figures for Annex I Parties”.

^b If the option of a third commitment period from 2021 to 2028 is chosen, the proposed amendment would include the definition of the commitment period, but numbers would not necessarily be specified in the fourth column of Annex B as amended.

^c Added to Annex B by an amendment adopted pursuant to decision 10/CMP.2. This amendment has not yet entered into force.

^d Countries that have not yet ratified the Kyoto Protocol.

^{*} Countries that are undergoing the process of transition to a market economy.

Option 3

The following table shall replace the table in Annex B to the Protocol:

Annex B

Party	Quantified emission limitation or reduction commitment (2013–V ^a)				
	Assigned amount (Gg CO ₂ eq)	Reduction rates from 1990 (per cent)	Reduction rates from 2000 (per cent)	Reduction rates from 2005 (per cent)	Reduction rates from 2007 (per cent)
Australia					
Austria					
Belarus ^{b*}					
Belgium					
Bulgaria*					
Canada					
Croatia*					
Czech Republic*					
Denmark					
Estonia*					
European Community					
Finland					
France					
Germany					
Greece					
Hungary*					
Iceland					
Ireland					
Italy					
Japan					
Latvia*					
Liechtenstein					
Lithuania*					
Luxembourg					
Monaco					
Netherlands					
New Zealand					
Norway					
Poland*					
Portugal					
Romania*					
Russian Federation*					
Slovakia*					
Slovenia*					
Spain					
Sweden					

Table (continued)

Party	Quantified emission limitation or reduction commitment (2013–V^a)				
	Assigned amount (Gg CO₂ eq)	Reduction rates from 1990 (per cent)	Reduction rates from 2000 (per cent)	Reduction rates from 2005 (per cent)	Reduction rates from 2007 (per cent)
Switzerland					
Ukraine [*]					
United Kingdom of Great Britain and Northern Ireland					
United States of America ^c					

^a “V” represents the year in which the second commitment period ends.

^b Added to Annex B by an amendment adopted pursuant to decision 10/CMP.2. This amendment has not yet entered into force.

^c Countries that have not yet ratified the Kyoto Protocol.

^{*} Countries that are undergoing the process of transition to a market economy.

Option 4

The following annex shall be inserted immediately after Annex B to the Protocol:¹

Annex B.I

Party	Quantified emission limitation or reduction commitment for the second commitment period (2013–2017) (percentage of base year or period)
Party A	
Party B	
...	

¹ Tuvalu suggests that an Annex B.I could be added to include commitments not only for Annex I Parties for the second commitment period but also for non-Annex I Parties that have elected to take up commitments in the second commitment period. In this instance, Annex B would not be amended and commitments for the second commitment period would be reflected in Annex B.I. The adoption of an Annex B.I would result in consequential amendments that are not reflected in this note since they do not flow directly from an amendment to Annex B. The consequential amendments proposed by Tuvalu arising from its Annex B.I option are contained in document FCCC/KP/AWG/2009/MISC.6/Add.1.

Option 5

The following annex shall be inserted immediately after Annex B to the Protocol:²

Annex C

Party	Base year or period (per cent)	Reference year 2007 (per cent)	Budget (Gg CO₂ eq)	Other quantified mitigation commitments
Party A				
Party B				
...				

B. Article 3, paragraph 1 bis

Option 1

The following paragraph shall be inserted after paragraph 1 of Article 3 of the Protocol:

1 bis. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed [in the third column of the table contained] in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by

X per cent below 1990 levels by 2020[and by S per cent below 1990 levels by 2050]

or

at least X per cent below 1990 levels in the second commitment period 2013 to 2017 and at least Q per cent below 1990 levels in the third commitment period 2018 to 2022

or

X per cent below W levels by V³

² New Zealand suggests the addition of a new table to be included as Annex C as a further option for presenting Parties' commitments in the second commitment period. Annex C would be additional to Annex B, which would continue to exist for ongoing reference and use for end of commitment period accounting and compliance procedures. This new annex would contain not only new quantified emission limitation or reduction commitments, which would be expressed as a percentage of base year emissions and in terms of gigagrams of carbon dioxide equivalent, but also "other quantified mitigation commitments". The adoption of an amendment to Annex C would result in consequential amendments that are not reflected in this note since they arise from the proposal to add a new annex and do not flow directly from an amendment to Annex B. The consequential amendments proposed by New Zealand arising from its Annex C option are contained in document FCCC/KP/AWG/2009/MISC.7. New Zealand has also indicated that the new table could be part of Annex B as amended.

³ Parties have made proposals with regard to the scale of emission reductions to be achieved by Annex I Parties in aggregate. These proposals are found in the non-paper "A compilation of proposals by Parties for aggregate and individual figures for Annex I Parties".

[, [with the provision of][and in accordance with] the annual compliance assessment set out in Article [7][R]].

Option 2

The following paragraph shall be inserted after paragraph 1 of Article 3 of the Protocol:

1 bis. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by an amount greater than X per cent below 1990 levels in the commitment period 2013 to 2017 that has been determined on the basis of the following criteria in order to ensure consistency with the ultimate objective of the Convention and the principles of equity and common but differentiated responsibilities:

- (a) Historical responsibility of Annex I Parties, individually and jointly, for current atmospheric concentrations of greenhouse gases;
- (b) The historical and current per capita emissions in developed countries;
- (c) Technological, financial and institutional capacities;
- (d) The share of global emissions required by developing countries in order to meet their social and development needs.

Option 3

(would only apply if option 3 for Annex B above is selected)

The following paragraph shall be inserted after paragraph 1 of Article 3 of the Protocol:

1 bis. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed, in the commitment period 2013 to V, their respective assigned amounts inscribed in Annex B which are established in a manner ensuring comparability of efforts of each Party included in Annex I, taking into account national and sectoral aspects, in order to take the lead in combating climate change, with a view to contributing to the global efforts towards the peaking-out of the global emissions of greenhouse gases in the next 10 to 20 years, and to ensuring a long-term pathway for each Party included in Annex I towards significant emission reduction.

Option 4

(would only apply if option 4 for Annex B above is selected)

The following paragraph shall be inserted after paragraph 1 of Article 3 of the Protocol:

1 bis. The Parties included in Annex I, and Parties not included in Annex I, if they so elect, shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of greenhouse gases listed in Annex A and Annex A.I do not exceed their assigned amounts, calculated pursuant to the quantified emission limitation and reduction commitments inscribed in Annex B.I⁴ and in accordance with the provisions of this Article, with a view to reducing overall emissions of such gases by at least X per cent below 1990 levels in the commitment period 2013–2017.

⁴ See option 4 in section A above.

C. Article 3, paragraph 1 ter⁵

The following paragraph shall be inserted after paragraph 1 bis of Article 3 of the Protocol:

1 ter. The quantified emission limitation or reduction commitments and [...] for the period [...] inscribed in [...] shall only apply once [*specified conditions have been met, for example, a percentage of certain carbon dioxide emissions are covered*], a minimum number of Parties included in Annex I have accepted the amendment, and links to the entry into force of the agreed outcome under the Ad Hoc Working Group on Long-term Cooperative Action under the Convention have been satisfied]].

D. Article 3, paragraph 7 bis

Option 1

The following paragraph shall be inserted after paragraph 7 of Article 3 of the Protocol:

7 bis. In the second quantified emission limitation and reduction commitment period, from [2013 to 2017][2013 to 2020], the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in the third column of the table contained in Annex B of its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by [five][eight]. [Those Parties included in Annex I for whom land-use change and forestry constituted a net source of greenhouse gas emissions in 1990 shall include in their 1990 emissions base year or period the aggregate anthropogenic carbon dioxide equivalent emissions by sources minus removals by sinks in 1990 from land-use change for the purposes of calculating their assigned amount.]

Option 2

The following paragraph shall be inserted after paragraph 7 of Article 3 of the Protocol:

7 bis. By 2020, T and U, respectively, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in the third column of the table contained in Annex B of its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in W, or the base year or period determined in accordance with paragraph 5 above, which is P.⁶ Those Parties included in Annex I for whom land-use change and forestry constituted a net source of greenhouse gas emissions in 1990 shall include in their 1990 emissions base year or period the aggregate anthropogenic carbon dioxide equivalent emissions by sources minus removals by sinks in 1990 from land-use change for the purposes of calculating their assigned amount.

⁵ Would only apply in the case where the proposal under Article 3, paragraph 1 bis, above is for a second commitment period only and not for multiple commitment periods.

⁶ According to Canada, a linear reduction for the target date would imply a different result, which would need to be reflected accordingly in the text.

Option 3⁷

(would apply only if option 5 for Annex B above is selected)

The following paragraph shall be inserted after paragraph 7 of Article 3 of the Protocol:

7 bis. In the second commitment period, from 2013 to V, each Party included in Annex I shall elect to use either the number of gigagrams of carbon dioxide equivalent or the percentage of its aggregate anthropogenic carbon dioxide equivalent emissions relative to the base year or period as listed in Annex C⁸ for the purpose of calculating its assigned amount in the commitment period. Where no election is made, the percentage of base year or period shall be used to determine the assigned amount. The decision of a Party shall be fixed for the duration of the commitment period as follows:

- (a) For each Party included in Annex I which elects to use the number of gigagrams of carbon dioxide equivalent emissions inscribed in Annex C to express its binding emission limitation or reduction commitment under this Protocol, that number shall constitute its assigned amount;
- (b) For each Party included in Annex I which elects to use the percentage of its carbon dioxide equivalent emissions in the base year or period inscribed in Annex C to express its binding emission limitation or reduction commitment under this Protocol, its assigned amount shall be equal to that percentage of its aggregate anthropogenic carbon dioxide equivalent emissions for the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by the number of years in the commitment period.

E. Article 3, paragraph 7 ter

The following paragraph shall be inserted after paragraph 7 bis of Article 3 of the Protocol:

7 ter. In the third quantified emission reduction commitment period, from [2018 to 2022][2021 to 2028], the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregate quantified anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by [five][eight].

⁷ According to New Zealand, should Parties not agree that Annex I Parties can express their quantified emission reduction or limitation commitment as a number of gigagrams of carbon dioxide equivalent, the second sentence of Article 3, paragraph 7, may need to be retained in Article 3, paragraph 7 bis. This may also be required for calculating the reference percentage ranges for Parties that elect to use the gigagrams option for calculating their assigned amount.

⁸ See option 5 in section A above.

F. Article 3, paragraph 7 quater

The following paragraph shall be inserted after paragraph 7 ter of Article 3 of the Protocol:

7 quater. For the subsequent commitment periods up to 2050, the assigned amount for each Party included in Annex I shall be equal to the percentage to be inscribed in Annex B of its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by the length of said commitment period, taking into account the need to ensure that Parties included in Annex B meet their aggregate emission reduction commitments as specified in paragraphs 1 bis and 1 ter above.

G. Article 3, paragraph[s] 9 [and 9 bis]⁹

Option 1

In paragraph 9 of Article 3 of the Protocol, for the words:

the consideration of such commitments

there shall be substituted:

the consideration of commitments for the second commitment period

The following paragraph shall be inserted after paragraph 9 of Article 3 of the Protocol:

9 bis. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of commitments for the [third][fourth] and subsequent commitment periods at least Z years before the end of the commitment period that immediately precedes the commitment period under consideration.

Option 2

Paragraph 9 of Article 3 of the Protocol shall be deleted and replaced by the following paragraph:

9. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of a subsequent commitment period at least [five][Z] years before the end of the current commitment period.

Option 3

The second sentence of paragraph 9 of Article 3 of the Protocol shall be deleted and the following paragraph shall be inserted after paragraph 9 of Article 3 of the Protocol:

9 bis. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of commitments for any further subsequent commitment periods at least [five][seven] years before the end of the commitment period that immediately precedes the commitment period under consideration.

⁹ Square brackets and their contents will be removed as appropriate, depending on the option that is chosen.

Option 4

The following paragraph shall be inserted after paragraph 9 of Article 3 of the Protocol:

9 bis. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of [the adequacy of commitments and actions under Articles [...] and] [further] commitments for [any further][the third and] subsequent commitment periods at least [five][Z] years before the end of [the commitment period that immediately precedes the commitment period under consideration][the second and subsequent commitment periods].

Option 5

The following paragraph shall be inserted after paragraph 9 of Article 3 of the Protocol:

9 bis. Commitments for subsequent periods for Parties included in Annex I shall be established in amendments to Annex [...] to this Protocol, which shall be adopted in accordance with the provisions of Article 21, paragraph 7. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of such commitments at the mid-term review as established in Article 3, paragraph 15, below.

H. Article 3, paragraph 15¹⁰

The following paragraph shall be inserted after paragraph 14 of Article 3 of the Protocol:

15. Commitments set out in Article 3, paragraph 1, shall be subject to a mid-term review on the basis of best available scientific information and compliance of commitments from Parties included in Annex [...]. This review shall occur at the middle of each commitment period (i.e. 2016 for the second commitment period).

I. Article 4, paragraph[s] 2 [and 3][, 3 and 3 bis]¹¹

Option 1

The following words shall be added to the end of the first sentence of paragraph 2 of Article 4 of the Protocol:

, or on the date of deposit of their instruments of acceptance of any amendments to Annex B pursuant to Article 3, paragraph 9 [bis]

Option 2

In paragraph 3 of Article 4 of the Protocol, for the words:

the commitment period specified in Article 3, paragraph 7

there shall be substituted:

¹⁰ This section relates only to option 5 in section G above.

¹¹ Square brackets and their contents will be removed as appropriate, depending on the option that is chosen.

any commitment period established by the Conference of the Parties serving as the meeting of the Parties to this Protocol

Option 3

The following paragraph shall be inserted after paragraph 3 of Article 4 of the Protocol:

3 bis. In the second commitment period, any such agreement shall remain in operation for the duration of the commitment period specified in Article 3, paragraph 7 bis.

ARTICLE 2: ENTRY INTO FORCE

Option 1

This Amendment shall enter into force in accordance with Article 20, paragraphs 4 and 5, of the Protocol.

Option 2

1. The provisions of this Amendment shall apply to all Parties immediately upon the conclusion of the first commitment period under Article 3, paragraph 1, of the Protocol, and shall continue to apply on a provisional basis until the entry into force of the Amendment for each Party.

2. This Amendment shall enter into force in accordance with Article 20, paragraphs 4 and 5, of the Protocol.
