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Item 2 (a) of the provisional agenda
Organizational matters
Status of ratification of the Convention and its Kyoto Protocol

Issues arising in the context of the entry into force of the Kyoto Protocol

Note by the secretariat*

Summary

This note seeks to answer some initial questions associated with the entry into force of the Kyoto Protocol. It is an attempt to respond to several questions raised frequently by Parties in recent months concerning:

- Arrangements for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP 1)
- Budgetary issues
- Reporting and review requirements.

* The instrument of ratification of the Kyoto Protocol by the Government of the Russian Federation was deposited with the Secretary-General on 18 November 2004. This document responds to that event and was therefore submitted after the deadline.

I. Arrangements for the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP1)

A. When will COP/MOP 1 be held?

1. The Kyoto Protocol to the United Nations Framework Convention on Climate Change will enter into force on **16 February 2005**, in accordance with the provisions of its Article 25.
2. Article 13, paragraph 6, of the Kyoto Protocol provides that the first session of the Conference of the Parties serving as the meeting of the Parties (COP/MOP 1) shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties (COP) that is scheduled after the date of entry into force of the Protocol.
3. COP 11 and COP/MOP 1 are expected to be held from 7 to 18 November 2005 (the second sessional period for 2005 in the agreed calendar of meetings).

B. What are the organizational arrangements for COP/MOP 1?

4. The Subsidiary Body for Implementation (SBI), at its eighteenth session, adopted conclusions,¹ and COP 9 adopted a decision,² concerning arrangements for COP/MOP 1. These agreed texts provide a framework but do not answer every possible question. The arrangements are designed to ensure maximum efficiency and avoid duplication of work by Parties.
5. The SBI recognized that the COP and the COP/MOP are legally distinct with separate agendas and, in accordance with Article 15 of the Kyoto Protocol, that the subsidiary bodies of the Convention shall serve as the subsidiary bodies to the Kyoto Protocol. The SBI also recommended that the sessions of the subsidiary bodies be convened in conjunction with the sessions of the COP and COP/MOP, and that meetings of the SBI and the Subsidiary Body for Scientific and Technological Advice (SBSTA) be held in parallel. The seating arrangements for the COP will be used for meetings of the COP/MOP and during the high-level segment.
6. Separate provisional agendas for COP 11 and for COP/MOP 1 will be prepared by the secretariat, in agreement with the President. In agreement with the chairs of the subsidiary bodies, one provisional agenda will be prepared for each subsidiary body, and will contain both Convention and Kyoto Protocol items. In order to clarify in which capacity the subsidiary body is acting, items relating to the Convention or to the Kyoto Protocol will be clearly identified on the agenda and during the meetings. The SBI invited the Executive Secretary to identify specific items on the provisional agendas that might benefit from joint consideration.
7. The COP and the COP/MOP will meet separately. However, meetings will be organized so that similar or related items on the agendas can be dealt in proximity, or jointly if Parties so decide. The meetings of the subsidiary bodies will also be organized so that similar or related agenda items relating to both the Convention and the Protocol will be dealt with in proximity, or jointly if Parties so decide.
8. A **joint high-level segment** will be held for Parties to make national statements, using one speakers' list, and each Party, including Parties to both the Convention and the Kyoto Protocol, will speak only once. During the joint meetings, no decisions will be taken by either the COP or the COP/MOP. The timing of the high-level segment is to be decided.

¹ FCCC/SBI/2003/8, paragraph 44.

² Decision 17/CP.9, which includes a draft decision for adoption by the COP/MOP at its first session.

9. Under the draft COP/MOP 1 decision attached to decision 17/CP.7, the COP/MOP will decide that when applying the draft rules of procedure of the Conference of the Parties being applied,³ it should be understood that:

- The term of office of any **replacement officer** elected by and from among Parties to the Kyoto Protocol (in accordance with Article 13, paragraph 3, and Article 15, paragraph 3, of the Protocol) will expire at the same time as that of the officer being replaced;
- **Credentials** from Parties to the Kyoto Protocol will apply for the participation of their representatives in sessions of the COP and the COP/MOP; a single report on credentials will be submitted to the COP and the COP/MOP;
- **Observer organizations** admitted to previous sessions of the COP will be admitted to the COP/MOP; a **single process** will be used in the future for the admission of all observers to both the COP and the COP/MOP, with the COP taking the decision on the admission of all observers.

10. Further arrangements for the organization of the sessions, including the timing and organization of the high-level segment, are to be made by the secretariat in consultation with the Bureau. Further information on the arrangements for the sessions will be communicated to Parties by the secretariat. The above-mentioned arrangements are **only for COP/MOP 1**. The SBI has been requested to review these arrangements and to make recommendations to the COP and the COP/MOP for future sessions.

C. What is COP/MOP 1 expected to do?

11. With regard to the elements of the provisional agenda, four main components are foreseen:

- Organizational and procedural matters
- Ceremonial matters and the high-level segment
- Adoption of agreed decisions
- Completion of work on pending issues.

12. At COP/MOP 1, Parties to the Kyoto Protocol will need to elect the following:

- Additional members of the Bureau to replace any members representing States that are not Parties to the Kyoto Protocol
- Members of the Compliance Committee and the Article 6 Supervisory Committee
- New members of the Executive Board of the clean development mechanism to replace those whose term of office has expired and any members representing States that are not Parties to the Kyoto Protocol.

13. At COP/MOP 1, Parties to the Kyoto Protocol will need to decide on the legal form of the procedures and mechanisms relating to compliance under the Kyoto Protocol, attached to decision 24/CP.7.

³ FCCC/CP/1996/2.

II. Budgetary issues

14. The Kyoto Protocol Interim Allocation (KPIA) will come into effect on the same day that the Kyoto Protocol enters into force. The amount of USD 5,455,793, budgeted for the full 12 months in 2005, will be prorated to the number of months during which the Protocol will be in force. Following the ratification by the Russian Federation on 16 November 2004, the Kyoto Protocol will enter into force on 16 February 2005. The interim allocation has therefore been pro-rated to 10.5 months, amounting to USD 4,773,819. The indicative contribution of each Party to the Protocol will be calculated on the basis of the United Nations scale of assessment, and adjusted to ensure that no one contribution exceeds 22 per cent of the total allocation.

15. Contributions will be due on the date the Protocol enters into force. Notifications were dispatched as soon as the instrument for ratification by the Russia Federation was deposited.

16. Further information regarding financial requirements for implementation of the Kyoto Protocol will be included in the proposed programme budget for 2006–2007 to be considered at SBI 22.

III. Reporting and review requirements

17. The entry into force of the Kyoto Protocol will have immediate implications on reporting and review requirements. The fourth national communications from Parties included in Annex I to the Convention (Annex I Parties) are due by 1 January 2006. In addition, Article 3, paragraph 2, requires each Annex I Party to have made demonstrable progress in achieving its commitments under the Protocol. Decision 25/CP.8 requested Annex I Parties to submit a report on such progress by 1 January 2006. Article 7, paragraph 2, of the Kyoto Protocol requires each Annex I Party to incorporate in its national communication the supplementary information necessary to demonstrate compliance with its commitments under the Protocol.⁴ This supplementary information should be submitted as part of the first national communication due under the Convention after the Protocol has entered into force. With the entry into force of the Protocol due on 16 February 2005 that information should be included in the fourth national communication.

18. Additionally, under Article 7, paragraph 4, of the Protocol, each Party included in Annex B to the Kyoto Protocol (Annex B Party) is required to submit, by 1 January 2007, a report to facilitate the calculation of its assigned amount.⁵ Because submission of this report is required to initiate the 16-month period to establish eligibility to participate in the mechanisms, it is anticipated that many Annex B Parties will submit the reports in mid-2006. Each report will then be subject to an in-country review within one year of submission.

19. The submission of the above reports will result in parallel review processes for Annex B Parties in 2006 and 2007.

⁴ FCCC/CP/2001/13/Add.3, page 26.

⁵ FCCC/CP/2001/13/Add.2, page 58, paragraphs 6–8.