

3 April 2009

ENGLISH ONLY

**AD HOC WORKING GROUP ON FURTHER COMMITMENTS
FOR ANNEX I PARTIES UNDER THE KYOTO PROTOCOL**

Seventh session

Bonn, 29 March to 8 April 2009

Agenda item 5 (g)

**Other issues arising from the implementation of the work programme of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol
Legal matters arising from the mandate of the Ad Hoc Working Group
on Further Commitments for Annex I Parties under the Kyoto Protocol**

Amendment to the Kyoto Protocol pursuant to its Article 3, paragraph 9

Proposal by South Africa¹

ADOPTION OF AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

At the fifth Conference of the Parties serving as Meeting of the Parties to the above Protocol, held in Copenhagen from 7 to 18 December 2009, the Parties adopted, in accordance with the procedure laid down in article 21 paragraph 7 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change the Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, including its Annex B, as set out in Annex V to the report of the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

The text of the above Amendment, in the six official languages of its adoption is attached as an Annex to this notification.

In accordance with article 20, paragraph 4 of the Protocol, the amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Protocol. The Amendment, in accordance with article 20, paragraph 5 of the Protocol, shall enter into force for any other Party to the Protocol on the ninetieth day after the date of deposit of its instrument of acceptance of the said amendment.

The Parties agreed that pending the entry into force of this amendment, the provisions of the amendment shall provisionally apply. The provisional application shall be effective until the amendments enter into force in accordance with article 20, paragraph 4 of this Protocol.

January 2010

¹ This proposal has been issued as received without formal editing.

Article 1: Amendment

A. Article 3

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

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 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 at least 95 per cent below 1990 levels by 2050. This shall be achieved during subsequent commitment periods by the end of 2050.

1 *ter*

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 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 at least 18 per cent below 1990 levels in the commitment period 2013 to 2017 and at least 40 per cent below 1990 levels in the third commitment period 2018 to 2022.

The following paragraphs shall be added to Article 3 of the Protocol after paragraph 7:

7 *bis* In the second quantified emission reduction commitment period, from 2013 to 2017, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregated 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.

7 *ter* In the third quantified emission reduction commitment period, from 2018 to 2022, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregated 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.

7 *quad* 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 aggregated 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 the duration of the 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 article 3 paragraph 1, subparagraphs 1 *bis* and 1 *ter* above.

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

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 years before the end of the commitment period that immediately precedes the commitment period under consideration.

B. Annex B

For Annex B to the Protocol there shall be inserted two new columns next to the existing column:

Annex B^a

<i>Party</i>	<i>Quantified emission limitation or reduction commitment (2008-2012) (percentage of base year or period)</i>	<i>Quantified emission reduction commitment (2013-2017) (percentage of base year or period)</i>	<i>Quantified emission reduction commitment (2018-2022) (percentage of base year or period)</i>
Australia	108	82	61
Austria	92	69	32
Belarus		97	93
Belgium	92	70	34
Bulgaria*	92	96	92
Canada	94	79	53
Croatia*	95	92	83
Czech Republic*	92	87	72
Denmark	92	75	45
Estonia*	92	94	87
European Community	92	78	51
Finland	92	80	56
France	92	69	31
Germany	92	76	46
Greece	92	82	60
Hungary*	94	89	75
Iceland	110	77	48
Ireland	92	79	53
Italy	92	79	53
Japan	94	77	49
Latvia*	92	93	85
Liechtenstein	92	78	51
Lithuania*	92	93	85
Luxembourg	92	73	40
Monaco	92	78	51
Netherlands	92	77	49
New Zealand	100	84	64
Norway	101	67	27
Poland*	94	90	78
Portugal	92	84	64
Romania*	92	96	91
Russian Federation*	100	96	91
Slovakia*	92	91	79
Slovenia*	92	83	62
Spain	92	75	44

Sweden	92	65	23
Switzerland	92	69	31
Turkey		95	89
Ukraine*	100	99	98
United Kingdom of Great Britain and Northern Ireland	92	66	25
United States of America ^c	93	76	48

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

^a As at January 2010

^c Countries that have not yet ratified the Kyoto Protocol

Article 2: Entry into force

The Amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depository of an instrument of acceptance by at least three fourths of the Parties to this Protocol. The Amendment, in accordance with article 20, paragraph 5 of the Protocol, shall enter into force for any other Party to the Protocol on the ninetieth day after the date of deposit of its instrument of acceptance of the said amendment.

For the purpose of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organizations.

After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.
