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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 Algeria, Benin, Brazil, Burkina Faso, Cameroon, Cape Verde,  
China, Congo, Democratic Republic of the Congo, El Salvador, Gambia,  
Ghana, India, Indonesia, Kenya, Liberia, Malawi, Malaysia, Mali, Mauritius,  
Mongolia, Morocco, Mozambique, Nigeria, Pakistan, Rwanda, Senegal,  
Seychelles, Sierra Leone, South Africa, Sri Lanka, Swaziland, Togo, Uganda,  
United Republic of Tanzania, Zambia and Zimbabwe<sup>1</sup>  
for an amendment 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 Depositary”.

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 Depositary”.

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<sup>1</sup> Zimbabwe is a Party to the Convention but not to the Kyoto Protocol.

3. In accordance with these provisions, Algeria, Benin, Brazil, Burkina Faso, Cameroon, Cape Verde, China, Congo, Democratic Republic of the Congo, El Salvador, Gambia, Ghana, India, Indonesia, Kenya, Liberia, Malawi, Malaysia, Mali, Mauritius, Mongolia, Morocco, Mozambique, Nigeria, Pakistan, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Sri Lanka, Swaziland, Togo, Uganda, United Republic of Tanzania, Zambia and Zimbabwe, by a communication from China dated 12 June 2009, transmitted to the secretariat the text of a proposal for an amendment to the Kyoto Protocol. Pursuant to Article 20, paragraph 2, and Article 21, paragraph 3, of the Kyoto Protocol, the secretariat will send a note verbale containing this text 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 amendment to the Parties and signatories to the Convention and, for information, to the Depositary.

4. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol is invited to consider this proposal at its fifth session.

**Communication from China dated 12 June 2009 on a proposal from Algeria, Benin, Brazil, Burkina Faso, Cameroon, Cape Verde, China, Congo, Democratic Republic of the Congo, El Salvador, Gambia, Ghana, India, Indonesia, Kenya, Liberia, Malawi, Malaysia, Mali, Mauritius, Mongolia, Morocco, Mozambique, Nigeria, Pakistan, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Sri Lanka, Swaziland, Togo, Uganda, United Republic of Tanzania, Zambia and Zimbabwe addressed to the secretariat of the United Nations Framework Convention on Climate Change for an amendment to the Kyoto Protocol**

Please note the attached communication on an Amendment to Annex B according to Article 3 paragraph 9 of the Kyoto Protocol from the Governments of Algeria, Benin, Brazil, Burkina Faso, Cameroon, Cape Verde, China, Congo (Republic of), Democratic Republic of Congo, El Salvador, Gambia, Ghana, India, Indonesia, Kenya, Liberia, Malawi, Malaysia, Mali, Mauritius, Mongolia, Morocco, Mozambique, Nigeria, Pakistan, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Sri Lanka, Swaziland, Togo, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

The Secretariat is formally required to make the necessary arrangements to communicate the amendment at least six months before the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session, for consideration and adoption at that session.

Qian Guoqiang  
Third Secretary  
Department of Treaty and Law  
Ministry of Foreign Affairs  
People's Republic of China

***Communication dated 12 June 2009 from  
Algeria, Benin, Brazil, Burkina Faso, Cameroon, Cape Verde, China, Congo (Republic of),  
Democratic Republic of Congo, El Salvador, Gambia, Ghana, India, Indonesia, Kenya,  
Liberia, Malawi, Malaysia, Mali, Mauritius, Mongolia, Morocco, Mozambique, Nigeria,  
Pakistan, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Sri Lanka, Swaziland,  
Togo, Uganda, United Republic of Tanzania, Zambia, Zimbabwe  
To the Secretariat of the United Nations Framework Convention on Climate Change  
On an Amendment to Annex B according to Article 3 paragraph 9  
Of the Kyoto Protocol***

Noting the provisions of Article 3, paragraph 9 of the Kyoto Protocol, that commitments for subsequent periods for Parties included in Annex I shall be established in amendments to Annex B to this Protocol, which shall be adopted in accordance with the provisions of Article 21, paragraph 7, the governments of Algeria, Benin, Brazil, Burkina Faso, Cameroon, Cape Verde, China, Congo (Republic of), Democratic Republic of Congo, El Salvador, Gambia, Ghana, India, Indonesia, Kenya, Liberia, Malawi, Malaysia, Mali, Mauritius, Mongolia, Morocco, Mozambique, Nigeria, Pakistan, Rwanda, Senegal, Seychelles, Sierra Leone, South Africa, Sri Lanka, Swaziland, Togo, Uganda, United Republic of Tanzania, Zambia, Zimbabwe, hereby formally submit the attached amendment, according to the mandate of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol.

The Secretariat is required to make the necessary arrangements to communicate this amendment at least six months before the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fifth session, for consideration and adoption at that session.

**AMENDMENT TO THE KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK  
CONVENTION ON CLIMATE CHANGE**

**Article 1: Amendment**

A. Article 3

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

- 1 *bis* The Parties included in Annex I shall reduce their aggregate anthropogenic carbon dioxide equivalent emissions of greenhouses gases listed in Annex A by at least 40 per cent below 1990 levels in 2020.
- 1 *ter* On the basis of the aggregate emission reduction specified in paragraph 1 *bis*, the Parties determined the individual quantified emission reductions commitments of Annex I Parties inscribed in Annex B for the second commitment period, by applying the principle of historical responsibility, from 1850 to 2005;
- 1 *quater* In the second quantified emission reduction commitment period, from 2013 to 2020, 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 below, multiplied by eight.

The following paragraph 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 further commitments at least seven years before the end of any commitment period.

B. Article 4

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:

"any commitment period established by the Conference of the Parties serving as meeting of the Parties to the Kyoto Protocol".

## C. Annex B

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

Annex B<sup>a</sup>

<b>Party</b>	<b>Quantified emission limitation or reduction commitment (2008-2012) (percentage of base year or period)</b>	<b>Quantified emission reduction commitment (2013-2020) (percentage of base year or period)</b>
Australia	108	89
Austria	92	71
Belarus*	92	83
Belgium	92	64
Bulgaria*	92	84
Canada	94	77
Croatia*	95	86
Czech Republic*	92	74
Denmark	92	74
Estonia*	92	84
European Community	92	72
Finland	92	80
France	92	70
Germany	92	69
Greece	92	84
Hungary*	94	79
Iceland	110	91
Ireland	92	81
Italy	92	80
Japan	94	81
Latvia*	92	85
Liechtenstein	92	72
Lithuania*	92	85
Luxembourg	92	73
Monaco	92	72
Netherlands	92	78
New Zealand	100	84
Norway	101	82
Poland*	94	76
Portugal	92	82
Romania*	92	83
Russian Federation*	100	85

Slovakia*	92	78
Slovenia*	92	81
Spain	92	80
Sweden	92	69
Switzerland	92	76
Ukraine*	100	89
United Kingdom of Great Britain and Northern Ireland	92	57
United States of America <sup>c</sup>	93	74

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

<sup>a</sup> As at January 2010

<sup>c</sup> Countries that have not yet ratified the Kyoto Protocol

## Article 2: Entry into force

1. 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.

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