



## Framework Convention on Climate Change

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### Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol Sixth session Cancun, 29 November to 10 December 2010

Item 2 (a) of the provisional agenda  
**Organizational matters**  
**Adoption of the agenda**

### Provisional agenda and annotations

#### Note by the Executive Secretary

#### I. Provisional agenda

1. Opening of the session.
2. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Election of replacement officers;
  - (c) Organization of work, including the sessions of the subsidiary bodies;
  - (d) Approval of the report on credentials.
3. Reports of the subsidiary bodies and decisions and conclusions arising therefrom:
  - (a) Report of the Subsidiary Body for Scientific and Technological Advice;
  - (b) Report of the Subsidiary Body for Implementation.
4. Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol.
5. Consideration of proposals by Parties for amendments to the Kyoto Protocol.
6. Issues relating to the clean development mechanism.
7. Issues relating to joint implementation.
8. Matters relating to compliance under the Kyoto Protocol:
  - (a) Report of the Compliance Committee;

- (b) Appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee in relation to the implementation of decision 7/CP.12;
  - (c) Amendment of the Kyoto Protocol in respect of procedures and mechanisms relating to compliance.
9. Adaptation Fund:
- (a) Report of the Adaptation Fund Board;
  - (b) Review of the Adaptation Fund.
10. Review of implementation of commitments and of other provisions of the Kyoto Protocol:
- (a) Issues relating to the international transaction log;
  - (b) National communications from Parties included in Annex I to the Convention that are also Parties to the Kyoto Protocol;
  - (c) Annual compilation and accounting reports for Annex B Parties under the Kyoto Protocol;
  - (d) Capacity-building under the Kyoto Protocol;
  - (e) Matters relating to Article 3, paragraph 14, of the Kyoto Protocol;
  - (f) Matters relating to Article 2, paragraph 3, of the Kyoto Protocol.
11. Proposal from Kazakhstan to amend Annex B to the Kyoto Protocol.
12. Administrative, financial and institutional matters:
- (a) Audited financial statements for the biennium 2008–2009;
  - (b) Budget performance for the biennium 2010–2011;
  - (c) Privileges and immunities for individuals serving on constituted bodies under the Kyoto Protocol.
13. Other matters referred to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol by the subsidiary bodies.
14. High-level segment.
15. Statements by observer organizations.
16. Other matters.
17. Conclusion of the session:
- (a) Adoption of the report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its sixth session;
  - (b) Closure of the session.

## II. Proposed organization of the sessions: overview<sup>1</sup>

1. A welcoming ceremony will be held on the morning of Monday, 29 November 2010 to mark the opening of the United Nations Climate Change Conference in Cancun.
2. The President of the Conference of the Parties (COP) at its fifteenth session will open COP 16. The COP will take up item 1 of the provisional agenda, as well as some procedural matters under item 2, including the election of the President of COP 16, the adoption of the agenda and the organization of work. Statements are not envisaged, except those on behalf of groups. The COP will refer items of its agenda to the subsidiary bodies as appropriate. The opening meeting will then be adjourned.
3. The sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) will then be opened. The CMP will take up item 1 of its provisional agenda, as well as some procedural matters under item 2, including the adoption of the agenda and the organization of work. Statements are not envisaged, except those on behalf of groups. The CMP will refer items of its agenda to the subsidiary bodies as appropriate. The opening meeting will then be adjourned.
4. The following sessions of the subsidiary bodies have been scheduled in conjunction with COP 16 and CMP 6:
  - (a) Thirty-third session of the Subsidiary Body for Implementation (SBI);
  - (b) Thirty-third session of the Subsidiary Body for Scientific and Technological Advice (SBSTA);
  - (c) Fifteenth session of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP);
  - (d) Thirteenth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (AWG-LCA).
5. Given that six bodies will be meeting during the sessional period, meeting time will be very limited, especially for contact groups. To maximize the time available for negotiations, the presiding officers, in consultation with the Parties, may propose time-saving measures and approaches to expedite work. Such proposals will be based on these consultations, and on relevant submissions and statements made during plenary meetings, and take into account any previous negotiations and/or conclusions.
6. Further information regarding the arrangements for COP 16 and CMP 6 will be provided in an addendum to this document after consultation with the Bureau.
7. The COP and the CMP will convene in plenary meetings during the first week to take up the items on their agendas that are not to be referred to the SBSTA and/or the SBI.
8. The inauguration of the high-level segment will take place in the afternoon of Tuesday, 7 December. Ministers and other heads of delegation, will be invited to deliver national statements to joint meetings of the COP and the CMP on 8–9 December. The high-level segment will continue until Friday, 10 December 2010. Based on experience at previous sessions, a joint COP and CMP meeting is envisaged for statements from observer

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<sup>1</sup> As the sixteenth session of the Conference of the Parties (COP) and the sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol will be held during the same sessional period, this overview addresses both meetings. For ease of reference for Parties and observers, the text of this overview is also contained in the annotations to the provisional agenda for COP 16 (FCCC/CP/2010/1). Further details may be made available via the UNFCCC website.

organizations. Separate meetings of the COP and the CMP will be held on Friday, 10 December to adopt decisions and conclusions emerging from the current sessions.

9. In keeping with the conclusions adopted by the SBI at its thirty-second session,<sup>2</sup> all meetings are scheduled to end at 6 p.m., particularly to give Parties and regional groups sufficient time to prepare for daily meetings, but may, in exceptional circumstances, and on a case by case basis, continue for two to three hours.

10. The SBI also recommended<sup>3</sup> that the secretariat, in organizing future sessional periods, follow the practice of holding no more than two meetings of plenary and/or contact groups concurrently, with the total number of meetings held concurrently, including informals, not exceeding six, to the extent possible. It further recommended that the secretariat continue to take into consideration, when scheduling meetings, the constraints of delegations and avoid clashes on similar issues to the extent possible.

### III. Annotations to the provisional agenda

#### 1. Opening of the session

11. CMP 6 will be opened by the President of COP 16, Ms. Patricia Espinosa, Secretary of Foreign Affairs for Mexico, who will also serve as President of CMP 6. Ms. Espinosa was nominated by the Latin American and Caribbean Group, in accordance with the rotation of the Presidency among regional groups.

#### 2. Organizational matters

##### (a) Adoption of the agenda

12. *Background:* The secretariat, in agreement with the President of CMP 5, has drafted the provisional agenda for CMP 6, taking into account the views expressed by Parties during SBI 32 and after consulting the Bureau.

13. *Action:* The CMP will be invited to adopt the provisional agenda.

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| <p>FCCC/KP/CMP/2010/1</p> | <p><i>Provisional agenda and annotations. Note by the Executive Secretary</i></p> |
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##### (b) Election of replacement officers

14. *Background:* The Kyoto Protocol states: “When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol” (Article 13, para. 3).

15. If any member of the Bureau represents a State that is not a Party to the Kyoto Protocol, consultations will be required to identify a nominee representing a Party to the Protocol to replace such a member. Parties are invited to recall decision 36/CP.7 and to give active consideration to the nomination of women for elective posts in any body established under the Convention or its Kyoto Protocol.

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<sup>2</sup> FCCC/SBI/2010/10, paragraph 165.

<sup>3</sup> FCCC/SBI/2010/10, paragraph 164.

16. *Action:* The CMP will be invited, as necessary, to elect additional members of the Bureau to replace any members representing States that are not Parties to the Kyoto Protocol.

(c) Organization of work, including the sessions of the subsidiary bodies

17. The CMP will be invited to agree upon the organization of the work of the session, including the proposed schedule of meetings (see paras. 1–10 above).

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| <i>FCCC/KP/CMP/2010/1<br/>and Add.1</i> | <i>Provisional agenda and annotations. Note by the<br/>Executive Secretary</i> |
| <i>FCCC/SBSTA/2010/7</i>                | <i>Provisional agenda and annotations. Note by the<br/>Executive Secretary</i> |
| <i>FCCC/SBI/2010/11</i>                 | <i>Provisional agenda and annotations. Note by the<br/>Executive Secretary</i> |
| <i>FCCC/KP/AWG/2010/15</i>              | <i>Provisional agenda and annotations. Note by the<br/>Executive Secretary</i> |

(d) Approval of the report on credentials

18. *Background:* The Bureau will examine the credentials submitted by Parties to the Convention and submit its report on credentials for adoption by the CMP.<sup>4</sup> With regard to the adoption of any amendment to the Protocol, only Parties with valid credentials would be able to participate in its adoption. Parties should further note that in accordance with Article 21, paragraph 7, of the Protocol any amendment to Annex B to the Protocol shall be adopted only with the written consent of the Party concerned. Parties wishing to be included in Annex B are reminded to deposit with the secretariat, prior to the adoption of any amendment to Annex B, a document providing evidence of such written consent issued and signed by the Head of State or Government or Minister of Foreign Affairs or signed by another official with Full Powers to that effect issued by one of the afore-mentioned qualified authorities. The CMP will receive from the secretariat information on written consents submitted by Parties pursuant to Article 21, paragraph 7, of the Protocol before the adoption of any amendment to Annex B.

19. *Action:* The CMP will be invited to approve the report on credentials of the representatives of Parties attending CMP 6. Representatives may participate provisionally, pending this action.

### **3. Reports of the subsidiary bodies and decisions and conclusions arising therefrom**

(a) Report of the Subsidiary Body for Scientific and Technological Advice

(b) Report of the Subsidiary Body for Implementation

20. The CMP will be invited to take note of the reports of the SBSTA and the SBI on their thirty-second sessions and the oral reports by the Chairs of the SBSTA and the SBI on the thirty-third sessions.

<sup>4</sup> Decision 36/CMP.1 states that credentials from Parties to the Kyoto Protocol would apply for the participation of their representatives in sessions of the COP and the CMP, and that a single report on credentials would be submitted for approval, following established procedures, by the Bureau of the COP to the COP and to the CMP.

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| <i>FCCC/SBSTA/2010/6</i>          | <i>Report of the Subsidiary Body for Scientific and Technological Advice on its thirty-second session, held in Bonn from 31 May to 10 June 2010</i> |
| <i>FCCC/SBI/2010/10 and Add.1</i> | <i>Report of the Subsidiary Body for Implementation on its thirty-second session, held in Bonn from 31 May to 9 June 2010</i>                       |

#### **4. Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol**

21. *Background:* The AWG-KP, at its resumed fourth session, agreed that it would forward to the CMP at its fifth session the results of its work on the consideration of commitments for subsequent periods for Parties included in Annex I to the Convention under Article 3, paragraph 9, of the Kyoto Protocol, with a view to their adoption.<sup>5</sup>

22. The CMP, by its decision 1/CMP.5, requested the AWG-KP to deliver the results of its work pursuant to decision 1/CMP.1 for adoption by the CMP at its sixth session.

23. The AWG-KP has met in four sessions in 2010 and agreed, at its eleventh session, to hold AWG-KP 15 in conjunction with CMP 6 for as long as necessary.<sup>6</sup> Reports of its sessions in 2010 are listed below. The AWG-KP will present the outcome of its work, referred to in paragraph 22 above, to the CMP for adoption.

24. *Action:* The CMP will be invited to consider the results of the work by the AWG-KP with a view to their adoption.

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| <i>FCCC/KP/AWG/2010/3</i>  | <i>Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on its eleventh session, held in Bonn from 9 to 11 April 2010</i>       |
| <i>FCCC/KP/AWG/2010/7</i>  | <i>Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on its twelfth session, held in Bonn from 1 to 11 June 2010</i>         |
| <i>FCCC/KP/AWG/2010/11</i> | <i>Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on its thirteenth session, held in Bonn from 2 to 6 August 2010</i>     |
| <i>FCCC/KP/AWG/2010/14</i> | <i>Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on its fourteenth session, held in Tianjin from 4 to 9 October 2010</i> |

<sup>5</sup> FCCC/KP/AWG/2007/5, paragraph 22(c).

<sup>6</sup> FCCC/KP/AWG/2010/3, paragraph 21.

## 5. Consideration of proposals by Parties for amendments to the Kyoto Protocol

25. *Background:* Article 20, paragraph 1, of the Kyoto Protocol states that “Any Party may propose amendments to this Protocol.” Article 20, paragraph 2, 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.”

26. 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, 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.”

27. In accordance with these provisions, Parties submitted to the secretariat by 17 June 2009 12 proposals to amend the Kyoto Protocol, which were communicated to Parties to the Kyoto Protocol and to Parties and signatories to the Convention on 17 June 2009 and sent, for information, to the Depositary on 25 June 2009.

28. These proposals were considered at CMP 5, but Parties were not able to reach consensus on how to proceed with this agenda item. Consequently, in accordance with rule 16 of the draft rules of procedure being applied, this item has been included in the provisional agenda for CMP 6.

29. In addition, Grenada submitted to the secretariat on 28 May 2010 a proposal for amendments to the Kyoto Protocol, in accordance with the above-mentioned provisions. The text of this proposal was communicated to Parties to the Kyoto Protocol and to Parties and signatories to the Convention through a note verbale dated 28 May 2010 sent to the National Focal Points for climate change and Permanent Missions to the United Nations. The text was also sent, for information, to the Depositary on 17 June 2010.

30. *Action:* The CMP will be invited to consider the proposals listed below and to take any action it deems appropriate.

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| <i>FCCC/KP/CMP/2009/2</i> | <i>Proposal from the Czech Republic and the European Commission on behalf of the European Community and its member States for an amendment to the Kyoto Protocol. Note by the secretariat</i>             |
| <i>FCCC/KP/CMP/2009/3</i> | <i>Proposal from Tuvalu for an amendment to the Kyoto Protocol with respect to immunities for individuals serving on constituted bodies established under the Kyoto Protocol. Note by the secretariat</i> |
| <i>FCCC/KP/CMP/2009/4</i> | <i>Proposal from Tuvalu for amendments to the Kyoto Protocol. Note by the secretariat</i>   |

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| <i>FCCC/KP/CMP/2009/5</i>  | <i>Proposal from the Philippines for amendments to the Kyoto Protocol. Note by the secretariat</i>  |
| <i>FCCC/KP/CMP/2009/6</i>  | <i>Proposal from New Zealand for an amendment to the Kyoto Protocol. Note by the secretariat</i>  |
| <i>FCCC/KP/CMP/2009/7</i>  | <i>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 for an amendment to the Kyoto Protocol. Note by the secretariat</i> |
| <i>FCCC/KP/CMP/2009/8</i>  | <i>Proposal from Colombia for amendments to the Kyoto Protocol. Note by the secretariat</i>   |
| <i>FCCC/KP/CMP/2009/9</i>  | <i>Proposal from Belarus for amendments to the Kyoto Protocol. Note by the secretariat</i>  |
| <i>FCCC/KP/CMP/2009/10</i> | <i>Proposal from Australia for amendments to the Kyoto Protocol. Note by the secretariat</i>  |
| <i>FCCC/KP/CMP/2009/11</i> | <i>Proposal from Japan for an amendment to the Kyoto Protocol. Note by the secretariat</i>  |
| <i>FCCC/KP/CMP/2009/12</i> | <i>Proposal from the Plurinational State of Bolivia on behalf of Malaysia, Paraguay and the Bolivarian Republic of Venezuela for an amendment to the Kyoto Protocol. Note by the secretariat</i>  |
| <i>FCCC/KP/CMP/2009/13</i> | <i>Proposal from Papua New Guinea for amendments to the Kyoto Protocol. Note by the secretariat</i>   |
| <i>FCCC/KP/CMP/2010/3</i>  | <i>Proposal from Grenada for amendments to the Kyoto Protocol. Note by the secretariat</i>  |

## 6. Issues relating to the clean development mechanism

31. *Background:* In accordance with the provisions of the modalities and procedures of the clean development mechanism (CDM),<sup>7</sup> the Executive Board of the CDM shall report on its activities to each session of the CMP. In exercising its authority over the CDM, the CMP shall review annual reports, provide guidance and take decisions, as appropriate.

32. The sixth report of the Executive Board to the CMP provides information on progress made in the implementation of the CDM arising from action taken by the Executive Board during its ninth year of operation.<sup>8</sup> In addition, the report contains a number of recommendations for decisions to be taken by the CMP at its sixth session,

<sup>7</sup> Decision 3/CMP.1, annex, paragraphs 2–5.

<sup>8</sup> Following the requests by the CMP at its second and third sessions, the report of the Executive Board to the CMP covers the period from the previous session of the CMP to the Executive Board meeting that takes place just prior to the one held in conjunction with the session of the CMP (decision 1/CMP.2, para. 11, and decision 2/CMP.3, para. 7).

including recommendations prepared in response to requests made by the CMP at its fifth session.

33. The Chair of the Executive Board will also provide an oral report, highlighting the challenges and achievements in the ninth year of operation of the CDM and the period not covered by the Executive Board's report to the CMP, and the challenges ahead.

34. *Action:* The CMP will be invited to take note of the report of the Executive Board below and the oral report of the Chair of the Executive Board. The CMP will also be invited to consider this item and to recommend a draft decision for adoption by the CMP at its sixth session.

35. The CMP may also wish to invite the President to undertake consultations on the nominations of members and alternate members of the Executive Board, as necessary, and to elect these members and alternate members.

*FCCC/KP/CMP/2010/10      Annual report of the Executive Board of the clean development mechanism to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol*

## 7. Issues relating to joint implementation

36. *Background:* The CMP, by its decision 10/CMP.1, established the Joint Implementation Supervisory Committee (JISC). In accordance with the annex to decision 9/CMP.1 (hereinafter referred to as the JI guidelines), paragraph 3, the JISC shall supervise, inter alia, the verification of emission reduction units generated by joint implementation (JI) projects implemented under the procedure defined in paragraphs 30–45 of the JI guidelines (hereinafter referred to as the JI Track 2 procedure).

37. In accordance with paragraph 3 of the JI guidelines, the JISC shall report on its activities to each session of the CMP. In exercising its authority over the JI Track 2 procedure, the CMP may review these annual reports, provide guidance and take decisions, as appropriate.

38. The fifth annual report of the JISC to the CMP provides information on the progress made in the implementation of the JI Track 2 procedure arising from actions taken by the JISC during its fifth year of operation.<sup>9</sup> The report also addresses governance issues as well as the results of the consideration by the JISC of specific matters requested by the CMP at its fifth session,<sup>10</sup> namely: experiences with JI with a view to making improvements for the future operation of JI; and a financial and budget projection up to 2012. The report also contains recommendations for decisions to be taken by the CMP at its sixth session.

39. The report also contains recommendations for decisions to be taken by the CMP at its sixth session. One of the recommendations concerns the possibility of the CMP providing a mandate to the UNFCCC secretariat to accept for publication project design documents for JI projects, and to the JISC to consider these projects in accordance with the JI guidelines, before the amendment to include the respective host Party in Annex B of the Kyoto Protocol enters into force, cognizant of the fact that the respective host Party can

<sup>9</sup> Although not explicitly requested to do so by the CMP, the JISC has decided to follow a reporting arrangement similar to that of the CDM Executive Board; the report of the JISC to the CMP now covers the period from the previous session of the CMP to the JISC meeting that takes place just prior to the one held in conjunction with the session of the CMP.

<sup>10</sup> Decision 3/CMP.5.

only issue and transfer emission reduction units after the amendment to include it in Annex B enters into force.

40. The Chair of the JISC will provide an oral report, highlighting the tasks and achievements of the JISC over the last year and the challenges ahead.

41. *Action:* The CMP will be invited to take note of the work on JI, including the annual report of the JISC and the oral report of the Chair of the JISC. The CMP will be invited to consider this item and to recommend draft decisions or conclusions for adoption by the CMP at its sixth session.

42. The CMP may also wish to invite the President to undertake consultations on the nominations of members and alternate members of the JISC, as necessary, and to elect these members and alternate members.

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| FCCC/KP/CMP/2010/9 | <i>Annual report of the Joint Implementation Supervisory Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol. Note by the secretariat</i> |
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## 8. Matters relating to compliance under the Kyoto Protocol

### (a) Report of the Compliance Committee

43. *Background:* In accordance with decision 27/CMP.1, annex, section III, paragraph 2 (a), the plenary of the Compliance Committee is to report to each ordinary session of the CMP. The fifth annual report of the Compliance Committee to the CMP provides information on the activities of the Compliance Committee during its fifth year of operation, from 14 October 2009 to 18 September 2010.

44. *Action:* The CMP will be invited to consider the report of the Compliance Committee below.

45. The CMP may wish to invite the President to undertake consultations on the nominations of members and alternate members of the Compliance Committee, as necessary, and to elect these members and alternate members.

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| FCCC/KP/CMP/2010/6 | <i>Annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol</i> |
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### (b) Appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee in relation to the implementation of decision 7/CP.12

46. *Background:* On 26 November 2009, the enforcement branch of the Compliance Committee adopted a final decision (document CC-2009-1-8/Croatia/EB<sup>11</sup>), confirming that Croatia was not in compliance with Article 3, paragraphs 7 and 8, of the Kyoto Protocol and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1). On 14 January 2010, the secretariat received an appeal by Croatia against the final decision of the enforcement branch.

47. Decision 27/CMP.1, annex, section XI, paragraph 2, stipulates that the CMP is to consider the appeal at its first session after the lodging of the appeal. Section XI, paragraph

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<sup>11</sup> This decision is available in all six official languages of the United Nations at <[http://unfccc.int/kyoto\\_protocol/compliance/enforcement\\_branch/items/5456.php](http://unfccc.int/kyoto_protocol/compliance/enforcement_branch/items/5456.php)>.

3, provides that the CMP may agree by a three-fourths majority vote of the Parties present and voting at the meeting to override the decision of the enforcement branch, in which event the CMP will refer the matter of the appeal back to the enforcement branch. In accordance with section XI, paragraph 4, the decision of the enforcement branch will stand pending the decision on appeal.

48. *Action:* The CMP is invited to consider the appeal by Croatia and to take any action it deems appropriate.

*FCCC/KP/CMP/2010/2*      *Appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee. Note by the secretariat*

(c) Amendment of the Kyoto Protocol in respect of procedures and mechanisms relating to compliance

49. *Background:* See the SBI 33 provisional agenda and annotations (FCCC/SBI/2010/11).

50. *Action:* The CMP will be invited to refer this item to the SBI for its consideration and for recommendation of a draft decision or conclusions for adoption by the CMP at its sixth session.

## 9. Adaptation Fund

(a) Report of the Adaptation Fund Board

51. *Background:* The CMP decided at its third session<sup>12</sup> that the Adaptation Fund Board shall report on its activities at each session of the CMP. At its fifth session, the CMP requested<sup>13</sup> the Adaptation Fund Board to consult further with the Government of Germany to conclude the necessary legal arrangements to confer legal capacity on the Adaptation Fund Board, and to report back on progress made to the CMP at its sixth session.

52. At the same session, the CMP encouraged Parties included in Annex I to the Convention and international organizations to provide funding to the Adaptation Fund, which will be additional to the share of the proceeds from CDM project activities.

53. *Action:* The CMP will be invited to consider the report of the Adaptation Fund Board. The CMP will also be invited to consider this item and to recommend draft decisions or conclusions for adoption by the CMP at its sixth session.

*FCCC/KP/CMP/2010/7*      *Report of the Adaptation Fund Board. Note by the Chair of the Adaptation Fund Board*

(b) Review of the Adaptation Fund

54. *Background:* The CMP decided at its third session to undertake, at its sixth session, a review of all matters relating to the Adaptation Fund in the context of paragraphs 32–34 of decision 1/CMP.3, including the institutional arrangements as referred to in paragraphs 19 and 23 of that decision, with a view to ensuring the effectiveness and adequacy thereof, and to adopt an appropriate decision on the outcome of such a review.

55. The CMP, at its fifth session, requested<sup>14</sup> the SBI to initiate the review of the Adaptation Fund and to agree on the terms of reference for the review at its thirty-second

<sup>12</sup> Decision 1/CMP.3.

<sup>13</sup> Decision 5/CMP.5.

<sup>14</sup> Decision 5/CMP.5.

session and report back to the CMP at its sixth session so that the review can be undertaken by the CMP at the same session.

56. The SBI, at its thirty-second session, considered the views and recommendations on the possible terms of reference for the review of the Adaptation Fund as submitted by Parties<sup>15</sup> but was unable to finalize the terms of reference for the review of all matters related to the Adaptation Fund, including its institutional arrangements.<sup>16</sup>

57. At the same session, the SBI agreed to recommend that the CMP at its sixth session consider undertaking the review of the Adaptation Fund at CMP 7 and that the CMP take measures at its sixth session to facilitate this process, including the adoption of terms of reference and initiation of the review.

58. *Action:* The CMP will be invited to consider the conclusions from the thirty-second session of the SBI. The CMP will also be invited to consider this item and to recommend draft decisions or conclusions for adoption by the CMP at its sixth session.

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| <i>FCCC/SBI/2010/10</i>     | <i>Report of the Subsidiary Body for Implementation on its thirty-second session, held in Bonn from 31 May to 9 June 2010</i>        |
| <i>FCCC/SBI/2010/MISC.2</i> | <i>Views and recommendations on the possible terms of reference for the review of the Adaptation Fund. Submissions from Parties.</i> |

## 10. Review of implementation of commitments and of other provisions of the Kyoto Protocol

### (a) Issues relating to the international transaction log

59. *Background:* See the SBI 33 provisional agenda and annotations (FCCC/SBI/2010/11).

60. The SBI, at its thirty-second session, recommended a draft decision on the methodology for the collection of ITL fees, for adoption by the CMP at its sixth session.<sup>17</sup>

61. *Action:* The CMP will be invited to refer this sub-item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the CMP at its sixth session.

62. The CMP will be invited to adopt the recommended draft decision mentioned in paragraph 60 above.

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| <i>FCCC/KP/CMP/2010/8</i> | <i>Annual report of the administrator of the international transaction log under the Kyoto Protocol. Note by the secretariat</i> |
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### (b) National communications from Parties included in Annex I to the Convention that are also Parties to the Kyoto Protocol

63. *Background:* See the SBI 33 provisional agenda and annotations (FCCC/SBI/2010/11).

<sup>15</sup> FCCC/SBI/2010/MISC.2.

<sup>16</sup> FCCC/SBI/2010/10, paragraphs 111–118 and annex VII.

<sup>17</sup> FCCC/SBI/2010/10/Add.1.

64. *Action:* The CMP will be invited to refer this sub-item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the CMP at its sixth session.

(c) Annual compilation and accounting reports for Annex B Parties under the Kyoto Protocol

65. *Background:* See the SBI 33 provisional agenda and annotations (FCCC/SBI/2010/11).

66. *Action:* The CMP, at its sixth session, will be invited to refer the consideration of the 2010 compilation and accounting report to the SBI, and to consider the outcome and take action as appropriate.

|                                  |   |
|----------------------------------|---|
| <i>FCCC/KP/CMP/2009/15</i>       | <i>Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol. Note by the secretariat</i>   |
| <i>FCCC/KP/CMP/2009/15/Add.1</i> | <i>Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol. Note by the secretariat. Addendum. Compilation and accounting information by Party</i>          |
| <i>FCCC/KP/CMP/2010/5</i>        | <i>Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol for 2010. Note by the secretariat</i>  |
| <i>FCCC/KP/CMP/2010/5/Add.1</i>  | <i>Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol for 2010. Note by the secretariat. Addendum. Compilation and accounting information by Party</i> |

(d) Capacity-building under the Kyoto Protocol

67. *Background:* See the SBI 33 provisional agenda and annotations (FCCC/SBI/2010/11).

68. *Action:* The CMP will be invited to refer this sub-item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the CMP at its sixth session.

(e) Matters relating to Article 3, paragraph 14, of the Kyoto Protocol

69. *Background:* See the SBI 33 provisional agenda and annotations (FCCC/SBI/2010/11).

70. *Action:* The CMP will be invited to refer this sub-item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the CMP at its sixth session.

(f) Matters relating to Article 2, paragraph 3, of the Kyoto Protocol

71. *Background:* See the SBSTA 33 provisional agenda and annotations (FCCC/SBSTA/2010/7).

72. *Action:* The CMP will be invited to refer this sub-item to the SBSTA for its consideration and for recommendation of draft decisions or conclusions for adoption by the CMP at its sixth session.

## 11. Proposal from Kazakhstan to amend Annex B to the Kyoto Protocol

73. *Background:* The procedures for amending an annex to the Kyoto Protocol are contained in Article 21 of the Kyoto Protocol. Article 21, paragraph 2, states “Any Party may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol.” Article 21, paragraph 3, states “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.”

74. Kazakhstan, by a letter dated 18 September 2009, proposed an amendment to Annex B to the Kyoto Protocol. At its fifth session,<sup>18</sup> the CMP noted the proposal and agreed to place it on the provisional agenda for its sixth session. The CMP also requested the SBI to consider the proposal at its thirty-second session and to report on the outcome to the CMP at its sixth session.

75. In accordance with Article 21, paragraph 3, of the Kyoto Protocol, the secretariat communicated the proposal to the Parties to the Kyoto Protocol, and to the Parties and signatories to the Convention in a notification dated 21 January 2010 and, for information, to the Depository by a letter dated 6 January 2010.

76. At its thirty-second session, the SBI considered this proposal, as requested by the CMP at its fifth session. The conclusions of the SBI on this issue are contained in document FCCC/SBI/2010/10, paragraphs 129–138.

77. *Action:* The CMP will be invited to consider the proposal from Kazakhstan to amend Annex B and take any action it deems appropriate.

FCCC/KP/CMP/2010/4      *Proposal from Kazakhstan to amend Annex B to the Kyoto Protocol*

## 12. Administrative, financial and institutional matters

### (a) Audited financial statements for the biennium 2008–2009

78. *Background:* See the SBI 33 provisional agenda and annotations (FCCC/SBI/2010/11).

79. *Action:* The CMP will be invited to refer this sub-item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the CMP at its sixth session.

### (b) Budget performance for the biennium 2010–2011

80. *Background:* See the SBI 33 provisional agenda and annotations (FCCC/SBI/2010/11).

81. *Action:* The CMP will be invited to refer this sub-item to the SBI for its consideration and for recommendation of draft decisions or conclusions for adoption by the CMP at its sixth session.

<sup>18</sup> FCCC/KP/CMP/2009/21, paragraphs 84–94.

(c) Privileges and immunities for individuals serving on constituted bodies under the Kyoto Protocol

82. *Background:* See the SBI 33 provisional agenda and annotations (FCCC/SBI/2010/11).

83. *Action:* The CMP will be invited to refer this sub-item to the SBI for its consideration and for recommendation of a draft decision or conclusions for adoption by the CMP at its sixth session.

**13. Other matters referred to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol by the subsidiary bodies**

84. *Background:* Any other matters concerning the Kyoto Protocol referred by the subsidiary bodies for the attention of the CMP may be taken up under this item, including draft decisions and conclusions completed at the thirty-second and thirty-third sessions of the subsidiary bodies.

85. *Action:* The CMP will be invited to adopt draft decisions or conclusions pertaining to the Kyoto Protocol forwarded by the SBSTA or the SBI at their thirty-second and thirty-third sessions.

**14. High-level segment**

86. The inauguration of the high-level segment will take place in the afternoon of Tuesday, 7 December 2010. National statements will be heard in joint meetings of the COP and the CMP during the high-level segment on 8–9 December. The high-level segment will continue until Friday, 10 December 2010.

87. The SBI, at its thirty-second session, agreed that arrangements be made for the delivery of concise national statements by ministers and other heads of delegation,<sup>19</sup> with a recommended time limit of three minutes, and also concise statements by representatives of intergovernmental organizations and non-governmental organizations, with a recommended time limit of two minutes, in the joint meetings of the COP and the CMP during the high-level segment.<sup>20</sup> Statements on behalf of groups, where the other members of the group do not speak, are strongly encouraged and additional time will be provided for these. The full texts of the official statements will be circulated if sufficient numbers of copies are provided to the secretariat in the course of the session.

88. The list of speakers will be open from Friday, 29 September to Friday, 12 November 2010.<sup>21</sup> Information about the list, including a registration form, will be sent to Parties in the notification for the sessions.

89. Further information on the high-level segment will be made available in an addendum to this document after consideration by the Bureau and the host Government of COP 16 and CMP 6.

<sup>19</sup> Statements may also be made by other high-level representatives.

<sup>20</sup> FCCC/SBI/2010/10, paragraph 146.

<sup>21</sup> Enquiries regarding this list may be directed to the Office of External Relations at the UNFCCC secretariat by telephone (+49 228 815 1520 or 1506), fax (+49 228 815 1999) or e-mail <secretariat@unfccc.int>.

**15. Statements by observer organizations**

90. Representatives of intergovernmental and non-governmental organizations will be invited to address the CMP. Further information will be made available.

**16. Other matters**

91. Any other matters for the attention of the CMP will be taken up under this item.

**17. Conclusion of the session**

(a) Adoption of the report of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol on its sixth session

92. *Background:* A draft report on the work of the session will be prepared for adoption by the CMP at the end of the session.

93. *Action:* The CMP will be invited to adopt the draft report and authorize the Rapporteur to complete the report after the session under the guidance of the President and with the assistance of the secretariat.

(b) Closure of the session

94. The President will declare the session closed.

## Annex

### Documents before the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its sixth session

#### Documents prepared for the session

|                              |  |
|------------------------------|--|
| FCCC/KP/CMP/2010/1 and Add.1 | Provisional agenda and annotations. Note by the Executive Secretary  |
| FCCC/KP/CMP/2010/2           | Appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee. Note by the secretariat  |
| FCCC/KP/CMP/2010/3           | Proposal from Grenada for amendments to the Kyoto Protocol. Note by the secretariat  |
| FCCC/KP/CMP/2010/4           | Proposal from Kazakhstan to amend Annex B to the Kyoto Protocol  |
| FCCC/KP/CMP/2010/5           | Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol for 2010. Note by the secretariat  |
| FCCC/KP/CMP/2010/5/Add.1     | Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol for 2010. Note by the secretariat. Addendum. Compilation and accounting information by Party |
| FCCC/KP/CMP/2010/6           | Annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol   |
| FCCC/KP/CMP/2010/7           | Report of the Adaptation Fund Board. Note by the Chair of the Adaptation Fund Board  |
| FCCC/KP/CMP/2010/8           | Annual report of the administrator of the international transaction log under the Kyoto Protocol. Note by the secretariat  |
| FCCC/KP/CMP/2010/9           | Annual report of the Joint Implementation Supervisory Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol                       |
| FCCC/KP/CMP/2010/10          | Annual report of the Executive Board of the clean development mechanism to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol               |

**Other documents before the session**

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|---------------------|--|
| FCCC/CP/1996/2      | Organizational matters: Adoption of the rules of procedure. Note by the secretariat  |
| FCCC/KP/CMP/2009/2  | Proposal from the Czech Republic and the European Commission on behalf of the European Community and its member States for an amendment to the Kyoto Protocol. Note by the secretariat   |
| FCCC/KP/CMP/2009/3  | Proposal from Tuvalu for an amendment to the Kyoto Protocol with respect to immunities for individuals serving on constituted bodies established under the Kyoto Protocol. Note by the secretariat   |
| FCCC/KP/CMP/2009/4  | Proposal from Tuvalu for amendments to the Kyoto Protocol. Note by the secretariat   |
| FCCC/KP/CMP/2009/5  | Proposal from the Philippines for amendments to the Kyoto Protocol. Note by the secretariat  |
| FCCC/KP/CMP/2009/6  | Proposal from New Zealand for an amendment to the Kyoto Protocol. Note by the secretariat  |
| FCCC/KP/CMP/2009/7  | 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 for an amendment to the Kyoto Protocol. Note by the secretariat |
| FCCC/KP/CMP/2009/8  | Proposal from Colombia for amendments to the Kyoto Protocol. Note by the secretariat   |
| FCCC/KP/CMP/2009/9  | Proposal from Belarus for amendments to the Kyoto Protocol. Note by the secretariat  |
| FCCC/KP/CMP/2009/10 | Proposal from Australia for amendments to the Kyoto Protocol. Note by the secretariat  |
| FCCC/KP/CMP/2009/11 | Proposal from Japan for an amendment to the Kyoto Protocol. Note by the secretariat  |
| FCCC/KP/CMP/2009/12 | Proposal from the Plurinational State of Bolivia on behalf of Malaysia, Paraguay and the Bolivarian Republic of Venezuela for an amendment to the Kyoto Protocol. Note by the secretariat  |

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| FCCC/KP/CMP/2009/13         | Proposal from Papua New Guinea for amendments to the Kyoto Protocol. Note by the secretariat   |
| FCCC/KP/CMP/2009/15         | Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol. Note by the secretariat   |
| FCCC/KP/CMP/2009/15/Add.1   | Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol. Note by the secretariat. Addendum. Compilation and accounting information by Party  |
| FCCC/SBSTA/2010/6           | Report of the Subsidiary Body for Scientific and Technological Advice on its thirty-second session, held in Bonn from 31 May to 10 June 2010                               |
| FCCC/SBSTA/2010/7           | Provisional agenda and annotations. Note by the Executive Secretary  |
| FCCC/SBI/2010/10 and Add. 1 | Report of the Subsidiary Body for Implementation on its thirty-second session, held in Bonn from 31 May to 9 June 2010   |
| FCCC/SBI/2010/11            | Provisional agenda and annotations. Note by the Executive Secretary  |
| FCCC/SBI/2010/MISC.2        | Views and recommendations on the possible terms of reference for the review of the Adaptation Fund. Submissions from Parties   |
| FCCC/KP/AWG/2010/3          | Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on its eleventh session, held in Bonn from 9 to 11 April 2010       |
| FCCC/KP/AWG/2010/7          | Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on its twelfth session, held in Bonn from 1 to 11 June 2010         |
| FCCC/KP/AWG/2010/11         | Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on its thirteenth session, held in Bonn from 2 to 6 August 2010     |
| FCCC/KP/AWG/2010/14         | Report of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol on its fourteenth session, held in Tianjin from 4 to 9 October 2010 |
| FCCC/KP/AWG/2010/15         | Provisional agenda and annotations. Note by the Executive Secretary  |

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