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INFORMATION NOTE

Requirements for Parties to participate in the adoption of amendments to the Kyoto Protocol

The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its eighth session (CMP 8) will be invited to consider the outcome of the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), including amendments to Annex B to the Kyoto Protocol to reflect Parties' quantified emission limitation or reduction commitments for the second commitment period as well as other related amendments to the Kyoto Protocol.¹

Further to Annex III to the notification to Parties dated 26 September 2012, this note provides additional details on the requirements for Parties to participate in the adoption of amendments to the Kyoto Protocol, in particular, on credentials, written consent and full powers.

I. Credentials

Parties are invited to note that only Parties with valid credentials will be able to participate in the adoption of amendments to the Kyoto Protocol. In the event of a vote, those Parties that have not submitted their credentials or have submitted credentials that are not valid, will not be allowed to participate in the voting. In addition, if the secretariat is requested to confirm whether a quorum to take decisions is present, the quorum will be determined on the basis of Parties that have submitted valid credentials. In accordance with rule 31 of the draft rules of procedure being applied (FCCC/CP/1996/2), the presence of two thirds of the Parties to the Kyoto Protocol (i.e., 128 of the 192 Parties to the Kyoto Protocol) will be required for any decision to be taken.

In accordance with rule 19 of the draft rules of procedure being applied (FCCC/CP/1996/2), the credentials of representatives of Parties, as well as the names of alternate representatives and advisers, shall be submitted to the secretariat no later than 24 hours after the opening of that session. Any later change in the composition of the delegation shall also be communicated to the secretariat.

Distribution: To Parties and observer States through national focal points for climate change, Permanent Representatives to the United Nations in New York and to diplomatic missions accredited to the Federal Republic of Germany.

¹ See the annotations to the agenda for CMP 8, document FCCC/KP/CMP/2012/1, paragraph 33.



The credentials must be issued by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by a competent authority of that organization. They should indicate the date and place where the instrument was issued, be signed by the competent authority and indicate the title of the signatory. In the case of a person acting ad interim, as the Head of State or Government or as the Minister of Foreign Affairs, the title must indicate that the person is exercising such powers ad interim. In this respect, the secretariat will accept the following formulations: Acting President, Acting Prime Minister, Acting Minister of Foreign Affairs, President ad interim, Prime Minister ad interim and Minister of Foreign Affairs ad interim.

The secretariat wishes to remind Parties that in accordance with decisions 17/CP.9 and 36/CMP.1, only one set of credentials is necessary to cover the participation of Parties to the Convention and Parties to the Kyoto Protocol at the eighteenth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 18) and at CMP 8.

Original credentials, duly signed as indicated above, written in one of the six official languages of the United Nations,² should be deposited with the External Relations Office, located in the Conference Affairs Services Office at the Qatar National Convention Centre (QNCC), in Doha, Qatar. No other office of the secretariat or of the Host Country is designated to receive credentials. In addition, information concerning the appointment of representatives participating in the sessions which is communicated by means of facsimile or e-mail or as letters or notes verbales from ministries, embassies, permanent missions to the United Nations or other participating government offices or authorities, or through local United Nations Offices, will not be considered as credentials. Receipt of valid credentials will be acknowledged by the secretariat in writing on a copy of the original credentials. Please provide a copy of the original credentials for that purpose.

In accordance with rule 20 of the draft rules of procedure being applied, the Bureau is to examine the credentials and submit its report to the COP and the CMP.

Parties that have any further questions on credentials are requested to contact the Protocol and External Relations Officer of the secretariat, Mr. Horacio Peluffo by e-mail, (hpeluffo@unfccc.int).

II. Written consent and full powers

Written consent

In addition to the above mentioned credentials, the secretariat wishes to remind Parties that, in accordance with Article 21, paragraph 7, of the Kyoto Protocol, any amendment to Annex B shall be adopted only with the written consent of the Party concerned.³

The Parties concerned (i.e. Parties wishing to be included in Annex B in relation to the second commitment period) are reminded to deposit their written consents in advance of CMP 8 or, at the latest, in advance of the meeting of the CMP at which the proposed amendments to the Kyoto Protocol forwarded to it by the AWG-KP are to be considered for adoption.

² Arabic, Chinese, English, French, Russian or Spanish. To facilitate the examination of credentials, a courtesy translation in English would be appreciated if the credentials have been executed in another language.

³ See the annotations to the agenda for CMP 8, document FCCC/KP/CMP/2012/1, paragraph 32.



The written consent should be issued and signed by the Head of State or Government or Minister of Foreign Affairs or, in the case of a regional economic integration organization, by a competent authority of that organization, or signed by another official with full powers to that effect, issued by one of the aforementioned qualified authorities.⁴ The written consent should be deposited in one of the official languages of the United Nations. A template for the written consent is included in Annex I to this note for consideration by Parties.

Full powers

Parties may wish to note that, where a Party's representative, other than the Head of State or Government or Minister of Foreign Affairs, issues a written consent for the purposes of Article 21, paragraph 7, of the Kyoto Protocol, the relevant official should be in possession of full powers authorizing him or her to execute the written consent on behalf of the Party.

The full powers should be issued and signed by the Head of State or Government or Minister of Foreign Affairs or, in the case of a regional economic integration organization, by a competent authority of that organization. They should specify that the representative of the Party is authorized to issue on behalf of the Party a written consent for the purposes of Article 21, paragraph 7, of the Kyoto Protocol. The full powers shall state the full name of the person so authorized. While credentials cannot take the place of full powers, language authorizing a Party's representative to provide written consent for the purposes of Article 21, paragraph 7, of the Kyoto Protocol may be included in a Party's credentials.

Full powers, where required, should be deposited with the secretariat in one of the official languages of the United Nations together with the written consent. A template for the full powers is included in annex II to this notification for consideration by Parties.

Depositing written consents and full powers

To enable the efficient routing of such documents, it would be helpful if any communication on written consent and, as appropriate, full powers could clearly indicate that it pertains to the written consent being submitted pursuant to Article 21, paragraph 7, of the Kyoto Protocol and, as appropriate, to full powers. Such a communication should also indicate the contact person for any questions on the document(s) submitted.

For communications on the written consent submitted before 9 November 2012, the original signed versions of written consents and, as appropriate, full powers should be mailed to the following postal address:

**UNFCCC secretariat
(for the attention of the Legal Affairs programme)
P.O. Box 260124
D-53153 Bonn
Germany**

⁴ In the case of a written consent signed by an official with full powers issued for that purpose, an original of the full powers should be provided together with the written consent. More information on full powers is provided in the section below.



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A copy of the signed written consent and, as appropriate, full powers, may be sent to the secretariat by e-mail (<secretariat@unfccc.int>) or facsimile (+49 228 815 1999), provided that the original follows promptly.

Parties are requested not to mail any written consent and, as appropriate, full powers, after 9 November 2012 and to instead deposit these at the offices of the Legal Affairs programme at the QNCC. Information on the location of these temporary offices will be provided in due course. No other office of the secretariat or of the Host Country is designated to receive written consents and full powers.

Parties that have any further questions on written consent and full powers are requested to contact Ms. Maria Socorro Manguiat, Legal Officer, by e-mail (mmanguiat@unfccc.int).

This information note is also available on the UNFCCC website at:
<<http://unfccc.int/3153.php>>.

Yours sincerely,

(signed by)

Christiana Figueres



Annex I

WRITTEN CONSENT

I, the undersigned [name and title of the Head of State, Head of Government or Minister of Foreign Affairs of [name of Party]][duly authorized representative of [name of Party] in possession of full powers in relation to the written consent],

HEREBY PROVIDE on behalf of [name of Party] written consent under Article 21, paragraph 7, of the Kyoto Protocol to the adoption of an amendment to Annex B of the said Protocol to be adopted by the CMP at its eighth session.

Done at ^[place] on ^[date]

[Signature]



Annex II
FULL POWERS

I, the undersigned [name and title of the Head of State, Head of Government or Minister of Foreign Affairs of [name of Party]]

HEREBY AUTHORIZE [name and title] to issue on behalf of [name of Party] written consent under Article 21, paragraph 7, of the Kyoto Protocol to the adoption of an amendment to Annex B of the said Protocol to be adopted by the CMP at its eighth session.

Done at ^[place] on ^[date]

[Signature]