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UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

**AD HOC WORKING GROUP ON FURTHER COMMITMENTS  
FOR ANNEX I PARTIES UNDER THE KYOTO PROTOCOL**

**Seventh session**

**Bonn, 29 March to 8 April 2009**

**Agenda item 5 (g)**

**Other issues arising from the implementation of the work programme of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol**

**Legal matters arising from the mandate of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol**

**Views on possible elements for amendments to the Kyoto Protocol  
pursuant to its Article 3, paragraph 9**

**Submissions from Parties**

1. The Chair of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP) at its seventh session, invited Parties to submit to the secretariat, by 4 April 2009, proposals in the form of legal text in relation to the work of the AWG-KP on the possible elements for amendments to the Kyoto Protocol pursuant to its Article 3, paragraph 9. He requested the secretariat to compile the submissions into a miscellaneous document.

2. The secretariat has received 11 such submissions. In accordance with the procedure for miscellaneous documents, these submissions are attached and reproduced\* in the language in which they were received and without formal editing.

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\* These submissions have been electronically imported in order to make them available on electronic systems, including the World Wide Web. The secretariat has made every effort to ensure the correct reproduction of the texts as submitted.

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PAPER NO. 1: AUSTRALIA

Thank you for the opportunity to provide textual suggestions on the Chair's non-paper pursuant to Article 3(9). We will not be submitting detailed legal comments at this point, prior to further consideration in Capital. Instead Australia will be outlining those areas requiring further consideration and additional elements for amendment in an intervention on Monday. We will also be providing detailed text proposals and policy and legal input in a submission timed for 24 April.

PAPER NO. 2: BOTSWANA

SUBMISSION BY REPUBLIC OF BOTSWANA

AMENDMENT OF THE KYOTO PROTOCOL TO THE UNITED NATIONS  
FRAMEWORK CONVENTION ON CLIMATE CHANGE  
PURSUANT TO ITS ARTICLE 3, PARAGRAPH 9

A. Annex B

For Annex B to the Kyoto Protocol there shall be inserted two new columns next to the existing columns:

Party	Quantified emission limitation or reduction commitment from 2008-2012 (percentage of base year or period)	Quantified emission reduction commitment from 2013-2017 (percentage of base year or period)	Per capita emissions from 2013-2017
Australia	108		
Austria	92		
Belgium	92		
Bulgaria*	92		
Canada	94		
Croatia*	95		
Czech Republic*	92		
Denmark	92		
Estonia*	92		
European Community	92		
Finland	92		
France	92		
Germany	92		
Greece	92		
Hungary*	94		
Iceland	110		
Ireland	92		
Italy	92		
Japan	94		
Latvia*	92		
Liechtenstein	92		
Lithuania*	92		
Luxembourg	92		
Monaco	92		
Netherlands	92		
New Zealand	100		
Norway	101		
Poland*	94		
Portugal	92		
Romania*	92		
Russian Federation*	100		
Slovakia*	92		
Slovenia*	92		

Spain	92		
Sweden	92		
Switzerland	92		
Ukraine*	100		
United Kingdom of Great Britain and Northern Ireland	92		
United States of America	93		

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

## B. 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, 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 limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by an amount greater than [ ]% below 1990 levels in the commitment period 2013 to 2017 that has been determined on the basis of the following criteria in order to ensure consistency with the ultimate objective of the Convention and the principles of equity and common but differentiated responsibility:

- Historic responsibility of Annex I Parties, individually and jointly, for current atmospheric concentrations of greenhouse gases
- The historic and current per capita emissions in developed countries
- Technological, financial and institutional capacities
- The share of global emissions required by developing countries in order to meet their social and development needs.

The following paragraph shall be added to Article 3 of the Protocol after paragraph 7:

7 bis In the second quantified emission limitation and reduction commitment period, from 2013 to 2017, 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 years or period determined in accordance with paragraph 5 above, multiplied by five.

The second sentence of paragraph 9 shall be deleted and the following 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 commitments for any further subsequent periods at least seven years before the end of the commitment period that immediately precedes the commitment period under consideration.

PAPER NO. 3: CANADA

**Canada's Textual Proposals – AWG-KP Legal Matters**

Canada welcomes the opportunity to provide additional proposals in response to the Chair's non-paper. Canada does not have an expressed preference for the options set out below, nor those set out in the Chair's paper. At this point, Canada wishes to continue to explore all options as part of a process for the conclusion of a broader post-2012 outcome.

Canada's textual proposals below are in bold.

**Options A1, A2 and A3 (pages 1, 2, 3 and 4)**

- For the second and future commitment periods, for those Parties included in Annex I that have reached an agreement to fulfill their commitment under Article 3 jointly, it would be beneficial, for transparency purposes, to ensure that their actual reduction commitments relate to their individual quantified emission limitation or reduction commitments.

**Option A3 (p.4)**

- Canada supports the retention of expression of commitments in absolute terms eg. gigagrams. The reduction commitments in each column should be expressed both as a percentage and in absolute terms.

**Option B1 (p.5)**

- For the words "by at least 5 per cent below 1990 levels", the following shall be substituted:

by **[at least X]** [at least 30] [between 25 and 40] [at least 40] [x] per cent below [1990] **[X]** levels

- For the words "in the commitment period 2008 to 2012", the following shall be substituted:

[in the second commitment period [2013 to 2017] [2013 to 2020] [2013 to V]] **[by 2020], [X], and [Y], respectively]**.

**Option B2 (p.6)**

The following paragraph shall be inserted after paragraph 1 of Article 3 of the Protocol:

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 limitation and reduction commitments inscribed in the third column of the table contained in Annex B and in accordance with the provisions of this article with a view to reducing their overall emissions of such gases by **[at least X]** [at least 30] [between 25 and 40] [at least 40] [X] per cent below [1990] **[X]** levels [in the commitment period [2013 to 2017] [2013 to 2020] [2013 to V]] **[by 2020, [X], and [Y], respectively]**.

**Option C.1 (p.6)**

In paragraph 7 of Article 3 of the Protocol, for the words:

“In the first quantified emission limitation and reduction commitment period, from 2008 to 2012”

there shall be substituted:

In the second quantified emission limitation and reduction commitment period, from [2013 to 2017] [2013 to 2020] [2013 to V] ] **[by 2020], [X], and [Y], respectively].\***

\*A linear reduction for the target date may require further text adjustments under 3.7.

For the words:

“the percentage inscribed for it in Annex B”

There shall be substituted:

“the percentage **[and volume]** inscribed for it in the third column of the table contained in Annex B”

In the sixth line, in paragraph 7 of Article 3 of the Protocol, for the words:

“1990”

there shall be substituted:

“[1990] **[X]**”

and for the words:

“multiplied by five”

there shall be substituted:

“[multiplied by [X]] [Y].”\*

**Option C.2 (p.6-7)**

7 bis. **[By 2020], [X], and [Y], respectively]** [in the second quantified emission limitation and reduction commitment period], from [2013 to 2017] [2013 to 2020] [2013 to V]], the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed the third column of the table contained in Annex B of its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in [1990] **[X]**, or the base year or period determined in accordance with paragraph 5 above, [multiplied by [five] [eight]] [Y].\* Those Parties included in Annex I for whom land-use change and forestry constituted a net source of greenhouse gas emissions in 1990 shall include in their 1990 emissions base year or period the aggregate anthropogenic carbon dioxide equivalent emissions by sources

minus removals by sinks in 1990 from land-use change for the purposes of calculating their assigned amount.

\*A linear reduction for the target date would imply a different result which would need to be reflected accordingly in the text.

**\*\*NOTE:** Canada notes that, at a minimum, the following articles may need to be further considered or modified in consequence of the above proposed text. This list is provided for illustrative purposes only and is not exhaustive. In addition, Canada recognizes that there may need to be additional amendments to articles not directly related to the Chair's non-paper on Article 3, paragraph 9.

- Preamble
- Article 1.7
- Article 3.13
- Article 4.3

PAPER NO. 4: CZECH REPUBLIC  
ON BEHALF OF THE EUROPEAN COMMUNITY AND ITS MEMBER STATES

**EU input to Chair's non paper**

**4 April 2009, 2pm**

Before commenting on the text of possible amendments the EU would like to stress that the AWG-KP agreed to take into account developments under the AWG-LCA and other bodies and processes under the Convention and its Kyoto Protocol. This is of particular importance with regard to the legal form of the Copenhagen agreed outcome, which could have implications for the final form and content of amendments to the Kyoto Protocol. The AWG-KP should seek coherence and maximise synergies in the work of different bodies and processes.

**ARTICLE 1**

**Section A:**

**Annex B**

The EU would favour option 2 but open to explore other parties proposals. In addition the EU is interesting in exploring the option of defining more than one commitment period. This would imply the need to add additional columns to Annex B.

**Section B: Article 3 paragraph 1.**

The EU would favour option two with the following changes:

Add in 1bis overall emission reduction should be 30% below 1990 levels by 2020.

The expression of this figure would depend on the choice of commitment periods (e.g. length and number of commitment periods.)

The EU would like to provide for further consideration of the idea of annual compliance assessment. The Annex contains text proposals to this effect.

**Section C**

The EU would favour option 2.

If we were to define more than one commitment period additional paragraphs would be needed.

**Section D:**

The EU believes that it is generally useful to include a provision for when to commence negotiations on subsequent commitments. As pointed out in the contact group, we would prefer such a provision to relate to all commitments contained in the agreed outcome of Copenhagen. Thus the final text of such a provision should be subject to the work and results achieved in other processes under the Convention.

In addition, the EU believes it is useful to consider the idea of holding reviews of the adequacy of the commitments during the commitment periods.

**ARTICLE 2:**

**Entry into force**

The EU suggests that new commitments should also be made conditional on a certain percentage of CO<sub>2</sub> emissions (or equivalents thereof) being covered. This could be achieved by making the application of any new commitments contingent on coverage of a certain percentage of emissions.

Such an additional requirement for the application of new commitments would require an amendment of the KP.

The EU believes that provisions on entry into force and application of any new commitments need to be coordinated with the approach under the AWG-LCA to ensure the legal effectiveness of the overall agreed outcome of Copenhagen.

#### **Simplification of certain procedure (e.g. amendments to Annex B)**

The EU is willing to discuss several options for simplifying the procedures. In the Annex there are text proposals for amendments to Article 21 of the KP that reflect two options for simplifying the procedures: the adjustment procedure and the opt-out procedure.

#### **Immunities**

A specific article on immunities for individual serving on bodies constituted under the KP should be included, being aware of the ongoing process on this issue under the SBI. See text proposals in Annex.

In addition to these proposals, there may be need for other changes to improve clarity and avoid ambiguity.

#### **ADDITIONAL ISSUES (including issues relating to FCCC/KP/AWG/2009/4).**

##### **Review of adequacy of commitments.**

The EU believes that it would be appropriate to provide for a timely review of the adequacy of commitments in Annex B, in particular if a longer commitment period than five years or several commitment periods would be defined. Such review should be carried out on the basis of best available scientific information, in particular by the IPCC.

##### **Improvements to Emissions trading and the project based mechanisms.**

The EU believes that a number of proposals under consideration in the Contact Group on Project-based mechanisms could require amendments to the KP and or the Marrakech Accords. For example:

- **Sectoral crediting** on the basis of no-lose targets would need an amendment of the Kyoto Protocol. This mechanism would deviate from the current framework under Article 12 as for example "sectoral activities" and "tradable units" would need to be introduced.
- Also, any sectoral crediting approach would need to be guided by a subsidiary body under the overall guidance of the CMP or COP. In addition to a legal article, CMP/COP decisions would be needed to further define the modalities of the mechanism.
- **Sectoral emissions trading:** Integrating sectoral emissions trading in developing countries into the global carbon market in order to enable emission units issued towards sectoral targets in these countries to be sold and used for compliance, would require changes to Article 17 (or a respective new article) of the Kyoto Protocol pursuant to which only "Parties included in Annex B may participate in emissions trading for the purposes of fulfilling their commitments under Article 3".
- Thus Article 17 (or a respective new article) would need to be opened up to Parties outside the scope of Annex B that have committed themselves to adopt sectoral targets. The post-2012 regime would also need to enable these units to be used for compliance purposes. In addition, CMP or COP decisions would be needed to further define the modalities of sectoral emissions trading.

##### **LULUCF:**

- A number of interesting proposals and options on the table under this agenda item. Several of these may require amendments to the Kyoto Protocol and/or the Marrakech Accords.

**Coverage of sectors and sources:**

- EU has proposed to include new gases would in some cases require amendments to Annex A and in some cases to the UNFCCC reporting guidelines.

The Annex contains text proposals to this effect.

**Common metrics:**

- EU proposes to continue to apply the current metrics of GWPs with 100 years time horizon beyond 2012 and agree to use updated GWPs as presented in IPCC AR4.

The Annex contains text proposals to this effect.

**Approaches to limit or reduce bunker fuel emissions:**

- May lead to changes to the KP, e.g. Art 2.2. This needs to be discussed in coherence with AWG LCA work on mitigation, e.g. if we would inscribe global sectoral targets for these sectors into the Copenhagen agreed outcome.

**Analysis of efforts and achievements during the first commitment period, including analysis of possible surplus in AAUs**

- Subject to the result of the consideration of this issue, there may be a need for changes to the Kyoto Protocol or the Marrakech Accords

## Text proposals

**1. Additional qualification, similar to the double requirement for entry into force in Article 25. 1, for the application of any new commitments and other obligations (to be inserted at an appropriate place in article 3, e.g. para 1):**

“The quantified emission limitation or reduction commitments and [...] for the period [...] inscribed in [...] shall only apply once [*specified conditions have been met, e.g. a percentage of certain CO2 emissions are covered*].

## **2. Annual compliance assessment**

The rationale for the additional text within square brackets is that it allows for the further consideration of the idea of annual compliance assessments.

“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 limitation and reduction commitments inscribed in the third column [Annex B] and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by 30 per cent below 1990 levels [by the end of] [in] the commitment period 2013 to 2020 [and in accordance with the annual compliance assessment set out in article ...].”

This needs to be complemented by a new article on the annual compliance assessment to be inserted at the appropriate place into the KP.

## **3. Consideration of commitments**

9 bis The Conference of the Parties serving as the Meeting of the Parties to this Protocol shall initiate the consideration of the adequacy of commitments and actions under articles [...] and commitments for the third and subsequent commitment periods at least Z years before the end of the second and subsequent commitment periods.

**4. Immunities for individuals serving on constituted bodies.** Text taken from the EU submission (March 2009):

*(to be inserted in the appropriate place)*

“**Article [...]**

1. Individuals serving as members or alternate members of bodies constituted under this Protocol shall be accorded such immunities as are necessary for the independent exercise of their functions. These immunities shall only apply to activities in connection with the exercise of their official functions. They shall be accorded:

(a) in respect of words spoken or written and acts done by them in the course of the performance of their function, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer members or alternate members of bodies constituted under this Protocol;

(b) inviolability for all papers and documents.

2. Immunities are granted to members and alternate members for the efficient performance of their official functions and not for the personal benefit of the individuals themselves. The Executive Secretary to the United Nations Framework Convention on Climate Change shall have the right and the duty to waive the immunity of any member or alternate member in any case where, in his or her opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the operation of this Protocol.

3. Constituted bodies referred to in paragraph 1 above are the Executive Board of the Clean Development Mechanism, the Joint Implementation Supervisory Committee, the compliance committee and the expert review teams established under Article 8 of the Kyoto Protocol.<sup>1</sup>

### **5. Simplifying the procedures for inscribing commitments in Annex B:**

The EU is willing to discuss several options for simplifying the procedures. Below are text proposals for amendments to Article 21 of the KP that reflect two options: the adjustment procedure and the opt-out procedure.

*Option A - the adjustment procedure:*

#### **“Article 21 (Annexes and Amendments to Annexes)**

...

4. The Parties shall make every effort to reach agreement on any proposed annex or amendment to an annex by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the annex or amendment to an annex other than Annex A, B [or ...] shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. Amendments to Annex A, B [and ...] shall be adopted by consensus and in relation to Annex B [and ...] only with the written consent of the Party concerned. The adopted annex or amendment to an annex shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

5. An annex, or amendment to an annex other than Annex A, B [or...], that has been adopted in accordance with paragraphs 3 and 4 above shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

...

7. Amendments to Annexes A, B [or...] to this Protocol shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex.”

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<sup>1</sup> The EU is continuing its analysis on the issue of privileges and immunities and may provide additional views on the treaty arrangements at a later stage.

*Option B - the opt-out procedure:*

**“Article 21 (Annexes and Amendments to Annexes)**

...

4. The Parties shall make every effort to reach agreement on any proposed annex or amendment to an annex by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the annex or amendment to an annex other than Annex A, B [or ...] shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. Amendments to Annexes A, B [or...] to this Protocol shall be adopted by consensus only. The adopted annex or amendment to an annex shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

5. An annex, or amendment to an annex ~~other than Annex A or B~~, that has been adopted in accordance with paragraphs 3 and 4 above shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

...

**Proposed changes with regard to coverage of sectors and source categories**

**Application of the 2006 Guidelines**

Starting with the period referred to in Article X.X [2<sup>nd</sup> commitment period] the methodologies for estimating anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol shall be consistent with the 2006 Intergovernmental Panel on Climate Change guidelines for national greenhouse gas inventories. The Conference of the Parties serving as the meeting of the Parties shall review the use of the 2006 Intergovernmental Panel on Climate Change guidelines before the start of each subsequent commitment period. Time series of emissions by sources and removals by sinks including base year emissions shall be recalculated using the 2006 Intergovernmental Panel on Climate Change guidelines for national greenhouse gas inventories prior to the start of the period referred to in Article X.X [2<sup>nd</sup> commitment period] . The Conference of the Parties serving as the meeting of the Parties shall revise the technical guidance for adjustments at its [...] session taking into account the 2006 IPCC Guidelines for national GHG inventories.

**\*Notes:**

1. Additional methodological guidance for the estimation of emissions from sources and removals from sinks might be required for Articles 3.3 and 3.4 depending on the results of the discussions on accounting under LULUCF. Methodologies for estimation of these activities are not available in the 2006 IPCC guidelines.
2. A decision text should further specify the process and timing for the needed recalculations due to the application of the new guidelines prior to the start of the 2<sup>nd</sup> commitment period.

**Common metrics to calculate carbon dioxide equivalents of emissions and removals**

For the purposes of this agreement, the global warming potentials used to calculate the carbon dioxide equivalence of anthropogenic emissions by sources and removals by sinks of

greenhouse gases listed in Annex A shall be those provided by the Intergovernmental Panel on Climate Change in its Fourth Assessment Report based on the effects of the greenhouse gases over a 100-year time horizon. Any revision to a global warming potential by the Intergovernmental Panel on Climate Change subsequent to the Fourth Assessment Report or revisions of the approach to calculate carbon dioxide equivalence shall apply only to commitments under Article 3 in respect of any commitment period adopted subsequent to that revision.

### **EU proposal for gases to be included in Annex A**

#### **Gases**

Carbon dioxide (CO<sub>2</sub>)

Methane (CH<sub>4</sub>)

Nitrous oxide (N<sub>2</sub>O)

Hydrofluorocarbons (HFCs)

Perfluorocarbons (PFCs)

Perfluorinated Compounds

    Sulphur hexafluoride (SF<sub>6</sub>)

    Nitrogen trifluoride (NF<sub>3</sub>)

Hydrofluoroethers/ Fluorinated Ethers (HFEs)

Perfluoropolyethers (PFPMIE)

#### **Changes to Article 3.8 of the KP reflecting base year considerations for the new gases**

Any Party included in Annex I may use 200x as its base year for nitrogen trifluoride, hydrofluoroethers and perfluoropolyethers for the purposes of the calculation referred to in paragraph x above.

4 April, 2009.

## **Views on Amendment to the Kyoto Protocol pursuant to its Article 3, paragraph 9**

### ***Submission on the Agenda Item 5 (g) of AWG-KP: Legal Matters arising from the mandate of the Ad Hoc Working Group on Further***

The Government of Indonesia hereby submits its views and suggestions to the AWG-KP on the structure and elements related to the amendment of Annex B to the Kyoto Protocol, as indicated in document FCCC/KP/AWG/2009/3.

At the outset, Indonesia emphasizes its support to South Africa's Proposal as contain in document FCCC/KP/AWG/2009/CRP.3, in particular on structure of the text, to be the basis of our discussion as we believe this is very close to the mandate of this group.

### **ARTICLE 3**

#### ***Emission Reduction by Annex I Parties to the Kyoto Protocol, in aggregate***

Paragraph 1 of the Article 3 of Kyoto Protocol stated that:

“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 limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 5 per cent below 1990 levels in the commitment period 2008 to 2012.”

This paragraph shall be amended to:

“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 and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 18 per cent below 1990 levels in the second commitment period 2013 to 2017 and at least 40 percent below 1990 levels in the third commitment period 2018 to 2022.”

In addition, to ensure the delivering of the commitment, Indonesia would like to support the inclusion of long-term emission reduction in aggregate by Annex I Parties in the amendment. An additional paragraph shall be included in Paragraph 1:

“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 and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 85 per cent below 1990 levels in the commitment periods by the end of 2050.”

***Commitment Period***

In the context of the time line for a commitment period, Indonesia believes that the five years period, as defined in Paragraph 7, should be maintained. We would also like to emphasize the importance of inclusion of a third commitment period in this amendment. In this regard, we fully support the proposal made by South Africa on the amendment of text on Article 3 Paragraph 7 in FCCC/KP/AWG/2009/CRP.3.

***Review Mechanism***

The paragraph 9 of Article 3 shall be amended into:

“The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of commitment period shall initiate the consideration of commitments for any further subsequent commitment periods at least five years before the end of the commitment period that immediately precedes the commitment period under consideration”

**FORMAT OF TABLE FOR ANNEX B**

We would like to maintain the existing format of Annex B Table and keep the number of QUELROS of the first commitment period in the first column of the Table. In this regard, we also fully support the format proposed by South Africa in document FCCC/KP/AWG/2009/CRP.3.

Inputs to the Non-paper by the Chair of the Ad Hoc Working Group on Further  
Commitments for Annex I Parties under the Kyoto Protocol

(Submitted by the Government of Japan (GOJ))

April 4, 2009

The GOJ submits the following elements to the Non-paper communicated by the Chair of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG-KP), to the Parties on April 2, 2009 (hereinafter referred to as the “Non-paper”).

1. Overview

As the GOJ has indicated at various occasions, it is its strong position that the post-2012 framework to be agreed at the COP 15 must be comprehensive, fair and effective.

In this perspective, a simple amendment to the present Kyoto Protocol to create a framework beyond 2012 is neither comprehensive, nor fair, nor effective since it lacks responsible participations of non-Kyoto Annex I Parties and advanced developing countries.

It is the view of the GOJ, therefore, that the scope of the Non-paper and the arguments therein appear so narrow and insufficient that the Non-paper ought to be buttressed by more extensive deliberations on broader subjects in the AWG-KP and through cohesive collaborative discussions with the AWG-LCA.

Having expressed such concerns, the GOJ requests that the fact that such concerns have been expressed be mentioned in the chapeau paragraphs of a revised Non-paper.

## 2. Specifics

### (1) Structure of the Non-paper

The GOJ considers it indispensable for an international framework beyond 2012 to be comprehensive, fair and effective. Mere amendment to Annex B and consequential amendments of several provisions of Article 3 are insufficient for such framework beyond 2012. The GOJ is of the view that the discussion should be conducted in an even more coherent manner, jointly with the AWG-LCA, in order to ensure comprehensive deliberation.

The Non-paper only proposes the amendment to Annex B and consequential amendments in its Article 1, and the entry into force in its Article 2. The GOJ sees this structure inappropriate, because it implies that such a minimal amendment be sufficient.

In this regard, the GOJ strongly requests the Chair of the AWG-KP to maintain as a minimum the brackets over this entire document.

### (2) Annex B

All of the three amendment options to Annex B seem intended to target only current Annex B Parties, and not all the Annex I Parties. The GOJ considers that this clearly reveals the incomprehensive nature of the proposed amendments.

The GOJ has, through its previous submissions to the AWG-LCA, repeatedly stressed that major developing countries should commit binding targets to create a comprehensive, fair and effective framework. Due to the limited scope of the AWG-KP, this crucial element is not reflected in the Non-paper. This is why the GOJ strongly requests the AWG-KP to work jointly with the AWG-LCA.

The GOJ understands that Option 3 incorporates its proposal as to how country Parties' targets are provided. However, the GOJ wishes to capture the attention of the AWG-KP's Chair that countries to be enlisted should be broader, and that the base years are not restricted to those presented in the Non-paper.

(3)Article 3-1 [bis]

The GOJ can accept neither Option 1 nor Option 2 because both prejudice the base year and presuppose one specific fashion of describing the scale of emission reductions by the whole Annex I Parties. The necessity of having such an aggregate number should also be made open for discussion. In particular, the GOJ views it extremely problematic and inconsistent to present 1990 as a sole option for base year despite the existence of Option 3 for Annex B.

(4)Article 3-7 [bis]

The GOJ has proposed that developed countries' commitments in the second commitment period and thereafter should be expressed in the form of total absolute volume of GHG emissions ensuring comparability among all the developed countries based on the analysis of their mitigation potentials. This is a very crucial issue, on which few thorough debates have so far been made. The GOJ can accept neither Option 1 nor Option 2, which prejudice a particular conclusion.

As for the LULUCF, the GOJ reserves its position because the discussion on base year has not been discussed yet.

(5)Article 3-9 [bis]

Both Options 1 and 2 stipulate that the CMP will initiate consideration of commitments for Annex I Parties for any subsequent periods at least Z years before the end of the commitment period. The GOJ cannot accept them because they eternalize the current distinction between Annex I and non-Annex I Parties. For the sake of formulating a truly effective global framework, we need a provision stipulating that commitments of all the Parties, not limited to those of Annex I Parties, are to be considered.

PAPER NO. 7: MICRONESIA ON BEHALF OF  
THE ALLIANCE OF SMALL ISLAND STATES, COLOMBIA, COSTA RICA, CHILE,  
PERU, ARGENTINA, GAMBIA, UGANDA, UNITED REPUBLIC OF TANZANIA,  
SENEGAL, MOZAMBIQUE, GUATEMALA, KENYA, BENIN, TOGO AND ECUADOR

In the context of the scale of emission reductions for Annex I Parties, it is our view that:

Annex I Parties collectively, whether or not Parties to the Kyoto Protocol, must reduce their emissions by at least 45% below 1990 levels by 2020.

Annex I Parties collectively, whether or not Parties to the Kyoto Protocol, must reduce their emissions by more than 95% of their 1990 levels by 2050.

PAPER NO. 8: NEW ZEALAND

**NEW ZEALAND CONTRIBUTION TO CHAIR OF THE AWG-KP'S NON-PAPER ON AMENDMENTS TO THE KYOTO PROTOCOL PURSUANT TO ARTICLE 3.9**

**4 April 2009**

**Annex C**

New Zealand suggests the addition of a new table to be included as “Annex C” as a further option for presenting Parties’ commitments in the second commitment period. Annex C would be additional to Annex B, which would continue to exist for ongoing reference and use for end of commitment period accounting and compliance procedures.

Annex C could look as follows

<b>Party</b>	<b>Base year or period (%)</b>	<b>Reference year 2007 (%)</b>	<b>Budget (Gg-CO<sub>2</sub> e)</b>	<b>Other quantified mitigation commitments</b>
A	xx	xx	xx	
B	xx	xx	xx	xx
C	xx	xx	xx	
D				xx

The creation of a new Annex C will require a number of consequential amendments, of which a minimum number are listed below.

Depending on the content of the “other quantified mitigation commitments” that Parties decide to include in the last column further amendments will be required. It is not for this legal group to decide what this content may be, but space should be left in the legal framework to facilitate proposals under consideration in the other policy working groups and to ensure that the legal form does not constrain or pre-empt policy discussions.

It is expected that each Annex I country would take on a quantified emission limitation or reduction commitment.

**Consequential amendments required by Annex C**

**Art 3.1 bis**

**In the second commitment period**, 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 limitation and reduction commitments inscribed in [Annex C] and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by [at least X per cent] below [1990] levels in the commitment period [2013 to X]

### **Art 3.7 bis**

**Comment:** New Zealand proposes that Annex C should provide flexibility for Parties as to how they express their emissions reductions target. Annex C would allow Parties to elect to use either a percentage of base year or period, or a budget of carbon dioxide equivalent for calculating their assigned amount. The formula in Art 3.7 for calculating the assigned amount from a target expressed as a percentage from base year will therefore need to be retained. Guidance will also need to be given as to how Parties can choose which expression of their target to use, and to establish a default option.

**In the second commitment period, from 2013 to X, each Party included in Annex I shall elect to use either the number of gigagrams of carbon dioxide equivalent or the percentage of its aggregate anthropogenic carbon dioxide equivalent emissions relative to the base year or period as listed in Annex C for the purposes of calculating its assigned amount in the commitment period. Where no election is made, the percentage of base year or period shall be used to determine the assigned amount. The decision of a Party shall be fixed for the duration of the commitment period.**

**(a) For each Party included in Annex I which elects to use the number of gigagrams of carbon dioxide inscribed in Annex C to express its binding emission limitation or reduction commitment under this Protocol, that number shall constitute its assigned amount.**

**(b) For each Party included in Annex I which elects to use the percentage of its carbon dioxide equivalent emissions in the base year or period inscribed in Annex C to express its binding emission limitation or reduction commitment under this Protocol, its assigned amount shall be equal to that percentage of its aggregate anthropogenic carbon dioxide equivalent emissions for the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by the number of years in the commitment period.**

**Comment:** Should Parties not agree that Annex I Parties can express their quantified emission reduction or limitation commitment as a number of gigagrams of carbon dioxide, the second sentence of Article 3.7 may need to be retained in Article 3.7 bis. This may also be required for calculating the reference percentage ranges for Parties who elect to use the gigagrams option for calculating their assigned amount.

### **Art 3.9**

Commitments for subsequent periods for Parties included in Annex I shall be established in amendments to [Annex C] to this Protocol, which shall be adopted in accordance with the provisions of Article 21, [paragraph 5] [paragraph 7 bis].

### **Art 4.1 bis**

**In the second commitment period, any Parties included in Annex I that have reached an agreement to fulfil their commitments under Article 3 jointly, shall be deemed to have met those commitments provided that their total combined**

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 limitation and reduction commitments inscribed in [Annex C] and in accordance with the provisions of Article 3. The respective emission level allocated to each of the Parties to the agreement shall be set out in that agreement.

#### **Art 4.3 bis**

**In the second commitment period**, any such agreement shall remain in operation for the duration of that commitment period specified in **Article 3.7 bis**.

#### **Art 17**

**Comment:** Article 17 will need to be amended to refer to Annex C. Note that should sectoral trading or other proposals be agreed in policy discussions in the flexible mechanisms working group, further rules will need to be elaborated as to how this will function. This is outside the scope of this paper.

#### **Art 21.5 or inclusion of Art 21.7 bis -**

**Comment:** There are several options as to how the amendment procedures could work. If no consequential amendment is made to the reference to “Annex B” in Article 21.7 to refer to “Annex C”, this would mean that Article 21.5 applied. Under this procedure, amendments to Annex C would enter into force six months after COPMOP decision adopting the amendment by consensus or by  $\frac{3}{4}$  of the Parties present and voting. If this procedure is to apply Art 21.5 should be amended to include the following line

**Any amendment to Annex C shall be adopted only with the written consent of the Party concerned.**

Another option would be to establish an Article 21 paragraph 7 bis.. This could read as follows:

**7. bis Amendments to Annex C to this Protocol shall be adopted in accordance with paragraphs 3 and 4 above, provided that they have the written consent of the Party concerned. Such amendments shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the amendment to Annex C. The amendment to Annex C shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.**

PAPER NO. 9: PHILIPPINES

**Amendment to the Kyoto Protocol pursuant to its Article 3, paragraph 9**

**Proposal by the Republic of the Philippines**

**Notification of adoption of amendment**

The Secretary-General of the United Nations, acting in his capacity as Depositary, communicates the following:

At the fifth Conference of the Parties serving as Meeting of the Parties to the above Protocol, held in Copenhagen from 7 to 18 December 2009, the Parties adopted, in accordance with the procedure laid down in Article 21, paragraph 7 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change the Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, including its Annex B, as set out in Annex V to the report of the fifth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

The text of the above Amendment, in the six official languages of its adoption is attached as an Annex to this notification.

In accordance with Article 20, paragraph 4 of the Protocol, the amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depositary 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 said amendment.

The Parties agreed that pending the entry into force of this amendment, the provisions of the Amendment shall provisionally apply.<sup>1</sup> The provisional application shall be effective until the Amendment enters into force in accordance with Article 20, paragraph 4 of this Protocol.

January 2010

**Article 1 – amendments to Article 3 of the Protocol**

**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 and in accordance with the provisions of this Article, with the objective of reducing their overall emissions of such gases by more than 95 per cent below 1990 levels by 2050. This shall be achieved during subsequent commitment periods by the end of 2050.

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<sup>1</sup> Parties have agreed to submit to the Depositary no later than 180 days prior to the conclusion of the first commitment period their Notification of Provisional Application of the amendment so as to give provision application to the amendment pending its entry into force.

**1 *ter***

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 and in accordance with the provisions of this Article, with the objective of reducing their overall emissions of such gases by more than 30 per cent below 1990 levels in the commitment period 2013 to 2017 and more than 50 per cent below 1990 levels in the commitment period 2018 to 2022.

The following paragraphs shall be added to Article 3 of the Protocol after paragraph 7:

**7 *bis***

In the second quantified emission reduction commitment period, from 2013 to 2017, 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 above, multiplied by five.

**7 *ter***

In the third quantified emission reduction commitment period, from 2018 to 2022, 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 quantified 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.

**7 *quad***

For the subsequent commitment periods up to 2050, the assigned amount for each Party included in Annex I shall be equal to the percentage to be inscribed 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 above, multiplied by the length of the duration of said commitment period, taking into account the need to ensure that Parties included in Annex B meet their aggregate emission reduction commitments as specified in Article 3 paragraph 1, sub-paragraphs 1 *bis* and 1 *ter* above.

The second sentence of paragraph 9 shall be deleted and the following 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 commitments for any further subsequent commitment periods at least five years before the end of the commitment period that immediately precedes the commitment period under consideration.

**Article 2 - amendments to Annex B of the Protocol**

For Annex B to the Protocol there shall be inserted two new columns 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 (2013-2017) (percentage of base year or period)</b>	<b>Quantified emission reduction commitment (2018-2022) (percentage of base year or period)</b>
Australia	108	71	51
Austria	92	49	15
Belarus		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
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	93	61	34

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

a As at January 2010

c Countries that have not yet ratified the Kyoto Protocol

### **Article 3 - entry into force of the Amendment**

The provisions of this Amendment shall apply to each Party immediately upon the conclusion of the first commitment period under Article 3, paragraph 1, and shall continue to apply on a provisional basis until the entry into force of the Amendment for such Party.

The Amendment shall enter into force for those Parties having accepted the Amendment on the ninetieth day after the date of receipt by the Depositary 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. For the purposes of this paragraph, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organizations.

After the entry into force of this Amendment as provided herein, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

PAPER NO. 10: SOUTH AFRICA

Ad Hoc Working Group on Further Commitments  
for Annex I Parties under the Kyoto Protocol (AWG-KP)

Agenda item 3: Consideration of the scale of emission reductions to be achieved by  
Annex I Parties in aggregate

Agenda item 4: Contribution of Annex I Parties, individually or jointly, to the scale of  
emission reductions to be achieved by Annex I Parties in aggregate

**PROPOSAL BY SOUTH AFRICA**

3 April 2009

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

ADOPTION OF AMENDMENT

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

At the fifth Conference of the Parties serving as Meeting of the Parties to the above Protocol, held in Copenhagen from 7 to 18 December 2009, the Parties adopted, in accordance with the procedure laid down in article 21 paragraph 7 of the Kyoto Protocol to the United Nations Framework Convention on Climate Change the Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change, including its Annex B, as set out in Annex V to the report of the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol

The text of the above Amendment, in the six official languages of its adoption is attached as an Annex to this notification.

In accordance with article 20, paragraph 4 of the Protocol, the amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depositary 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.

The Parties agreed that pending the entry into force of this amendment, the provisions of the amendment shall provisionally apply. The provisional application shall be effective until the amendments enter into force in accordance with article 20, paragraph 4 of this Protocol.

January 2010

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

**Article 1: Amendment**

A. Article 3

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

*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 and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 95 per cent below 1990 levels by 2050. This shall be achieved during subsequent commitment periods by the end of 2050.

*1 ter*

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 and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 18 per cent below 1990 levels in the commitment period 2013 to 2017 and at least 40 per cent below 1990 levels in the third commitment period 2018 to 2022.

The following paragraphs shall be added to Article 3 of the Protocol after paragraph 7:

*7 bis* In the second quantified emission reduction commitment period, from 2013 to 2017, 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 above, multiplied by five.

*7 ter* In the third quantified emission reduction commitment period, from 2018 to 2022, 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 quantified 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.

*7 quad* For the subsequent commitment periods up to 2050, the assigned amount for each Party included in Annex I shall be equal to the percentage to be inscribed 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 above, multiplied by the length of the duration of the said commitment period, taking into account the need to ensure that Parties included in Annex B meet their aggregate emission reduction commitments as specified in article 3 paragraph 1, sub-paragraphs 1 *bis* and 1 *ter* above.

The second sentence of paragraph 9 shall be deleted and the following 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 commitments for any further subsequent commitment periods at least five years before the end of the commitment period that immediately precedes the commitment period under consideration.

**B. Annex B**

For Annex B to the Protocol there shall be inserted two new columns 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 (2013-2017) (percentage of base year or period)</b>	<b>Quantified emission reduction commitment (2018-2022) (percentage of base year or period)</b>
Australia	108	82	61
Austria	92	69	32
Belarus		97	93
Belgium	92	70	34
Bulgaria*	92	96	92
Canada	94	79	53
Croatia*	95	92	83
Czech Republic*	92	87	72
Denmark	92	75	45
Estonia*	92	94	87
European Community	92	78	51
Finland	92	80	56
France	92	69	31
Germany	92	76	46
Greece	92	82	60
Hungary*	94	89	75

Iceland	110	77	48
Ireland	92	79	53
Italy	92	79	53
Japan	94	77	49
Latvia*	92	93	85
Liechtenstein	92	78	51
Lithuania*	92	93	85
Luxembourg	92	73	40
Monaco	92	78	51
Netherlands	92	77	49
New Zealand	100	84	64
Norway	101	67	27
Poland*	94	90	78
Portugal	92	84	64
Romania*	92	96	91
Russian Federation*	100	96	91
Slovakia*	92	91	79
Slovenia*	92	83	62
Spain	92	75	44
Sweden	92	65	23
Switzerland	92	69	31
Turkey		95	89
Ukraine*	100	99	98
United Kingdom of Great Britain and Northern Ireland	92	66	25
United States of America <sup>c</sup>	93	76	48

\* 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

The Amendment shall enter into force for those Parties having accepted the amendment on the ninetieth day after the date of receipt by the Depositary 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.

For the purpose of paragraph 1, any such instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organizations.

After the entry into force of this Amendment, as provided under paragraph 1, it shall enter into force for any other Party to the Protocol on the ninetieth day following the date of deposit of its instrument of ratification, acceptance or approval.

PAPER NO. 11: THAILAND

Submission from Thailand on the non-paper by the AWG-KP chair

First of all, we would like to thank you for your effort in developing such a well-prepared non-paper which is very helpful in guiding us through this process of negotiation. Here are some of our comments on the structure and options proposed in your non-paper:

- (1) Thailand believes that it is beneficial to keep existing commitments of each individual Annex I parties for the first commitment period in the Annex B. This would allow the continuation of the structure of the protocol as well as be useful for the discussion of comparability of efforts among Annex I parties. Therefore, comparing among the options that you proposed, Thailand believes that option 2 may be the best solution for the Annex B.
- (2) Regarding the choice of the base year, Thailand believes that there should not be much different among these choices, providing that the transformation of figures among various base-years options are done in a rigorous manner. For the benefit of simplicity, however, Thailand believes that the use of existing Kyoto Protocol approach - i.e., the comparison of commitments based on the base year emissions of 1990 - would allow a much easy comparison and, thus, a better basis for discussion among the negotiating parties.
- (3) Using similar reasons as number (1) above, Thailand also believes that it is important to keep the structure and the text of the existing protocol. Thus, we prefer your option 2 in amending the article 3.1, 3.7, and 3.9.

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