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**CONFERENCE OF THE PARTIES SERVING AS THE
MEETING OF THE PARTIES TO THE KYOTO PROTOCOL**
Fifth session
Copenhagen, 7–18 December 2009

Item X of the provisional agenda

Proposal from Belarus for amendments to the Kyoto Protocol

Note by the secretariat

1. Article 20, paragraph 1, of the Kyoto Protocol states that “any Party may propose amendments to this Protocol”. Article 20, paragraph 2, of the Kyoto Protocol stipulates that “amendments to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed amendment to this Protocol shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and signatories to the Convention and, for information, to the Depository”.
2. Article 21, paragraph 2, of the Kyoto Protocol states that “any Party may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol”. Article 21, paragraph 3, of the Kyoto Protocol provides that “annexes to this Protocol and amendments to annexes to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed annex or amendment to an annex shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed annex or amendment to an annex to the Parties and signatories to the Convention and, for information, to the Depository”.
3. In accordance with these provisions, Belarus, by a communication dated 12 June 2009, transmitted to the secretariat the text of a proposal for an amendment to the Kyoto Protocol. Pursuant to Article 20, paragraph 2, and Article 21, paragraph 3, of the Kyoto Protocol, the secretariat will send a note verbale containing this text to all National Focal Points for climate change and Permanent Missions to the United Nations by 17 June 2009. In accordance with the same provisions, the secretariat will also communicate the proposed amendment to the Parties and signatories to the Convention and, for information, to the Depository.
4. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol is invited to consider this proposal at its fifth session.

**Communication dated 12 June 2009 from Belarus addressed to the
Executive Secretary of the secretariat of the United Nations Framework
Convention on Climate Change proposing amendments to the
Kyoto Protocol**

Herewith, the Republic of Belarus would like to submit formally a draft text of amendment to the Kyoto Protocol with regard to simplification procedure for adoption and entering into force of amendments to Annex B. This submission is to be pursuant to the procedure stipulated by Article 20 of the Kyoto Protocol. The submission does not constitute any effect as to any other articles.

The electronic word version of the proposed text of amendment is attached.

Sincerely yours,

Alexandre J. Grebenkov
Member of Official Belarusian Delegation
in UN Climate Change Talks

The proposed amendment concerns Article 21 of the Kyoto Protocol and suggests simplification of the adoption procedure for an amendment to Annex A and Annex B to the Kyoto Protocol

Article 21

.....

Replace paragraph 4 with:

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 and B 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 and B shall be adopted by consensus and in relation to Annex B 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.

Replace paragraph 5 with:

An annex, or amendment to an annex other than Annex A and 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.

Replace paragraph 7 with:

Amendments to Annexes A and B to this Protocol that have been adopted under circumstances other than those pursuant to paragraph 7 bis below enter into force in accordance with the procedure set out in Article 20.

7bis:

If the Party proposes an amendment to Annex B that stipulates for such Party's more stringent quantified emission limitation or reduction commitment than it has been inscribed in Annex B or the Party proposes an amendment to Annex B that stipulates for such Party's quantified emission limitation or reduction commitment, which has not been inscribed in Annex B, the adopted amendment 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 amendment to the annex.
