



Framework Convention on Climate Change

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Item X of the provisional agenda

Proposal from Cyprus and the European Union to amend Annex I to the Convention

Note by the secretariat

1. The procedures for amending the Convention and its annexes are contained in its Articles 15 and 16. Article 15, paragraph 1, of the Convention provides that “Any Party may propose amendments to the Convention”. Article 15, paragraph 2, of the Convention states that “Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention 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 proposed amendments to the signatories to the Convention and, for information, to the Depositary”.
2. Article 16, paragraph 2, of the Convention stipulates that “Annexes to the Convention shall be proposed and adopted in accordance with the procedure set forth in Article 15, paragraphs 2, 3 and 4”. Article 16, paragraph 4, of the Convention states that “The proposal, adoption and entry into force of amendments to annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of annexes to the Convention in accordance with paragraphs 2 and 3 above”.
3. In accordance with these provisions, Cyprus and the European Union, by a letter dated 18 May 2011, submitted a proposal to amend Annex I to the Convention with a view to adding the name of Cyprus to that annex as of 1 January 2013, or on a later date.
4. Pursuant to Article 15, paragraph 2, of the Convention, the secretariat transmitted this proposal to Parties and signatories to the Convention by a note verbale dated 3 June 2011 and, for information, to the Depositary by a letter dated 22 June 2011.
5. The communication from Cyprus and the European Union, together with the text of the proposed amendment, is annexed hereto.

Letter dated 18 May 2011 from Cyprus and the European Union addressed to the Executive Secretary of the United Nations Framework Convention on Climate Change proposing an amendment to Annex I to the Convention

Cyprus and the European Union, as Parties to the Convention, propose an amendment to Annex I to the United Nations Framework Convention on Climate Change with a view to adding the name of Cyprus to that Annex as of 1 January 2013, or on a later date. The text of the proposed amendment is annexed to this letter.

This proposal is in line with the amendment agreed at COP-15 to include Malta in Annex I to the Convention (Decision 3/CP.15). In consequence of Cyprus' changed political circumstance as a Member State of the European Union, it seeks to put Cyprus on the same legal footing as the other Member States of the European Union that are included in Annex I to the Convention.

We propose that this amendment be adopted at the 17th session of the Conference of the Parties to the Convention to be held in Durban, South Africa, from 28 November to 9 December 2011. We request the Convention secretariat to circulate the proposed amendment to the Parties to the Convention and communicate it to the Depositary for information, in accordance with Article 15, paragraph 2, of the Convention.

As a non-Annex I Party, Cyprus currently has a number of projects under the Kyoto Protocol's Clean Development Mechanism (CDM). It is imperative that the issuance of certified emission reductions (CERs) pursuant to Article 12 of the Kyoto Protocol for emissions reductions achieved before 1 January 2013 is not affected by the entry into force of the amendment.

To achieve a smooth transition for Cyprus to becoming an Annex I Party, and to avoid implications for the issuance of credits from the CDM projects for reductions achieved during the first commitment period of the Kyoto Protocol, this amendment shall only enter into force on 1 January 2013, or on a later date, in accordance with the procedures in Articles 15 and 16 of the Convention.

We therefore request that an item on the adoption of the proposed amendment to the Convention, including the delayed entry into force and the issuance of CERs obtained before 1 January 2013, be included in the provisional agenda of the 17th session of the Conference of the Parties to the UNFCCC.

(signed)

Demetris J. Eliades

Minister of Agriculture,
Natural Resources
& Environment
Republic of Cyprus

(signed)

Connie Hedegaard

European Commissioner
for Climate Action

Annex**Proposed amendment to Annex I to the United Nations Framework
Convention on Climate Change**

This amendment shall enter into force on 1 January 2013, or on a later date, in accordance with the procedures in Articles 15 and 16 of the United Nations Framework Convention on Climate Change.

The entry into force of this amendment shall not affect the issuance of certified emission reductions pursuant to Article 12 of the Kyoto Protocol for emission reductions achieved through projects hosted by Cyprus before 1 January 2013.

The following text shall be inserted between the entries for Croatia and the Czech Republic:

Cyprus
