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**CONFERENCE OF THE PARTIES SERVING AS THE
MEETING OF THE PARTIES TO THE KYOTO PROTOCOL**

**Report of the Conference of the Parties serving as the
meeting of the Parties to the Kyoto Protocol
on its fourth session, held in Poznan
from 1 to 12 December 2008**

Addendum

**Part Two: Action taken by the Conference of the Parties serving as the
meeting of the Parties to the Kyoto Protocol at its fourth session**

CONTENTS

**Decisions adopted by the Conference of the Parties serving as
the meeting of the Parties to the Kyoto Protocol**

<i>Decision</i>		<i>Page</i>
1/CMP.4	Adaptation Fund	3
2/CMP.4	Further guidance relating to the clean development mechanism	4
3/CMP.4	Advancing the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol	13
4/CMP.4	Compliance Committee	14
5/CMP.4	Guidance on the implementation of Article 6 of the Kyoto Protocol	18
6/CMP.4	Capacity-building for developing countries under the Kyoto Protocol	21

<i>Decision</i>		<i>Page</i>
7/CMP.4	Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol.....	23
8/CMP.4	Administrative, financial and institutional matters.....	24
 <i>Resolution</i>		
1/CMP.4	Expression of gratitude to the Government of the Republic of Poland and the people of the city of Poznan.....	26

Decision 1/CMP.4
Adaptation Fund¹

¹ The text of decision 1/CMP.4 is contained in document FCCC/KP/CMP/2008/11/Add.2.

Decision 2/CMP.4

Further guidance relating to the clean development mechanism

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

Recalling the provisions of Articles 3 and 12 of the Kyoto Protocol,

Cognizant of decisions 7/CMP.1, 1/CMP.2 and 2/CMP.3,

Recognizing the rapidly expanding portfolio of clean development mechanism project activities and the increasing volume of work for the Executive Board of the clean development mechanism,

Welcoming the establishment of 137 designated national authorities, 109 among them in developing country Parties,

Reminding Parties wishing to participate in clean development mechanism project activities of the need to identify a designated national authority,

Reiterating the importance of ensuring the efficient, cost-effective and transparent functioning of the clean development mechanism and the executive and supervisory role of its Executive Board,

Affirming that it is the host Party's prerogative to confirm whether a clean development mechanism project activity assists it in achieving sustainable development,

I. General

1. *Takes note with appreciation* of the annual report for 2007–2008 of the Executive Board of the clean development mechanism,¹ in particular information on:

- (a) The registration of an additional 359 clean development mechanism project activities, which brings the total of registered project activities to 1,186;
- (b) The issuance of an additional 107,604,113 certified emission reductions, which brings the total of certified emission reductions to 202,845,016;
- (c) The accreditation and designation of one additional operational entity, which brings the total of operational entities to 19;
- (d) The approval of an additional 27 baseline and monitoring methodologies, including the consolidation of four methodologies into two consolidated methodologies, which brings the total of approved baseline and monitoring methodologies to 121;

2. *Designates* as operational entities those entities that have been accredited, and provisionally designated, as operational entities by the Executive Board to carry out sector-specific validation functions and/or sector-specific verification functions as listed in the annex;

3. *Requests* the Executive Board, based on its relevant experience, to make recommendations to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol for consideration at its fifth and subsequent sessions for improving the efficiency of the operation of the clean development mechanism;

¹ FCCC/KP/CMP/2008/4.

II. Governance

4. *Reaffirms* that the Executive Board shall adopt revisions of its management plan as necessary and shall submit the management plan for 2009 to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol for its information pursuant to the provisions in decision 1/CMP.2, paragraph 8;
5. *Requests* the Executive Board:
 - (a) To keep the management plan under review and make adjustments to it as necessary to continue ensuring the efficient, cost-effective, transparent and consistent functioning of the clean development mechanism;
 - (b) To take action that allows it to emphasize its executive and supervisory role by, inter alia, ensuring effective use of its support structure, including its panels, other outside expertise and the secretariat, and by strengthening the role of designated operational entities;
 - (c) To revise the management plan according to the workload for 2009 and adopt this revision in a timely manner, no later than its forty-sixth meeting, and implement its provisions efficiently;
 - (d) To make use of and further develop performance and management-level indicators and enhance the provision of information derived from these;
6. *Welcomes* the approval of the *Clean Development Mechanism Validation and Verification Manual*,² which is intended to promote quality and consistency in verification and validation work;
7. *Also welcomes* the adoption by the Executive Board of timelines for tasks carried out by the secretariat, such as completeness checks;
8. *Notes with serious concern* the delays in project registration and certified emission reduction issuance caused by, inter alia, the completeness check processes;
9. *Urges* the Executive Board to take effective action to speed up the completeness check processes;
10. *Requests* the Executive Board to establish timelines for each of its procedures including revision of and deviation from approved methodologies and approval of revised monitoring plans by the Executive Board, its supporting structures and the secretariat;
11. *Welcomes* the work started by the Executive Board to enhance consistency and transparency in its decision-making, such as its adoption of a workplan to categorize documentation, including a clear history of changes in documents approved by the Executive Board, in order to improve the transparency of and access to documents of the Executive Board;
12. *Requests* the Executive Board, as early as possible in 2009, with a view to further improving transparency and consistency in decision-making, to classify, index and publish decisions, clarifying the hierarchy of its decisions, to demonstrate the relationship between new and previous

² Report of the forty-fourth meeting of the Executive Board of the clean development mechanism, annex 3. Available at <<http://cdm.unfccc.int/EB/index.html>>.

decisions, to further substantiate decisions and to make public the rationale for its decisions, taking into account that the information provided may encompass background information and examples, depending upon the nature of the decision, without compromising the confidentiality of the opinion of any individual Executive Board member;

13. *Also requests* the Executive Board to review its experience gained in the project registration and certified emission reductions issuance processes, to summarize systematically the major issues that trigger a request for review and corresponding justification, to develop a dedicated document compiling the major criteria for decision-making during the review process and to make it publicly available through the UNFCCC CDM website;

14. *Further requests* the Executive Board to adhere to the principle that any decision, guidance, tool and rule shall not be applied retroactively;

15. *Commends* the Executive Board on its efforts to deal with the steadily growing workload under the current governance structure;

16. *Reiterates* its encouragement to the Executive Board to ensure a balance in applying its resources between satisfying caseload needs and making general policy and system improvements pursuant to decision 2/CMP.3, paragraph 11;

17. *Takes note with appreciation* of the satisfaction expressed by the Executive Board with regard to the high quality of work and dedication of its support structure, including the secretariat;

18. *Requests* the Executive Board:

- (a) To maintain and regularly update the *Clean Development Mechanism Validation and Verification Manual* and carry out outreach and implementation activities in order to enhance the understanding among designated operational entities of the requirements of the manual and facilitate its implementation; the initial update will take into account, as its highest priority, an assessment conducted by the Executive Board on the implication of the possible inclusion in the *Clean Development Mechanism Validation and Verification Manual* of the concepts of materiality and level of assurance;
- (b) To continue to streamline the registration and issuance processes of the clean development mechanism by assessing the existing timelines and take the necessary action to ensure the efficient and timely consideration of requests for registration and issuance;
- (c) To explore ways and means to enhance the effectiveness of its communication with project participants without going through designated operational entities and to report on actions taken to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session;
- (d) To continue to closely monitor the adequacy of the operation of its support structure, particularly should the size and value of the clean development mechanism increase as expected, to take action, as appropriate, to ensure the effectiveness of its service and to report on actions taken to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session;

III. Accreditation

19. *Reaffirms* the important role of designated operational entities in the implementation of the clean development mechanism, as indicated in decision 3/CMP.1, paragraph 27;

20. *Commends* the enhanced cooperation and communication between the Executive Board and the designated operational entities by involving the designated operational entities in Executive Board meetings and relevant workshops;
21. *Takes note* of the work of the Executive Board in revising the accreditation process to provide a more simplified system of accreditation;
22. *Commends* the Executive Board for its work to enhance the operationalization of the accreditation procedure by developing an accreditation standard and revising procedures, while continuing to ensure that designated operational entities comply with the required standards, including by continuously monitoring the performance of designated operational entities in order to improve performance incentives for designated operational entities;
23. *Requests* the Executive Board to complete, as its highest priority, its revision of the accreditation process with a view to simplifying and streamlining the process in order to ensure the effective and efficient application of standards and that sufficient numbers of designated operational entities, especially in developing countries, are available to meet the continuously increasing demand for their services;
24. *Also requests* the Executive Board to complete, in parallel, its accreditation standard;
25. *Decides* that the Executive Board may recover the costs related to a request for review of a request for registration of a proposed project activity or a request for issuance of certified emission reductions in cases where the Executive Board decides to reject such a request and the designated operational entity repeatedly fails to comply with the requirements of the Executive Board;
26. *Requests* the Executive Board:
 - (a) To develop and apply, as a priority, a system for continuous monitoring of the performance of designated operational entities and a system to improve the performance of designated operational entities;
 - (b) To develop and apply measures to ensure that designated operational entities comply with the requirements and meet the standards established by the Executive Board for designated operational entities;
 - (c) To facilitate the accreditation of more applicant entities from developing countries by, inter alia, reducing the costs for the necessary accreditation procedures incurred by applicant entities from developing countries, in order to address the shortage of validation and verification services and enhance the equitable regional distribution of clean development mechanism project activities;
 - (d) To finalize, prior to the fifth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, its work on a policy framework to address non-compliance by designated operational entities in a systematic manner, including transparent criteria for the application of sanctions in cases of non-compliance;
 - (e) To enhance the transparency of the performance of designated operational entities, including by regularly publishing statistics on their performance on the UNFCCC CDM website and report on actions taken to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth and subsequent sessions;

27. *Also requests* the Executive Board to analyse the means to enhance the impartiality and independence of designated operational entities and to report on its findings to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session;

28. *Decides* that the Executive Board may provide in its procedures for the suspension of accreditation in respect of specific scopes or functions of a designated operational entity;

29. *Requests* the Executive Board to analyse possible arrangements for ensuring that projects under validation and verification by a suspended designated operational entity are not prejudiced by the suspension, and report on its findings to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session;

30. *Urges* designated operational entities to speed up the process of validation and verification, while ensuring the quality of validation and verification;

IV. Methodologies and additionality

31. *Takes note* of the increasing number of consolidated, approved methodologies and methodological tools covering a wide range of methodological approaches and applicability conditions, as well as the optional tools for demonstrating additionality and identifying the baseline scenario,³

32. *Also takes note* of the importance of maintaining the broad applicability of small-scale methodologies in order to ensure the relative ease of implementation of small-scale project activities while maintaining environmental integrity;

33. *Reiterates* its encouragement:

- (a) To project participants to develop and submit, and the Executive Board to approve, more methodologies with broad applicability conditions, in order to increase the availability of different technologies and measures, ensuring ease of use without jeopardizing the environmental integrity of the clean development mechanism;
- (b) To project participants to submit methodologies for the transport, agriculture, afforestation and reforestation and demand-side energy efficiency sectors with innovative approaches to determining baselines and facilitating monitoring;
- (c) To project participants to prepare and submit programmes of activities;
- (d) To Parties, intergovernmental organizations, non-governmental organizations, industry and others to support the development by project participants of broadly applicable methodologies;

34. *Encourages* the Executive Board:

- (a) To continue its efforts to broaden the application of methodologies while maintaining their environmental integrity; and to ensure that consolidated methodologies cover the full range of methodological approaches and applicability conditions covered by the underlying approved methodologies, while enhancing ease of use;
- (b) To further develop generic and user-friendly methodological tools that can assist project participants in designing or applying methodologies, thereby ensuring the simplicity and consistency of methodologies;

³ Available at <<http://cdm.unfccc.int/methodologies/index.html>>.

- (c) To intensify its work relating to energy efficiency and renewable energy activities as clean development mechanism project activities, given that such project activities contribute to sustainable development but face difficulties under the clean development mechanism, while continuing to ensure environmental integrity;

35. *Requests* the Executive Board to examine the large proportion of approved methodologies which have never been utilized, identify the reasons for non-utilization, and to take the lessons learned into account in the approval and revision of methodologies;

36. *Requests* the Executive Board to further enhance the objectivity of approaches used to assist in the demonstration and assessment of additionality while ensuring environmental integrity, including, where appropriate:

- (a) Standardized methods to calculate financial parameters;
- (b) Quantitative approaches to the demonstration of barriers;
- (c) Assessment of common practice, including the definition of the applicable region and similar technologies;

37. *Requests* the Executive Board to further enhance the objectivity in the determination of emission baselines;

38. *Requests* the Executive Board to continue its work, as a matter of urgency, on the provision of guidance on programmes of activities, including: guidance on institutional responsibilities; guidance for designated operational entities undertaking validation and/or verification of a programme of activities; and definition of liabilities and requirements for the different stakeholders involved in the process of developing a programme of activities, with a view to swiftly overcoming the identified barriers to the implementation of programmes of activities;

39. *Also requests* the Executive Board to take fully into account, in its work and in the work of its support structure, the laws, regulations, policies, standards and guidelines that apply in the host countries;

40. *Commends* the Executive Board for its consideration and subsequent approval of a new small-scale energy efficiency methodology that decreased the monitoring cost significantly by allowing default factors;

41. *Requests* the Executive Board to assess the implications of the possible inclusion of carbon dioxide capture and storage in geological formations as clean development mechanism project activities, taking into account technical, methodological and legal issues, and report back to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session;

42. *Requests* the Executive Board to assess the implications of the possible inclusion of lands with forests in exhaustion as afforestation and reforestation clean development mechanism project activities, taking into account technical, methodological and legal issues, and report back to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session;

43. *Requests* that the Executive Board explore the use of default emission factors for small-scale end-user energy efficiency methodologies, where appropriate;

44. *Commends* the Executive Board for identifying issues and constraints for the application of methodologies relating to demand-side energy efficiency measures, energy efficiency improvements in supply-side domestic appliances and mass transport;

45. *Requests* that these issues and constraints are addressed with due priority in view of their importance;

46. *Encourages* the Executive Board to expand the applicability of methodologies for programmes of activities by allowing a combination of small-scale methodologies;

47. *Requests* the Executive Board to develop options to assist in the calculation of emission factors for off-grid electricity generation;

V. Regional and subregional distribution and capacity-building

48. *Welcomes* the work undertaken by the Designated National Authorities Forum, which could contribute to broader participation in the clean development mechanism, inter alia, through the sharing of information and experience;

49. *Notes* the work undertaken by the Executive Board with respect to regional and subregional distribution of clean development mechanism project activities, systematic or systemic barriers to their equitable distribution and options to address these, and recommendations that were made by the Executive Board in response to decision 2/CMP.3, paragraph 29;

50. *Emphasizes* that further efforts are necessary to promote equitable regional and subregional distribution of clean development mechanism project activities;

51. *Encourages* the Executive Board and the secretariat to continue to facilitate the equitable regional and subregional distribution of project activities;

52. *Requests* the secretariat to enhance capacity-building activities in the context of the Designated National Authorities Forum and to facilitate closer cooperation between the designated national authorities of Parties included in Annex I to the Convention and Parties not included in Annex I to the Convention (non-Annex I Parties), as well as capacity-building activities between designated national authorities of non-Annex I Parties;

53. *Also requests* the Executive Board to develop, in consultation with designated national authorities, ways to streamline the process relating to clean development mechanism project activities in countries hosting fewer than 10 registered clean development mechanism project activities, especially in the least developed countries, small island developing States and Africa, without compromising environmental integrity;

54. *Further requests* the Executive Board, taking into account its workload and that of its support structure, to facilitate the development and approval of new and revised existing methodologies, based on the specific needs of, and potential for, application in countries underrepresented in the clean development mechanism, in order to assist those countries in realizing their clean development mechanism potential by expanding project activity types, while ensuring environmental integrity;

55. *Encourages* Parties and United Nations organizations, in particular partner agencies of the Nairobi Framework,⁴ to focus their capacity-building activities on the development of clean development mechanism project activities, in close consultation with the recipient countries and in a coordinated fashion across bilateral and multilateral activities, especially in the least developed countries, small island developing States and Africa;

⁴ Launched at the second session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

56. *Also encourages* Parties and entities in the private sector, in a position to do so, to support the identification and development of project design documents in countries hosting fewer than 10 registered clean development mechanism project activities, especially in the least developed countries, small island developing States and Africa, and to meet the cost of validating these projects, while acknowledging that some Parties provide such support through their national purchase programmes and/or their bilateral and multilateral capacity-building activities;

57. *Further encourages* Parties to cooperate bilaterally in the development and implementation of clean development mechanism project activities, in particular through South–South cooperation and capacity transfer, and to facilitate the participation by the private sector in the clean development mechanism by creating the appropriate enabling environment;

58. *Encourages* the private sector to further engage in the clean development mechanism process by paying particular attention to a more equitable regional distribution of clean development mechanism project activities;

59. *Also encourages* designated operational entities to establish offices and partnerships in developing countries in order to reduce the transaction costs for those countries and contribute to a more equitable distribution of clean development mechanism project activities;

60. *Acknowledges* the work undertaken in the context of the Nairobi Framework to catalyse the clean development mechanism in Africa;

61. *Encourages* project participants, stakeholders and experts to make use of the CDM Bazaar and provide feedback to improve its functionality;

62. *Requests* the secretariat to enhance the CDM Bazaar in order to increase its use in developing countries;

63. *Also requests* the secretariat to continue its work in facilitating coordination among the partner agencies in the implementation of the Nairobi Framework;

VI. Resources for work on the clean development mechanism

64. *Requests* the Executive Board to continue to provide information in its annual report to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on the status and forecast of the revenue from the share of proceeds to cover administrative expenses;

65. *Expresses its appreciation* to the Governments of Austria, Belgium, Spain and the United Kingdom of Great Britain and Northern Ireland for having provided financial resources in support of the Africa Carbon Forum held in Dakar, Senegal, on 3 to 5 September 2008 and in support of the meeting of the Designated National Authorities Forum held in Santiago, Chile, on 27 to 28 October 2008, and to the Government of Chile for hosting the meeting;

66. *Invites* Parties included in Annex I to the Convention to make contributions to the CDM Trust Fund for funding work in support of the Designated National Authorities Forum.

ANNEX

Entities accredited and provisionally designated by the Executive Board of the clean development mechanism and recommended for designation by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol for validation and verification/certification for specific sectoral scopes

Name of entity	Designated and recommended for designation for sectoral scopes	
	Project validation	Emission reduction verification
Bureau Veritas Certification Holding SAS (BVC)	14	
JACO CDM, Ltd. (JACO)	14	
Japan Quality Assurance Organization (JQA)	15	
Japan Consulting Institute (JCI)	4, 5, 10	
Rina S.p.A (RINA)	1, 2, 3	
SGS United Kingdom Ltd. (SGS)	13 (re-accreditation)	14

Note: The numbers 1 to 15 indicate sectoral scopes as determined by the Executive Board. For details, see <<http://cdm.unfccc.int/DOE/scopelst.pdf>>.

*9th plenary meeting
12 December 2008*

Decision 3/CMP.4

Advancing the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol

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

Recalling Article 3, paragraph 9, of the Kyoto Protocol and decision 1/CMP.1,

1. *Welcomes* the progress achieved by the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol in its work pursuant to Article 3, paragraph 9, of the Kyoto Protocol and decision 1/CMP.1;
2. *Takes note with appreciation* of the reports of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on its sessions to date and the oral report by the Chair to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fourth session;
3. *Welcomes* the work programme for 2009 of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol;
4. *Looks forward* to the development of texts pursuant to paragraphs 57, 58 and 59 of document FCCC/KP/AWG/2008/8, with a view to the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol completing its work by the fifth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

*9th plenary meeting
12 December 2008*

Decision 4/CMP.4

Compliance Committee

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

Recalling Article 18 of the Kyoto Protocol,

Recalling also decisions 27/CMP.1, 4/CMP.2 and 5/CMP.3,

Having considered the annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,¹

Noting the proposals of the Compliance Committee to amend the rules of procedure of the Committee in the light of the experience gained by its enforcement branch in its consideration of questions of implementation,

Recognizing the need to continue to ensure the stable, consistent and predictable application of the procedures and mechanisms relating to compliance and the rules of procedure of the Compliance Committee,

Emphasizing that it is not necessary to revisit these procedures and mechanisms and rules of procedure on a regular basis, unless needed and appropriate,

Noting the request of the Compliance Committee regarding funding for the costs of travel to and participation in meetings of the Compliance Committee,²

Noting also the request of the Compliance Committee that the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fourth session take into account, in its consideration of privileges and immunities for individuals serving in constituted bodies under the Kyoto Protocol, the situation of experts from whom advice is sought by the facilitative branch or the enforcement branch of the Compliance Committee,

Cognizant of decision 7/CMP.4 on the issue of privileges and immunities for individuals serving on constituted bodies,

1. *Notes with appreciation* the work carried out by the Compliance Committee during the reporting period;
2. *Adopts* the amendments to the rules of procedure of the Compliance Committee as contained in the annex to this decision, in accordance with the provisions in decision 27/CMP.1, annex, section III, paragraph 2 (d);

¹ FCCC/KP/CMP/2008/5.

² FCCC/KP/CMP/2008/5, paragraph 4 (f).

3. *Decides* that:
 - (a) The length of term for each member of the Compliance Committee also applies to his or her alternate member;
 - (b) Alternate members are not to serve for more than two consecutive terms as alternate members;
4. *Requests* the secretariat to provide, together with the information requested in decision 5/CMP.3, paragraph 3, information to Parties on the implications of the proposal by the Compliance Committee that the United Nations rules and regulations on official travel applied to United Nations staff also be applied to eligible members and alternate members of the Compliance Committee, with a view to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol considering this proposal at its fifth session, including taking any decision in this regard, as appropriate;
5. *Invites* Parties to make voluntary contributions to the Trust Fund for Supplementary Activities in support of the work of the Compliance Committee in the biennium 2008–2009.

ANNEX

**Amendments to the rules of procedure of the Compliance Committee
of the Kyoto Protocol**

1. The following text should be inserted following rule 13:

“9 bis. CALCULATION OF TIME PERIODS

Rule 13 bis

For the purposes of calculating time periods:

- (a) The day of the act or event from which the period of time begins to run shall not be included. The last day of the period so calculated shall be included, unless it is a Saturday, Sunday or official UNFCCC holiday, or official national holiday in the case of a time limit applicable to a Party concerned, in which case the period shall be deemed to run until the end of the next working day;
- (b) Subject to subparagraph (a) above, where a period of time is expressed in weeks, months or years, the day on which the period of time expires shall be the same day of the week, month or year as the day from which the period of time begins to run, or if the month does not have such a date, the last day of that month.”

2. Rule 18 should be revised as follows, in order to extend coverage to the proposed new rule 25 bis, below:

“1. Any submission or comment under rules 14, 15, ~~and 17~~ and 25 bis shall be signed by the agent of the Party and be delivered to the secretariat in hard copy and by electronic means.”

3. The following text should be inserted as a new paragraph 3 under rule 25:

“3. The entitlement of the Party concerned to designate one or more persons to represent it during the consideration of a question of implementation pursuant to paragraph 2 of section VIII extends to any meeting convened:

- (a) To consider reinstatement of eligibility under paragraphs 2, 3 and 4 of section X;
- (b) To consider adjustments and corrections under paragraph 5 of section X;
- (c) To review and assess any plan submitted to the enforcement branch under paragraph 2 or paragraph 6 of section XV;
- (d) To consider any progress report on the implementation of this plan submitted to the enforcement branch under paragraph 3 or paragraph 7 of section XV.”

4. The following text should be inserted following rule 25:

“Rule 25 bis

1. A plan to be submitted by the Party concerned to the enforcement branch under paragraph 2 or paragraph 6 of section XV shall explicitly:
 - (a) Address, in separate sections, each of the elements specified in paragraph 2 or paragraph 6 of section XV;
 - (b) Respond to any specific issues raised in the part of the final decision of the enforcement branch applying the consequences.
2. The enforcement branch shall endeavour to conduct the review and assessment of the plan under paragraph 2 or paragraph 6 of section XV within four weeks from the date of receipt of the plan.
3. In its review and assessment, the enforcement branch shall assess whether the plan submitted:
 - (a) Sets out and adequately addresses the elements and issues referred to in paragraph 1 above;
 - (b) If implemented, is expected to remedy the non-compliance or to meet the quantified emission limitation or reduction commitment of the Party concerned in the subsequent commitment period, as envisaged in paragraph 2 and paragraph 6 of section XV, respectively.”

*9th plenary meeting
12 December 2008*

Decision 5/CMP.4

Guidance on the implementation of Article 6 of the Kyoto Protocol

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

Mindful of the objective of the Convention as set out in its Article 2,

Recalling the provisions of Articles 3 and 6 of the Kyoto Protocol,

Cognizant of decisions 2/CMP.1, 9/CMP.1 and its annex (joint implementation guidelines), 10/CMP.1, 2/CMP.2, 3/CMP.2 and 3/CMP.3,

Recognizing that the work on joint implementation can be accomplished when sufficient expertise and financial and human resources are available to support the work of the Joint Implementation Supervisory Committee,

Expressing its appreciation to Parties that have contributed to funding the work on joint implementation,

Recalling decision 9/CMP.1, paragraph 7, which states that any administrative costs arising from procedures contained in the joint implementation guidelines relating to the functions of the Joint Implementation Supervisory Committee shall be borne by both the Parties included in Annex I to the Convention and the project participants,

Welcoming the provision of information to the secretariat, in accordance with paragraph 20 of the joint implementation guidelines, by 33 Parties on their designated focal points and by 25 Parties on their national guidelines and procedures for approving joint implementation projects,

Recognizing the potential increase in the number of joint implementation projects,

Reiterating that a Party hosting a joint implementation project shall make publicly available information on the project in accordance with paragraph 28 of the joint implementation guidelines,

Reiterating also the importance of ensuring the efficient, cost-effective and transparent functioning of joint implementation and the executive and supervisory role of the Joint Implementation Supervisory Committee,

Stressing the importance of constituencies nominating members and alternate members to the Joint Implementation Supervisory Committee who have the required qualifications and sufficient time to serve on the Committee and perform their functions, in order to ensure that the Committee has the necessary expertise in, inter alia, financial, environmental and joint implementation regulatory matters and executive decision-making,

I. General

1. *Invites Parties wishing to be involved in joint implementation projects to provide to the secretariat information in accordance with paragraph 20 of the joint implementation guidelines, if this information has not been previously provided;*

2. *Takes note with appreciation* of the annual report of the Joint Implementation Supervisory Committee for 2007–2008,¹ including information on the work programme and budget of the Committee, and on the actions taken and the guidance and clarifications provided to assist project participants and independent entities;

3. *Notes with appreciation* that 169 project design documents, seven determinations regarding project design documents, two monitoring reports and one verification of reductions in anthropogenic emissions by sources or enhancements of anthropogenic removals by sinks have been made publicly available in accordance with paragraphs 32, 34, 36 and 38 of the joint implementation guidelines and that assessment of 15 applications for accreditation of independent entities is progressing;

4. *Commends* the Joint Implementation Supervisory Committee for the efficient implementation and operation of the verification procedure under the Committee and encourages further efforts to facilitate the process of accrediting independent entities;

5. *Encourages* the Joint Implementation Supervisory Committee to continue enhancing the implementation of the verification procedure under the Committee, taking into account the distinct characteristics of joint implementation under Article 6 of the Kyoto Protocol, and to emphasize in its interaction with designated focal points, independent entities, project participants and stakeholders, that approaches specific to joint implementation are available;

6. *Requests* the Joint Implementation Supervisory Committee to develop, as soon as possible, definitions, forms, guidelines and procedures for projects under programmes of activities implemented under the verification procedure under the Committee, bearing in mind the work of the Executive Board of the clean development mechanism in this area;

7. *Acknowledges* the development by the secretariat of a web-based interface that, inter alia, provides an overview of all joint implementation projects, in accordance with decision 3/CMP.3, paragraph 4, for the use of designated focal points of Parties that have provided information in accordance with paragraph 20 of the joint implementation guidelines and that host joint implementation projects;

8. *Invites* Parties to continue providing information on joint implementation projects that they are hosting by making use of the web-based interface referred to in paragraph 7 above.

II. Governance

9. *Commends* the Joint Implementation Supervisory Committee for maintaining a joint implementation management plan, pursuant to provisions in decision 10/CMP.1, paragraph 2 (g), decision 3/CMP.2, paragraph 5, and decision 3/CMP.3, paragraph 6; for implementing measures aimed at strengthening the joint implementation process, taking into account the experience of the Executive Board of the clean development mechanism, as appropriate; and for its responsiveness to the needs of Parties, independent entities, project participants, stakeholders and the general public, given the limited resources available;

¹ FCCC/KP/CMP/2008/3 (Parts I and II).

10. *Encourages* the Joint Implementation Supervisory Committee:
 - (a) To continue to keep the joint implementation management plan under review and make adjustments to it as necessary to ensure the efficient, cost-effective and transparent functioning of joint implementation;
 - (b) To enhance its interaction with independent entities and designated focal points, as well as stakeholders, as proposed in the joint implementation management plan;

11. *Notes with appreciation* the information on decisions of the Joint Implementation Supervisory Committee and on the status of work undertaken by the Committee, as presented on the joint implementation web pages of the UNFCCC website;

12. *Encourages* the Joint Implementation Supervisory Committee, designated focal points, independent entities, project participants and stakeholders to make every effort to contribute towards a more transparent, consistent, predictable and efficient verification procedure under the Committee;

13. *Also encourages* independent entities to continue to build and improve their capacity to appropriately perform their functions under the verification procedure under the Joint Implementation Supervisory Committee;

III. Resources for the work on joint implementation

14. *Notes* that income from the charging of fees to cover administrative costs relating to the activities of the Joint Implementation Supervisory Committee will accrue during the biennium 2008–2009 and that income from fees may cover the administrative expenses only as of 2010 at the earliest;

15. *Notes with concern* that the income from the charging of fees referred to in paragraph 14 above that has accrued to date is significantly lower than the level required to cover the estimated administrative costs relating to the activities of the Joint Implementation Supervisory Committee;

16. *Invites* the Subsidiary Body for Implementation to consider at its thirtieth session, in the context of its consideration of the programme budget for 2010–2011, the status of the income received by the secretariat from the charging of fees referred to in paragraph 14 above, with a view to recommending a decision for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session that ensures appropriate arrangements are made to address the potential shortfall in revenues;

17. *Urges* Parties included in Annex I to the Convention to make contributions to the Trust Fund for Supplementary Activities for funding the work on joint implementation in the biennium 2008–2009 at a level that would ensure the thorough and timely implementation of the joint implementation management plan, including by strengthening the capacity of the secretariat to support the Joint Implementation Supervisory Committee and its subcommittees, panels and/or working groups in their work and decision-making.

*9th plenary meeting
12 December 2008*

Decision 6/CMP.4

Capacity-building for developing countries under the Kyoto Protocol

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

Recalling decisions 4/CP.9, 9/CP.9, 7/CMP.1 and 6/CMP.2,

Further recalling decision 2/CP.7 to establish a framework for capacity-building in developing countries and to conduct a comprehensive review of the implementation of this framework at the ninth session of the Conference of Parties, and every five years thereafter,

Reaffirming that decision 2/CP.7 is the basis for and guides the implementation of capacity-building activities in developing countries,

Recalling decision 29/CMP.1, which reaffirms that the framework for capacity-building in developing countries should guide capacity-building relating to the implementation of the Kyoto Protocol in developing countries,

Further recalling decision 2/CP.10 to initiate a second comprehensive review of the implementation of the framework for capacity-building in developing countries at the twenty-eighth session of the Subsidiary Body for Implementation with a view to completing this review at the fifteenth session of the Conference of the Parties,

Acknowledging that the comprehensive review of the implementation of the framework for capacity-building in developing countries under the Convention is also applicable for capacity-building relating to the implementation of the Kyoto Protocol,

Having considered the conclusions of the Subsidiary Body for Implementation at its twenty-eighth session relating to capacity-building for developing countries under the Kyoto Protocol,¹

Having taken note of the terms of reference for the second comprehensive review of the implementation of the framework for capacity-building in developing countries,²

1. *Requests* the Subsidiary Body for Implementation to prepare, at its thirtieth session, in accordance with the terms of reference for the second comprehensive review of the implementation of the framework for capacity-building in developing countries, a draft decision on the outcome of this review for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session;

2. *Decides* to take into account, in the second comprehensive review, recommendations made by the Subsidiary Body for Implementation at its thirtieth session on further steps to regularly

¹ FCCC/SBI/2008/8, paragraphs 79–86.

² FCCC/SBI/2008/8, annex IV.

monitor and review progress in the implementation of capacity-building activities undertaken pursuant to decisions 2/CP.7, 29/CMP.1 and 6/CMP.2.

*9th plenary meeting
12 December 2008*

Decision 7/CMP.4

Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol

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

Recalling Articles 6, 8, 12, 13, 17 and 18 of the Kyoto Protocol,

Recalling also decisions 3/CMP.1, 9/CMP.1, 11/CMP.1, 22/CMP.1, 27/CMP.1, 33/CMP.1, 9/CMP.2 and 1/CMP.3,

Recalling further the Convention on the Privileges and Immunities of the United Nations,¹

Recognizing that Parties have the sovereign authority to establish arrangements relating to privileges and immunities according to their respective national legislation,

Taking note of the Agreement, as amended, among the United Nations, the Government of the Federal Republic of Germany and the secretariat of the United Nations Framework Convention on Climate Change concerning the Headquarters of the Convention secretariat,²

1. *Notes with appreciation* the report by the Executive Secretary on actions taken in accordance with decision 9/CMP.2;³
2. *Requests* the Executive Secretary to continue taking action in accordance with that decision;
3. *Encourages* the Executive Secretary to continue to convene meetings of constituted bodies at the seat of the secretariat or at other venues where host country agreements or memorandums of understanding containing provisions for privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol have been concluded between the secretariat and the governments of the host countries;
4. *Encourages* Parties, where feasible, to provide for adequate protection of the individuals serving on constituted bodies established under the Kyoto Protocol until appropriate treaty provisions come into in force.

*9th plenary meeting
12 December 2008*

¹ United Nations, *Treaty Series*, vol. 1, p. 15, 13 February 1946.

² The Agreement among the United Nations, the Government of the Federal Republic of Germany and the secretariat of the United Nations Framework Convention on Climate Change concerning the Headquarters of the Convention secretariat, signed on 20 June 1996, and the Protocol amending the agreement, signed on 7 December 2005.

³ FCCC/KP/CMP/2008/10.

Decision 8/CMP.4

Administrative, financial and institutional matters

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

Recalling Article 13, paragraph 5, of the Kyoto Protocol,

Recalling also decision 13/CP.13, in particular paragraph 6,

*Recalling further paragraph 11 of the financial procedures for the Conference of the Parties, which also applies to the Kyoto Protocol,*¹

Taking note of decision 8/CP.14,

*Having considered the information in documents prepared by the secretariat on administrative, financial and institutional matters,*²

I. Audited financial statements for the biennium 2006–2007

1. *Takes note* of the audited financial statements for the biennium 2006–2007, the audit report by the United Nations Board of Auditors, which includes recommendations, and the comments of the secretariat thereon;
2. *Expresses appreciation* to the United Nations for arranging the audits of the accounts of the Convention and for the valuable audit observations and recommendations;
3. *Urges* the Executive Secretary to implement the recommendations of the auditors, as appropriate;

II. Budget performance for the biennium 2008–2009

4. *Takes note* of the reporting on budget performance for the biennium 2008–2009 and of the status of contributions as at 15 May 2008 and 15 November 2008 to the Trust Fund for the Core Budget of the UNFCCC, the Trust Fund for the International Transaction Log, the Trust Fund for Supplementary Activities and the Trust Fund for Participation in the UNFCCC Process;
5. *Endorses* decision 8/CP.14 on budget performance for the biennium 2008–2009, as it applies to the Kyoto Protocol;
6. *Expresses appreciation* to Parties that have paid their contributions to the core budget and the international transaction log³ in a timely manner;
7. *Calls upon* Parties that have not paid their contributions to the core budget and the international transaction log⁴ to do so without delay, bearing in mind that contributions are due on 1 January of each year in accordance with the financial procedures;
8. *Expresses its appreciation* for the contributions received from Parties to the Trust Fund for Participation in the UNFCCC Process and to the Trust Fund for Supplementary Activities;
9. *Urges* Parties to further contribute to the Trust Fund for Participation in the UNFCCC Process to ensure the widest possible participation in the negotiations in 2009, and to the Trust Fund for

¹ Decision 15/CP.1, annex I.

² FCCC/SBI/2008/3, FCCC/SBI/2008/10, FCCC/SBI/2008/13 and Add.1 and 2, FCCC/SBI/2008/18, FCCC/SBI/2008/INF.6 and FCCC/SBI/2008/INF.9.

³ FCCC/SBI/2008/INF.9, table 6.

⁴ As footnote 3 above.

Supplementary Activities, particularly in view of the decision⁵ to increase the number of sessions in 2008–2009;

10. *Reiterates its appreciation* to the Government of Germany for its annual voluntary contribution to the core budget of EUR 766,938 and its special contribution of EUR 1,789,522 as Host Government to the secretariat in Bonn;

III. Programme budget for the biennium 2010–2011

11. *Requests* the Executive Secretary to submit, for consideration by the Subsidiary Body for Implementation, at its thirtieth session, a proposed programme budget for the biennium 2010–2011;

12. *Also requests* the Executive Secretary, when preparing the programme budget for the biennium 2010–2011, to take into consideration ways to minimize the effects of exchange rate fluctuations on the core budget, including the measures suggested in document FCCC/SBI/2005/8, and a contingency for funding conference services, should this prove necessary in the light of decisions taken by the General Assembly at its sixty-third session;

13. *Requests* the Subsidiary Body for Implementation to recommend, at its thirtieth session, a programme budget for adoption by the Conference of the Parties at its fifteenth session, and by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session;

14. *Also requests* the Subsidiary Body for Implementation to authorize the Executive Secretary to notify Parties of their contributions for 2010 on the basis of the recommended budget.

*9th plenary meeting
12 December 2008*

⁵ Decision 1/CP.13 (the Bali Action Plan).

Resolution 1/CMP.4

Expression of gratitude to the Government of the Republic of Poland and the people of the city of Poznan

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

Having met in Poznan from 1 to 12 December 2008 at the invitation of the Government of the Republic of Poland,

1. *Express their profound gratitude* to the Government of the Republic of Poland for having made it possible for the fourteenth session of the Conference of the Parties and the fourth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol to be held in Poznan;

2. *Request* the Government of the Republic of Poland to convey to the people of Poznan the gratitude of the Conference of the Parties and the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol for the hospitality and warmth extended to the participants.

*9th plenary meeting
12 December 2008*
