



**UNITED  
NATIONS**



**Framework Convention  
on Climate Change**

Distr.  
GENERAL

FCCC/KP/CMP/2007/INF.1  
9 October 2007

ENGLISH ONLY

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**CONFERENCE OF THE PARTIES SERVING AS THE  
MEETING OF THE PARTIES TO THE KYOTO PROTOCOL**

**Third session**

**Bali, 3–14 December 2007**

**Item 11 of the provisional agenda**

**Second review of the Kyoto Protocol pursuant to its Article 9: scope and content**

**Synthesis of submissions on the scope and content of the second review under  
Article 9 of the Kyoto Protocol and the preparations required  
for conducting the review**

**Note by the secretariat**

*Summary*

At its second session, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol decided to consider, at its third session, the scope and content of the second review of the Kyoto Protocol pursuant to Article 9. It invited Parties to submit their views including regarding the scope and content of the second review and the preparations required for conducting the review. This document presents a synthesis of these submissions.

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## I. Introduction

### A. Mandate

1. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), by its decision 7/CMP.2, paragraph 4, decided that the second review of the Kyoto Protocol pursuant to Article 9 (hereinafter referred to as the second review) shall take place at its fourth session in 2008. The CMP further decided to consider the scope and content of the second review at its third session.

2. At the same session, the CMP invited Parties to submit to the secretariat, by 17 August 2007, their views including regarding the scope and content of the second review and the preparations required for conducting the review (decision 7/CMP.2, para. 9). These submissions are contained in document FCCC/KP/CMP/2007/MISC.1 and Add.1. The CMP requested the secretariat to prepare a synthesis of these submissions for consideration by the CMP at its third session.

### B. Scope of the note

3. This document was prepared in response to the above-mentioned mandate. Chapter II presents a synthesis of the information provided by Parties in their submissions. The synthesis has been divided into possible scope and contents of the second review, and suggested preparations for this review.

### C. Possible action by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

4. The CMP may wish to consider the synthesis of information contained in this document and decide on the scope and content of the second review. The CMP may also wish to consider and agree on preparations for this review.

## II. Synthesis of submissions<sup>1</sup>

### A. Possible scope and contents of the second review under Article 9 of the Kyoto Protocol

5. Suggestions by Parties on the scope for the second review were of two kinds. First, some Parties were of the view that the second review should focus on implementation by Parties included in Annex I to the Convention (Annex I Parties) of their commitments under the Kyoto Protocol. Second, other Parties were of the view that the second review should focus on architectural aspects of the Protocol.

6. In relation to the first area of focus mentioned in paragraph 5 above, the following contents were proposed:

- (a) Effectiveness in reducing greenhouse gas emissions to date, in particular to achieve emission limitation or reduction commitments;
- (b) Effectiveness of the flexibility mechanisms in meeting targets of Annex I Parties, in particular regarding the clean development mechanism (CDM);
- (c) The provision of financial resources;
- (d) Capacity-building;

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<sup>1</sup> At the time of writing this synthesis, submissions from the following Parties had been received by the secretariat: China, Israel, New Zealand, Norway, Portugal on behalf of the European Community and its member States and Saudi Arabia.

- (e) Technology transfer.

7. In relation to the second area of focus mentioned in paragraph 5 above, the following contents were proposed:

- (a) The role of the Kyoto Protocol in meeting the ultimate objective of the Convention;
- (b) The nature of commitments under the Kyoto Protocol including alternatives for their formulation;
- (c) The scope of Annex A to the Kyoto Protocol, including the treatment of emissions from international aviation and maritime transport;
- (d) The rules that govern the treatment of land use, land-use change and forestry, noting that related provisions have been agreed only for the first commitment period of the Protocol;
- (e) Existing annexes and procedures for amending these, including the simplification of procedures for Parties to be included in Annex B to the Kyoto Protocol;
- (f) The scope for, and effectiveness of, the flexibility mechanisms, namely the CDM, joint implementation and emissions trading, with a view to their enhancement, strengthening and scale up;
- (g) Provisions on adaptation with a view to securing adequate and predictable resources to enhance the capacity of developing countries, in particular the most vulnerable, to adapt to climate change;
- (h) Privileges and immunities with a view to ensuring that members of constituted bodies are adequately protected from claims before national courts in relation to the exercise of their official functions.

8. In accordance with decision 7/CMP.2, Parties reiterated that the second review shall be based on the best scientific information and assessments, including the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, as well as relevant technical, social and economic information.

9. Effectiveness of the flexibility mechanisms, in particular the CDM, was a common element of the review which was referred to by almost all Parties. One Party indicated that agreement on some of the issues referred to in paragraph 7 above will underpin the future implementation of the Kyoto Protocol and the level of ambition that Annex I Parties can consider in the context of work being undertaken by the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol.

10. One Party suggested that “the results of the second review should contribute to discussions on post-Kyoto agreements for enhancing the implementation of the Convention. Furthermore, the results should assist in determining the manner and scope in which Parties take differentiated responsibility for carrying out future emission reductions, taking into account, inter alia, social, economic and environmental circumstances”.

11. Two Parties underlined that the second review shall not lead to the introduction of any new commitments for Parties not included in Annex I to the Convention. One Party stressed that “from a legal point of view, any discussion on developing country commitments should not be before the second review of Annex I commitments, which is being discussed under Article 3.9”.

## **B. Suggested preparations**

12. Some Parties stated that the second review should be undertaken on the basis of a process with a clear timeline to be agreed by the CMP at its third session. They suggested that such a process should avoid duplication of work and be initiated at the third session of the CMP and concluded at its fourth session.

13. Several Parties referred to the link between the second review and work in progress under the Convention and its Kyoto Protocol, in particular the AWG and the dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention. Some Parties suggested that some of the contents identified in paragraph 7 above could be dealt with by the AWG, and that specific tasks could be designated, as required, to the relevant subsidiary body.

14. Without specifying their scope or contents, some Parties suggested that preparations for the review could include submissions by Parties and workshops or technical meetings. One Party suggested that the second review could start with a mandate to the secretariat to prepare a technical paper and to organize an intersessional workshop before the twenty-eighth session of the Subsidiary Body for Scientific and Technological Advice (SBSTA). This Party further suggested that the SBSTA, at the same session, could agree on further preparations and initiate the preparation of a draft decision to be considered by the CMP at its fourth meeting.

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