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**CONFERENCE OF THE PARTIES SERVING AS THE  
MEETING OF THE PARTIES TO THE KYOTO PROTOCOL**  
Fifth session  
Copenhagen, 7–18 December 2009

**Item X of the provisional agenda**

## **Proposal from the Philippines for amendments to the Kyoto Protocol**

### **Note by the secretariat**

1. Article 20, paragraph 1, of the Kyoto Protocol states that “any Party may propose amendments to this Protocol”. Article 20, paragraph 2, of the Kyoto Protocol stipulates that “amendments to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed amendment to this Protocol shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and signatories to the Convention and, for information, to the Depository”.
2. Article 21, paragraph 2, of the Kyoto Protocol states that “any Party may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol”. Article 21, paragraph 3, of the Kyoto Protocol provides that “annexes to this Protocol and amendments to annexes to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed annex or amendment to an annex shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed annex or amendment to an annex to the Parties and signatories to the Convention and, for information, to the Depository”.
3. In accordance with these provisions, the Philippines, by a letter dated 11 June 2009, transmitted to the secretariat the text of a proposal for amendments to the Kyoto Protocol and a draft decision of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol for the adoption of the proposed amendments. Pursuant to Article 20, paragraph 2, and Article 21, paragraph 3, of the Kyoto Protocol, the secretariat will send a note verbale containing the text of the proposed amendments and the draft decision to all National Focal Points for climate change and Permanent Missions to the United Nations by 17 June 2009. In accordance with the same provisions, the secretariat will also communicate the proposed amendments to the Parties and signatories to the Convention and, for information, to the Depository.
4. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol is invited to consider this proposal for amendments to the Kyoto Protocol at its fifth session.

**Letter dated 11 June 2009 from the Philippines  
proposing amendments to the Kyoto Protocol**

By virtue of Article 21, paragraph 2 and Art. 20, par. 1, the Republic of the Philippines, as Party to the Kyoto Protocol, submits the attached proposed amendments thereto pursuant to Art. 3, par. 9 thereof, for consideration and adoption by Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol in its Fifth session to be held in Copenhagen.

In accordance with Art. 20, the Philippines requests the secretariat to communicate to the Parties to the Kyoto Protocol the attached proposed amendments at least six months before the Fifth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

(signed) Hon. Heherson T. Alvarez  
Head of Delegation  
Office of the Presidential Adviser on  
Global Warming and Climate Change

Draft CMP Decision

(Preamble)

1. Decides to adopt the Amendments to Annex B of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, annexed hereto;
2. Requests the Secretary-General of the United Nations to be the Depository of this Amendment to the Protocol and to open it for signature in New York from 16 March 2010 until 15 March 2011.
3. Invites all Parties to the Protocol to sign the Amendments to Annex B on 16 March 2010 or at the earliest opportunity thereafter, and to deposit instruments of ratification, acceptance or approval, or instruments of accession where appropriate, as soon as possible;
4. Further invites States that are not parties to the Convention to ratify or accede to it, as appropriate, without delay, so that they may become Parties to the Protocol;
5. Encourages Parties to the Convention that have not yet ratified the Protocol to do so in line with the ultimate objective of the Convention as stated in Article 2 thereof.

## Amendment to Annex B of the Kyoto Protocol

Proposed by the Republic of the Philippines

The Parties to this Amendment,

*Being* Parties to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, hereinafter referred to as “the Protocol”

*Pursuant* to Article 3, paragraph 9 thereof in the establishment of commitments for subsequent periods for Parties included in Annex I in accordance with the provisions of Article 21, paragraph 7,

*Guided by* Article 2 and recalling Article 4 of the Convention,

Have agreed as follows:

### Article 1

1. Annex B of the Protocol is hereby amended to include commitments for additional subsequent periods 2013 to 2017 and 2018 to 2022 for Parties included in Annex I:

#### Annex B

Party	Quantified emission limitation or reduction commitment (percentage of base year or period) for the following commitment periods		
	2008-2012	2013-2017	2018-2022
Australia	108	71	51
Austria	92	49	15
Belarus <sup>1</sup>		95	91
Belgium	92	50	17
Bulgaria*	92	94	90
Canada	94	65	42
Croatia*	95	87	78
Czech Republic*	92	79	65
Denmark	92	59	31
Estonia*	92	91	84
European Community	92	63	38
Finland	92	67	45
France	92	48	14
Germany	92	60	33
Greece	92	70	51

<sup>1</sup> Added to Annex B by an amendment adopted pursuant to 10/CMP.2. This amendment has not yet entered into force.

Hungary*	94	81	69
Iceland	110	61	35
Ireland	92	64	41
Italy	92	65	42
Japan	94	62	36
Latvia*	92	88	81
Liechtenstein	92	63	38
Lithuania*	92	89	82
Luxembourg	92	55	25
Monaco	92	63	38
Netherlands	92	62	36
New Zealand	100	73	55
Norway	101	45	8
Poland*	94	83	72
Portugal	92	73	55
Romania*	92	93	89
Russian Federation*	100	93	88
Slovakia*	92	84	74
Slovenia*	92	72	53
Spain	92	58	30
Sweden	92	42	4
Switzerland	92	48	14
Turkey		92	86
Ukraine*	100	98	97
United Kingdom	92	44	6
United States of America <sup>2</sup>	93	61	34

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

2. Consequential to the above amendment, the following changes to Article 3 of the Protocol are hereby adopted:

(a) Addition of paragraph 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, **as amended**, and in accordance with the provisions of this Article, with the objective of reducing their overall emissions of such gases by **at least 30 per cent** below 1990 levels in the commitment period 2013 to 2017, by **at least 50 per cent** below 1990 levels in the commitment period 2018 to 2022, and by **at least 95 per cent** below 1990 levels by 2050.

<sup>2</sup> Has not yet ratified the Kyoto Protocol.

(b) Amendment of the 1<sup>st</sup> sentence of paragraph 7, to read:

In **every** quantified emission reduction commitment period, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B, **as amended**, 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.

(c) Amendment of the 2<sup>nd</sup> sentence of paragraph 9, to read:

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of such commitments at least seven years before the end of the **last** commitment period **indicated in Annex B, as amended**.

## Article 2

1. **This** Amendment shall enter into force for those Parties having accepted **it** 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.

**This** Amendment shall enter into force for any other Party on the ninetieth day after the date **on which that Party** deposits **with the Depository** its instrument of acceptance of **this** amendment.

For the purposes of this **Article**, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organizations.

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